

House Bill 2696

Sponsored by Representative RAYFIELD, Senator ANDERSON; Senator SOLLMAN (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Authorizes Health Licensing Office to issue sign language interpreter license to qualified applicant. Defines "sign language interpreter." Prohibits unlicensed provision of signed language interpretation services. Creates exceptions to prohibition. Allows office to impose discipline for certain violations. Directs office to provide administrative and regulatory oversight to sign language interpreter program. Establishes State Board of Sign Language Interpreters within office. Imposes civil penalty for violation of licensure requirements.

Becomes operative January 1, 2024.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to sign language interpreters; creating new provisions; amending ORS 676.565, 676.579,
3 676.590, 676.612, 676.613, 676.622 and 676.992; and declaring an emergency.

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

SECTION 1. As used in sections 1 to 14 of this 2023 Act:

6 (1) "Licensee" means an individual who holds a license issued under sections 1 to 14 of
7 this 2023 Act.

8 (2) "Signed language interpretation services" means the interpretation of conversations
9 and other communications by use of a visual signed language.

10 (3) "Sign language interpreter" means an individual who provides signed language inter-
11 pretation services.

12 **SECTION 2. (1) The Health Licensing Office may issue a supervisory sign language in-
13 terpreter license to an applicant who:**

14 (a) Is at least 18 years of age;

15 (b) Demonstrates compliance with the code of professional conduct authored by the
16 Registry of Interpreters for the Deaf, or its successor organization, and the National Asso-
17 ciation of the Deaf, or its successor organization, and approved by the State Board of Sign
18 Language Interpreters;

19 (c) Has at least three years of qualifying experience, as determined by the board;

20 (d) Meets the requirements established by the board relating to minimum qualifications,
21 education or training or any combination thereof;

22 (e) Meets any other requirements established by the board; and

23 (f) Pays a fee established by the office.

24 (2) A licensed supervisory sign language interpreter:

25 (a) May not provide signed language interpretation services in a legal or medical setting
26 without a license issued under section 6 or 7 of this 2023 Act.

27 (b) May supervise licensed provisional sign language interpreters.

28 **SECTION 3. (1) The Health Licensing Office may issue a sign language interpreter license**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 to an applicant who:

2 (a) Is at least 18 years of age;

3 (b) Demonstrates compliance with the code of professional conduct authored by the
4 Registry of Interpreters for the Deaf, or its successor organization, and the National Asso-
5 ciation of the Deaf, or its successor organization, and approved by the State Board of Sign
6 Language Interpreters;

7 (c) Meets the requirements established by the board relating to minimum qualifications,
8 education or training or any combination thereof;

9 (d) Meets any other requirements established by the board; and

10 (e) Pays a fee established by the office.

11 (2) A license issued under this section may be renewed twice.

12 (3) A licensed sign language interpreter may not provide signed language interpretation
13 services in a legal or medical setting without a license issued under section 6 or 7 of this 2023
14 Act.

15 **SECTION 4.** (1) The Health Licensing Office may issue a provisional sign language inter-
16 preter license to an applicant who:

17 (a) Is at least 18 years of age;

18 (b) Demonstrates compliance with the code of professional conduct authored by the
19 Registry of Interpreters for the Deaf, or its successor organization, and the National Asso-
20 ciation of the Deaf, or its successor organization, and approved by the State Board of Sign
21 Language Interpreters;

22 (c) Meets the requirements established by the board relating to minimum qualifications,
23 education or training or any combination thereof;

24 (d) Meets any other requirements established by the board; and

25 (e) Pays a fee established by the office.

26 (2) A license issued under this section may be renewed up to five times.

27 (3) A licensed provisional sign language interpreter:

28 (a) May provide signed language interpretation services only under the supervision of a
29 licensed supervisory sign language interpreter.

30 (b) May not provide signed language interpretation services in an educational, legal or
31 medical setting without a license issued under section 5, 6 or 7 of this 2023 Act.

32 **SECTION 5.** (1) The Health Licensing Office may issue an educational sign language in-
33 terpreter license to an applicant who:

34 (a) Is at least 18 years of age;

35 (b) Demonstrates compliance with the code of professional conduct authored by the
36 Registry of Interpreters for the Deaf, or its successor organization, and the National Asso-
37 ciation of the Deaf, or its successor organization, and approved by the State Board of Sign
38 Language Interpreters;

39 (c) Meets the requirements established by the Department of Education by rule relating
40 to sign language interpreters serving in schools;

41 (d) Meets any other requirements established by the board; and

42 (e) Pays a fee established by the office.

43 (2) A license issued under this section may be renewed up to five times.

44 (3) Only a licensed sign language interpreter, licensed supervisory sign language inter-
45 preter or licensed educational sign language interpreter may provide signed language inter-

pretation services in an educational setting as defined by the board.

SECTION 6. (1) The Health Licensing Office may issue a medical sign language interpreter license to an applicant who:

(a) Is a licensed supervisory sign language interpreter or a licensed sign language interpreter;

(b) Meets any requirements established by the State Board of Sign Language Interpreters; and

(c) Pays a fee established by the office.

(2) Only a licensed medical sign language interpreter may provide signed language interpretation services in a medical setting as defined by the board.

SECTION 7. (1) The Health Licensing Office may issue a legal sign language interpreter license to an applicant who:

(a) Is a licensed supervisory sign language interpreter or a licensed sign language interpreter;

(b) Meets any requirements established by the State Board of Sign Language Interpreters; and

(c) Pays a fee established by the office.

(2) Only a licensed legal sign language interpreter may provide signed language interpretation services in a legal setting as defined by the board.

SECTION 8. (1)(a) Except as provided in paragraph (b) of this subsection, a person who is not licensed under sections 1 to 14 of this 2023 Act may not provide signed language interpretation services.

(b) A person who is not licensed under sections 1 to 14 of this 2023 Act may provide signed language interpretation services:

(A) In circumstances in which a license issued under sections 1 to 14 of this 2023 Act is not required.

(B) In emergency situations involving imminent or immediate harm and during which a licensee is not available.

(C) In other extenuating circumstances, as determined by the State Board of Sign Language Interpreters.

(D) If the person is a qualified interpreter under ORS 45.288 or a court interpreter certified under ORS 45.291 providing signed language interpretation services for the purpose of a proceeding in the Supreme Court, Court of Appeals, Oregon Tax Court or a circuit court or at the direction or with the approval of the Chief Justice of the Supreme Court or the presiding judge of the court in which the proceeding occurs.

(2) A person who is not licensed under sections 1 to 14 of this 2023 Act may not assume or use any title, words, abbreviations, signs or insignias, including but not limited to the titles “licensed supervisory sign language interpreter,” “licensed sign language interpreter,” “licensed provisional sign language interpreter,” “licensed educational sign language interpreter,” “licensed legal sign language interpreter” or “licensed medical sign language interpreter,” that indicate that the person is licensed to provide signed language interpretation services under sections 1 to 14 of this 2023 Act.

(3) For the purpose of providing signed language interpretation services, a person may not employ or contract with an individual who is not licensed to provide signed language interpretation services under sections 1 to 14 of this 2023 Act.

1 **SECTION 9.** A licensee who acquires any information protected by confidentiality, privi-
 2 lege or privacy laws while providing signed language interpretation services may not be re-
 3 quired to disclose the information in an investigation, trial or other legal proceeding without
 4 the consent of the individuals for whom the signed language interpretation services were
 5 provided.

6 **SECTION 10.** In the manner prescribed in ORS chapter 183 for contested cases, and at
 7 the direction of the State Board of Sign Language Interpreters, the Health Licensing Office
 8 may impose a form of discipline listed in ORS 676.612 for a violation of sections 1 to 14 of this
 9 2023 Act or rules adopted under sections 1 to 14 of this 2023 Act.

10 **SECTION 11.** (1) There is established within the Health Licensing Office the State Board
 11 of Sign Language Interpreters consisting of seven members appointed by the Governor as
 12 follows:

13 (a)(A) Two members who are deaf, deafblind or hard of hearing and who represent an
 14 association in this state that promotes and protects the rights of persons who are deaf and
 15 hard of hearing;

16 (B) One member who represents a professional organization in this state for sign lan-
 17 guage interpreters and who holds a license issued under sections 1 to 14 of this 2023 Act;

18 (C) One member who represents a sign language interpreter education program at a
 19 post-secondary institution in this state and who holds a license issued under sections 1 to
 20 14 of this 2023 Act;

21 (D) Two members who are hearing interpreters certified by or registered with a national
 22 organization for sign language interpreters and who hold licenses issued under sections 1 to
 23 14 of this 2023 Act; and

24 (E) One member who is a deaf interpreter certified by or registered with a national or-
 25 ganization for sign language interpreters and who holds a license issued under sections 1 to
 26 14 of this 2023 Act.

27 (b) All members must be residents of this state and proficient in American Sign Lan-
 28 guage. To the extent practicable, the members must reflect the geographic and racial diver-
 29 sity of this state.

30 (2) The term of office of each member of the board is three years, but a member serves
 31 at the pleasure of the Governor. Before the expiration of a term of a member, the Governor
 32 shall appoint a successor whose term begins on January 1 next following. A member is eli-
 33 gible for reappointment. If there is a vacancy for any cause, the Governor shall make an
 34 appointment to become immediately effective for the unexpired term.

35 (3) A member of the board is entitled to compensation and expenses as provided in ORS
 36 292.495.

37 (4) The board shall select one of its members as chairperson and another as vice chair-
 38 person, for such terms and with duties and powers necessary for the performance of the
 39 functions of the office of chairperson and vice chairperson as the board determines.

40 (5) A majority of the members constitutes a quorum for the transaction of business.

41 (6) The board shall meet at least once each quarter as determined by the office. The
 42 board may also meet at other times and places specified by the call of the chairperson or of
 43 a majority of the members of the board.

44 **SECTION 12.** The State Board of Sign Language Interpreters:

45 (1) Shall advise the Health Licensing Office in the establishment of:

1 (a) A publicly available registry of licensees that includes at least the names and specific
2 license of each licensee.

3 (b) A process to receive and address grievances regarding licensees and signed language
4 interpretation services.

5 (2) Shall adopt rules to carry out sections 1 to 14 of this 2023 Act, including rules to:

6 (a) Establish standards relating to minimum qualifications, education or training or any
7 combination thereof for issuance of licenses under sections 1 to 14 of this 2023 Act;

8 (b) Determine qualifications for renewal of licenses issued under sections 1 to 14 of this
9 2023 Act;

10 (c) Establish supervision requirements; and

11 (d) Establish a code of professional conduct for sign language interpreters licensed under
12 sections 1 to 14 of this 2023 Act.

13 (3) May establish additional specialty licenses for sign language interpreters that the
14 board determines necessary.

15 **SECTION 13.** The Health Licensing Office and Department of Education may adopt rules
16 with the advice of the State Board of Sign Language Interpreters to carry out the office's
17 and the department's duties under sections 1 to 14 of this 2023 Act.

18 **SECTION 14.** Violation of any provision of sections 1 to 14 of this 2023 Act is a Class C
19 misdemeanor.

20 **SECTION 15.** ORS 676.565 is amended to read:

21 676.565. Pursuant to ORS 676.568, the Health Licensing Office shall provide administrative and
22 regulatory oversight and centralized service for the following boards, councils and programs:

23 (1) Board of Athletic Trainers, as provided in ORS 688.701 to 688.734;

24 (2) Board of Cosmetology, as provided in ORS 690.005 to 690.225;

25 (3) State Board of Denture Technology, as provided in ORS 680.500 to 680.565;

26 (4) State Board of Direct Entry Midwifery, as provided in ORS 687.405 to 687.495;

27 (5) Respiratory Therapist and Polysomnographic Technologist Licensing Board, as provided in
28 ORS 688.800 to 688.840;

29 (6) Environmental Health Registration Board, as provided in ORS chapter 700;

30 (7) Board of Electrologists and Body Art Practitioners, as provided in ORS 690.350 to 690.410;

31 (8) Advisory Council on Hearing Aids, as provided in ORS 694.015 to 694.170;

32 (9) Sexual Offense Treatment Board, as provided in ORS 675.365 to 675.410;

33 (10) Long Term Care Administrators Board, as provided in ORS 678.710 to 678.820;

34 (11) Board of Licensed Dietitians, as provided in ORS 691.405 to 691.485;

35 (12) Behavior Analysis Regulatory Board, as provided in ORS 676.806;

36 (13) Board of Certified Advanced Estheticians, as provided in ORS 676.630 to 676.660;

37 (14) Art therapy, as provided in ORS 681.740 to 681.758;

38 (15) Lactation consultation, as provided in ORS 676.665 to 676.689;

39 (16) Music therapy, as provided in ORS 681.700 to 681.730; *[and]*

40 (17) Genetic counseling, as provided in ORS 676.730 to 676.748[.]; **and**

41 (18) State Board of Sign Language Interpreters, as provided in sections 1 to 14 of this
42 2023 Act.

43 **SECTION 16.** ORS 676.565, as amended by section 9, chapter 92, Oregon Laws 2022, is amended
44 to read:

45 676.565. Pursuant to ORS 676.568, the Health Licensing Office shall provide administrative and

1 regulatory oversight and centralized service for the following boards, councils and programs:

- 2 (1) Board of Athletic Trainers, as provided in ORS 688.701 to 688.734;
- 3 (2) Board of Cosmetology, as provided in ORS 690.005 to 690.225;
- 4 (3) State Board of Denture Technology, as provided in ORS 680.500 to 680.565;
- 5 (4) State Board of Direct Entry Midwifery, as provided in ORS 687.405 to 687.495;
- 6 (5) Respiratory Therapist and Polysomnographic Technologist Licensing Board, as provided in
- 7 ORS 688.800 to 688.840;
- 8 (6) Environmental Health Registration Board, as provided in ORS chapter 700;
- 9 (7) Board of Electrologists and Body Art Practitioners, as provided in ORS 690.350 to 690.410;
- 10 (8) Advisory Council on Hearing Aids, as provided in ORS 694.015 to 694.170;
- 11 (9) Sexual Offense Treatment Board, as provided in ORS 675.365 to 675.410;
- 12 (10) Long Term Care Administrators Board, as provided in ORS 678.710 to 678.820;
- 13 (11) Board of Licensed Dietitians, as provided in ORS 691.405 to 691.485;
- 14 (12) Behavior Analysis Regulatory Board, as provided in ORS 676.806;
- 15 (13) Board of Certified Advanced Estheticians, as provided in ORS 676.630 to 676.660;
- 16 (14) Art therapy, as provided in ORS 681.740 to 681.758;
- 17 (15) Lactation consultation, as provided in ORS 676.665 to 676.689;
- 18 (16) Music therapy, as provided in ORS 681.700 to 681.730;
- 19 (17) Genetic counseling, as provided in ORS 676.730 to 676.748; *[and]*
- 20 (18) **State Board of Sign Language Interpreters, as provided in sections 1 to 14 of this**

21 **2023 Act; and**

22 *[(18)]* (19) Temporary staffing agencies, as provided in sections 1 to 7, chapter 92, Oregon Laws
23 2022.

24 **SECTION 17.** ORS 676.579 is amended to read:

25 676.579. (1)(a) The Health Licensing Office is under the supervision and control of a director,
26 who is responsible for the performance of the duties, functions and powers and for the organization
27 of the office.

28 (b) The Director of the Oregon Health Authority shall establish the qualifications for and ap-
29 point the Director of the Health Licensing Office, who holds office at the pleasure of the Director
30 of the Oregon Health Authority.

31 (c) The Director of the Health Licensing Office shall receive a salary as provided by law or, if
32 not so provided, as prescribed by the Director of the Oregon Health Authority.

33 (d) The Director of the Health Licensing Office is in the unclassified service.

34 (2) The Director of the Health Licensing Office shall provide the boards, councils and programs
35 administered by the office with any services and employees as the office requires to carry out the
36 office's duties. Subject to any applicable provisions of the State Personnel Relations Law, the Di-
37 rector of the Health Licensing Office shall appoint all subordinate officers and employees of the of-
38 fice, prescribe their duties and fix their compensation.

39 (3) The Director of the Health Licensing Office is responsible for carrying out the duties, func-
40 tions and powers under ORS 675.365 to 675.410, 676.560 to 676.625, 676.630 to 676.660, 676.665 to
41 676.689, 676.730 to 676.748, 676.810, 676.815, 676.825, 676.992, 678.710 to 678.820, 680.500 to 680.565,
42 681.700 to 681.730, 681.740 to 681.758, 687.405 to 687.495, 687.895, 688.701 to 688.734, 688.800 to
43 688.840, 690.005 to 690.225, 690.350 to 690.410, 691.405 to 691.485 and 694.015 to 694.170 and ORS
44 chapter 700 **and sections 1 to 14 of this 2023 Act.**

45 (4) The enumeration of duties, functions and powers in subsection (3) of this section is not in-

1 tended to be exclusive or to limit the duties, functions and powers imposed on or vested in the office
 2 by other statutes.

3 **SECTION 18.** ORS 676.579, as amended by section 10, chapter 92, Oregon Laws 2022, is
 4 amended to read:

5 676.579. (1)(a) The Health Licensing Office is under the supervision and control of a director,
 6 who is responsible for the performance of the duties, functions and powers and for the organization
 7 of the office.

8 (b) The Director of the Oregon Health Authority shall establish the qualifications for and ap-
 9 point the Director of the Health Licensing Office, who holds office at the pleasure of the Director
 10 of the Oregon Health Authority.

11 (c) The Director of the Health Licensing Office shall receive a salary as provided by law or, if
 12 not so provided, as prescribed by the Director of the Oregon Health Authority.

13 (d) The Director of the Health Licensing Office is in the unclassified service.

14 (2) The Director of the Health Licensing Office shall provide the boards, councils and programs
 15 administered by the office with any services and employees as the office requires to carry out the
 16 office's duties. Subject to any applicable provisions of the State Personnel Relations Law, the Di-
 17 rector of the Health Licensing Office shall appoint all subordinate officers and employees of the of-
 18 fice, prescribe their duties and fix their compensation.

19 (3) The Director of the Health Licensing Office is responsible for carrying out the duties, func-
 20 tions and powers under ORS 675.365 to 675.410, 676.560 to 676.625, 676.630 to 676.660, 676.665 to
 21 676.689, 676.730 to 676.748, 676.810, 676.815, 676.825, 676.992, 678.710 to 678.820, 680.500 to 680.565,
 22 681.700 to 681.730, 681.740 to 681.758, 687.405 to 687.495, 687.895, 688.701 to 688.734, 688.800 to
 23 688.840, 690.005 to 690.225, 690.350 to 690.410, 691.405 to 691.485 and 694.015 to 694.170 and ORS
 24 chapter 700 and sections 1 to 7, chapter 92, Oregon Laws 2022, **and sections 1 to 14 of this 2023**
 25 **Act.**

26 (4) The enumeration of duties, functions and powers in subsection (3) of this section is not in-
 27 tended to be exclusive or to limit the duties, functions and powers imposed on or vested in the office
 28 by other statutes.

29 **SECTION 19.** ORS 676.590 is amended to read:

30 676.590. (1) Information obtained by the Health Licensing Office as part of an investigation
 31 conducted under the following laws and any reports issued by an investigator are exempt from
 32 public disclosure:

33 (a) ORS 676.630 to 676.660, 676.665 to 676.689, 676.730 to 676.748, 681.700 to 681.730, 681.740 to
 34 681.758, 690.005 to 690.225, 690.350 to 690.410 or 694.015 to 694.170 **or sections 1 to 14 of this 2023**
 35 **Act.**

36 (b) ORS 676.560 to 676.625 if the investigation is related to the regulation of:

37 (A) Advanced nonablative esthetics under ORS 676.630 to 676.660;

38 (B) Lactation consultation under ORS 676.665 to 676.689;

39 (C) Music therapy under ORS 681.700 to 681.730;

40 (D) Art therapy under ORS 681.740 to 681.758;

41 (E) Barbering, hair design, esthetics, nail technology or natural hair care under ORS 690.005 to
 42 690.225;

43 (F) Electrologists and body art practitioners under ORS 690.350 to 690.410;

44 (G) Dealing in hearing aids under ORS 694.015 to 694.170; [or]

45 (H) Genetic counseling under ORS 676.730 to 676.748[.]; **or**

(I) Signed language interpretation under sections 1 to 14 of this 2023 Act.

(2) The office shall disclose information obtained as part of an investigation described in subsection (1) of this section to a person who demonstrates by clear and convincing evidence that the public interest in disclosure outweighs other interests in nondisclosure, including the public interest in nondisclosure.

(3) A complaint that forms the basis for an investigation described in subsection (1) of this section shall not be considered information obtained as part of an investigation and is not exempt from public disclosure.

(4) Upon request, the office shall disclose to a person against whom disciplinary action is sought any information obtained as part of an investigation described in subsection (1) of this section, if the information is not otherwise privileged or confidential under state or federal law.

SECTION 20. ORS 676.590, as amended by section 11, chapter 92, Oregon Laws 2022, is amended to read:

676.590. (1) Information obtained by the Health Licensing Office as part of an investigation conducted under the following laws and any reports issued by an investigator are exempt from public disclosure:

(a) ORS 676.630 to 676.660, 676.665 to 676.689, 676.730 to 676.748, 681.700 to 681.730, 681.740 to 681.758, 690.005 to 690.225, 690.350 to 690.410 or 694.015 to 694.170 [*and*] **or sections 1 to 7, chapter 92, Oregon Laws 2022, or sections 1 to 14 of this 2023 Act.**

(b) ORS 676.560 to 676.625 if the investigation is related to the regulation of:

(A) Advanced nonablative esthetics under ORS 676.630 to 676.660;

(B) Lactation consultation under ORS 676.665 to 676.689;

(C) Music therapy under ORS 681.700 to 681.730;

(D) Art therapy under ORS 681.740 to 681.758;

(E) Barbering, hair design, esthetics, nail technology or natural hair care under ORS 690.005 to 690.225;

(F) Electrologists and body art practitioners under ORS 690.350 to 690.410;

(G) Dealing in hearing aids under ORS 694.015 to 694.170;

(H) Genetic counseling under ORS 676.730 to 676.748; [*or*]

(I) Signed language interpretation under sections 1 to 14 of this 2023 Act; or

[*I*] **(J) Temporary staffing agencies under sections 1 to 7, chapter 92, Oregon Laws 2022.**

(2) The office shall disclose information obtained as part of an investigation described in subsection (1) of this section to a person who demonstrates by clear and convincing evidence that the public interest in disclosure outweighs other interests in nondisclosure, including the public interest in nondisclosure.

(3) A complaint that forms the basis for an investigation described in subsection (1) of this section shall not be considered information obtained as part of an investigation and is not exempt from public disclosure.

(4) Upon request, the office shall disclose to a person against whom disciplinary action is sought any information obtained as part of an investigation described in subsection (1) of this section, if the information is not otherwise privileged or confidential under state or federal law.

SECTION 21. ORS 676.612 is amended to read:

676.612. (1) Subject to ORS 676.616 and 687.445, and in the manner prescribed in ORS chapter 183 for contested cases and as specified in ORS 675.385, 676.660, 676.685, 676.745, 676.825, 678.780, 680.535, 681.733, 681.755, 687.445, 688.734, 688.836, 690.167, 690.407, 691.477, 694.147 and 700.111 **and**

1 **section 10 of this 2023 Act**, the Health Licensing Office may refuse to issue or renew, may suspend
2 or revoke or may otherwise condition or limit an authorization or may discipline or place on pro-
3 bation an authorization holder for commission of the prohibited acts listed in subsection (2) of this
4 section.

5 (2) A person subject to the authority of a board, council or program listed in ORS 676.565
6 commits a prohibited act if the person engages in:

7 (a) Fraud, misrepresentation, concealment of material facts or deception in applying for or ob-
8 taining an authorization to practice in this state, or in any written or oral communication to the
9 office concerning the issuance or retention of the authorization.

10 (b) Using, causing or promoting the use of any advertising matter, promotional literature, testi-
11 monial, guarantee, warranty, label, insignia or any other representation, however disseminated or
12 published, that is false, misleading or deceptive.

13 (c) Making a representation that the authorization holder knew or should have known is false
14 or misleading regarding skill or the efficacy or value of treatment or remedy administered by the
15 authorization holder.

16 (d) Practicing under a false, misleading or deceptive name, or impersonating another authori-
17 zation holder.

18 (e) Permitting a person other than the authorization holder to use the authorization.

19 (f) Practicing with a physical or mental condition that presents an unreasonable risk of harm
20 to the authorization holder or to the person or property of others in the course of performing the
21 authorization holder's duties.

22 (g) Practicing while under the influence of alcohol, cannabis, controlled substances or other
23 skill-impairing substances, or engaging in the illegal use of controlled substances or other skill-
24 impairing substances so as to create a risk of harm to the person or property of others in the course
25 of performing the duties of an authorization holder.

26 (h) Failing to properly and reasonably accept responsibility for the actions of employees.

27 (i) Employing, directly or indirectly, any suspended, uncertified, unlicensed or unregistered per-
28 son to practice a regulated occupation or profession subject to the authority of the boards, councils
29 and programs listed in ORS 676.565.

30 (j) Unprofessional conduct, negligence, incompetence, repeated violations or any departure from
31 or failure to conform to standards of practice in performing services or practicing in a regulated
32 occupation or profession subject to the authority of the boards, councils and programs listed under
33 ORS 676.565.

34 (k) Conviction of any criminal offense, subject to ORS 670.280. A copy of the record of con-
35 viction, certified by the clerk of the court entering the conviction, is conclusive evidence of the
36 conviction. A plea of no contest or an admission of guilt is a conviction for purposes of this para-
37 graph.

38 (L) Failing to report any adverse action, as required by statute or rule, taken against the au-
39 thorization holder by another regulatory jurisdiction or any peer review body, health care institu-
40 tion, professional association, governmental agency, law enforcement agency or court for acts or
41 conduct similar to acts or conduct that would constitute grounds for disciplinary action as described
42 in this section.

43 (m) Violation of a statute regulating an occupation or profession subject to the authority of the
44 boards, councils and programs listed in ORS 676.565.

45 (n) Violation of any rule regulating an occupation or profession subject to the authority of the

boards, councils and programs listed in ORS 676.565.

(o) Failing to cooperate with the office in any investigation, inspection or request for information.

(p) Selling or fraudulently obtaining or furnishing an authorization to practice in a regulated occupation or profession subject to the authority of the boards, councils and programs listed in ORS 676.565, or aiding or abetting such an act.

(q) Selling or fraudulently obtaining or furnishing any record related to practice in a regulated occupation or profession subject to the authority of the boards, councils and programs listed in ORS 676.565, or aiding or abetting such an act.

(r) Failing to pay an outstanding civil penalty or fee that is due or failing to meet the terms of any order issued by the office that has become final.

(3) For the purpose of requesting a state or nationwide criminal records check under ORS 181A.195, the office may require the fingerprints of a person who is:

(a) Applying for an authorization;

(b) Applying for renewal of an authorization; or

(c) Under investigation by the office.

(4) If the office places an authorization holder on probation under subsection (1) of this section, the office, in consultation with the appropriate board, council or program, may determine and at any time modify the conditions of the probation.

(5) If an authorization is suspended, the authorization holder may not practice during the term of suspension. Upon the expiration of the term of suspension, the authorization may be reinstated by the office if the conditions of suspension no longer exist and the authorization holder has satisfied all requirements in the relevant statutes or administrative rules for issuance, renewal or reinstatement.

SECTION 22. ORS 676.613 is amended to read:

676.613. (1) In addition to all other remedies, when it appears to the Health Licensing Office that a person is engaged in, has engaged in or is about to engage in any act, practice or transaction that violates any provision of ORS 675.365 to 675.410, 676.630 to 676.660, 676.665 to 676.689, 676.730 to 676.748, 676.810, 676.815, 678.710 to 678.820, 680.500 to 680.565, 681.700 to 681.730, 681.740 to 681.758, 687.405 to 687.495, 688.701 to 688.734, 688.800 to 688.840, 690.005 to 690.225, 690.350 to 690.410, 691.405 to 691.485 or 694.015 to 694.170 or ORS chapter 700 **or sections 1 to 14 of this 2023 Act**, the office may, through the Attorney General or the district attorney of the county in which the act, practice or transaction occurs or will occur, apply to the court for an injunction restraining the person from the act, practice or transaction.

(2) A court may issue an injunction under this section without proof of actual damages. An injunction issued under this section does not relieve a person from any other prosecution or enforcement action taken for violation of statutes listed in subsection (1) of this section.

SECTION 23. ORS 676.613, as amended by section 12, chapter 92, Oregon Laws 2022, is amended to read:

676.613. (1) In addition to all other remedies, when it appears to the Health Licensing Office that a person is engaged in, has engaged in or is about to engage in any act, practice or transaction that violates any provision of ORS 675.365 to 675.410, 676.630 to 676.660, 676.665 to 676.689, 676.730 to 676.748, 676.810, 676.815, 678.710 to 678.820, 680.500 to 680.565, 681.700 to 681.730, 681.740 to 681.758, 687.405 to 687.495, 688.701 to 688.734, 688.800 to 688.840, 690.005 to 690.225, 690.350 to 690.410, 691.405 to 691.485 or 694.015 to 694.170 or ORS chapter 700 or sections 1 to 7, chapter 92, Oregon

1 Laws 2022, **or sections 1 to 14 of this 2023 Act**, the office may, through the Attorney General or
 2 the district attorney of the county in which the act, practice or transaction occurs or will occur,
 3 apply to the court for an injunction restraining the person from the act, practice or transaction.

4 (2) A court may issue an injunction under this section without proof of actual damages. An in-
 5 junction issued under this section does not relieve a person from any other prosecution or enforce-
 6 ment action taken for violation of statutes listed in subsection (1) of this section.

7 **SECTION 24.** ORS 676.622 is amended to read:

8 676.622. (1) A transaction conducted through a state or local system or network that provides
 9 electronic access to the Health Licensing Office information and services is exempt from any re-
 10 quirement under ORS 675.365 to 675.410, 676.560 to 676.625, 676.630 to 676.660, 676.665 to 676.689,
 11 676.730 to 676.748, 676.810, 676.815, 676.992, 680.500 to 680.565, 681.700 to 681.730, 681.740 to 681.758,
 12 687.405 to 687.495, 688.701 to 688.734, 688.800 to 688.840, 690.005 to 690.225, 690.350 to 690.410,
 13 691.405 to 691.485 and 694.015 to 694.170 and ORS chapter 700 **and sections 1 to 14 of this 2023**
 14 **Act**, and rules adopted thereunder, requiring an original signature or the submission of handwritten
 15 materials.

16 (2) Electronic signatures subject to ORS 84.001 to 84.061 and facsimile signatures are acceptable
 17 and have the same force as original signatures.

18 **SECTION 25.** ORS 676.622, as amended by section 13, chapter 92, Oregon Laws 2022, is
 19 amended to read:

20 676.622. (1) A transaction conducted through a state or local system or network that provides
 21 electronic access to the Health Licensing Office information and services is exempt from any re-
 22 quirement under ORS 675.365 to 675.410, 676.560 to 676.625, 676.630 to 676.660, 676.665 to 676.689,
 23 676.730 to 676.748, 676.810, 676.815, 676.992, 680.500 to 680.565, 681.700 to 681.730, 681.740 to 681.758,
 24 687.405 to 687.495, 688.701 to 688.734, 688.800 to 688.840, 690.005 to 690.225, 690.350 to 690.410,
 25 691.405 to 691.485 and 694.015 to 694.170 and ORS chapter 700 and sections 1 to 7, chapter 92,
 26 Oregon Laws 2022, **and sections 1 to 14 of this 2023 Act**, and rules adopted thereunder, requiring
 27 an original signature or the submission of handwritten materials.

28 (2) Electronic signatures subject to ORS 84.001 to 84.061 and facsimile signatures are acceptable
 29 and have the same force as original signatures.

30 **SECTION 26.** ORS 676.992 is amended to read:

31 676.992. (1) Except as provided in subsection (3) of this section, and in addition to any other
 32 penalty or remedy provided by law, the Health Licensing Office may impose a civil penalty not to
 33 exceed \$5,000 for each violation of the following statutes and any rule adopted under the following
 34 statutes:

- 35 (a) ORS 688.701 to 688.734 (athletic training);
- 36 (b) ORS 690.005 to 690.225 (cosmetology);
- 37 (c) ORS 680.500 to 680.565 (denture technology);
- 38 (d) Subject to ORS 676.616 and 687.445, ORS 687.405 to 687.495 (direct entry midwifery);
- 39 (e) ORS 690.350 to 690.410 (tattooing, electrolysis, body piercing, earlobe piercing, dermal im-
 40 planting and scarification);
- 41 (f) ORS 694.015 to 694.170 (dealing in hearing aids);
- 42 (g) ORS 688.800 to 688.840 (respiratory therapy and polysomnography);
- 43 (h) ORS chapter 700 (environmental sanitation);
- 44 (i) ORS 675.365 to 675.410 (sexual abuse specific treatment);
- 45 (j) ORS 678.710 to 678.820 (nursing home administrators and residential care facility adminis-

1 trators);

2 (k) ORS 691.405 to 691.485 (dietitians);

3 (L) ORS 676.612 (prohibited acts);

4 (m) ORS 676.810 and 676.815 (applied behavior analysis);

5 (n) ORS 681.700 to 681.730 (music therapy);

6 (o) ORS 676.630 to 676.660 (advanced nonablative esthetics procedure);

7 (p) ORS 681.740 to 681.758 (art therapy);

8 (q) ORS 676.665 to 676.689 (lactation consultation); *[and]*

9 (r) ORS 676.730 to 676.748 (genetic counseling); **and**

10 (s) **Sections 1 to 14 of this 2023 Act (signed language interpretation).**

11 (2) The office may take any other disciplinary action that it finds proper, including but not
 12 limited to assessment of costs of disciplinary proceedings, not to exceed \$5,000, for violation of any
 13 statute listed in subsection (1) of this section or any rule adopted under any statute listed in sub-
 14 section (1) of this section.

15 (3) Subsection (1) of this section does not limit the amount of the civil penalty resulting from a
 16 violation of ORS 694.042.

17 (4) In imposing a civil penalty under this section, the office shall consider the following factors:

18 (a) The immediacy and extent to which the violation threatens the public health or safety;

19 (b) Any prior violations of statutes, rules or orders;

20 (c) The history of the person incurring a penalty in taking all feasible steps to correct any vio-
 21 lation; and

22 (d) Any other aggravating or mitigating factors.

23 (5) Civil penalties under this section shall be imposed as provided in ORS 183.745.

24 (6) The moneys received by the office from civil penalties under this section shall be deposited
 25 in the Health Licensing Office Account and are continuously appropriated to the office for the ad-
 26 ministration and enforcement of the laws the office is charged with administering and enforcing that
 27 govern the person against whom the penalty was imposed.

28 **SECTION 27. (1) Notwithstanding the term of office specified by section 11 of this 2023**
 29 **Act, of the members first appointed to the State Board of Sign Language Interpreters:**

30 (a) **Two shall serve for a term ending December 31, 2024.**

31 (b) **Two shall serve for a term ending December 31, 2025.**

32 (c) **Three shall serve for a term ending December 31, 2026.**

33 (2) **The members who are required to hold a license under sections 1 to 14 of this 2023**
 34 **Act shall obtain a license not later than January 31, 2024.**

35 **SECTION 28. Notwithstanding sections 3 and 4 of this 2023 Act, a licensed sign language**
 36 **interpreter may supervise a licensed provisional sign language interpreter.**

37 **SECTION 29. Section 28 of this 2023 Act is repealed on July 1, 2030.**

38 **SECTION 30. (1) Sections 1 to 14 of this 2023 Act and the amendments to ORS 676.565,**
 39 **676.579, 676.590, 676.612, 676.613, 676.622 and 676.992 by sections 15 to 26 of this 2023 Act be-**
 40 **come operative on January 1, 2024.**

41 (2) **The Governor, the Health Licensing Office and the Department of Education may take**
 42 **any action before the operative date specified in subsection (1) of this section that is neces-**
 43 **sary to enable the Governor, the office and the department to exercise, on and after the**
 44 **operative date specified in subsection (1) of this section, all of the duties, functions and**
 45 **powers conferred on the Governor, the office and the department by sections 1 to 14 of this**

1 2023 Act and the amendments to ORS 676.565, 676.579, 676.590, 676.612, 676.613, 676.622 and
2 676.992 by sections 15 to 26 of this 2023 Act.

3 SECTION 31. This 2023 Act being necessary for the immediate preservation of the public
4 peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect
5 on its passage.
6
