

Requested by Representative HAYDEN

**PROPOSED AMENDMENTS TO
HOUSE BILL 4096**

1 On page 1 of the printed bill, line 2, delete “677.137,”.

2 Delete line 3 and insert “677.080, 677.135, 678.021, 679.025, 680.020, 683.020,
3 685.020 and 689.225; and prescribing an effective date.”.

4 In line 20, delete “(5)” and insert “(7)”.

5 On page 2, after line 8, insert:

6 “(4) Except as otherwise provided, a health care practitioner practicing
7 under this section is subject to the laws and rules governing the health care
8 profession that the health care practitioner is authorized to practice and to
9 disciplinary action by the appropriate health professional regulatory
10 board.”.

11 In line 9, delete “(4)(a)” and insert “(5)(a)”.

12 After line 26, insert:

13 “(6) A health care practitioner who is authorized to practice in more than
14 one other jurisdiction shall provide to the appropriate health professional
15 regulatory board proof, as determined sufficient by the health professional
16 regulatory board, that the health care practitioner is in good standing and
17 not subject to any active disciplinary actions in any jurisdiction in which
18 the health care practitioner is authorized to practice.”.

19 In line 27, delete “(5)(a)” and insert “(7)(a)”.

20 In line 31, after “section” insert “, including rules requiring a health care
21 practitioner to receive approval of and confirmation from the health profes-

1 sional regulatory board that the health care practitioner is authorized to
2 practice under this section.”.

3 In line 32, delete “(6)” and insert “(8)”.

4 Delete lines 34 through 45 and delete pages 3 through 7 and insert:

5 **“SECTION 2.** ORS 677.080 is amended to read:

6 “677.080. [*No person shall*] **A person may not:**

7 “(1) Knowingly make any false statement or representation on a matter,
8 or willfully conceal any fact material to the right of the person to practice
9 medicine or to obtain a license under this chapter.

10 “(2) Sell or fraudulently obtain or furnish any medical and surgical di-
11 ploma, license, record or registration, or aid or abet in the same.

12 “(3) Impersonate anyone to whom a license has been granted by the
13 Oregon Medical Board.

14 “(4) Except as provided in ORS 677.060 **and section 1 of this 2022 Act,**
15 practice medicine in this state without a license required by this chapter.

16 **“SECTION 3.** ORS 677.135 is amended to read:

17 “677.135. As used in ORS 677.135 to 677.141[,]:

18 **“(1)** ‘The practice of medicine across state lines’ means:

19 “[*(1)*] **(a)** The rendering directly to a person of a written or otherwise
20 documented medical opinion concerning the diagnosis or treatment of that
21 person located within this state for the purpose of patient care by a physi-
22 cian or physician assistant located outside this state as a result of the
23 transmission of individual patient data by electronic or other means from
24 within this state to that physician, the physician’s agent or a physician as-
25 sistant; or

26 “[*(2)*] **(b)** The rendering of medical treatment directly to a person located
27 within this state by a physician or a physician assistant located outside this
28 state as a result of the outward transmission of individual patient data by
29 electronic or other means from within this state to that physician, the
30 physician’s agent or a physician assistant.

1 “(2) ‘The practice of medicine across state lines’ does not include
2 the practice of medicine by a person practicing in this state under
3 section 1 of this 2022 Act.

4 “**SECTION 4.** ORS 678.021 is amended to read:

5 “678.021. **Except as provided in section 1 of this 2022 Act,** it [*shall*
6 *be*] is unlawful for any person to practice nursing or offer to practice nursing
7 in this state or to use any title or abbreviation, sign, card or device to in-
8 dicate the person is practicing either practical or registered nursing unless
9 the person is licensed under ORS 678.010 to 678.410 at the level for which the
10 indication of practice is made and the license is valid and in effect.

11 “**SECTION 5.** ORS 679.025 is amended to read:

12 “679.025. (1) A person may not practice dentistry or purport to be a den-
13 tist without a valid license to practice dentistry issued by the Oregon Board
14 of Dentistry.

15 “(2) Subsection (1) of this section does not apply to:

16 “(a) Dentists licensed in another state or country making a clinical pres-
17 entation sponsored by a bona fide dental society or association or an ac-
18 credited dental educational institution approved by the board.

19 “(b) Bona fide full-time students of dentistry who, during the period of
20 their enrollment and as a part of the course of study in an Oregon accredited
21 dental education program, engage in clinical studies on the premises of such
22 institution or in a clinical setting located off the premises of the institution
23 if the facility, the instructional staff and the course of study to be pursued
24 at the off-premises location meet minimum requirements prescribed by the
25 rules of the board and the clinical study is performed under the indirect
26 supervision of a member of the faculty.

27 “(c) Bona fide full-time students of dentistry who, during the period of
28 their enrollment and as a part of the course of study in a dental education
29 program located outside of Oregon that is accredited by the Commission on
30 Dental Accreditation of the American Dental Association or its successor

1 agency, engage in community-based or clinical studies as an elective or re-
2 quired rotation in a clinical setting located in Oregon if the community-
3 based or clinical studies meet minimum requirements prescribed by the rules
4 of the board and are performed under the indirect supervision of a member
5 of the faculty of the Oregon Health and Science University School of
6 Dentistry.

7 “(d) Candidates who are preparing for a licensure examination to practice
8 dentistry and whose application has been accepted by the board or its agent,
9 if the clinical preparation is conducted in a clinic located on premises ap-
10 proved for that purpose by the board and if the procedures are limited to
11 examination only. This exception shall exist for a period not to exceed two
12 weeks immediately prior to a regularly scheduled licensure examination.

13 “(e) Dentists practicing in the discharge of official duties as employees
14 of the United States Government and any of its agencies.

15 “(f) Instructors of dentistry, whether full- or part-time, while exclusively
16 engaged in teaching activities and while employed in accredited dental edu-
17 cational institutions.

18 “(g) Dentists **who are** employed by public health agencies **and** who are
19 not engaged in the direct delivery of clinical dental services to patients.

20 “(h) Persons licensed to practice medicine in the State of Oregon in the
21 regular discharge of their duties.

22 “(i) Persons qualified to perform services relating to general anesthesia
23 or sedation under the direct supervision of a licensed dentist.

24 “(j)(A) Dentists licensed in another [*state or*] country and in good stand-
25 ing, while practicing dentistry without compensation for no more than five
26 consecutive days in any 12-month period, provided the dentist submits an
27 application to the board at least 10 days before practicing dentistry under
28 this [*paragraph*] **subparagraph** and the application is approved by the board.

29 “(B) **Dentists licensed in another state or United States territory**
30 **and practicing in this state under section 1 of this 2022 Act.**

1 “(k) Persons practicing dentistry upon themselves as the patient.

2 “(L) Dental hygienists, dental assistants or dental technicians performing
3 services under the supervision of a licensed dentist in accordance with the
4 rules adopted by the board.

5 “(m) A person licensed as a denturist under ORS 680.500 to 680.565 en-
6 gaged in the practice of denture technology.

7 “(n) An expanded practice dental hygienist who renders services author-
8 ized by a permit issued by the board pursuant to ORS 680.200.

9 **“SECTION 6.** ORS 680.020 is amended to read:

10 “680.020. (1) It is unlawful for any person not otherwise authorized by law
11 to practice dental hygiene or purport to be a dental hygienist without a valid
12 license to practice dental hygiene issued by the Oregon Board of Dentistry.

13 “(2) Subsection (1) of this section does not apply to:

14 “(a) Dental hygienists licensed in another state making a clinical pres-
15 entation sponsored by a bona fide dental or dental hygiene society or asso-
16 ciation or an accredited dental or dental hygiene education program
17 approved by the board.

18 “(b) Bona fide students of dental hygiene who engage in clinical studies
19 during the period of their enrollment and as a part of the course of study in
20 an Oregon dental hygiene education program. The program must be accred-
21 ited by the Commission on Dental Accreditation of the American Dental
22 Association, or its successor agency, and approved by the board. The clinical
23 study may be conducted on the premises of the program or in a clinical set-
24 ting located off the premises. The facility, the instructional staff and the
25 course of study at the off-premises location must meet minimum requirements
26 prescribed by the rules of the board, and the clinical study at the off-
27 premises location must be performed under the indirect supervision of a
28 member of the faculty.

29 “(c) Bona fide students of dental hygiene who engage in community-based
30 or clinical studies as an elective or required rotation in a clinical setting

1 located in Oregon during the period of their enrollment and as a part of the
2 course of study in a dental hygiene education program located outside of
3 Oregon. The program must be accredited by the Commission on Dental Ac-
4 creditation of the American Dental Association or its successor agency. The
5 community-based or clinical studies must:

6 “(A) Meet minimum requirements prescribed by the rules of the board;
7 and

8 “(B) Be performed under the indirect supervision of a member of the fac-
9 ulty of the Oregon Health and Science University School of Dentistry or
10 another Oregon institution with an accredited dental hygiene education
11 program approved by the board.

12 “(d) Students of dental hygiene or graduates of dental hygiene programs
13 who engage in clinical studies as part of a course of study or continuing
14 education course offered by an institution with a dental or dental hygiene
15 program. The program must be accredited by the Commission on Dental Ac-
16 creditation of the American Dental Association or its successor agency.

17 “(e) Candidates who are preparing for licensure examination to practice
18 dental hygiene and whose application has been accepted by the board or its
19 agent, if the clinical preparation is conducted in a clinic located on premises
20 approved for that purpose by the board and if the procedures are limited to
21 examination only.

22 “(f) Dental hygienists practicing in the discharge of official duties as
23 employees of the United States Government and any of its agencies.

24 “(g) Instructors of dental hygiene, whether full- or part-time, while ex-
25 clusively engaged in teaching activities and while employed in accredited
26 dental hygiene educational programs.

27 “(h) Dental hygienists **who are** employed by public health agencies **and**
28 who are not engaged in direct delivery of clinical dental hygiene services to
29 patients.

30 “(i) Counselors and health assistants who have been trained in the ap-

1 plication of fluoride varnishes to the teeth of children and who apply
2 fluoride varnishes only to the teeth of children enrolled in or receiving ser-
3 vices from the Women, Infants and Children Program, the Oregon
4 prekindergarten program or a federal Head Start grant program.

5 “(j) Persons acting in accordance with rules adopted by the State Board
6 of Education under ORS 336.213 to provide dental screenings to students.

7 “(k) Dental hygienists licensed in another state [*and in good standing,*
8 *while practicing dental hygiene without compensation for no more than five*
9 *consecutive days in any 12-month period, provided the dental hygienist submits*
10 *an application to the Oregon Board of Dentistry at least 10 days before prac-*
11 *ticing dental hygiene under this paragraph and the application is approved*
12 *by the board]* **or United States territory and practicing in this state**
13 **under section 1 of this 2022 Act.**

14 **“SECTION 7.** ORS 683.020 is amended to read:

15 “683.020. [*No person shall*] **Except as provided in section 1 of this 2022**
16 **Act, a person may not** engage in the practice of optometry or purport in
17 any way to be an optometrist or an expert in the field of optometry without
18 having first obtained a license from the Oregon Board of Optometry as pro-
19 vided for in ORS 683.010 to 683.340. In any prosecution for the violation of
20 this section, the use of test cards, test lenses or of trial frames is prima facie
21 evidence of the practice of optometry.

22 **“SECTION 8.** ORS 685.020 is amended to read:

23 “685.020. (1) Except as provided in subsection (3) of this section, [*no per-*
24 *son shall*] **a person may not** practice, attempt to practice, or claim to
25 practice naturopathic medicine in this state without first complying with the
26 provisions of this chapter.

27 “(2) Only licensees under this chapter may use any or all of the following
28 terms, consistent with academic degrees earned: ‘Doctor of Naturopathy’ or
29 its abbreviation, ‘N.D.’ ‘Naturopath’ or ‘Naturopathic Physician.’ However,
30 none of these terms, or any combination of them, shall be so used as to

1 convey the idea that the physician who uses them practices anything other
2 than naturopathic medicine.

3 “(3) Subsection (1) of this section does not apply to:

4 “(a) A bona fide student of naturopathic medicine who, during the period
5 of the student’s enrollment and as part of a doctoral course of study in an
6 Oregon accredited naturopathic educational institution, engages in clinical
7 training under the supervision of institution faculty, if the clinical training
8 facility and level of supervision meet the standards adopted by the Oregon
9 Board of Naturopathic Medicine by rule.

10 “(b) **A person authorized to practice under section 1 of this 2022 Act.**

11 “**SECTION 9.** ORS 689.225 is amended to read:

12 “689.225. (1) A person may not engage in the practice of pharmacy unless
13 the person is licensed under this chapter **or authorized in another state**
14 **or United States territory and is practicing under section 1 of this 2022**
15 **Act.** Nothing in this section prevents physicians, dentists, veterinarians or
16 other practitioners of the healing arts who are licensed under the laws of
17 this state from dispensing and administering prescription drugs to their pa-
18 tients in the practice of their respective professions where specifically au-
19 thorized to do so by law of this state.

20 “(2) A person may not take, use or exhibit the title of pharmacist or the
21 title of druggist or apothecary, or any other title or description of like im-
22 port unless the person is licensed to practice pharmacy under this chapter.

23 “(3) A pharmacist may not possess personally or store drugs other than
24 in a licensed pharmacy except for those drugs legally prescribed for the
25 personal use of the pharmacist or when the pharmacist possesses or stores
26 the drugs in the usual course of business and within the pharmacist’s scope
27 of practice. An employee, agent or owner of any registered manufacturer,
28 wholesaler or pharmacy may lawfully possess legend drugs if the person is
29 acting in the usual course of the business or employment of the person.

30 “(4) The State Board of Pharmacy shall adopt rules relating to the use

1 of pharmacy technicians working under the supervision, direction and con-
2 trol of a pharmacist. For retail and institutional drug outlets, the board shall
3 adopt rules which include requirements for training, including provisions for
4 appropriate on-the-job training, guidelines for adequate supervision, stan-
5 dards and appropriate ratios for the use of pharmacy technicians. Improper
6 use of pharmacy technicians is subject to the reporting requirements of ORS
7 689.455.

8 “(5) The mixing of intravenous admixtures by pharmacy technicians
9 working under the supervision, direction and control of a pharmacist is au-
10 thorized and does not constitute the practice of pharmacy by the pharmacy
11 technicians.

12 “(6) Any person who is found to have unlawfully engaged in the practice
13 of pharmacy is guilty of a Class A misdemeanor.

14 **“SECTION 10. (1) Section 1 of this 2022 Act and the amendments to**
15 **ORS 677.080, 677.135, 678.021, 679.025, 680.020, 683.020, 685.020 and 689.225**
16 **by sections 2 to 9 of this 2022 Act become operative on January 1, 2023.**

17 **“(2) The Oregon Board of Dentistry, Oregon Board of Naturopathic**
18 **Medicine, Oregon Board of Optometry, Oregon Medical Board, Oregon**
19 **State Board of Nursing and State Board of Pharmacy may take any**
20 **action before the operative date specified in subsection (1) of this sec-**
21 **tion that is necessary to enable the boards to exercise, on and after**
22 **the operative date specified in subsection (1) of this section, all of the**
23 **duties, functions and powers conferred on the boards by section 1 of**
24 **this 2022 Act and the amendments to ORS 677.080, 677.135, 678.021,**
25 **679.025, 680.020, 683.020, 685.020 and 689.225 by sections 2 to 9 of this 2022**
26 **Act.**

27 **“SECTION 11. This 2022 Act takes effect on the 91st day after the**
28 **date on which the 2022 regular session of the Eighty-first Legislative**
29 **Assembly adjourns sine die.”.**

30