

SB 874-2  
(LC 551)  
5/20/25 (SCT/ps)

Requested by Representative NOSSE

**PROPOSED AMENDMENTS TO  
SENATE BILL 874**

On page 1 of the printed bill, line 2, delete “and 677.275” and insert “, 677.275, 677.757, 677.759, 677.761 and 677.780”.

Delete lines 4 through 30 and delete pages 2 and 3 and insert:

**“SECTION 1.** ORS 677.010 is amended to read:

“677.010. As used in this chapter, subject to the exemptions in ORS 677.060 and unless the context requires otherwise:

“(1) ‘Approved internship’ means the first year of post-graduate training served in a hospital that is approved by the **Oregon Medical** Board or by the Accreditation Council [of] **for** Graduate Medical Education **or its successor organization**, the American Osteopathic Association **or its successor organization** or the Royal College of Physicians and Surgeons of Canada **or its successor organization**.

“(2) ‘Approved school of medicine’ means a school offering a full-time resident program of study in medicine or osteopathic medicine leading to a degree of Doctor of Medicine or Doctor of Osteopathic Medicine, such program having been fully accredited or conditionally approved by the Liaison Committee on Medical Education, or its successor agency, or the American Osteopathic Association, or its successor agency, or having been otherwise determined by the board to meet the association standards as specifically incorporated into board rules.

“[(3) ‘Board’ means the Oregon Medical Board.]

1        “[4)] (3) ‘Diagnose’ means to examine another person in any manner to  
2 determine the source or nature of a disease or other physical or mental  
3 condition, or to hold oneself out or represent that a person is so examining  
4 another person. It is not necessary that the examination be made in the  
5 presence of such other person; *it* **the examination** may be made on infor-  
6 mation supplied either directly or indirectly by such other person.

7        “[5)] (4) ‘Dispense’ means the preparation and delivery of a prescription  
8 drug, pursuant to a lawful order of a practitioner, in a suitable container  
9 appropriately labeled for subsequent administration to or use by a patient  
10 or other individual entitled to receive the prescription drug.

11       “[6)] (5) ‘Dispensing physician’ means a physician or podiatric physician  
12 and surgeon who purchases prescription drugs for the purpose of dispensing  
13 them to patients or other individuals entitled to receive the prescription drug  
14 and who dispenses them accordingly.

15       “[7)] (6) ‘Drug’ means all medicines and preparations for internal or ex-  
16 ternal use of humans, intended to be used for the cure, mitigation or pre-  
17 vention of diseases or abnormalities of humans, which are recognized in any  
18 published United States Pharmacopoeia or National Formulary, or otherwise  
19 established as a drug.

20       “[8)] (7) ‘Fellow’ means an individual who has not qualified under ORS  
21 677.100 (1) and (2) and who is pursuing some special line of study as part of  
22 a supervised program of a school of medicine, a hospital approved for  
23 internship or residency training, or an institution for medical research or  
24 education that provides for a period of study under the supervision of a re-  
25 sponsible member of that hospital or institution, such school, hospital or  
26 institution having been approved by the board.

27       “[9)] (8) ‘Intern’ means an individual who has entered into a hospital or  
28 hospitals for the first year of post-graduate training.

29       “[10)] (9) ‘License’ means permission to practice, whether by license,  
30 registration or certification.

1        “[~~(11)~~] **(10)** ‘Licensee’ means an individual holding a valid license issued  
2 by the board.

3        “[~~(12)~~] **(11)** ‘Physical incapacity’ means a condition that renders an indi-  
4 vidual licensed under this chapter unable to practice under that license with  
5 professional skill and safety by reason of physical illness or physical deteri-  
6 oration that adversely affects cognition, motor or perceptive skill.

7        “[~~(13)~~] **(12)** ‘Physician’ means a person who holds a degree of Doctor of  
8 Medicine or Doctor of Osteopathic Medicine, or a person who holds a degree  
9 of Doctor of Podiatric Medicine if the context in which the term  
10 ‘physician’ is used does not authorize or require the person to practice out-  
11 side the scope of a license issued under ORS 677.805 to 677.840.

12       “[~~(14)~~] **(13)** ‘Podiatric physician and surgeon’ means a physician licensed  
13 under ORS 677.805 to 677.840 to practice podiatry.

14       “[~~(15)(a)~~] **(14)(a)** ‘Podiatry’ means:

15       “(A) The diagnosis or the medical, physical or surgical treatment of  
16 ailments of the human foot, ankle and tendons directly attached to and  
17 governing the function of the foot and ankle, and treatment involving the  
18 use of a general or spinal anesthetic if that treatment is performed in a  
19 hospital licensed under ORS 441.025 or in an ambulatory surgical center li-  
20 censed by the Oregon Health Authority and is under the supervision of or  
21 in collaboration with a podiatric physician and surgeon;

22       “(B) Assisting in the performance of surgery, as provided in ORS 677.814;  
23 and

24       “(C) The treatment of skin, skin-related structures and subcutaneous  
25 masses, and wounds involving skin, skin-related structures and subcutaneous  
26 masses, on the human leg no further proximal than the tibial tubercle.

27       “(b) ‘Podiatry’ does not include administering general or spinal anesthet-  
28 ics or the amputation of the entire foot.

29       “[~~(16)~~] **(15)** ‘Prescribe’ means to direct, order or designate the use of or  
30 manner of using by spoken or written words or other means.

1        “[~~(17)~~] **(16)** ‘Resident’ means an individual who, after the first year of  
2 post-graduate training, in order to qualify for some particular specialty in  
3 the field of medicine, pursues a special line of study as part of a supervised  
4 program of a hospital approved by the board.

5        **“(17) ‘Traditional Eastern medicine’ means the practice of medicine,  
6 specifically acupuncture and traditional Chinese medicine, regulated  
7 by this chapter if the medicine is practiced within the context of a  
8 person’s license to practice acupuncture issued under ORS 677.757 to  
9 677.770.**

10        **“SECTION 2.** ORS 677.275 is amended to read:

11        “677.275. Each administrative law judge conducting hearings on behalf of  
12 the **Oregon Medical** Board is vested with the full authority of the board to  
13 schedule and conduct hearings on behalf and in the name of the board on  
14 all matters referred by the board, including issuance of licenses, proceedings  
15 for placing licensees on probation and for suspension and revocation of li-  
16 censes, and shall cause to be prepared and furnished to the board, for deci-  
17 sion thereon by the board, the complete written transcript of the record of  
18 the hearing. This transcript shall contain all evidence introduced at the  
19 hearing and all pleas, motions and objections, and all rulings of the admin-  
20 istrative law judge. Each administrative law judge may administer oaths and  
21 issue summonses, notices and subpoenas, but may not place any licensee on  
22 probation or issue, refuse, suspend or revoke a license.

23        **“SECTION 3.** ORS 677.757 is amended to read:

24        “677.757. As used in ORS 677.757 to 677.770:

25        “[~~(1)~~](a) ‘Acupuncture’ means an Oriental health care practice used to pro-  
26 mote health and to treat neurological, organic or functional disorders by the  
27 stimulation of specific points on the surface of the body by the insertion of  
28 needles. ‘Acupuncture’ includes the treatment method of moxibustion, as well  
29 as the use of electrical, thermal, mechanical or magnetic devices, with or  
30 without needles, to stimulate acupuncture points and acupuncture meridians

1 *and to induce acupuncture anesthesia or analgesia.]*

2 *“(b) The practice of acupuncture also includes the following modalities as*  
3 *authorized by the Oregon Medical Board:]*

4 *“(A) Traditional and modern techniques of diagnosis and evaluation;]*

5 *“(B) Oriental massage, exercise and related therapeutic methods; and]*

6 *“(C) The use of Oriental pharmacopoeia, vitamins, minerals and dietary*  
7 *advice.]*

8 **“(1) ‘Acupuncture’ means:**

9 **“(a) Traditional Eastern medicine used to promote health and treat**  
10 **neurological, organic or functional disorders through the insertion of**  
11 **needles into specific points on the body at varying depths, including**  
12 **insertion into the skin, subcutaneous tissue, muscle layers and fascia,**  
13 **and into or near joint spaces based on anatomical location and the**  
14 **practitioner’s clinical assessment. The type of needle inserted, and the**  
15 **depth, angle and technique of insertion, are informed by specialized**  
16 **training in acupuncture theory, biomedical anatomy and diagnostic**  
17 **evaluation to safely stimulate biological and physiological responses**  
18 **and support the body’s healing process.**

19 **“(b) The treatment method of moxibustion and the use of electrical,**  
20 **thermal, mechanical or magnetic devices, with or without needles, to**  
21 **stimulate acupuncture points and acupuncture meridians and to in-**  
22 **duce acupuncture anesthesia or analgesia.**

23 **“(c) The following modalities, as authorized by the Oregon Medical**  
24 **Board:**

25 **“(A) Traditional Eastern medicine and acupuncture techniques of**  
26 **diagnosis and evaluation;**

27 **“(B) Traditional Eastern medicine manual therapy, exercise and**  
28 **related therapeutic methods; and**

29 **“(C) The use of Traditional Eastern medicine pharmacopoeia,**  
30 **vitamins, minerals and dietary advice.**

1       “(2) [*Oriental pharmacopoeia*] **‘Traditional Eastern medicine**  
2 **pharmacopoeia’** means a list of herbs described in [*traditional Oriental*]  
3 **Traditional Eastern medicine** texts commonly used in accredited schools  
4 of [*Oriental*] **Traditional Eastern** medicine if the texts are approved by the  
5 Oregon Medical Board.

6       **“SECTION 4.** ORS 677.759 is amended to read:

7       “677.759. (1) [*No person shall*] **A person may not** practice acupuncture  
8 without first obtaining a license to practice medicine and surgery or a li-  
9 cense to practice acupuncture from the Oregon Medical Board except as  
10 provided in subsection (2) of this section.

11       “(2) Notwithstanding subsection (1) of this section, the board may issue  
12 a license to practice acupuncture to an individual licensed to practice  
13 acupuncture in another state or territory of the United States if the indi-  
14 vidual is licensed to practice medicine and surgery or acupuncture in the  
15 other state or territory. The board [*shall*] **may** not issue such a license un-  
16 less the requirements of the other state or territory are similar to the re-  
17 quirements of this state.

18       “(3) The board shall examine the qualifications of an applicant and de-  
19 termine who shall be authorized to practice acupuncture.

20       “(4) Using the term ‘acupuncture,’ ‘acupuncturist,’ [*Oriental medicine*]  
21 **‘Traditional Eastern medicine’** or any other term, title, name or abbrevi-  
22 ation indicating that an individual is qualified or licensed to practice  
23 acupuncture is prima facie evidence of practicing acupuncture.

24       “(5) In addition to the powers and duties of the board described in this  
25 chapter, the board shall adopt rules consistent with ORS 677.757 to 677.770  
26 governing the issuance of a license to practice acupuncture.

27       **“SECTION 5.** ORS 677.761 is amended to read:

28       “677.761. Nothing in ORS 677.757 to 677.770 is intended to:

29       “(1) Prevent, limit or interfere with an individual licensed or certified by  
30 the Oregon Medical Board from practicing health care other than

1 acupuncture within the scope of the license or certification of the individual.

2 “(2) Limit any other licensed or certified health care practitioner from  
3 practicing acupressure or other therapy within the scope of the license or  
4 certification of the individual.

5 “(3) Limit the activities of any person who engages in the business of  
6 providing [*Oriental massage*] **Traditional Eastern medicine manual ther-**  
7 **apy**, exercise and related therapeutic methods or who provides substances  
8 listed in [*an Oriental*] **Traditional Eastern medicine** pharmacopoeia, or  
9 vitamins or minerals or dietary advice, so long as the activities of the person  
10 are not otherwise prohibited by law.

11 “(4) Limit the ability of practitioners from outside Oregon to demonstrate  
12 the practice of acupuncture as part of a recognized and limited duration ed-  
13 ucational program, lecture or event within this state under rules adopted by  
14 the board.

15 **“SECTION 6.** ORS 677.780 is amended to read:

16 “677.780. (1) There is established an Acupuncture Advisory Committee  
17 consisting of six members appointed by the Oregon Medical Board. Of the  
18 committee members appointed by the board:

19 “(a) One shall be a person who is a current member of the board.

20 “(b) Two shall be physicians licensed under ORS chapter 677.

21 “(c) Three shall be acupuncturists licensed under ORS [677.759] **677.757**  
22 **to 677.770.** In appointing the three acupuncturists, the board may receive  
23 nominations from the [*Oregon Association of Acupuncture and Oriental*  
24 *Medicine*] **Oregon Association of Acupuncturists, or its successor or-**  
25 **ganization,** and other professional acupuncture organizations.

26 “(2) The term of office of each committee member is three years, but a  
27 committee member serves at the pleasure of the board. A committee member  
28 may not serve more than two consecutive terms. A committee member serves  
29 until a successor is appointed and qualified. If there is a vacancy for any  
30 cause, the board shall make an appointment to become immediately effective

1 for the unexpired term.

2 “(3) A committee member is entitled to compensation and expenses as  
3 provided for board members in ORS 677.235.

4 “(4) A majority of the members of the committee constitutes a quorum for  
5 the transaction of business.”.

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