

Enrolled House Bill 2611

Sponsored by Representative KENY-GUYER, Senator SHIELDS, Representative HOLVEY; Representatives DEMBROW, FREDERICK, GALLEGOS, GREENLICK, HARKER, MATTHEWS, THOMPSON, VEGA PEDERSON, Senators DINGFELDER, MONNES ANDERSON, WINTERS (Pre-session filed.)

CHAPTER

AN ACT

Relating to continuing education for health care professionals; creating new provisions; amending ORS 675.140, 675.330, 675.597, 675.805, 676.625, 677.290, 678.170, 679.260, 681.480, 683.290, 684.171, 685.201, 687.071, 688.201 and 688.585; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. (1) As used in this section, "board" means the:

- (a) State Board of Examiners for Speech-Language Pathology and Audiology;**
- (b) State Board of Chiropractic Examiners;**
- (c) State Board of Licensed Social Workers;**
- (d) Oregon Board of Licensed Professional Counselors and Therapists;**
- (e) Oregon Board of Dentistry;**
- (f) Board of Licensed Dietitians;**
- (g) State Board of Massage Therapists;**
- (h) Oregon Board of Naturopathic Medicine;**
- (i) Oregon State Board of Nursing;**
- (j) Nursing Home Administrators Board;**
- (k) Oregon Board of Optometry;**
- (L) State Board of Pharmacy;**
- (m) Oregon Medical Board;**
- (n) Occupational Therapy Licensing Board;**
- (o) Physical Therapist Licensing Board;**
- (p) State Board of Psychologist Examiners;**
- (q) Board of Medical Imaging;**
- (r) State Board of Direct Entry Midwifery;**
- (s) State Board of Denture Technology;**
- (t) Respiratory Therapist and Polysomnographic Technologist Licensing Board;**
- (u) Home Care Commission; and**
- (v) Oregon Health Authority, to the extent that the authority licenses emergency medical service providers.**

(2)(a) In collaboration with the Oregon Health Authority, a board may adopt rules under which the board may require a person authorized to practice the profession regulated by the

board to receive cultural competency continuing education approved by the authority under section 2 of this 2013 Act.

(b) Cultural competency continuing education courses may be taken in addition to or, if a board determines that the cultural competency continuing education fulfills existing continuing education requirements, instead of any other continuing education requirement imposed by the board.

(3)(a) A board, or the Oregon Health Licensing Agency for those boards for which the agency issues and renews authorizations to practice the profession regulated by the board, shall document participation in cultural competency continuing education by persons authorized to practice a profession regulated by the board.

(b) For purposes of documenting participation under this subsection, a board may adopt rules requiring persons authorized to practice the profession regulated by the board to submit documentation to the board, or to the agency for those boards for which the agency issues and renews authorizations to practice the profession regulated by the board, of participation in cultural competency continuing education.

(4) A board shall report biennially to the authority on the participation documented under subsection (3) of this section.

(5) The authority, on or before August 1 of each even-numbered year, shall report to the interim committees of the Legislative Assembly related to health care on the information submitted to the authority under subsection (4) of this section.

SECTION 2. (1) The Oregon Health Authority shall approve continuing education opportunities relating to cultural competency.

(2) The authority shall develop a list of continuing education opportunities relating to cultural competency and make the list available to each board, as defined in section 1 of this 2013 Act.

(3) The continuing education opportunities may include, but need not be limited to:

- (a) Courses delivered either in person or electronically;
- (b) Experiential learning such as cultural or linguistic immersion;
- (c) Service learning; or
- (d) Specially designed cultural experiences.

(4) The continuing education opportunities must teach attitudes, knowledge and skills that enable a health care professional to care effectively for patients from diverse cultures, groups and communities, including but not limited to:

- (a) Applying linguistic skills to communicate effectively with patients from diverse cultures, groups and communities;
- (b) Using cultural information to establish therapeutic relationships; and
- (c) Eliciting, understanding and applying cultural and ethnic data in the process of clinical care.

(5) The authority may accept gifts, grants or contributions from any public or private source for the purpose of carrying out this section. Moneys received by the authority under this subsection shall be deposited into the Oregon Health Authority Fund established by ORS 413.101.

(6) The authority may contract with or award grant funding to a public or private entity to develop the list of or offer approved continuing education opportunities relating to cultural competency. The authority is not subject to the requirements of ORS chapters 279A, 279B and 279C with respect to contracts entered into under this subsection.

SECTION 3. ORS 675.140 is amended to read:

675.140. On or before the 10th day of each month, the State Board of Psychologist Examiners shall pay into the State Treasury all moneys received by the board during the preceding calendar month. The State Treasurer shall credit the moneys to the State Board of Psychologist Examiners Account. The moneys in the State Board of Psychologist Examiners Account are continuously ap-

propriated to the board for the purpose of paying the expenses of administering and enforcing ORS 675.010 to 675.150 **and section 1 of this 2013 Act.**

SECTION 4. ORS 675.330 is amended to read:

675.330. (1) The Occupational Therapy Licensing Board Account is established in the State Treasury, separate and distinct from the General Fund. All moneys received by the Occupational Therapy Licensing Board under ORS 675.210 to 675.340 shall be deposited into the account and are continuously appropriated to the board to be used only for the administration and enforcement of ORS 675.210 to 675.340 and 675.990 (2) **and section 1 of this 2013 Act.** Any interest or other income from moneys in the account shall be credited to the account.

(2) All civil penalties collected or received for violations of or in prosecutions under ORS 675.210 to 675.340 shall be deposited into the Occupational Therapy Licensing Board Account and shall be used only for the administration and enforcement of ORS 675.210 to 675.340.

SECTION 5. ORS 675.597 is amended to read:

675.597. The State Board of Licensed Social Workers Account is established in the State Treasury, separate and distinct from the General Fund. Interest earned by the State Board of Licensed Social Workers Account shall be credited to the account. Moneys in the account are continuously appropriated to the board for the administration and enforcement of ORS 675.510 to 675.600 **and section 1 of this 2013 Act.**

SECTION 6. ORS 675.805 is amended to read:

675.805. All moneys received by the Oregon Board of Licensed Professional Counselors and Therapists under ORS 675.715 to 675.835 shall be paid into the General Fund in the State Treasury and placed to the credit of the Oregon Board of Licensed Professional Counselors and Therapists Account, which is hereby established. Such moneys are appropriated continuously and shall be used only for the administration and enforcement of ORS 675.715 to 675.835 **and section 1 of this 2013 Act.**

SECTION 7. ORS 676.625 is amended to read:

676.625. (1) The Oregon Health Licensing Agency shall establish by rule and shall collect fees and charges to carry out the agency's responsibilities under ORS 676.605 to 676.625 and 676.992 **and section 1 of this 2013 Act** and any responsibility imposed on the agency pertaining to the boards, councils and programs administered and regulated by the agency pursuant to ORS 676.606.

(2) The Oregon Health Licensing Agency Account is established in the General Fund of the State Treasury. The account shall consist of the moneys credited to the account by the Legislative Assembly. All moneys in the account are appropriated continuously to and shall be used by the Oregon Health Licensing Agency for payment of expenses of the agency in carrying out the duties, functions and obligations of the agency, and for payment of the expenses of the boards, councils and programs administered and regulated by the agency pursuant to ORS 676.606. The agency shall keep a record of all moneys credited to the account and report the source from which the moneys are derived and the activity of each board, council or program that generated the moneys.

(3) Subject to prior approval of the Oregon Department of Administrative Services and a report to the Emergency Board prior to adopting fees and charges credited to the account, the fees and charges may not exceed the cost of administering the agency and the boards, councils and programs within the agency, as authorized by the Legislative Assembly within the agency's budget, as the budget may be modified by the Emergency Board.

(4) All moneys credited to the account pursuant to ORS 675.405, 676.617, 680.525, 687.435, 688.728, 688.834, 690.235, 690.415, 691.479, 694.185 and 700.080, and moneys credited to the account from other agency and program fees established by the agency by rule, are continuously appropriated to the agency for carrying out the duties, functions and powers of the agency under ORS 676.605 to 676.625 and 676.992 **and section 1 of this 2013 Act.**

(5) The moneys received from civil penalties assessed under ORS 676.992 shall be deposited and accounted for as are other moneys received by the agency and shall be for the administration and enforcement of the statutes governing the boards, councils and programs administered by the agency.

SECTION 8. ORS 677.290 is amended to read:

677.290. (1) All moneys received by the Oregon Medical Board under this chapter shall be paid into the General Fund in the State Treasury and placed to the credit of the Oregon Medical Board Account which is established. Such moneys are appropriated continuously and shall be used only for the administration and enforcement of this chapter **and section 1 of this 2013 Act.**

(2) Notwithstanding subsection (1) of this section, the board may maintain a revolving account in a sum not to exceed \$50,000 for the purpose of receiving and paying pass-through moneys relating to peer review pursuant to its duties under ORS 441.055 (4) and (5) and in administering programs pursuant to its duties under this chapter relating to the education and rehabilitation of licensees in the areas of chemical substance abuse, inappropriate prescribing and medical competence. The creation of and disbursement of moneys from the revolving account shall not require an allotment or allocation of moneys pursuant to ORS 291.234 to 291.260. All moneys in the account are continuously appropriated for purposes set forth in this subsection.

(3) Each year \$10 shall be paid to the Oregon Health and Science University for each in-state physician licensed under this chapter, which amount is continuously appropriated to the Oregon Health and Science University to be used in maintaining a circulating library of medical and surgical books and publications for the use of practitioners of medicine in this state, and when not so in use to be kept at the library of the School of Medicine and accessible to its students. The balance of the money received by the board is appropriated continuously and shall be used only for the administration and enforcement of this chapter, but any part of the balance may, upon the order of the board, be paid into the circulating library fund.

SECTION 9. ORS 678.170 is amended to read:

678.170. (1) All money received by the Oregon State Board of Nursing under ORS 678.010 to 678.445 shall be paid into the General Fund in the State Treasury and placed to the credit of the Oregon State Board of Nursing Account. Such moneys are appropriated continuously and shall be used only for the administration and enforcement of ORS 678.010 to 678.445 **and section 1 of this 2013 Act.**

(2) The board shall keep a record of all moneys deposited in the Oregon State Board of Nursing Account. This record shall indicate by separate cumulative accounts the source from which the moneys are derived and the individual activity or program against which each withdrawal is charged.

(3) The board may maintain a petty cash fund in compliance with ORS 293.180 in the amount of \$1,000.

SECTION 10. ORS 679.260 is amended to read:

679.260. (1) The Oregon Board of Dentistry Account is established in the State Treasury separate and distinct from the General Fund.

(2) All moneys received by the Oregon Board of Dentistry under this chapter shall be paid to the State Treasury and credited to the Oregon Board of Dentistry Account. Any interest or other income derived from moneys paid into the account shall be credited monthly to the account.

(3) Moneys in the Oregon Board of Dentistry Account are appropriated continuously and shall be used only for the administration and enforcement of ORS 680.010 to 680.205 and this chapter **and section 1 of this 2013 Act.**

(4) Ten percent of the annual license fee to be paid by each licensee of the Oregon Board of Dentistry shall be used by the board to ensure the continued professional competence of licensees. Such activities shall include the development of performance standards and professional peer review.

SECTION 11. ORS 681.480 is amended to read:

681.480. The State Board of Examiners for Speech-Language Pathology and Audiology Account is established in the State Treasury, separate and distinct from the General Fund. All moneys received by the State Board of Examiners for Speech-Language Pathology and Audiology under this chapter shall be deposited into the account and are continuously appropriated to the board for the administration and enforcement of this chapter **and section 1 of this 2013 Act.** Any interest or other income from moneys in the account shall be credited to the account.

SECTION 12. ORS 683.290 is amended to read:

683.290. (1) All moneys received by the Oregon Board of Optometry under ORS 683.010 to 683.340 shall be deposited into an account established by the board as provided under ORS 182.470. Moneys deposited into the account hereby are appropriated continuously to the board and shall be used only for the administration and enforcement of ORS 182.456 to 182.472 and 683.010 to 683.340 **and section 1 of this 2013 Act.**

(2) Notwithstanding subsection (1) of this section and ORS 182.470, all civil penalties collected or received for violations of or in prosecutions under ORS 683.010 to 683.340 shall be paid to the account described under subsection (1) of this section.

(3) In addition to making expenditures for the administration and enforcement of ORS 683.010 to 683.340, the Oregon Board of Optometry may make expenditures for educational purposes out of funds available.

SECTION 13. ORS 684.171 is amended to read:

684.171. All moneys received by the State Board of Chiropractic Examiners under this chapter shall be paid into the General Fund in the State Treasury and placed to the credit of the State Board of Chiropractic Examiners Account which is hereby established and such moneys are appropriated continuously and shall be used only for the administration and enforcement of this chapter **and section 1 of this 2013 Act.**

SECTION 14. ORS 685.201 is amended to read:

685.201. The Oregon Board of Naturopathic Medicine Account is established in the State Treasury, separate and distinct from the General Fund. All moneys received by the Oregon Board of Naturopathic Medicine under this chapter shall be deposited into the account and are continuously appropriated to the board to be used only for the administration and enforcement of this chapter **and section 1 of this 2013 Act.** Any interest or other income from moneys in the account shall be credited to the account.

SECTION 15. ORS 687.071 is amended to read:

687.071. (1) The State Board of Massage Therapists shall impose fees for the following:

- (a) Massage therapist license issuance or renewal.
- (b) Examinations and reexaminations.
- (c) Inactive status.
- (d) Delinquency in renewal of a license.
- (e) Temporary practice permit.
- (f) Application for massage license examination.

(2) If the effective period of the initial massage therapist license is to be less than 12 months by reason of the expiration date established by rule of the board, the required license fee shall be prorated to represent one-half of the biennial rate.

(3) The board shall examine or reexamine any applicant for a massage therapist license who pays a fee for each examination and who meets the requirements of ORS 687.051.

(4) All moneys received by the board shall be paid into the account created by the board under ORS 182.470 and are appropriated continuously to the board and shall be used only for the administration and enforcement of ORS 687.011 to 687.250, 687.895 and 687.991 **and section 1 of this 2013 Act.**

SECTION 16. ORS 688.201 is amended to read:

688.201. All moneys received under ORS 688.010 to 688.201 shall be paid into the account established by the Physical Therapist Licensing Board under ORS 182.470. Those moneys hereby are appropriated continuously to the board and shall be used only for the administration and enforcement of ORS 688.010 to 688.201 **and section 1 of this 2013 Act.**

SECTION 17. ORS 688.585 is amended to read:

688.585. (1) The Board of Medical Imaging Account is established in the State Treasury, separate and distinct from the General Fund. Except for moneys otherwise designated by statute, all fees, contributions and other moneys received by the Board of Medical Imaging must be paid into the State Treasury and credited to the account. All moneys in the account are continuously appro-

priated to the board to be used by the board for purposes of ORS 688.405 to 688.605 **and section 1 of this 2013 Act**. Any interest or other income from moneys in the account shall be credited to the account.

(2) The board shall keep a record of all moneys deposited in the account. The record shall indicate by separate cumulative accounts the source from which the moneys are derived and the individual activity or program for which each withdrawal is charged.

SECTION 18. Each public university listed in ORS 352.002 and each community college, as defined in ORS 341.005, may require persons authorized to practice a profession regulated by a board, as defined in section 1 of this 2013 Act, who provide services to students at health care facilities located on a campus of the public university or community college to provide proof of participating at least once every two years in a continuing education opportunity relating to cultural competency approved by the Oregon Health Authority under section 2 of this 2013 Act.

SECTION 19. (1) Section 2 of this 2013 Act becomes operative on January 1, 2015.

(2) The Oregon Health Authority may take any action necessary before the operative date specified in subsection (1) of this section to enable the authority to exercise, on and after the operative date specified in subsection (1) of this section, all the duties, functions and powers conferred on the authority by section 2 of this 2013 Act.

SECTION 20. (1) Sections 1 and 18 of this 2013 Act and the amendments to statutes by sections 3 to 17 of this 2013 Act become operative on January 1, 2017.

(2) A board, as defined in section 1 of this 2013 Act, may take any action necessary before the operative date specified in subsection (1) of this section to enable the board to exercise, on and after the operative date specified in subsection (1) of this section, all the duties, functions and powers conferred on the board by sections 1 and 18 of this 2013 Act and the amendments to statutes by sections 3 to 17 of this 2013 Act.

SECTION 21. This 2013 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect on its passage.

Passed by House April 9, 2013

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Ramona J. Line, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate May 21, 2013

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Peter Courtney, President of Senate

Received by Governor:

.....M.,....., 2013

Approved:

.....M.,....., 2013

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John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M.,....., 2013

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Kate Brown, Secretary of State