

# Senate Bill 1037

Sponsored by Senators PATTERSON, MANNING JR

## 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**.

Allows Health Licensing Office to issue license to practice health care administration to qualified applicant. Defines "health care administration." Prohibits unlicensed practice of health care administration. Allows office to impose discipline for certain violations. Directs office to provide administrative and regulatory oversight to health care administration program. Imposes civil penalty for violation of licensure requirements.

Takes effect on 91st day following adjournment sine die.

## A BILL FOR AN ACT

1  
2 Relating to health care administration; creating new provisions; amending ORS 676.565, 676.579,  
3 676.590, 676.612, 676.613, 676.622 and 676.992; and prescribing an effective date.

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

### **SECTION 1. As used in sections 1 to 5 of this 2023 Act:**

5  
6 (1) "Health care administration" means the oversight and management of duties, sched-  
7 ules, performance and compensation of health care providers in the delivery of services to  
8 patients and clients in health care facilities or patient homes, either in person or via tele-  
9 health.

10 (2) "Telehealth" means the use of electronic and telecommunication technologies to de-  
11 liver health care, mental health care or dental care services to patients or clients.

12 **SECTION 2. (1) The Health Licensing Office may issue a license to engage in health care**  
13 **administration to an applicant who:**

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

15 (b) Has successfully completed education and training related to health care adminis-  
16 tration, including education and training on fair labor standards, scopes of practice of health  
17 care providers and ethics;

18 (c) Pays a licensure fee; and

19 (d) Meets any other requirements established by the office by rule.

20 (2) The office may adopt rules establishing a process for issuing a temporary license to  
21 engage in health care administration, including but not limited to rules establishing quali-  
22 fications and fees for temporary licensure.

23 **SECTION 3. A person may not engage in health care administration unless the person**  
24 **is licensed under section 2 of this 2023 Act.**

25 **SECTION 4. In the manner described in ORS chapter 183 for contested cases, the Health**  
26 **Licensing Office may impose a form of discipline listed in ORS 676.612 against a person for**  
27 **a violation of section 3 of this 2023 Act and for any violation of a rule adopted under sections**  
28 **1 to 5 of this 2023 Act.**

29 **SECTION 5. (1) The Health Licensing Office shall adopt rules to establish:**

**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 (a) A process for issuing licenses to practice health care administration;
- 2 (b) A process for renewing licenses to practice health care administration;
- 3 (c) Fees for issuing and renewing licenses to practice health care administration; and
- 4 (d) Qualifications for applicants for initial licensure and licensure renewal.

5 (2) The office may adopt other rules as necessary to carry out sections 1 to 5 of this 2023  
6 Act.

7 **SECTION 6.** ORS 676.565 is amended to read:

8 676.565. Pursuant to ORS 676.568, the Health Licensing Office shall provide administrative and  
9 regulatory oversight and centralized service for the following boards, councils and programs:

- 10 (1) Board of Athletic Trainers, as provided in ORS 688.701 to 688.734;
- 11 (2) Board of Cosmetology, as provided in ORS 690.005 to 690.225;
- 12 (3) State Board of Denture Technology, as provided in ORS 680.500 to 680.565;
- 13 (4) State Board of Direct Entry Midwifery, as provided in ORS 687.405 to 687.495;
- 14 (5) Respiratory Therapist and Polysomnographic Technologist Licensing Board, as provided in  
15 ORS 688.800 to 688.840;
- 16 (6) Environmental Health Registration Board, as provided in ORS chapter 700;
- 17 (7) Board of Electrologists and Body Art Practitioners, as provided in ORS 690.350 to 690.410;
- 18 (8) Advisory Council on Hearing Aids, as provided in ORS 694.015 to 694.170;
- 19 (9) Sexual Offense Treatment Board, as provided in ORS 675.365 to 675.410;
- 20 (10) Long Term Care Administrators Board, as provided in ORS 678.710 to 678.820;
- 21 (11) Board of Licensed Dietitians, as provided in ORS 691.405 to 691.485;
- 22 (12) Behavior Analysis Regulatory Board, as provided in ORS 676.806;
- 23 (13) Board of Certified Advanced Estheticians, as provided in ORS 676.630 to 676.660;
- 24 (14) Art therapy, as provided in ORS 681.740 to 681.758;
- 25 (15) Lactation consultation, as provided in ORS 676.665 to 676.689;
- 26 (16) Music therapy, as provided in ORS 681.700 to 681.730; [and]
- 27 (17) Genetic counseling, as provided in ORS 676.730 to 676.748[.]; **and**
- 28 (18) **Health care administration, as provided in sections 1 to 5 of this 2023 Act.**

29 **SECTION 7.** ORS 676.565, as amended by section 9, chapter 92, Oregon Laws 2022, is amended  
30 to read:

31 676.565. Pursuant to ORS 676.568, the Health Licensing Office shall provide administrative and  
32 regulatory oversight and centralized service for the following boards, councils and programs:

- 33 (1) Board of Athletic Trainers, as provided in ORS 688.701 to 688.734;
- 34 (2) Board of Cosmetology, as provided in ORS 690.005 to 690.225;
- 35 (3) State Board of Denture Technology, as provided in ORS 680.500 to 680.565;
- 36 (4) State Board of Direct Entry Midwifery, as provided in ORS 687.405 to 687.495;
- 37 (5) Respiratory Therapist and Polysomnographic Technologist Licensing Board, as provided in  
38 ORS 688.800 to 688.840;
- 39 (6) Environmental Health Registration Board, as provided in ORS chapter 700;
- 40 (7) Board of Electrologists and Body Art Practitioners, as provided in ORS 690.350 to 690.410;
- 41 (8) Advisory Council on Hearing Aids, as provided in ORS 694.015 to 694.170;
- 42 (9) Sexual Offense Treatment Board, as provided in ORS 675.365 to 675.410;
- 43 (10) Long Term Care Administrators Board, as provided in ORS 678.710 to 678.820;
- 44 (11) Board of Licensed Dietitians, as provided in ORS 691.405 to 691.485;
- 45 (12) Behavior Analysis Regulatory Board, as provided in ORS 676.806;

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

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

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

4 (16) Music therapy, as provided in ORS 681.700 to 681.730;

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

6 **(18) Health care administration, as provided in sections 1 to 5 of this 2023 Act; and**

7 ***[(18)] (19)*** Temporary staffing agencies, as provided in sections 1 to 7, chapter 92, Oregon Laws  
8 2022.

9 **SECTION 8.** ORS 676.579 is amended to read:

10 676.579. (1)(a) The Health Licensing Office is under the supervision and control of a director,  
11 who is responsible for the performance of the duties, functions and powers and for the organization  
12 of the office.

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

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

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

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

24 (3) The Director of the Health Licensing Office is responsible for carrying out the duties, func-  
25 tions and powers under ORS 675.365 to 675.410, 676.560 to 676.625, 676.630 to 676.660, 676.665 to  
26 676.689, 676.730 to 676.748, 676.810, 676.815, 676.825, 676.992, 678.710 to 678.820, 680.500 to 680.565,  
27 681.700 to 681.730, 681.740 to 681.758, 687.405 to 687.495, 687.895, 688.701 to 688.734, 688.800 to  
28 688.840, 690.005 to 690.225, 690.350 to 690.410, 691.405 to 691.485 and 694.015 to 694.170 and ORS  
29 chapter 700 **and sections 1 to 5 of this 2023 Act.**

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

33 **SECTION 9.** ORS 676.579, as amended by section 10, chapter 92, Oregon Laws 2022, is amended  
34 to read:

35 676.579. (1)(a) The Health Licensing Office is under the supervision and control of a director,  
36 who is responsible for the performance of the duties, functions and powers and for the organization  
37 of the office.

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

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

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

44 (2) The Director of the Health Licensing Office shall provide the boards, councils and programs  
45 administered by the office with any services and employees as the office requires to carry out the

1 office’s duties. Subject to any applicable provisions of the State Personnel Relations Law, the Di-  
 2 rector of the Health Licensing Office shall appoint all subordinate officers and employees of the of-  
 3 fice, prescribe their duties and fix their compensation.

4 (3) The Director of the Health Licensing Office is responsible for carrying out the duties, func-  
 5 tions and powers under ORS 675.365 to 675.410, 676.560 to 676.625, 676.630 to 676.660, 676.665 to  
 6 676.689, 676.730 to 676.748, 676.810, 676.815, 676.825, 676.992, 678.710 to 678.820, 680.500 to 680.565,  
 7 681.700 to 681.730, 681.740 to 681.758, 687.405 to 687.495, 687.895, 688.701 to 688.734, 688.800 to  
 8 688.840, 690.005 to 690.225, 690.350 to 690.410, 691.405 to 691.485 and 694.015 to 694.170 and ORS  
 9 chapter 700 and sections 1 to 7, chapter 92, Oregon Laws 2022 **and sections 1 to 5 of this 2023**  
 10 **Act.**

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

14 **SECTION 10.** ORS 676.590 is amended to read:

15 676.590. (1) Information obtained by the Health Licensing Office as part of an investigation  
 16 conducted under the following laws and any reports issued by an investigator are exempt from  
 17 public disclosure:

18 (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  
 19 681.758, 690.005 to 690.225, 690.350 to 690.410 or 694.015 to 694.170 **and sections 1 to 5 of this 2023**  
 20 **Act.**

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

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

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

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

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

26 (E) Barbering, hair design, esthetics, nail technology or natural hair care under ORS 690.005 to  
 27 690.225;

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

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

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

31 **(I) Health care administration under sections 1 to 5 of this 2023 Act.**

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

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

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

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

44 676.590. (1) Information obtained by the Health Licensing Office as part of an investigation  
 45 conducted under the following laws and any reports issued by an investigator are exempt from

1 public disclosure:

2 (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  
 3 681.758, 690.005 to 690.225, 690.350 to 690.410 or 694.015 to 694.170 and sections 1 to 7, chapter 92,  
 4 Oregon Laws 2022 **and sections 1 to 5 of this 2023 Act.**

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

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

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

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

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

10 (E) Barbering, hair design, esthetics, nail technology or natural hair care under ORS 690.005 to  
 11 690.225;

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

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

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

15 **(I) Health care administration under sections 1 to 5 of this 2023 Act; or**

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

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

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

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

27 **SECTION 12.** ORS 676.612 is amended to read:

28 676.612. (1) Subject to ORS 676.616 and 687.445, and in the manner prescribed in ORS chapter  
 29 183 for contested cases and as specified in ORS 675.385, 676.660, 676.685, 676.745, 676.825, 678.780,  
 30 680.535, 681.733, 681.755, 687.445, 688.734, 688.836, 690.167, 690.407, 691.477, 694.147 and 700.111 **and**  
 31 **sections 1 to 5 of this 2023 Act**, the Health Licensing Office may refuse to issue or renew, may  
 32 suspend or revoke or may otherwise condition or limit an authorization or may discipline or place  
 33 on probation an authorization holder for commission of the prohibited acts listed in subsection (2)  
 34 of this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 (n) Violation of any rule regulating an occupation or profession subject to the authority of the  
31 boards, councils and programs listed in ORS 676.565.

32 (o) Failing to cooperate with the office in any investigation, inspection or request for informa-  
33 tion.

34 (p) Selling or fraudulently obtaining or furnishing an authorization to practice in a regulated  
35 occupation or profession subject to the authority of the boards, councils and programs listed in ORS  
36 676.565, or aiding or abetting such an act.

37 (q) Selling or fraudulently obtaining or furnishing any record related to practice in a regulated  
38 occupation or profession subject to the authority of the boards, councils and programs listed in ORS  
39 676.565, or aiding or abetting such an act.

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

42 (3) For the purpose of requesting a state or nationwide criminal records check under ORS  
43 181A.195, the office may require the fingerprints of a person who is:

44 (a) Applying for an authorization;

45 (b) Applying for renewal of an authorization; or

1 (c) Under investigation by the office.

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

5 (5) If an authorization is suspended, the authorization holder may not practice during the term  
6 of suspension. Upon the expiration of the term of suspension, the authorization may be reinstated  
7 by the office if the conditions of suspension no longer exist and the authorization holder has satis-  
8 fied all requirements in the relevant statutes or administrative rules for issuance, renewal or rein-  
9 statement.

10 **SECTION 13.** ORS 676.613 is amended to read:

11 676.613. (1) In addition to all other remedies, when it appears to the Health Licensing Office that  
12 a person is engaged in, has engaged in or is about to engage in any act, practice or transaction that  
13 violates any provision of ORS 675.365 to 675.410, 676.630 to 676.660, 676.665 to 676.689, 676.730 to  
14 676.748, 676.810, 676.815, 678.710 to 678.820, 680.500 to 680.565, 681.700 to 681.730, 681.740 to 681.758,  
15 687.405 to 687.495, 688.701 to 688.734, 688.800 to 688.840, 690.005 to 690.225, 690.350 to 690.410,  
16 691.405 to 691.485 or 694.015 to 694.170 or ORS chapter 700 **or sections 1 to 5 of this 2023 Act**,  
17 the office may, through the Attorney General or the district attorney of the county in which the act,  
18 practice or transaction occurs or will occur, apply to the court for an injunction restraining the  
19 person from the act, practice or transaction.

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

23 **SECTION 14.** ORS 676.613, as amended by section 12, chapter 92, Oregon Laws 2022, is  
24 amended to read:

25 676.613. (1) In addition to all other remedies, when it appears to the Health Licensing Office that  
26 a person is engaged in, has engaged in or is about to engage in any act, practice or transaction that  
27 violates any provision of ORS 675.365 to 675.410, 676.630 to 676.660, 676.665 to 676.689, 676.730 to  
28 676.748, 676.810, 676.815, 678.710 to 678.820, 680.500 to 680.565, 681.700 to 681.730, 681.740 to 681.758,  
29 687.405 to 687.495, 688.701 to 688.734, 688.800 to 688.840, 690.005 to 690.225, 690.350 to 690.410,  
30 691.405 to 691.485 or 694.015 to 694.170 or ORS chapter 700 **or sections 1 to 7, chapter 92, Oregon**  
31 **Laws 2022 or sections 1 to 5 of this 2023 Act**, the office may, through the Attorney General or the  
32 district attorney of the county in which the act, practice or transaction occurs or will occur, apply  
33 to the court for an injunction restraining the person from the act, practice or transaction.

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

37 **SECTION 15.** ORS 676.622 is amended to read:

38 676.622. (1) A transaction conducted through a state or local system or network that provides  
39 electronic access to the Health Licensing Office information and services is exempt from any re-  
40 quirement under ORS 675.365 to 675.410, 676.560 to 676.625, 676.630 to 676.660, 676.665 to 676.689,  
41 676.730 to 676.748, 676.810, 676.815, 676.992, 680.500 to 680.565, 681.700 to 681.730, 681.740 to 681.758,  
42 687.405 to 687.495, 688.701 to 688.734, 688.800 to 688.840, 690.005 to 690.225, 690.350 to 690.410,  
43 691.405 to 691.485 and 694.015 to 694.170 and ORS chapter 700 **and sections 1 to 5 of this 2023**  
44 **Act**, and rules adopted thereunder, requiring an original signature or the submission of handwritten  
45 materials.

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

3 **SECTION 16.** ORS 676.622, as amended by section 13, chapter 92, Oregon Laws 2022, is  
 4 amended to read:

5 676.622. (1) A transaction conducted through a state or local system or network that provides  
 6 electronic access to the Health Licensing Office information and services is exempt from any re-  
 7 quirement under ORS 675.365 to 675.410, 676.560 to 676.625, 676.630 to 676.660, 676.665 to 676.689,  
 8 676.730 to 676.748, 676.810, 676.815, 676.992, 680.500 to 680.565, 681.700 to 681.730, 681.740 to 681.758,  
 9 687.405 to 687.495, 688.701 to 688.734, 688.800 to 688.840, 690.005 to 690.225, 690.350 to 690.410,  
 10 691.405 to 691.485 and 694.015 to 694.170 and ORS chapter 700 and sections 1 to 7, chapter 92,  
 11 Oregon Laws 2022 **and sections 1 to 5 of this 2023 Act**, and rules adopted thereunder, requiring  
 12 an original signature or the submission of handwritten materials.

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

15 **SECTION 17.** ORS 676.992 is amended to read:

16 676.992. (1) Except as provided in subsection (3) of this section, and in addition to any other  
 17 penalty or remedy provided by law, the Health Licensing Office may impose a civil penalty not to  
 18 exceed \$5,000 for each violation of the following statutes and any rule adopted under the following  
 19 statutes:

- 20 (a) ORS 688.701 to 688.734 (athletic training);
- 21 (b) ORS 690.005 to 690.225 (cosmetology);
- 22 (c) ORS 680.500 to 680.565 (denture technology);
- 23 (d) Subject to ORS 676.616 and 687.445, ORS 687.405 to 687.495 (direct entry midwifery);
- 24 (e) ORS 690.350 to 690.410 (tattooing, electrolysis, body piercing, earlobe piercing, dermal im-  
 25 planting and scarification);
- 26 (f) ORS 694.015 to 694.170 (dealing in hearing aids);
- 27 (g) ORS 688.800 to 688.840 (respiratory therapy and polysomnography);
- 28 (h) ORS chapter 700 (environmental sanitation);
- 29 (i) ORS 675.365 to 675.410 (sexual abuse specific treatment);
- 30 (j) ORS 678.710 to 678.820 (nursing home administrators and residential care facility adminis-  
 31 trators);
- 32 (k) ORS 691.405 to 691.485 (dietitians);
- 33 (L) ORS 676.612 (prohibited acts);
- 34 (m) ORS 676.810 and 676.815 (applied behavior analysis);
- 35 (n) ORS 681.700 to 681.730 (music therapy);
- 36 (o) ORS 676.630 to 676.660 (advanced nonablative esthetics procedure);
- 37 (p) ORS 681.740 to 681.758 (art therapy);
- 38 (q) ORS 676.665 to 676.689 (lactation consultation); [and]
- 39 (r) ORS 676.730 to 676.748 (genetic counseling)[.]; **and**
- 40 (s) **Sections 1 to 5 of this 2023 Act (health care administration).**

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

45 (3) Subsection (1) of this section does not limit the amount of the civil penalty resulting from a



1 violation of ORS 694.042.

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

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

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

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

7 (d) Any other aggravating or mitigating factors.

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

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

13 **SECTION 18.** (1) Sections 1 to 5 of this 2023 Act and the amendments to ORS 676.565,  
14 676.579, 676.590, 676.612, 676.613, 676.622 and 676.992 by sections 6 to 17 of this 2023 Act become  
15 operative on January 1, 2024.

16 (2) The Health Licensing Office may take any action before the operative date specified  
17 in subsection (1) of this section that is necessary to enable the office to exercise, on and  
18 after the operative date specified in subsection (1) of this section, all of the duties, functions  
19 and powers conferred on the office by sections 1 to 5 of this 2023 Act and the amendments  
20 to ORS 676.565, 676.579, 676.590, 676.612, 676.613, 676.622 and 676.992 by sections 6 to 17 of this  
21 2023 Act.

22 **SECTION 19.** This 2023 Act takes effect on the 91st day after the date on which the 2023  
23 regular session of the Eighty-second Legislative Assembly adjourns sine die.

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