

LC 450  
2025 Regular Session  
44300-014  
10/23/24  
(SCT/HE/VSR/ps)

# DRAFT

## SUMMARY

Digest: The Act changes some laws about labs, overdose reports and terms about the environment. The Act makes a new law to keep some information secret. The Act also lets OHA have more contracts for school-based health centers and tells OHA to sign up some people for medical assistance. (Flesch Readability Score: 63.6).

Changes the date by which the Oregon Health Authority report on opioid and opiate overdoses is due to the Legislative Assembly.

Changes the definition of “hemodialysis technician.”

Requires the authority to keep confidential specified information related to psilocybin licensees, license applicants and permit holders.

Defines “environmental health.” Changes requirements for authorizations for certain environmental health occupations and professions.

Aligns state regulations of clinical laboratories with federal law.

Broadens the authority’s ability to enter into contracts for purposes of supporting school-based health centers.

Requires the authority or the Department of Human Services to enroll an eligible individual in a correctional facility in pre-release medical assistance.

## A BILL FOR AN ACT

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Relating to public health; creating new provisions; amending ORS 411.447, 413.223, 413.225, 413.550, 413.561, 432.141, 438.010, 438.040, 438.060, 438.150, 438.160, 438.220, 438.310, 438.435, 438.450, 438.705, 438.990, 475A.586, 672.060, 676.177, 676.595, 676.992, 688.625, 700.010, 700.025, 700.030, 700.035, 700.053, 700.062, 700.220, 700.240, 813.160 and 830.535; and repealing ORS 438.030, 438.050, 438.055, 438.070, 438.110, 438.120, 438.130, 438.140, 438.210, 438.320, 438.420, 438.510, 700.050, 700.052 and 700.059.

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

2  
3 **OVERDOSE REPORTING**

4  
5 **SECTION 1.** ORS 432.141 is amended to read:

6 432.141. (1) From resources available to the Oregon Health Authority, the  
7 authority shall compile statistics on the total number of opioid and opiate  
8 overdoses and the total number of opioid and opiate overdose related deaths  
9 occurring in this state.

10 (2) Not less than once every three months, the authority shall report to  
11 the Governor and each local health department, as defined in ORS 431.003,  
12 the statistics compiled under subsection (1) of this section.

13 (3) Not later than [*September 15*] **January 15** of each year, the authority  
14 shall report to the interim committees of the Legislative Assembly related  
15 to health care, in the manner provided by ORS 192.245, the statistics com-  
16 piled under subsection (1) of this section **for the immediately preceding**  
17 **year.**

18 **SECTION 2.** (1) **The amendments to ORS 432.141 by section 1 of this**  
19 **2025 Act first apply to the report due in the year 2027.**

20 (2) **Notwithstanding ORS 432.141, a report is not required to be**  
21 **submitted on September 15, 2026.**

22  
23 **HEMODIALYSIS TECHNICIANS**

24  
25 **SECTION 3.** ORS 688.625 is amended to read:

26 688.625. As used in ORS 688.625 to 688.665:

27 [(1) "*Hemodialysis technician*" means a person certified by the Oregon  
28 Health Authority under ORS 688.650.]

29 (1)(a) **"Hemodialysis technician" means a person who provides**  
30 **hemodialysis services as that term is defined by the Oregon Health**  
31 **Authority by rule.**

1 (b) “Hemodialysis technician” does not include a licensed health  
2 care provider if the provision of hemodialysis services falls within the  
3 licensed health care provider’s scope of practice.

4 (2) “Outpatient renal dialysis facility” has the meaning given that term  
5 in ORS 442.015.

6  
7 **PSILOCYBIN SERVICES**  
8

9 **SECTION 4.** Sections 5 and 6 of this of this 2025 Act are added to  
10 and made a part of ORS 475A.210 to 475A.722.

11 **SECTION 5.** (1) Except as provided in this section, section 6 of this  
12 2025 Act and ORS 475A.586, the Oregon Health Authority shall keep  
13 confidential any information obtained by the authority as part of an  
14 investigation of a psilocybin training program or a licensee, licensee  
15 representative, applicant for licensure, holder of a permit issued under  
16 ORS 475A.483 or applicant for a permit issued under ORS 475A.483, in-  
17 cluding any information contained in a complaint, and any informa-  
18 tion that might reasonably lead to the identification of a complainant.

19 (2) The authority may disclose the information described in sub-  
20 section (1) of this section to the extent necessary to conduct an in-  
21 vestigation or as allowed under section 6 of this 2025 Act.

22 (3) If the authority issues a notice of intent to deny a license or  
23 permit or a notice of intent to impose a disciplinary sanction, the au-  
24 thority:

25 (a) Shall disclose information obtained as part of an investigation  
26 of an applicant, permittee, training program or licensee if the re-  
27 quester of the information demonstrates by clear and convincing evi-  
28 dence that the public interest in disclosure outweighs any interests in  
29 nondisclosure, including but not limited to the public interest in  
30 nondisclosure.

31 (b) May disclose to a complainant a written summary of informa-

1 tion obtained as part of an investigation of an applicant, permittee,  
2 training program or licensee resulting from the complainant's com-  
3 plaint to the extent the authority determines necessary to explain the  
4 reasons for the authority's decisions related to the complaint. The  
5 applicant, permittee, training program or licensee that is the subject  
6 of the complaint may request and is entitled to receive a copy of a  
7 written summary under this paragraph from which the authority shall  
8 redact any information that could be reasonably used to identify the  
9 complainant.

10 (4) If the authority issues a notice of intent to deny a license or  
11 permit or a notice of intent to impose a disciplinary sanction, the ap-  
12 plicant, permittee, training program or licensee that is the subject of  
13 the notice may request, and the authority shall disclose to the appli-  
14 cant, permittee, training program or licensee all information obtained  
15 by the authority in the investigation of the allegations in the notice  
16 except:

17 (a) Information that is privileged or confidential under a law other  
18 than this section;

19 (b) Information that would enable the identification of any person  
20 who provided information that led to the filing of the notice and who  
21 will not provide testimony at a hearing arising out of the investi-  
22 gation;

23 (c) Information that would enable the identification of a person as  
24 a complainant to the authority about the applicant, permittee, train-  
25 ing program or licensee; or

26 (d) Reports of expert witnesses.

27 (5) Nothing in this section is intended to prohibit the authority  
28 from making public:

29 (a) A notice of intent to deny or notice of intent to impose a disci-  
30 plinary sanction against an applicant, permittee, training program or  
31 licensee that the authority has issued;

1 (b) A final order that results from the authority’s notice of intent  
2 to deny or notice of intent to impose a disciplinary sanction;

3 (c) An emergency suspension order; or

4 (d) A consent order or stipulated agreement that involves the con-  
5 duct of an applicant, permittee, training program or licensee.

6 **SECTION 6.** (1) As used in this section, “public entity” means:

7 (a) A board or agency of this state;

8 (b) A board or agency of another state with regulatory or enforce-  
9 ment functions similar to those of the Oregon Health Authority under  
10 ORS 475A.210 to 475A.722;

11 (c) A district attorney;

12 (d) The Department of Justice; or

13 (e) A law enforcement agency.

14 (2) Subject to section 5 of this 2025 Act, the Oregon Health Au-  
15 thority may disclose confidential information to another public entity  
16 if the information reasonably relates to the regulatory or enforcement  
17 function of that other public entity. A public entity that receives in-  
18 formation under this subsection shall take all reasonable steps to  
19 maintain the confidentiality of the information, except that the public  
20 entity may use or disclose the information to the extent necessary to  
21 carry out the regulatory or enforcement functions of the public entity.

22 (3) The authority may not disclose information described in sub-  
23 section (2) of this section to another public entity if the information  
24 relates to the provision of or referral for reproductive or gender-  
25 affirming health care services.

26 **SECTION 7.** ORS 475A.586 is amended to read:

27 475A.586. [*Certain information related to licensure exempt from*  
28 *disclosure.*] (1) Subject to subsection (2) of this section, information is exempt  
29 from public disclosure under ORS 192.311 to 192.478 if the information is:

30 (a) Personally identifiable information, as defined in ORS 432.005;

31 (b) The address of a premises for which a license has been issued or for

1 which an applicant has proposed licensure under ORS 475A.290, 475A.305 or  
2 475A.594;

3 (c) Related to the security plan or the operational plan for a premises for  
4 which a license has been issued or for which an applicant has proposed  
5 licensure under ORS 475A.290, 475A.305 or 475A.594; or

6 (d) Related to any record that the Oregon Health Authority determines  
7 contains proprietary information of a licensee.

8 (2) The exemption from public disclosure as provided by this section does  
9 not apply to:

10 (a) The name of an individual listed on an application, if the individual  
11 is a direct owner of the business operating or to be operated under the li-  
12 cense; or

13 (b) A request for information if the request is made by a law enforcement  
14 agency, **unless the information requested is confidential pursuant to**  
15 **section 5 of this 2025 Act.**

16 (3) For purposes of subsection (2)(a) of this section, an individual is not  
17 a direct owner of the business operating or to be operated under the license  
18 if:

19 (a) The direct owner of the business operating or to be operated under the  
20 license is a legal entity; and

21 (b) The individual is merely a general partner, limited partner, member,  
22 shareholder, or other direct or indirect owner of the legal entity.

23 **SECTION 8.** ORS 676.177 is amended to read:

24 676.177. (1) **For purposes of this section, “public entity” means:**

25 (a) **A board or agency of this state, or a board or agency of another**  
26 **state with regulatory or enforcement functions similar to the func-**  
27 **tions of a health professional regulatory board of this state;**

28 (b) **A district attorney;**

29 (c) **The Department of Justice;**

30 (d) **A state or local public body of this state that licenses, franchises**  
31 **or provides emergency medical services; or**

1       **(e) A law enforcement agency of this state, another state or the**  
2 **federal government.**

3       [(1)] **(2)** Notwithstanding any other provision of ORS 676.165 to 676.180  
4 and except as provided in subsection (5) of this section, a health professional  
5 regulatory board, upon a determination by the board that it possesses oth-  
6 erwise confidential information that reasonably relates to the regulatory or  
7 enforcement function of another public entity, may disclose that information  
8 to the other public entity.

9       [(2)] **(3)** Any public entity that receives information pursuant to sub-  
10 section [(1)] **(2)** of this section shall agree to take all reasonable steps to  
11 maintain the confidentiality of the information, except that the public entity  
12 may use or disclose the information to the extent necessary to carry out the  
13 regulatory or enforcement functions of the public entity.

14       [(3) *For purposes of this section, “public entity” means:*]

15       [(a) *A board or agency of this state, or a board or agency of another state*  
16 *with regulatory or enforcement functions similar to the functions of a health*  
17 *professional regulatory board of this state;*]

18       [(b) *A district attorney;*]

19       [(c) *The Department of Justice;*]

20       [(d) *A state or local public body of this state that licenses, franchises or*  
21 *provides emergency medical services; or]*

22       [(e) *A law enforcement agency of this state, another state or the federal*  
23 *government.*]

24       (4) Notwithstanding subsections [(1) to] **(2) and** (3) of this section, the  
25 Oregon Board of Physical Therapy may disclose information described in  
26 subsection [(1)] **(2)** of this section to the Physical Therapy Compact Com-  
27 mission established in ORS 688.240.

28       (5) A health professional regulatory board may not disclose the informa-  
29 tion described in subsection [(1)] **(2)** of this section to another public entity  
30 if the information relates to the provision of or referral for reproductive or  
31 gender-affirming health care services.

1       **(6) A health professional regulatory board may disclose to the**  
2 **Oregon Health Authority information described in subsection (2) of**  
3 **this section. The authority shall take all reasonable steps to maintain**  
4 **the confidentiality of any information received under this subsection,**  
5 **except that the authority may use the information to the extent nec-**  
6 **essary to carry out its regulatory or enforcement functions under ORS**  
7 **475A.210 to 475A.722.**

8       **SECTION 9. Sections 5 and 6 of this 2025 Act and the amendments**  
9 **to ORS 475A.586 and 676.177 by sections 7 and 8 of this 2025 Act apply**  
10 **to information obtained by the Oregon Health Authority or health**  
11 **professional regulatory board on or after the effective date of this 2025**  
12 **Act.**

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14                   **ENVIRONMENTAL HEALTH REGISTRATION BOARD**

15  
16       **SECTION 10. ORS 700.010 is amended to read:**

17       700.010. As used in this chapter, unless the context requires otherwise:

18       (1) “Board” means the Environmental Health Registration Board, estab-  
19 lished within the Health Licensing Office.

20       (2) “Certified professional soil scientist” means a person registered in  
21 good standing with the American Registry of Certified Professionals in  
22 Agronomy, Crops and Soils.

23       **(3) “Environmental health” means the art and science of applying**  
24 **sanitary, biological and physical science principles and knowledge to**  
25 **improve and control the environment and factors therein for the pro-**  
26 **tection of the health and welfare of the public.**

27       [(3)] (4) “Environmental health specialist” means a person who by edu-  
28 cation, training and experience in the sanitary, biological and physical sci-  
29 ences is qualified to perform duties in environmental [*sanitation*] **health,**  
30 including but not limited to scientific investigation and education and  
31 counseling in environmental [*sanitation*] **health.**



1 [(4)] (5) “Environmental health specialist trainee” means a person who  
2 lacks the combination of training, education and experience required for a  
3 registered environmental health specialist, but who is engaged in meeting the  
4 requirements.

5 [(5) “*Environmental sanitation*” means the art and science of applying  
6 sanitary, biological and physical science principles and knowledge to improve  
7 and control the environment and factors therein for the protection of the health  
8 and welfare of the public.]

9 (6) “Registrant” means any person registered with the office under this  
10 chapter.

11 (7) “Registration” means written authorization issued under ORS 700.030  
12 or 700.053 for the holder to perform duties in the fields of environmental  
13 [sanitation] **health** or waste water sanitation.

14 [(8) “*Science courses relating to environmental sanitation*” include courses  
15 in public or community health or in sanitary, biological or physical sciences.]

16 [(9)] (8) “Trainee registration” means written authorization issued under  
17 ORS 700.035 or 700.062 for the holder to perform duties as an environmental  
18 health specialist trainee or as a waste water specialist trainee.

19 [(10)] (9) “Waste water specialist” means a person who by education,  
20 training and experience in the sanitary, biological and physical sciences is  
21 qualified to perform duties in the field of waste water treatment, disposal  
22 and reuse where soil is used in the final stage of the treatment process.

23 [(11)] (10) “Waste water specialist trainee” means a person who lacks the  
24 combination of training, education and experience required for a registered  
25 waste water specialist, but who is engaged in the process of meeting the re-  
26 quirements.

27 **SECTION 11.** ORS 700.025 is amended to read:

28 700.025. The provisions of ORS 700.020 (2) do not apply to:

29 (1) Any person teaching, lecturing or engaging in research in environ-  
30 mental [sanitation] **health** but only in so far as such activities are performed  
31 as part of an academic position in a college or university.

1 (2) Any person who is a sanitary engineer, public health engineer or  
2 registered professional engineer.

3 (3) Any public health officer employed pursuant to ORS 431.001 to 431.550,  
4 431.705 to 431.760, 431.990 and 431A.005 to 431A.020.

5 (4) Any person employed by a federal governmental agency but only at  
6 such times as the person is carrying out the functions of employment.

7 (5) Any person who holds a doctorate in veterinary medicine.

8 (6) The performances of such duties as meat inspection, produce in-  
9 spection, bee inspection, grain warehouse inspection, landscaping, gardening,  
10 plumbing, septic tank or cesspool installation or insect and rodent poison  
11 application.

12 (7) Any employee of the Department of Environmental Quality other than  
13 an on-site waste water disposal employee.

14 (8) Any person employed by a local government, or its agents, while em-  
15 ployed in a job that did not require registration under ORS 700.020 as of  
16 October 4, 1997.

17 **SECTION 12.** ORS 700.030 is amended to read:

18 700.030. *[(1) Subject to ORS 676.612, upon application accompanied by*  
19 *payment of the applicable fees established under ORS 676.576, the Health Li-*  
20 *icensing Office shall issue a registration to any applicant who:]*

21 *[(a) Performs to the satisfaction of the Environmental Health Registration*  
22 *Board on an examination approved by the board; and]*

23 *[(b) Furnishes evidence satisfactory to the office that the applicant:]*

24 **(1) The Health Licensing Office may issue a registration to practice**  
25 **environmental health to an applicant who submits an application and**  
26 **pays the applicable fees established under ORS 676.576. The applicant**  
27 **must also:**

28 **(a) Pass an examination approved by the Environmental Health**  
29 **Registration Board by rule; and**

30 **(b) Submit proof that the applicant:**

31 **(A) Has a bachelor's degree from an accredited college or university, 45**

1 quarter hours or the equivalent semester hours in science courses [*related*  
2 *to environmental sanitation*] and two years of experience in environmental  
3 [*sanitation*] **health** under the supervision of a registered environmental  
4 health specialist **or a person possessing equal qualifications as deter-**  
5 **mined by the board;**

6 (B) Has a graduate degree in public or community health **or another**  
7 **environmental health field** from an accredited college or university and  
8 one year of experience in environmental [*sanitation*] **health** under the  
9 supervision of a registered environmental health specialist **or a person**  
10 **possessing equal qualifications as determined by the board;** or

11 [*(C) Possesses qualifications equivalent to those described in subparagraph*  
12 *(A) or (B) of this paragraph, as determined by the board by rule.*]

13 [(2) *For the purpose of meeting the qualifications set forth in subsection*  
14 *(1)(b)(A) of this section, accumulated schooling relevant to environmental san-*  
15 *itation gained while serving in the United States Public Health Service or a*  
16 *branch of the Armed Forces of the United States may be credited toward the*  
17 *educational requirement as evaluated by the current edition of the “Guide to*  
18 *Evaluation of Educational Experiences in the Armed Services” by the Ameri-*  
19 *can Council on Education.*]

20 [(3) *The office, in consultation with the board, shall establish by rule re-*  
21 *quirements for registration as an environmental health specialist when an*  
22 *individual’s date of employment precedes attainment of registration.*]

23 (C) **Has an active credential as a registered environmental health**  
24 **specialist or a registered sanitarian by a national association that is**  
25 **recognized by the board.**

26 (2) **For the purpose of meeting the education and experience re-**  
27 **quirements listed in subsection (1)(b) of this section, accumulated**  
28 **schooling relevant to environmental health gained while serving in the**  
29 **United States Public Health Service or a branch of the Armed Forces**  
30 **of the United States may be credited toward an applicant’s educational**  
31 **requirements. The board may use any system it considers reliable in**

1 **assigning credit for relevant schooling under this subsection, including**  
2 **but not limited to assigning credit in conformance with the American**  
3 **Council on Education Military Guide.**

4 **(3) The office may require an applicant to meet additional require-**  
5 **ments by rule to obtain an environmental health specialist registra-**  
6 **tion.**

7 **SECTION 13.** ORS 700.035 is amended to read:

8 700.035. *[(1) Subject to ORS 676.612, upon application and payment of the*  
9 *applicable fees established under ORS 676.576, the Health Licensing Office*  
10 *shall issue an environmental health specialist trainee registration to any ap-*  
11 *plicant who performs to the satisfaction of the Environmental Health Regis-*  
12 *tration Board on an examination approved by the board and furnishes evidence*  
13 *satisfactory to the office that the applicant:]*

14 **(1) The Health Licensing Office may issue an environmental health**  
15 **specialist trainee registration to an applicant who submits an appli-**  
16 **cation and pays the applicable fees established under ORS 676.576. An**  
17 **applicant must also:**

18 (a) *[Has]* **Have** a bachelor's degree and at least 45 quarter hours, or the  
19 equivalent semester hours, in science courses *[relating to environmental san-*  
20 *itation]* from an accredited college or university; or

21 (b) *[Has]* **Have** at least 15 quarter hours, or the equivalent semester  
22 hours, in science courses *[relating to environmental sanitation]* from an ac-  
23 credited college or university and *[has]* **have** at least five years of experience  
24 in environmental *[sanitation]* **health** or related activities, as determined by  
25 the **Environmental Health Registration** Board, under the supervision of  
26 a registered environmental health specialist or a person possessing equal  
27 qualifications, as determined by the board.

28 *[(2) A person may not be registered as an environmental health specialist*  
29 *trainee for more than two years' full-time employment in the environmental*  
30 *sanitation profession, or the equivalent hours if employment in environmental*  
31 *sanitation is less than full-time or 40 hours per week.]*

1        *[(3) The office, in consultation with the board, shall establish by rule re-*  
2 *quirements for registration as an environmental health specialist trainee when*  
3 *an individual's date of employment precedes attainment of registration.]*

4        **(2) The board may enact rules to require an examination of appli-**  
5 **cants for registration as an environmental health specialist trainee.**

6        *[(4)] (3) An environmental health specialist trainee shall be supervised*  
7 *by a registered environmental health specialist or a person possessing equal*  
8 *qualifications as determined by the board.*

9        **(4) For the purpose of meeting the education and experience re-**  
10 **quirements listed in subsection (1) of this section, accumulated**  
11 **schooling relevant to environmental health gained while serving in the**  
12 **United States Public Health Service or a branch of the Armed Forces**  
13 **of the United States may be credited toward an applicant's educational**  
14 **requirements. The board may use any system it considers reliable in**  
15 **assigning credit for relevant schooling under this subsection, including**  
16 **but not limited to assigning credit in conformance with the American**  
17 **Council on Education Military Guide.**

18        **SECTION 14.** ORS 700.053 is amended to read:

19        700.053. *[(1) An applicant for registration as a waste water specialist shall*  
20 *submit an application to the Health Licensing Office in the manner required*  
21 *by the Environmental Health Registration board. The application shall be on*  
22 *a form approved by the office, include proof satisfactory to the board that the*  
23 *applicant meets the education and experience requirements under subsection*  
24 *(3) of this section and include payment of the applicable fees established under*  
25 *ORS 676.576.]*

26        *[(2) The office shall issue a registration as a waste water specialist to an*  
27 *applicant whose application complies with subsection (1) of this section and*  
28 *who successfully completes the examination required under subsection (5) of*  
29 *this section and passes the examination required under subsection (6) of this*  
30 *section.]*

31        *[(3) An applicant for registration as a waste water specialist is required to*

1 *have:]*

2 **(1) The Health Licensing Office may issue a waste water specialist**  
3 **registration to an applicant who submits an application and pays the**  
4 **applicable fees established under ORS 676.576. An applicant must also:**

5 **(a) Pass an examination approved by the Environmental Health**  
6 **Registration Board by rule; and**

7 **(b) Submit proof that the applicant:**

8 *[(a)] (A) Has a bachelor's degree from an accredited college or university,*  
9 *including at least 45 quarter hours or the equivalent in soil science courses*  
10 *and two years of experience in waste water treatment, disposal and reuse*  
11 *within this state supervised by a registered waste water specialist or by an*  
12 *equally qualified person as determined by the board;*

13 *[(b)] (B) Has a graduate degree in soil science from an accredited college*  
14 *or university and one year of experience in waste water treatment, disposal*  
15 *and reuse within this state supervised by a registered waste water specialist*  
16 *or by an equally qualified person as determined by the board; or*

17 *[(c)] (C) Has a graduate degree in soil science from an accredited college*  
18 *or university and [to] is currently [be] certified as a professional soil scien-*  
19 *tist.*

20 *[(4) Soil science schooling obtained while serving in the United States*  
21 *Public Health Service or a branch of the Armed Services of the United States*  
22 *may be credited toward the soil science course requirement under subsection*  
23 *(3)(a) of this section. The board may use any system it considers reliable in*  
24 *assigning credit for relevant schooling under this subsection, including but not*  
25 *limited to assigning credit in conformance with the "Guide to Evaluation of*  
26 *Educational Experience in the Armed Services" published by the American*  
27 *Council on Education.]*

28 *[(5) The board may, at its discretion, conduct an examination of candidates*  
29 *for registration as waste water specialists. The examination may be on any*  
30 *matter pertaining to the fitness of the applicant to be registered as a waste*  
31 *water specialist, but may not duplicate matters covered on the examination*

1 *required under subsection (6) of this section.]*

2 *[(6) Every applicant for registration as a waste water specialist shall be*  
3 *given a written or practical examination prepared by the board and designed*  
4 *to test the technical competence of the applicant in all major areas of waste*  
5 *water sanitation.]*

6 **(2) For the purpose of meeting the education requirements listed in**  
7 **subsection (1) of this section, accumulated schooling relevant to soil**  
8 **science gained while serving in the United States Public Health Service**  
9 **or a branch of the Armed Forces of the United States may be credited**  
10 **toward an applicant's educational requirements. The board may use**  
11 **any system it considers reliable in assigning credit for relevant**  
12 **schooling under this subsection, including but not limited to assigning**  
13 **credit in conformance with the American Council on Education Mili-**  
14 **tary Guide.**

15 **SECTION 15.** ORS 700.062 is amended to read:

16 700.062. *[(1) Subject to ORS 676.612, upon application and payment of the*  
17 *applicable fees established under ORS 676.576, the Health Licensing Office*  
18 *shall issue registration as a waste water specialist trainee to any applicant*  
19 *who furnishes evidence satisfactory to the office that the applicant:]*

20 **(1) The Health Licensing Office may issue a waste water specialist**  
21 **trainee registration to an applicant who submits an application and**  
22 **pays the applicable fees established under ORS 676.576. An applicant**  
23 **must also:**

24 (a) *[Has]* **Have** a bachelor's degree from an accredited college or univer-  
25 sity, including at least 45 quarter hours or the equivalent in soil science  
26 courses; or

27 (b) *[Has]* **Have** a graduate degree in soil science from an accredited col-  
28 lege or university.

29 *[(2) Soil science schooling obtained while serving in the United States*  
30 *Public Health Service or a branch of the Armed Services of the United States*  
31 *may be credited toward the soil science course requirement under this section.*

1 *The Environmental Health Registration Board may use any system it considers*  
2 *reliable in assigning credit for relevant schooling under this subsection, in-*  
3 *cluding but not limited to assigning credit in conformance with the “Guide to*  
4 *Evaluation of Educational Experience in the Armed Services” published by the*  
5 *American Council on Education.]*

6 **(2) For the purpose of meeting the education requirements listed in**  
7 **subsection (1) of this section, accumulated schooling relevant to soil**  
8 **science gained while serving in the United States Public Health Service**  
9 **or a branch of the Armed Forces of the United States may be credited**  
10 **toward an applicant’s educational requirements. The Environmental**  
11 **Health Registration Board may use any system it considers reliable in**  
12 **assigning credit for relevant schooling under this subsection, including**  
13 **but not limited to assigning credit in conformance with the American**  
14 **Council on Education Military Guide.**

15 **SECTION 16.** ORS 700.220 is amended to read:

16 700.220. (1) The members of the Environmental Health Registration Board  
17 appointed by the Governor shall be appointed from among the residents of  
18 this state and shall have the following qualifications and terms of office:

19 (a) One shall be a physician licensed to practice medicine or surgery by  
20 the Oregon Medical Board who has an emphasis in public health.

21 (b) Four shall be persons registered under this chapter who have at least  
22 four years of experience in environmental [*sanitation*] **health**.

23 [(c) *One shall be a representative of the food or food and alcoholic beverage*  
24 *retail industry.*]

25 [(d) *One shall be a public member.*]

26 **(c) Two must be members of the public who do not possess the same**  
27 **professional qualifications of the other members.**

28 (2) The term of office of each member of the Environmental Health Reg-  
29 istration Board is four years, but a member serves at the pleasure of the  
30 Governor. Vacancies shall be filled by the Governor by appointment for the  
31 unexpired term. A member shall hold the member’s office until the appoint-



1 ment and qualification of a successor. A member is eligible for reappoint-  
2 ment. If a person serves two consecutive full terms, a period of at least four  
3 years must elapse before the person is again eligible for appointment to serve  
4 on the board.

5 (3) The members of the board are entitled to compensation and expenses  
6 as provided in ORS 292.495, to be paid from the Environmental Health Reg-  
7 istration Account.

8 **SECTION 17.** ORS 700.240 is amended to read:

9 700.240. *[(1) The Health Licensing Office, in consultation with the Envi-  
10 ronmental Health Registration Board, has such authority as is reasonably  
11 necessary to administer this chapter, including the authority to adopt rules  
12 pursuant to ORS chapter 183.]*

13 *[(2) The office has authority to administer oaths and subpoena witnesses.]*

14 *[(3) The office shall keep a record of all proceedings of the office, including  
15 a register of all registrants. These records shall at reasonable times be open  
16 to the public.]*

17 *[(4) When the office is satisfied that an applicant for registration under this  
18 chapter has complied with all of the requirements thereof, it shall have issued  
19 to such applicant an appropriate certificate evidencing registration.]*

20 **(1) The Health Licensing Office may:**

21 **(a) Determine the qualifications, training, education and fitness of**  
22 **applicants for registration, renewal of registrations and reciprocal**  
23 **registrations;**

24 **(b) Adopt rules that are necessary to conduct its business related**  
25 **to carrying out its duties under and in administering this chapter;**

26 **(c) Examine, approve, issue, deny, revoke, suspend and renew reg-**  
27 **istrations to practice environmental health or waste water sanitation**  
28 **under this chapter;**

29 **(d) Provide for waivers of examinations and credentials;**

30 **(e) Provide requirements for temporary registrations as considered**  
31 **appropriate;**

1       **(f) Establish standards for applicants with experience that precedes**  
2 **the date of application; and**

3       **(g) Limit the number of renewals for environmental health spe-**  
4 **cialist trainees and waste water specialist trainees.**

5       **(2) The Environmental Health Registration Board may:**

6       **(a) Approve examinations for registrations by rule;**

7       **(b) Establish standards of practice and professional responsibility**  
8 **for persons registered by the office;**

9       **(c) Adopt rules that are necessary to carry out this chapter; and**

10       **(d) Establish supervision requirements for environmental health**  
11 **specialist trainees and waste water specialist trainees.**

12       **SECTION 18.** ORS 672.060 is amended to read:

13       672.060. Registration under ORS 672.002 to 672.325 is not required for the  
14 following:

15       (1) The performance of work as an employee or a subordinate of a regis-  
16 tered professional engineer if:

17       (a) The work does not include final engineering designs or decisions;

18       (b) The work is done under the supervision and control of and is verified  
19 by a registered professional engineer; and

20       (c) The employee or subordinate does not by verbal claim, sign, adver-  
21 tisement, letterhead or card or in any other way imply that the employee or  
22 subordinate is or purports to be a professional engineer or registered pro-  
23 fessional engineer.

24       (2) The performance of engineering work by an employee, sole  
25 proprietorship, firm, partnership or corporation:

26       (a) On property owned or leased by the employer, sole proprietorship,  
27 firm, partnership or corporation, or on property in which the employer, sole  
28 proprietorship, firm, partnership or corporation has an interest, estate or  
29 possessory right; and

30       (b) That affects exclusively the property or interests of the employer, sole  
31 proprietorship, firm, partnership or corporation, unless the performance af-

1 facts the health or safety of the public or an employee.

2 (3) The performance of engineering work by a person, or by full-time em-  
3 ployees of the person, if:

4 (a) The engineering work is in connection with or incidental to the op-  
5 erations of the person; and

6 (b) The engineering work is not offered directly to the public.

7 (4) An offer by an employee, sole proprietorship, firm, partnership or  
8 corporation to perform engineering work if:

9 (a) The employer, sole proprietorship, firm, partnership or corporation  
10 holds a certificate of registration to engage in the practice of professional  
11 engineering issued by the proper authority of any other state, a territory or  
12 possession of the United States or a foreign country; and

13 (b) The offer includes a written statement that the offeror is not regis-  
14 tered to practice engineering in the State of Oregon, but will comply with  
15 ORS 672.002 to 672.325 by having an individual holding a valid certificate  
16 of registration in this state in responsible charge of the work prior to per-  
17 forming any engineering work within this state.

18 (5) The offering by a construction contractor licensed under ORS chapter  
19 701 of services constituting the performance of engineering work if:

20 (a) The services are appurtenant to construction services to be provided  
21 by the construction contractor;

22 (b) The services constituting the practice of engineering are performed  
23 by an engineer or engineers registered under ORS 672.002 to 672.325; and

24 (c) The offer by the construction contractor discloses in writing that the  
25 contractor is not an engineer and identifies the engineer or engineers that  
26 will perform the services constituting the practice of engineering.

27 (6) The execution of engineering work designed by a professional engineer  
28 or the supervision of the construction of engineering work as a foreman or  
29 superintendent.

30 (7) The making of drawings or specifications for, or the supervision of the  
31 erection, enlargement or alteration of, a building, or an appurtenance

1 thereto, if the building has a ground area of 4,000 square feet or less and is  
2 not more than 20 feet in height from the top surface of lowest flooring to the  
3 highest interior overhead finish of the structure. The exemption in this sub-  
4 section does not apply to a registered professional engineer.

5 (8) The making of drawings or specifications for, or the supervision of the  
6 erection, enlargement or alteration of, a building, or an appurtenance  
7 thereto, if the building is to be used for a single family residential dwelling  
8 or farm building or is a structure used in connection with or auxiliary to a  
9 single family residential dwelling or farm building, including but not limited  
10 to a three-car garage, barn or shed or a shelter used for the housing of do-  
11 mestic animals or livestock. The exemption in this subsection does not apply  
12 to a registered professional engineer.

13 (9) The performance of work as a registered architect practicing archi-  
14 tecture.

15 (10) The performance of work as a registered environmental health spe-  
16 cialist or registered environmental health specialist trainee working under  
17 the supervision of a registered environmental health specialist practicing  
18 environmental [*sanitation*] **health**, or a registered waste water specialist or  
19 registered waste water specialist trainee working under the supervision of  
20 a registered waste water specialist practicing waste water sanitation.

21 (11) The performance of land surveying work under the supervision of a  
22 registered professional land surveyor or registered professional engineer. The  
23 exemption in this subsection does not allow an engineer to supervise a land  
24 surveying activity the engineer could not personally perform under ORS  
25 672.025.

26 (12) The performance of land surveying by a person:

27 (a) On property owned or leased by the person, or on property in which  
28 the person has an interest, estate or possessory right; and

29 (b) That affects exclusively the property or interests of the person, unless  
30 the performance affects the health or safety of the public or an employee.

31 (13) The performance of land surveying work by a landowner within the

1 boundaries of the landowner's land or by the landowner's regular employee  
2 as part of the employee's official duties within the boundaries of the land  
3 of the employer.

4 (14) An offer by a person to perform land surveying if:

5 (a) The person holds a certificate of registration to engage in the practice  
6 of land surveying issued by the proper authority of any other state, a terri-  
7 tory or possession of the United States or a foreign country; and

8 (b) The offer includes a written statement that the offeror is not regis-  
9 tered to practice land surveying in the State of Oregon, but will comply with  
10 ORS 672.002 to 672.325 by having an individual holding a valid certificate  
11 of registration in this state in responsible charge of the work prior to per-  
12 forming any land surveying work within this state.

13 (15) An offer by a person to perform photogrammetric mapping if:

14 (a) The person holds a certificate of registration to engage in the practice  
15 of professional photogrammetric mapping issued by the proper authority of  
16 any other state, a territory or possession of the United States or a foreign  
17 country; and

18 (b) The offer includes a written statement that the offeror is not regis-  
19 tered to practice photogrammetric mapping in the State of Oregon, but will  
20 comply with ORS 672.002 to 672.325 by having an individual holding a valid  
21 certificate of registration in this state in responsible charge of the work  
22 prior to performing any photogrammetric mapping work within this state.

23 (16) The transcription of existing georeferenced data into a Geographic  
24 Information System or Land Information System format by manual or elec-  
25 tronic means, and the maintenance of that data, if the data are clearly not  
26 intended to indicate the authoritative location of property boundaries, the  
27 precise shape or contour of the earth or the precise location of fixed works  
28 of humans.

29 (17) Activities under ORS 306.125 or 308.245. This exemption applies to the  
30 transcription of tax maps, zoning maps and other public data records into  
31 Geographic Information System or Land Information System formatted

1 cadastre and the maintenance of those cadastre, if:

2 (a) The data are not modified for other than graphical purposes; and

3 (b) The data are clearly not intended to authoritatively represent property  
4 boundaries.

5 (18) The preparation of maps or the compilation of databases depicting the  
6 distribution of natural or cultural resources, features or phenomena, if the  
7 maps or data are not intended to indicate the authoritative location of  
8 property boundaries, the precise shape or contour of the earth or the precise  
9 location of fixed works by humans.

10 (19) The preparation by a federal agency or its contractors of military  
11 maps, quadrangle topographic maps, satellite imagery or other maps or im-  
12 ages that do not define real property boundaries.

13 (20) The preparation or transcription by a federal agency or its contrac-  
14 tors of documents or databases into a Geographical Information System or  
15 Land Information System format, including but not limited to the prepara-  
16 tion or transcription of federal census and other demographic data.

17 (21) The preparation by a law enforcement agency or its contractors of  
18 documents or maps for traffic accidents, crime scenes or similar purposes  
19 depicting physical features or events or generating or using georeferenced  
20 data involving crime statistics or criminal activities.

21 (22) Activities of a peace officer, as defined in ORS 161.015, or a fire  
22 service professional, as defined in ORS 181A.355, in conducting, reporting on  
23 or testifying about or otherwise performing duties regarding an official in-  
24 vestigation.

25 (23) The creation of general maps prepared for private firms or govern-  
26 mental agencies:

27 (a) For use as guides to motorists, boaters, aviators or pedestrians;

28 (b) For publication in a gazetteer or an atlas as an educational tool or  
29 reference publication;

30 (c) For use in the curriculum of any course of study;

31 (d) If produced by any electronic or print media, for use as an illustrative

1 guide to the geographic location of any event; or

2 (e) If prepared for conversational or illustrative purposes, including but  
3 not limited to for use as advertising material or user guides.

4 **SECTION 19.** ORS 676.595 is amended to read:

5 676.595. (1) As used in this section, “board” means the:

6 (a) Sexual Offense Treatment Board established under ORS 675.395.

7 (b) Behavior Analysis Regulatory Board created under ORS 676.806.

8 (c) Long Term Care Administrators Board established under ORS 678.800.

9 (d) State Board of Denture Technology established under ORS 680.556.

10 (e) State Board of Direct Entry Midwifery established under ORS 687.470.

11 (f) Board of Athletic Trainers established under ORS 688.705.

12 (g) Respiratory Therapist and Polysomnographic Technologist Licensing  
13 Board established under ORS 688.820.

14 (h) Board of Licensed Dietitians established under ORS 691.485.

15 (i) Environmental Health Registration Board established under ORS  
16 700.210.

17 (2) Except to the extent that disclosure is necessary to conduct a full and  
18 proper investigation, the Health Licensing Office may not disclose informa-  
19 tion, including complaints and information identifying complainants, ob-  
20 tained by the office as part of an investigation conducted under:

21 (a) ORS 675.365 to 675.410, 676.802 to 676.830, 678.710 to 678.820, 680.500  
22 to 680.565, 687.405 to 687.495, 688.701 to 688.734, 688.800 to 688.840 or 691.405  
23 to 691.485 or ORS chapter 700.

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

26 (A) Sexual abuse specific treatment under ORS 675.365 to 675.410;

27 (B) Applied behavior analysis under ORS 676.802 to 676.830;

28 (C) Nursing home administration and residential care facility adminis-  
29 tration under ORS 678.710 to 678.820;

30 (D) The practice of denture technology under ORS 680.500 to 680.565;

31 (E) Direct entry midwifery under ORS 687.405 to 687.495;

1 (F) Athletic training under ORS 688.701 to 688.734;

2 (G) Respiratory care and polysomnography under ORS 688.800 to 688.840;

3 (H) Dietetics under ORS 691.405 to 691.485; or

4 (I) Environmental **health** or waste water sanitation under ORS chapter  
5 700.

6 (3) Notwithstanding subsection (2) of this section, if the office or board  
7 decides not to impose a disciplinary sanction after conducting an investi-  
8 gation described in subsection (2) of this section:

9 (a) The office shall disclose information obtained as part of the investi-  
10 gation if the person requesting the information demonstrates by clear and  
11 convincing evidence that the public interest in disclosure outweighs other  
12 interests in nondisclosure, including the public interest in nondisclosure.

13 (b) The office may disclose to a complainant who made a complaint re-  
14 lated to the investigation a written summary of information obtained as part  
15 of the investigation to the extent that disclosure is necessary to explain the  
16 office's or board's decision. The person who is the subject of the investi-  
17 gation may review and obtain a copy of a written summary disclosed under  
18 this paragraph after the office has redacted any information identifying the  
19 complainant.

20 (4) Notwithstanding subsection (2) of this section, if a decision is made  
21 to impose a disciplinary sanction and to issue a notice of intent to impose  
22 a disciplinary sanction after conducting an investigation described in sub-  
23 section (2) of this section, upon written request by the person who is the  
24 subject of the investigation, the office shall disclose to the person all infor-  
25 mation obtained by the office or board during the investigation, except that  
26 the office may not disclose:

27 (a) Information that is otherwise privileged or confidential under state  
28 or federal law.

29 (b) Information identifying a person who provided information that led to  
30 the investigation, unless the person will provide testimony at a hearing  
31 arising out of the investigation.



1 (c) Information identifying a complainant.

2 (d) Reports of expert witnesses.

3 (5) Information disclosed to a person under subsection (4) of this section  
4 may be further disclosed by the person only to the extent that disclosure is  
5 necessary to prepare for a hearing arising out of the investigation.

6 (6) The office shall disclose:

7 (a) Any notice related to the imposition of a disciplinary sanction.

8 (b) A final order related to the imposition of a disciplinary sanction.

9 (c) An emergency suspension order.

10 (d) A consent order or stipulated agreement that involves the conduct of  
11 a person against whom discipline is sought.

12 (e) Information to further an investigation into board conduct under ORS  
13 192.685.

14 (7) The office or board must summarize the factual basis for the office's  
15 or board's disposition of:

16 (a) A final order related to the imposition of a disciplinary sanction;

17 (b) An emergency suspension order; or

18 (c) A consent order or stipulated agreement that involves the conduct of  
19 a person against whom discipline is sought.

20 (8)(a) An office or board record or order, or any part of an office or board  
21 record or order, that is obtained during an investigation described in sub-  
22 section (2) of this section, during a contested case proceeding or as a result  
23 of entering into a consent order or stipulated agreement is not admissible  
24 as evidence and may not preclude an issue or claim in a civil proceeding.

25 (b) This subsection does not apply to a proceeding between the office or  
26 board and a person against whom discipline is sought as otherwise author-  
27 ized by law.

28 (9)(a) Notwithstanding subsection (2) of this section, the office is not  
29 publicly disclosing information when the office permits other public officials  
30 and members of the press to attend executive sessions where information  
31 obtained as part of an investigation is discussed. Public officials and mem-

1 bers of the press attending such executive sessions may not disclose infor-  
2 mation obtained as part of an investigation to any other member of the  
3 public.

4 (b) For purposes of this subsection, “public official” means a member,  
5 member-elect or employee of a public entity as defined in ORS 676.177.

6 (10) The office may establish fees reasonably calculated to reimburse the  
7 actual cost of disclosing information to a person against whom discipline is  
8 sought as required by subsection (4) of this section.

9 **SECTION 20.** ORS 676.992 is amended to read:

10 676.992. (1) Except as provided in subsection (3) of this section, and in  
11 addition to any other penalty or remedy provided by law, the Health Li-  
12 censing Office may impose a civil penalty not to exceed \$5,000 for each vio-  
13 lation of the following statutes and any rule adopted under the following  
14 statutes:

15 (a) ORS 688.701 to 688.734 (athletic training);

16 (b) ORS 690.005 to 690.225 (cosmetology);

17 (c) ORS 680.500 to 680.565 (denture technology);

18 (d) Subject to ORS 676.616 and 687.445, ORS 687.405 to 687.495 (direct  
19 entry midwifery);

20 (e) ORS 690.350 to 690.410 (tattooing, electrolysis, body piercing, earlobe  
21 piercing, dermal implanting and scarification);

22 (f) ORS 694.015 to 694.170 (dealing in hearing aids);

23 (g) ORS 688.800 to 688.840 (respiratory therapy and polysomnography);

24 (h) ORS chapter 700 (environmental [*sanitation*] **health**);

25 (i) ORS 675.365 to 675.410 (sexual abuse specific treatment);

26 (j) ORS 678.710 to 678.820 (nursing home administrators and residential  
27 care facility administrators);

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

29 (L) ORS 676.612 (prohibited acts);

30 (m) ORS 676.802 to 676.830 (applied behavior analysis);

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

- 1 (o) ORS 676.630 to 676.660 (advanced nonablative esthetics procedure);
- 2 (p) ORS 681.740 to 681.758 (art therapy);
- 3 (q) ORS 676.665 to 676.689 (lactation consultation);
- 4 (r) ORS 676.730 to 676.748 (genetic counseling); and
- 5 (s) ORS 676.750 to 676.789 (signed language interpretation).

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

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

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

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

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

18 (c) The history of the person incurring a penalty in taking all feasible  
19 steps to correct any violation; and

20 (d) Any other aggravating or mitigating factors.

21 (5) Civil penalties under this section shall be imposed as provided in ORS  
22 183.745.

23 (6) The moneys received by the office from civil penalties under this sec-  
24 tion shall be deposited in the Health Licensing Office Account and are con-  
25 tinuously appropriated to the office for the administration and enforcement  
26 of the laws the office is charged with administering and enforcing that gov-  
27 ern the person against whom the penalty was imposed.

28 **SECTION 21. ORS 700.050, 700.052 and 700.059 are repealed.**

29 **SECTION 22. The repeal of ORS 700.050, 700.052 and 700.059 by sec-**  
30 **tion 21 of this 2025 Act applies to individuals who submit an application**  
31 **to practice as an environmental health specialist or waste water spe-**

1 **cialist on or after the effective date of this 2025 Act.**

2 **SECTION 23. The amendments to ORS 700.220 by section 16 of this**  
3 **2025 Act apply to members of the Environmental Health Registration**  
4 **Board appointed on or after the effective date of this 2025 Act.**

5  
6 **CLINICAL LABORATORIES**

7  
8 **SECTION 24.** ORS 438.010, as amended by section 89, chapter 73, Oregon  
9 Laws 2024, is amended to read:

10 438.010. As used in ORS 438.010 to 438.510, unless the context requires  
11 otherwise:

12 (1) "Authority" means the Oregon Health Authority.

13 (2) "Certificate" means a certificate issued by the authority to a  
14 clinical laboratory in accordance with the Clinical Laboratory Im-  
15 provement Amendments of 1988 (P.L. 100-578, 42 U.S.C. 201 and 263a).

16 [(2)] (3) "Clinical laboratory" or "laboratory" means a facility where the  
17 microbiological, serological, chemical, hematological, immunohematological,  
18 immunological, toxicological, cytogenetical, exfoliative cytological,  
19 histological, pathological or other examinations are performed on materials  
20 derived from the human body, for the purpose of diagnosis, prevention of  
21 disease or treatment of patients by physicians, dentists and other persons  
22 who are authorized by license to diagnose or treat humans.

23 [(3)] (3) "*Clinical laboratory specialty*" or "*laboratory specialty*" means the ex-  
24 *amination of materials derived from the human body for the purpose of diag-*  
25 *nosis and treatment of patients or assessment of health, employing one of the*  
26 *following sciences: Serology, microbiology, chemistry, hematology,*  
27 *immunohematology, immunology, toxicology, cytogenetics, exfoliative cytology,*  
28 *histology or pathology.*]

29 [(4)] (4) "*Clinician*" means a nurse practitioner licensed by the Oregon State  
30 Board of Nursing, or a physician associate licensed by the Oregon Medical  
31 Board.]

1 [(5)] (4) “Custody chain” means the handling of specimens in a way that  
2 supports legal testimony to prove that the sample integrity and identification  
3 of the sample have not been violated, as well as the documentation describ-  
4 ing those procedures from specimen collection to the final report.

5 [(6)] (5) “Dentist” means a person licensed to practice dentistry by the  
6 Oregon Board of Dentistry.

7 [(7) “*Director of clinical laboratory*” or “*director*” means the person who  
8 plans, organizes, directs and participates in any or all of the technical oper-  
9 ations of a clinical laboratory, including but not limited to reviewing labora-  
10 tory procedures and their results, training and supervising laboratory  
11 personnel, and evaluating the technical competency of such personnel.]

12 [(8)] (6) “Health screen testing” means tests performed for the purpose  
13 of identifying health risks, providing health information and referring the  
14 person being tested to medical care.

15 [(9) “*High complexity laboratory*” means a facility that performs testing  
16 classified as highly complex in the specialties of microbiology, chemistry,  
17 hematology, diagnostic immunology, immunohematology, clinical cytogenetics,  
18 cytology, histopathology, oral pathology, pathology, radiobioassay and  
19 histocompatibility and that may also perform moderate complexity tests and  
20 waived tests.]

21 [(10) “*High complexity test*” means a procedure performed on materials de-  
22 rived from the human body that meet the criteria for this category of testing  
23 in the specialties of microbiology, chemistry, hematology, immunohematology,  
24 diagnostic immunology, clinical cytogenetics, cytology, histopathology, oral  
25 pathology, pathology, radiobioassay and histocompatibility as established by  
26 the authority.]

27 [(11) “*Laboratory evaluation system*” means a system of testing clinical  
28 laboratory methods, procedures and proficiency by periodic performance and  
29 reporting on test specimens submitted for examination.]

30 [(12) “*Moderate complexity laboratory*” means a facility that performs test-  
31 ing classified as moderately complex in the specialties of microbiology,

1 *hematology, chemistry, immunohematology or diagnostic immunology and may*  
2 *also perform any waived test.]*

3 [(13) *“Moderate complexity test” means a procedure performed on materials*  
4 *derived from the human body that meet the criteria for this category of testing*  
5 *in the specialties of microbiology, hematology, chemistry, immunohematology*  
6 *or diagnostic immunology as established by the authority.]*

7 [(14) (7) *“Operator of a substances of abuse on-site screening facility” or*  
8 *“operator” means the person who plans, organizes, directs and participates*  
9 *in any or all of the technical and administrative operations of a substances*  
10 *of abuse on-site screening facility.*

11 [(15) *“Owner of a clinical laboratory” means the person who owns the*  
12 *clinical laboratory, or a county or municipality operating a clinical laboratory*  
13 *or the owner of any institution operating a clinical laboratory.]*

14 [(16) (8) *“Physician” means a person licensed to practice medicine by the*  
15 *Oregon Medical Board.*

16 [(17) *“Physician performed microscopy procedure” means a test personally*  
17 *performed by a physician or other clinician during a patient’s visit on a spec-*  
18 *imen obtained during the examination of the patient.]*

19 [(18) *“Physician performed microscopy procedures” means a limited group*  
20 *of tests that are performed only by a physician or clinician.]*

21 [(19) (9) *“Specimen” means materials derived from a human being or*  
22 *body.*

23 [(20) (10) *“Substances of abuse” means ethanol, cannabis and controlled*  
24 *substances.*

25 [(21) (11) *“Substances of abuse on-site screening facility” or “on-site fa-*  
26 *cility” means a location where on-site tests are performed on specimens for*  
27 *the purpose of screening for the detection of substances of abuse.*

28 [(22) (12) *“Substances of abuse on-site screening test” or “on-site test”*  
29 *means a substances of abuse test that is easily portable and can meet the*  
30 *requirements of the federal Food and Drug Administration for commercial*  
31 *distribution or an alcohol screening test that meets the requirements of [the*

1 *conforming products list found in*] the United States Department of Trans-  
2 portation National Highway Traffic Safety Administration **for conforming**  
3 **products.** [*Docket No. 94-004 and meets the standards of the United States*  
4 *Department of Transportation Alcohol Testing Procedure, 49 C.F.R. part 40,*  
5 *in effect on October 23, 1999.*]

6 [(23) “Waived test” means a procedure performed on materials derived from  
7 the human body that meet the criteria for this category of testing as established  
8 by the authority.]

9 **SECTION 25.** ORS 438.040 is amended to read:

10 438.040. [*It is unlawful:*]

11 [(1) *For any owner or director of a clinical laboratory to operate or main-*  
12 *tain a clinical laboratory without a license issued under ORS 438.110 or*  
13 *without a temporary permit issued under ORS 438.150 or to perform or permit*  
14 *the performance of any laboratory specialty for which the laboratory is not li-*  
15 *censed except as specified under ORS 438.050, unless the laboratory has been*  
16 *issued a valid certificate from the federal government under the Clinical Lab-*  
17 *oratory Improvement Amendments of 1988 (P.L. 100-578, 42 U.S.C. 201 and*  
18 *263a).*]

19 [(2) *For an out-of-state laboratory to perform health screen testing in*  
20 *Oregon without a permit issued under ORS 438.150 (5).*]

21 [(3) *For any person to serve in the capacity of director of a clinical labo-*  
22 *ratory without being qualified as a clinical laboratory director under ORS*  
23 *438.210.*]

24 **(1) The Oregon Health Authority shall verify the qualifications of**  
25 **each clinical laboratory in this state and shall issue a certificate to a**  
26 **clinical laboratory that satisfies the requirements of the Clinical Lab-**  
27 **oratory Improvement Amendments of 1988 (P.L. 100-578, 42 U.S.C. 201**  
28 **and 263a).**

29 **(2) A clinical laboratory may not operate in this state without a**  
30 **certificate issued by the authority under this section.**

31 **SECTION 26.** ORS 438.060 is amended to read:

1 438.060. *[Notwithstanding ORS 438.050, any person performing health*  
2 *screen testing must obtain a permit under ORS 438.150 (5). However, an em-*  
3 *ployer providing health screen testing to employees of the employer is exempt*  
4 *from the applications of ORS 438.010, 438.130, 438.150 and this section if such*  
5 *employer contracts for the testing through a licensed physician, a clinical lab-*  
6 *oratory or a hospital, which is a permittee of the Oregon Health Authority as*  
7 *provided in this section.]*

8 **(1) Except as provided in subsection (2) of this section, a clinical**  
9 **laboratory in this state or out of this state may not perform health**  
10 **screen testing in this state without a permit issued by the Oregon**  
11 **Health Authority under ORS 438.150.**

12 **(2) An employer may enter into a contract with a third party to**  
13 **provide health screen testing to the employees of the employer if the**  
14 **third party has a permit issued under ORS 438.150.**

15 **SECTION 27.** ORS 438.150 is amended to read:

16 438.150. *[(1) In addition to the license of a clinical laboratory required by*  
17 *ORS 438.040, the Oregon Health Authority may issue a temporary permit valid*  
18 *for a period, to be determined by the authority, from the date of issuance in*  
19 *any or all clinical laboratory specialties upon payment of the respective re-*  
20 *quired fees as described in ORS 438.130 (2).]*

21 *[(2) In issuing the temporary permit, the authority may require that:]*

22 *[(a) Plans for compliance with applicable laws and rules be submitted with*  
23 *the application for the temporary permit;]*

24 *[(b) During the period in which the temporary permit is in effect periodic*  
25 *reports be submitted on the progress of the plans for compliance; and]*

26 *[(c) Special temporary provisions specified by the authority upon application*  
27 *of the temporary permit be maintained for the protection of the public.]*

28 *[(3) If at any time the authority determines that the clinical laboratory can*  
29 *no longer operate in a manner that protects the public health and safety or that*  
30 *the requirements imposed under subsection (2) of this section are not being*  
31 *maintained, the authority shall cancel the temporary permit.]*



1        *[(4) One renewal of the temporary permit may be granted if deemed to be*  
2 *in the best interest of public health by the authority. The fee for renewal is the*  
3 *respective required fee as described in ORS 438.130 (2).]*

4        *[(5) The authority may issue permits for health screen testing.]*

5        *[(6) The authority by rule shall specify:]*

6        *[(a) Appropriate quality assurance procedures;]*

7        *[(b) Personnel qualifications;]*

8        *[(c) Standards for counseling and referral of persons being tested;]*

9        *[(d) Tests a health testing service may conduct;]*

10       *[(e) The procedure for applying for a permit; and]*

11       *[(f) The procedure for reporting to the authority the location of all health*  
12 *screening facilities.]*

13       *[(7) The authority by rule may specify the maximum length of time a health*  
14 *screen testing service may remain in one location.]*

15       **(1)(a) A clinical laboratory may apply for a permit to conduct health**  
16 **screen testing by submitting an application to the Oregon Health Au-**  
17 **thority.**

18       **(b) The authority may issue a permit to a clinical laboratory to**  
19 **conduct health screen testing if the clinical laboratory satisfies the**  
20 **requirements established by the authority by rule under subsection (2)**  
21 **of this section.**

22       **(2) The authority shall adopt rules to administer this section, in-**  
23 **cluding rules establishing:**

24       **(a) Application procedures and permit eligibility requirements, in-**  
25 **cluding an application fee, permit fee or both;**

26       **(b) Appropriate quality assurance practices;**

27       **(c) Personnel qualifications;**

28       **(d) A list of tests that a clinical laboratory may conduct;**

29       **(e) Counseling and referral standards for persons being tested; and**

30       **(f) Reporting standards for clinical laboratories to notify the au-**  
31 **thority of the location of any health screen testing facilities.**

1       **(3) The authority may establish by rule a maximum period of time**  
2 **a clinical laboratory conducting health screen tests may remain in a**  
3 **single location.**

4       **SECTION 28.** ORS 438.160 is amended to read:

5       438.160. [*Subject to ORS chapter 183, the Oregon Health Authority may*  
6 *refuse to issue or renew the license, or may suspend or revoke the license or*  
7 *health screen testing permit, of a clinical laboratory if it finds that the owner*  
8 *or director has:]*

9       **Subject to ORS chapter 183, the Oregon Health Authority may re-**  
10 **fuse to issue or renew or may suspend or revoke a certificate described**  
11 **in ORS 438.040, a permit for health screen testing described in ORS**  
12 **438.150 or a permit for substances of abuse on-site screening testing**  
13 **described in ORS 438.435 if the authority finds that the owner or di-**  
14 **rector of the clinical laboratory or substances of abuse on-site**  
15 **screening facility has:**

16       (1) Intentionally made false statements on an application for a **certificate**  
17 **described in ORS 438.040, a permit for health screen testing described**  
18 **ORS 438.150, a permit for substances of abuse on-site screening testing**  
19 **described in ORS 438.435** [*clinical laboratory license*] or any other docu-  
20 ments required by the authority, or made any misrepresentation in seeking  
21 to obtain or retain a [*license*] **certificate or permit.**

22       (2) Demonstrated incompetence as defined pursuant to regulations  
23 promulgated after public hearing.

24       (3) Intentionally falsified any report.

25       (4) Referred a specimen for examination to [*a nonlicensed or an*  
26 *unlicensed*] **an uncertified** clinical laboratory in this state unless the labo-  
27 ratory is exempt from the application of ORS 438.010 to 438.510.

28       (5) Misrepresented the scope of laboratory service offered by the clinical  
29 laboratory [*or the clinical laboratory specialties authorized by the license*] **or**  
30 **authorized by the certificate.**

31       (6) Rendered a report on clinical laboratory work actually performed in

1 another clinical laboratory without designating the name and address of the  
2 clinical laboratory in which the test was performed.

3 (7) Knowingly had professional connection with or permitted the use of  
4 the name of the [*licensed*] clinical laboratory or its director by a clinical  
5 laboratory that is required to but has not obtained a [*license*] **certificate**.

6 (8) Failed to perform or cause to be performed within the time specified  
7 analysis of test samples [*as authorized by ORS 438.320,*] or failed to report  
8 on the results of such analysis within the specified time.

9 (9) Failed to permit within a reasonable time the entry or inspection au-  
10 thorized [*by ORS 438.310.*] **under the certificate**.

11 [*(10) Failed to continue to meet requirements of ORS 438.110 and 438.120.*]

12 [*(11)*] **(10)** Violated any provision of ORS 438.010 to 438.510.

13 **SECTION 29.** ORS 438.220 is amended to read:

14 438.220. [*Notwithstanding ORS 438.210, a*] **A** person is qualified to act as  
15 the laboratory director of the clinical laboratory at any accredited  
16 chiropractic college in this state for the benefit of chiropractic patients if  
17 that person is a chiropractic physician licensed by the State Board of  
18 Chiropractic Examiners, and possesses special qualifications, as determined  
19 by the State Board of Chiropractic Examiners, that enable that person to  
20 perform as a laboratory director.

21 **SECTION 30.** ORS 438.310 is amended to read:

22 438.310. [*(1)*] The Oregon Health Authority or its authorized represen-  
23 tative may[:]

24 [*(a) At reasonable times enter the premises of a clinical laboratory licensed*  
25 *or subject to being licensed under ORS 438.010 to 438.510 to inspect the facil-*  
26 *ities, methods, procedures, materials, staff, equipment, laboratory results and*  
27 *records of the clinical laboratory.*]

28 [*(b) Require the owner or director to submit reports on the operations and*  
29 *procedures of the laboratory.*]

30 [*(c) Require*] **require** the owner or director **of a clinical laboratory**  
31 **certified under ORS 438.040** to submit initial laboratory findings indicative

1 of communicable disease as defined by law or by rule. Each report shall in-  
2 clude the name of the person from whom the specimen was obtained, if the  
3 name was reported to the laboratory, and the name and address of the phy-  
4 sician for whom such examination or test was made. Such reports shall not  
5 be construed as constituting a diagnosis nor shall any laboratory making  
6 such report be held liable under the laws of this state for having violated a  
7 trust or confidential relationship.

8 *[(2) The Director of the Oregon Health Authority or a designee, the au-*  
9 *thority, or any employee thereof, shall not disclose information contained in*  
10 *reports on communicable diseases submitted to the authority under subsection*  
11 *(1) of this section except as such information is made available to employees*  
12 *of the authority and to local health officers for purposes of administering the*  
13 *public health laws of this state. However, information contained in such re-*  
14 *ports may be used in compiling statistical and other data in which persons are*  
15 *not identified by name or otherwise.]*

16 *[(3) The authority shall by rule set standards for the recognition of private*  
17 *laboratory accrediting organizations whose standards meet or exceed federal*  
18 *standards. A laboratory that is accredited by a private laboratory accrediting*  
19 *organization recognized by the authority under this section may submit proof*  
20 *of such accreditation to the authority. Upon receipt of such proof, the authority*  
21 *shall issue a license pursuant to ORS 438.130.]*

22 **SECTION 31.** ORS 438.435 is amended to read:

23 438.435. *[(1) In addition to duties which a clinical laboratory may perform*  
24 *under ORS 438.010 to 438.510, a laboratory is authorized to perform appropri-*  
25 *ate tests, examinations or analyses on materials derived from the human body*  
26 *for the purpose of detecting substances of abuse in the body. All laboratories*  
27 *performing the tests, examinations or analyses must be licensed under the*  
28 *provisions of ORS 438.010 to 438.510 and must employ qualified technical*  
29 *personnel to perform the tests, examinations and analyses.]*

30 *[(2) In order to perform such tests, examinations or analyses, the laboratory*  
31 *may examine specimens submitted by persons other than those described in*

1 *ORS 438.430 (1) and shall report the result of any test, examination or analysis*  
2 *to the person who submitted the specimen. When the substance of abuse test*  
3 *is for nonmedical employment or pre-employment purposes, and a written re-*  
4 *quest is provided, the test result shall be reported to the person from whom the*  
5 *specimen was originally obtained.]*

6 [(3) *When the specimen of a person tested for substances of abuse is sub-*  
7 *mitted to the laboratory and the test result is positive, the laboratory shall*  
8 *perform a confirming test which has been designated by rule of the Oregon*  
9 *Health Authority as the best available technology for use to determine whether*  
10 *or not the substance of abuse identified by the first test is present in the*  
11 *specimen prior to reporting the test results.]*

12 [(4)] (1) The **Oregon Health** Authority by rule shall set standards for  
13 [*special category laboratories*] **substances of abuse on-site screening fa-**  
14 **cilities** that engage only in the initial testing for substances of abuse in the  
15 body, including [*registration procedures for such laboratories and personnel*]  
16 **application procedures and permit eligibility requirements for a facil-**  
17 **ity to obtain a permit to conduct substances of abuse on-site screening**  
18 **tests.**

19 [(5)] (2) The operator of a substances of abuse on-site screening facility  
20 may use substances of abuse on-site screening tests if the test results are not  
21 for use in diagnosing or preventing disease and are not for use by physicians,  
22 dentists or other licensed health care professionals in treating humans. Any  
23 entity using the test shall pay a yearly filing fee[, *not to exceed \$50,*] **estab-**  
24 **lished by rule by the authority,** and file a [*registration*] **permit applica-**  
25 **tion** form as provided by rule of the authority that:

26 (a) States the current name and address of the entity, the telephone  
27 number of the entity, if any, and the name of a contact individual at each  
28 on-site facility operated by the entity; and

29 (b) Certifies that:

30 (A) The tests are being administered according to the federal Food and  
31 Drug Administration package insert that accompanies the test;

1 (B) The tests are being administered according to the instructions of the  
2 manufacturer;

3 (C) Custody chain procedures are being followed;

4 (D) Operators of the substances of abuse on-site screening facility are  
5 trained in the use of the substances of abuse on-site screening tests by the  
6 manufacturer; and

7 (E) If the substances of abuse on-site screening facility obtains a positive  
8 test result on a specimen and the entity indicates that the test result is to  
9 be used to deny or deprive any person of employment or any benefit, or may  
10 otherwise result in adverse employment action, the same specimen shall be  
11 submitted to a clinical laboratory [*licensed under ORS 438.110 and 438.150*]  
12 **certified under ORS 438.040** or an equivalent out-of-state facility and the  
13 presence of a substance of abuse confirmed prior to release of the on-site test  
14 result.

15 [(6)] (3) The authority by rule shall set reasonable standards for [*the*]  
16 **substances of abuse on-site** screening by correctional agencies of adults  
17 in custody within state and local correctional facilities and offenders on  
18 parole, probation or post-prison supervision for substances of abuse. The  
19 standards shall include, but not be limited to, the establishment of written  
20 procedures and protocols, the qualifications and training of individuals who  
21 perform screening tests, the approval of specific technologies and the mini-  
22 mum requirements for record keeping, quality control and confirmation of  
23 positive screening results.

24 [(7)] (4) If an initial test by a [*special category laboratory under subsection*  
25 *(4) of this section or a special category screening under subsection (6) of this*  
26 *section*] **substances of abuse on-site screening facility** shows a result in-  
27 dicating the presence of a substance of abuse in the body, a confirmatory test  
28 shall be conducted in a [*licensed*] clinical laboratory **certified under ORS**  
29 **438.040** if the results are to be used to deprive or deny any person of any  
30 employment or benefit. If a screening test of an adult in custody in a state  
31 or local correctional facility is positive for a substance of abuse, the adult

1 in custody may be held in a secure facility pending the outcome of the  
2 confirmatory test. If the confirmatory test is positive, the adult in custody  
3 may be held in a secure facility pending the outcome of any hearing to de-  
4 termine what action will be taken.

5 [(8)] (5) If any test for substances of abuse is performed outside this state  
6 the results of which are to be used to deprive or deny any person any em-  
7 ployment or any benefit, the person desiring to use the test shall have the  
8 burden to show that the testing procedure used meets or exceeds the testing  
9 standards of this state.

10 (6) **Notwithstanding the provisions of this section, a clinical labo-**  
11 **ratory certified under ORS 438.040 may perform substances of abuse**  
12 **on-site screening testing.**

13 **SECTION 32.** ORS 438.450 is amended to read:

14 438.450. The Oregon Health Authority shall make such rules as are nec-  
15 essary for carrying out ORS 438.010 to [438.510 in accordance with ORS  
16 183.330.] **438.450.**

17 **SECTION 33.** ORS 438.705 is amended to read:

18 438.705. As used in ORS 438.705 to 438.720 and 438.994:

19 (1) “Anatomical material” means the body of a dead human or a cell,  
20 group of cells or body part taken from the body of a dead human.

21 (2) “Donor” has the meaning given that term in ORS 97.953.

22 (3)(a) “Nontransplant anatomical research recovery organization” means  
23 a person that engages in the recovery or distribution of anatomical material  
24 from a donor for research or education purposes other than transplanting the  
25 anatomical material or therapy.

26 (b) “Nontransplant anatomical research recovery organization” does not  
27 include:

28 (A) A hospital or other health care facility, as those terms are defined in  
29 ORS 442.015;

30 (B) A public corporation, as defined in ORS 353.010;

31 (C) A public or private institution of higher education; or

1 (D) A clinical laboratory, as defined in ORS 438.010, that is:

2 (i) [*Licensed*] **certified** under ORS 438.010 to 438.510; and

3 (ii) Owned or controlled by, or under common ownership with, a hospital  
4 described in subparagraph (A) of this paragraph.

5 **SECTION 34.** ORS 438.990 is amended to read:

6 438.990. Violation of [*any provision of*] ORS 438.040 [*or 438.510*] is a Class  
7 A misdemeanor. Each day of continuing violation shall be considered a sep-  
8 arate offense.

9 **SECTION 35.** **ORS 438.030, 438.050, 438.055, 438.070, 438.110, 438.120,**  
10 **438.130, 438.140, 438.210, 438.320, 438.420 and 438.510 are repealed.**

11 **SECTION 36.** ORS 413.550 is amended to read:

12 413.550. As used in ORS 413.550 to 413.559:

13 (1) “Certified health care interpreter” means an individual who has been  
14 approved and certified by the Oregon Health Authority under ORS 413.558.

15 (2) “Coordinated care organization” has the meaning given that term in  
16 ORS 414.025.

17 (3) “Health care” means medical, surgical, oral or hospital care or any  
18 other remedial care recognized by state law, including physical and behav-  
19 ioral health care.

20 (4)(a) “Health care interpreter” means an individual who is readily able  
21 to:

22 (A) Communicate in English and communicate with a person with limited  
23 English proficiency or who communicates in signed language;

24 (B) Accurately interpret the oral statements of a person with limited  
25 English proficiency, or the statements of a person who communicates in  
26 signed language, into English;

27 (C) Accurately interpret oral statements in English to a person with  
28 limited English proficiency or who communicates in signed language;

29 (D) Sight translate documents from a person with limited English pro-  
30 ficiency; and

31 (E) Interpret the oral statements of other persons into the language of the



1 person with limited English proficiency or into signed language.

2 (b) “Health care interpreter” also includes an individual who can provide  
3 the services described in paragraph (a) of this subsection using relay or in-  
4 direct interpretation.

5 (5) “Health care interpreter registry” means the registry described in ORS  
6 413.558 that is administered by the authority.

7 (6)(a) “Health care provider” means any of the following that are reim-  
8 bursed with public funds, in whole or in part:

9 (A) An individual licensed or certified by the:

10 (i) State Board of Examiners for Speech-Language Pathology and  
11 Audiology;

12 (ii) State Board of Chiropractic Examiners;

13 (iii) State Board of Licensed Social Workers;

14 (iv) Oregon Board of Licensed Professional Counselors and Therapists;

15 (v) Oregon Board of Dentistry;

16 (vi) State Board of Massage Therapists;

17 (vii) Oregon Board of Naturopathic Medicine;

18 (viii) Oregon State Board of Nursing;

19 (ix) Oregon Board of Optometry;

20 (x) State Board of Pharmacy;

21 (xi) Oregon Medical Board;

22 (xii) Occupational Therapy Licensing Board;

23 (xiii) Oregon Board of Physical Therapy;

24 (xiv) Oregon Board of Psychology;

25 (xv) Board of Medical Imaging;

26 (xvi) State Board of Direct Entry Midwifery;

27 (xvii) Respiratory Therapist and Polysomnographic Technologist Licens-  
28 ing Board;

29 (xviii) Board of Registered Polysomnographic Technologists;

30 (xix) Board of Licensed Dietitians; and

31 (xx) State Mortuary and Cemetery Board;

1 (B) An emergency medical services provider licensed by the Oregon  
2 Health Authority under ORS 682.216;

3 (C) A clinical laboratory [*licensed under ORS 438.110*] **certified under**  
4 **ORS 438.040**;

5 (D) A health care facility as defined in ORS 442.015;

6 (E) A home health agency licensed under ORS 443.015;

7 (F) A hospice program licensed under ORS 443.860; or

8 (G) Any other person that provides health care or that bills for or is  
9 compensated for health care provided, in the normal course of business.

10 (b) “Health care provider” does not include any individual listed in par-  
11 agraph (a) of this subsection when providing services as an employee of or  
12 under contract with:

13 (A) A school district, as defined in ORS 332.002;

14 (B) A public charter school, as defined in ORS 338.005; or

15 (C) An education service district, as defined in ORS 334.003.

16 (7) “Interpretation service company” means an entity, or a person acting  
17 on behalf of an entity, that is in the business of arranging for health care  
18 interpreters to work with health care providers in this state.

19 (8) “Person with limited English proficiency” means a person who, by  
20 reason of place of birth or culture, communicates in a language other than  
21 English and does not communicate in English with adequate ability to com-  
22 municate effectively with a health care provider.

23 (9) “Prepaid managed care health services organization” has the meaning  
24 given that term in ORS 414.025.

25 (10) “Qualified health care interpreter” means an individual who has been  
26 issued a valid letter of qualification from the authority under ORS 413.558.

27 (11) “Sight translate” means to translate a written document into spoken  
28 or signed language.

29 **SECTION 37.** ORS 413.561 is amended to read:

30 413.561. ORS 413.559 may be enforced by any means permitted under law  
31 by:

1 (1) A health professional regulatory board with respect to a health care  
2 provider under the jurisdiction of the board.

3 (2) The Oregon Health Authority or the Department of Human Services  
4 with regard to health care providers or facilities regulated by the authority  
5 or the department and health care providers enrolled in the medical assist-  
6 ance program.

7 (3) The authority with regard to emergency medical services providers  
8 licensed under ORS 682.216 and clinical laboratories [*licensed under ORS*  
9 *438.110*] **certified under ORS 438.040**.

10 **SECTION 38.** ORS 813.160 is amended to read:

11 813.160. (1) A chemical analysis is valid under ORS 813.300 if:

12 (a) It is an analysis of a person's blood for alcohol content and is per-  
13 formed in:

14 (A) A laboratory certified or accredited under 42 C.F.R. part 493 and ap-  
15 proved for toxicology testing;

16 (B) A laboratory [*licensed under ORS 438.110*] **certified under ORS**  
17 **438.040** and approved for toxicology testing; or

18 (C) A forensic laboratory established by the Department of State Police  
19 under ORS 181A.150 that is accredited by a national forensic accrediting  
20 organization.

21 (b) It is an analysis of a person's breath and is performed by an individual  
22 possessing a valid permit to perform chemical analyses issued by the De-  
23 partment of State Police and is performed according to methods approved by  
24 the Department of State Police. For purposes of this paragraph, the De-  
25 partment of State Police shall do all of the following:

26 (A) Approve methods of performing chemical analyses of a person's  
27 breath.

28 (B) Prepare manuals and conduct courses throughout the state for the  
29 training of police officers in chemical analyses of a person's breath, which  
30 courses shall include, but are not limited to, approved methods of chemical  
31 analyses, use of approved equipment and interpretation of test results to-

1 gether with a written examination on these subjects.

2 (C) Test and certify the accuracy of equipment to be used by police offi-  
3 cers for chemical analyses of a person's breath before regular use of the  
4 equipment and periodically thereafter at intervals of not more than 90 days.  
5 Tests and certification required by this subparagraph must be conducted by  
6 trained technicians. Certification under this subparagraph does not require  
7 a signed document.

8 (D) Ascertain the qualifications and competence of individuals to conduct  
9 chemical analyses in accordance with one or more methods approved by the  
10 department.

11 (E) Issue permits to individuals according to their qualifications. Permits  
12 may be issued to police officers only upon satisfactory completion of the  
13 prescribed training course and written examination. A permit must state the  
14 methods and equipment that the police officer is qualified to use. Permits  
15 are subject to termination or revocation at the discretion of the Department  
16 of State Police.

17 (2) In conducting a chemical test of the blood, only a duly licensed phy-  
18 sician or a person acting under the direction or control of a duly licensed  
19 physician may withdraw blood or pierce human tissue. A licensed physician,  
20 or a qualified person acting under the direction or control of a duly licensed  
21 physician, is not civilly liable for withdrawing any bodily substance, in a  
22 medically acceptable manner, at the request of a peace officer.

23 (3) An individual who performs a chemical analysis of breath or blood  
24 under ORS 813.100 or 813.140 shall prepare and sign a written report of the  
25 findings of the test that must include the identification of the police officer  
26 upon whose request the test was administered.

27 (4) Any individual having custody of the report mentioned in subsection  
28 (3) of this section shall, upon request of the person tested, furnish that per-  
29 son or that person's attorney, a copy of the report.

30 (5) The expense of conducting a chemical test as provided by ORS 813.100  
31 or 813.140 must be paid by the governmental unit on whose equipment the

1 test is conducted or by the governmental unit upon whose request the test  
2 was administered if no governmental unit's equipment is used to conduct the  
3 test.

4 **SECTION 39.** ORS 830.535 is amended to read:

5 830.535. (1) A chemical analysis is valid under ORS 830.505, 830.520 or  
6 830.525 if:

7 (a) It is an analysis of a person's blood for alcohol content and is per-  
8 formed in:

9 (A) A laboratory certified or accredited under 42 C.F.R. part 493 and ap-  
10 proved for toxicology testing;

11 (B) A laboratory [*licensed under ORS 438.110*] **certified under ORS**  
12 **438.040** and approved for toxicology testing; or

13 (C) A forensic laboratory established by the Department of State Police  
14 under ORS 181A.150 that is accredited by a national forensic accrediting  
15 organization.

16 (b) It is an analysis of a person's breath and is performed by an individual  
17 possessing a valid permit to perform chemical analyses issued by the De-  
18 partment of State Police under ORS 813.160 or by the State Marine Board  
19 under the provisions of this section. Chemical analyses must be performed  
20 according to methods approved by the Department of State Police under ORS  
21 813.160 or approved by the board under this section. For purposes of this  
22 section, the board shall do all of the following:

23 (A) Approve methods of performing chemical analyses of a person's  
24 breath.

25 (B) Prepare manuals and conduct courses throughout the state for the  
26 training of peace officers in chemical analyses of a person's breath, which  
27 courses shall include, but are not limited to, approved methods of chemical  
28 analyses, use of approved equipment and interpretation of test results to-  
29 gether with a written examination on these subjects.

30 (C) Test and certify the accuracy of equipment to be used by peace offi-  
31 cers for chemical analyses of a person's breath before regular use of the

1 equipment and periodically thereafter at intervals of not more than 90 days.  
2 Tests and certification required by this subparagraph must be conducted by  
3 trained technicians.

4 (D) Ascertain the qualifications and competence of individuals to conduct  
5 chemical analyses in accordance with one or more methods approved by the  
6 board or by the Department of State Police under ORS 813.160.

7 (E) Issue permits to individuals according to their qualifications. Permits  
8 may be issued to peace officers only upon satisfactory completion of the  
9 prescribed training course and written examination. A permit must state the  
10 methods and equipment that the peace officer is qualified to use. Permits are  
11 subject to termination or revocation at the discretion of the board.

12 (2) In conducting a chemical test of the blood, only a duly licensed phy-  
13 sician or a person acting under the direction or control of a duly licensed  
14 physician may withdraw blood or pierce human tissue. A licensed physician,  
15 or a qualified person acting under the direction or control of a duly licensed  
16 physician, is not civilly liable for withdrawing any bodily substance, in a  
17 medically acceptable manner, at the request of a peace officer.

18 (3) An individual who performs a chemical analysis of breath or blood  
19 under ORS 830.505, 830.520 or 830.525 shall prepare and sign a written report  
20 of the findings of the test. A test administered at the request of a peace of-  
21 ficer must include the identification of the peace officer upon whose request  
22 the test was administered.

23 (4) Any individual having custody of the report mentioned in subsection  
24 (3) of this section shall, upon request of the person tested, furnish a copy  
25 of the report to that person or that person's attorney.

26 (5) The expense of conducting a chemical test as provided by ORS 830.505  
27 or 830.520 must be paid by the governmental units on whose equipment the  
28 test is conducted or by the governmental units upon whose request the test  
29 was administered if no governmental unit's equipment is used to conduct the  
30 test.

31

**SCHOOL-BASED HEALTH CENTERS**

**SECTION 40.** ORS 413.223 is amended to read:

413.223. The division of the Oregon Health Authority that is charged with public health functions:

(1) Shall develop and continuously refine a system of care that:

(a) Meets the developmental needs of adolescents;

(b) Promotes evidence-based practices for children; and

(c) Prioritizes public health through activities such as:

(A) Establishing certification and performance standards;

(B) Collecting and analyzing clinical data;

(C) Conducting ongoing assessments and special studies; and

(D) Defining a statewide planning and development process.

(2) Shall adopt by rule the procedures and criteria for the certification, suspension and decertification of school-based health centers. The procedures must allow certified school-based health centers a reasonable period of time to cure any defects in compliance prior to the suspension or decertification of the school-based health center.

(3) Shall convene work groups to recommend best practices for school-based health centers with respect to electronic health records, billing, joint purchasing, business models and patient centered primary care home identification.

(4)(a) May, in addition to the duties described in subsection (1) of this section, enter into [*a contract with an entity that coordinates the efforts of school-based health centers*] **contracts with entities** for the purpose of providing assistance to school-based health centers that receive grant moneys under ORS 413.225.

(b) A contract entered into under this subsection must require the entity to:

(A) Provide technical assistance and community-specific ongoing training to school-based health centers, school districts and education service dis-

1 tricts;

2 (B) Assist school-based health centers in improving business practices,  
3 including practices related to billing and efficiencies;

4 (C) Assist school-based health centers in expanding their relationships  
5 with coordinated care organizations, sponsors of medical care for school-age  
6 children and other community-based providers of school-based health and  
7 mental health services; and

8 (D) Facilitate the integration of health and education policies and pro-  
9 grams at the local level so that school-based health centers operate in an  
10 optimal environment.

11 **SECTION 41.** ORS 413.225 is amended to read:

12 413.225. (1) As used in this section:

13 (a) “Community health center or safety net clinic” means a nonprofit  
14 medical clinic or school-based health center that provides primary physical  
15 health, vision, dental or mental health services to low-income patients with-  
16 out charge or using a sliding scale based on the income of the patient.

17 (b) “School-based health center” means a health clinic that:

18 (A) Is located on the grounds of a school in a school district or on the  
19 grounds of a school operated by a federally recognized Indian tribe or tribal  
20 organization;

21 (B) Is organized through collaboration among **youth**, schools, communi-  
22 ties and health providers, including public health authorities;

23 (C) Is administered by a county, state, federal or private organization that  
24 ensures that certification requirements are met and provides project funding  
25 through grants, contracts, billing or other sources of funds;

26 (D) Is operated exclusively for the purpose of providing health services  
27 such as:

28 (i) Primary care;

29 (ii) Preventive health care;

30 (iii) Management and monitoring of chronic health conditions;

31 (iv) Behavioral health care;



- 1 (v) Oral health care;
- 2 (vi) Health education services; and
- 3 (vii) The administration of vaccines recommended by the Centers for
- 4 Disease Control and Prevention;

5 (E) Provides health services to children and adolescents by licensed or

6 certified health professionals; and

7 (F) May provide one or more health services to children and adolescents

8 by:

9 (i) A student enrolled in a professional medical, nursing or dental pro-

10 gram at an accredited university if the health service is within the student's

11 field of study and training; or

12 (ii) An expanded practice dental hygienist holding a permit issued under

13 ORS 680.200 for oral health care.

14 (2)(a) The Oregon Health Authority shall award grants to community

15 health centers or safety net clinics, including school-based health centers, to

16 ensure the capacity of each grantee to provide health care services to

17 underserved or vulnerable populations.

18 (b) The authority shall work with the Centers for Medicare and Medicaid

19 Services and stakeholders to identify additional sources of funding for

20 school-based health center expenditures for which federal financial partic-

21 ipation is available under Title XIX or Title XXI of the Social Security Act.

22 (3) The authority shall provide outreach for the Cover All People pro-

23 gram, including development and administration of an application assistance

24 program, and including grants to provide funding to organizations and local

25 groups for outreach and enrollment activities for the program, within the

26 limits of funds provided by the Legislative Assembly for this purpose.

27 (4) The authority shall, using funds allocated by the Legislative Assembly:

28 (a) Provide funds for the expansion and continuation of school-based

29 health centers that are operating on July 29, 2013, and that become certified

30 under ORS 413.223;

31 (b) Direct funds to communities with certified school-based health centers

1 and to communities planning for certified school-based health centers; and

2 (c) Create a pool of funds available to provide financial incentives to:

3 (A) Increase the number of school-based health centers identified as pa-  
4 tient centered primary care homes without requiring school-based health  
5 centers to be identified as patient centered primary care homes;

6 (B) Improve the coordination of the care of patients served by coordinated  
7 care organizations and school-based health centers; and

8 (C) Improve the effectiveness of the delivery of health services through  
9 school-based health centers to children who qualify for medical assistance.

10 (5) The authority shall by rule adopt criteria for awarding grants and  
11 providing funds in accordance with this section.

12 (6) The authority shall analyze and evaluate the implementation of the  
13 Cover All People program.

14

15

## MEDICAL ASSISTANCE

16

17 **SECTION 42.** ORS 411.447 is amended to read:

18 411.447. (1) As used in this section, “correctional facility” means:

19 (a) A local correctional facility as defined in ORS 169.005;

20 (b) A Department of Corrections institution as defined in ORS 421.005;

21 or

22 (c) A youth correction facility as defined in ORS 162.135.

23 (2) The Department of Human Services or the Oregon Health Authority  
24 shall:

25 (a) Suspend, instead of terminate, the medical assistance of a person who  
26 is residing in a correctional facility; or

27 (b) **Enroll a person who is eligible for pre-release medical assistance**  
28 **benefits, as authorized by federal law, in the appropriate benefit**  
29 **package.**

30 (3) Upon notification that a person described in subsection (2) of this  
31 section is not residing in a correctional facility or that the person is admit-

1 ted to a medical institution outside of the correctional facility for a period  
2 of hospitalization, the department or the authority shall reinstate the  
3 *[person's medical assistance if the person is eligible for medical assistance]*  
4 **medical assistance benefits for which the person is eligible at the time**  
5 **of release or hospitalization.**

6 (4)(a) A designee of a correctional facility may apply for medical assist-  
7 ance on behalf of a person, while the person is residing in the correctional  
8 facility, for the purpose of establishing **the person's** eligibility for **pre-**  
9 **release medical assistance benefits**, medical assistance upon the person's  
10 release from the correctional facility or **medical assistance** during a period  
11 of hospitalization that will occur outside of the correctional facility.

12 (b) The designee may obtain information necessary to determine eligibility  
13 for medical assistance, including the person's Social Security number or in-  
14 formation that is not otherwise subject to disclosure under ORS 411.320 or  
15 413.175. The information obtained under this paragraph may be used only for  
16 the purpose of assisting the person in applying for medical assistance and  
17 may not be redisclosed without the person's authorization.

18 *[(c) If the person is determined eligible for medical assistance, the effective*  
19 *date of the person's medical assistance shall be the date the person is released*  
20 *from the correctional facility or the date the person begins the period of*  
21 *hospitalization outside of the correctional facility.]*

22 (5) This section does not extend eligibility to an otherwise ineligible  
23 person or extend medical assistance to a person if matching federal funds  
24 are not available to pay for the medical assistance.

25

26

## CAPTIONS

27

28 **SECTION 43. The unit captions used in this 2025 Act are provided**  
29 **only for the convenience of the reader and do not become part of the**  
30 **statutory law of this state or express any legislative intent in the**  
31 **enactment of this 2025 Act.**

