

Senate Bill 48

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor Kate Brown for Oregon Health Authority)

SUMMARY

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

Directs Oregon Health Authority and certain professional regulatory boards to adopt rules requiring professionals to complete continuing education related to suicide risk assessment, treatment and management. Requires authority to report biennially to interim committee of Legislative Assembly on completion of training by professionals.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to continuing education for professionals; creating new provisions; amending ORS 675.140,
3 675.330, 675.597, 675.805, 677.290, 678.170, 684.171, 685.201 and 688.201; and declaring an emer-
4 gency.

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

6 **SECTION 1. (1) As used in this section, "board" means:**

7 **(a) Occupational Therapy Licensing Board;**

8 **(b) Oregon Board of Licensed Professional Counselors and Therapists;**

9 **(c) Oregon Board of Naturopathic Medicine;**

10 **(d) Oregon Medical Board;**

11 **(e) Oregon State Board of Nursing;**

12 **(f) Physical Therapist Licensing Board;**

13 **(g) State Board of Chiropractic Examiners;**

14 **(h) State Board of Licensed Social Workers;**

15 **(i) State Board of Psychologist Examiners; and**

16 **(j) Teacher Standards and Practices Commission.**

17 **(2)(a) In collaboration with the Oregon Health Authority, a board shall adopt rules to**
18 **require a person authorized to practice a profession listed in subsection (3) or (4) of this**
19 **section to complete continuing education regarding suicide risk assessment, treatment and**
20 **management that is approved by the authority under section 2 of this 2017 Act and by the**
21 **board.**

22 **(b) A board may not adopt rules that require a person authorized to practice a profession**
23 **listed in subsection (3) of this section to complete more than six hours of the continuing**
24 **education described in this subsection.**

25 **(3) A person authorized to practice one of the following professions shall complete at**
26 **least three hours and no more than six hours of the continuing education described in sub-**
27 **section (2) of this section once every six years, as required by the board that authorizes the**
28 **person to practice as a:**

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

- 1 (a) Clinical social worker, as defined in ORS 675.510;
- 2 (b) Licensed marriage and family therapist, as defined in ORS 675.705;
- 3 (c) Licensed professional counselor, as defined in ORS 675.705;
- 4 (d) Licensed psychologist, as defined in ORS 675.010;
- 5 (e) Occupational therapist, as defined in ORS 675.210;
- 6 (f) Regulated social worker, as defined in ORS 675.510; and
- 7 (g) School counselor, as defined by rule by the Teacher Standards and Practices Com-

8 mission.

9 (4)(a) A person authorized to practice one of the following professions shall complete at
10 least six hours of the continuing education described in subsection (2) of this section, as re-
11 quired by the board that authorizes the person to practice as a:

- 12 (A) Certified registered nurse anesthetist, as defined in ORS 678.245;
- 13 (B) Chiropractic physician, as defined in ORS 684.010;
- 14 (C) Clinical nurse specialist, as defined in ORS 678.010;
- 15 (D) Naturopathic physician, as defined in ORS 685.010;
- 16 (E) Nurse practitioner, as defined in ORS 678.010;
- 17 (F) Physician, as defined in ORS 677.010;
- 18 (G) Physician assistant, as defined in ORS 677.495;
- 19 (H) Physical therapist, as defined in ORS 688.010; and
- 20 (I) Physical therapist assistant, as defined in ORS 688.010.

21 (b) A board may not require a person listed in this subsection to complete the continuing
22 education described in subsection (2) of this section more than once.

23 (5) A board may by rule determine minimum training and experience requirements to
24 exempt from the continuing education described in subsection (2) of this section a person
25 authorized to practice a profession listed in subsection (3) or (4) of this section.

26 (6) A person may complete the continuing education described in subsection (2) of this
27 section in addition to or, if a board determines that the continuing education fulfills existing
28 continuing education requirements, instead of any other continuing education requirement
29 imposed by the board.

30 (7)(a) A board shall document completion of the continuing education described in sub-
31 section (2) of this section by persons authorized to practice a profession regulated by the
32 board.

33 (b) For purposes of documenting completion under this subsection, a board may adopt
34 rules requiring persons authorized by the board to practice to submit documentation to the
35 board of completion of the continuing education.

36 (8) A board shall report biennially to the authority on the completion documented under
37 subsection (7) of this section.

38 (9) The authority, on or before August 1 of each even-numbered year, shall report to the
39 interim committees of the Legislative Assembly related to health care on the information
40 submitted to the authority under subsection (8) of this section.

41 **SECTION 2.** (1) The Oregon Health Authority shall approve continuing education oppor-
42 tunities related to suicide risk assessment, treatment and management.

43 (2) The authority shall develop a list of continuing education opportunities related to
44 suicide risk assessment, treatment and management and make the list available to each
45 board, as defined in section 1 of this 2017 Act.

(3) In developing the list, the authority shall:

(a) Consider suicide risk assessment, treatment and management training programs recommended by organizations that provide suicide awareness advocacy and education; and

(b) Consult with institutions of higher education and experts in suicide risk assessment, treatment and management.

SECTION 3. ORS 675.140, as amended by section 3, chapter 240, Oregon Laws 2013, is amended to read:

675.140. On or before the 10th day of each month, the State Board of Psychologist Examiners shall pay into the State Treasury all moneys received by the board during the preceding calendar month. The State Treasurer shall credit the moneys to the State Board of Psychologist Examiners Account. The moneys in the State Board of Psychologist Examiners Account are continuously appropriated to the board for the purpose of paying the expenses of administering and enforcing ORS 675.010 to 675.150 and 676.850 **and section 1 of this 2017 Act.**

SECTION 4. ORS 675.330, as amended by section 4, chapter 240, Oregon Laws 2013, is amended to read:

675.330. (1) The Occupational Therapy Licensing Board Account is established in the State Treasury, separate and distinct from the General Fund. All moneys received by the Occupational Therapy Licensing Board under ORS 675.210 to 675.340 shall be deposited into the account and are continuously appropriated to the board to be used only for the administration and enforcement of ORS 675.210 to 675.340, 675.990 (2) and 676.850 **and section 1 of this 2017 Act.** Any interest or other income from moneys in the account shall be credited to the account.

(2) All civil penalties collected or received for violations of or in prosecutions under ORS 675.210 to 675.340 shall be deposited into the Occupational Therapy Licensing Board Account and shall be used only for the administration and enforcement of ORS 675.210 to 675.340.

SECTION 5. ORS 675.597, as amended by section 5, chapter 240, Oregon Laws 2013, is amended to read:

675.597. The State Board of Licensed Social Workers Account is established in the State Treasury, separate and distinct from the General Fund. Interest earned by the State Board of Licensed Social Workers Account shall be credited to the account. Moneys in the account are continuously appropriated to the board for the administration and enforcement of ORS 675.510 to 675.600 and 676.850 **and section 1 of this 2017 Act.**

SECTION 6. ORS 675.805, as amended by section 6, chapter 240, Oregon Laws 2013, is amended to read:

675.805. All moneys received by the Oregon Board of Licensed Professional Counselors and Therapists under ORS 675.715 to 675.835 shall be paid into the General Fund in the State Treasury and placed to the credit of the Oregon Board of Licensed Professional Counselors and Therapists Account, which is hereby established. Such moneys are appropriated continuously and shall be used only for the administration and enforcement of ORS 675.715 to 675.835 and 676.850 **and section 1 of this 2017 Act.**

SECTION 7. ORS 677.290, as amended by section 8, chapter 240, Oregon Laws 2013, is amended to read:

677.290. (1) All moneys received by the Oregon Medical Board under this chapter shall be paid into the General Fund in the State Treasury and placed to the credit of the Oregon Medical Board Account which is established. Such moneys are appropriated continuously and shall be used only for the administration and enforcement of this chapter, [and] ORS 676.850 **and section 1 of this 2017**

1 **Act.**

2 (2) Notwithstanding subsection (1) of this section, the board may maintain a revolving account
 3 in a sum not to exceed \$50,000 for the purpose of receiving and paying pass-through moneys relating
 4 to peer review pursuant to its duties under ORS 441.055 (4) and (5) and in administering programs
 5 pursuant to its duties under this chapter relating to the education and rehabilitation of licensees in
 6 the areas of chemical substance abuse, inappropriate prescribing and medical competence. The crea-
 7 tion of and disbursement of moneys from the revolving account shall not require an allotment or
 8 allocation of moneys pursuant to ORS 291.234 to 291.260. All moneys in the account are continuously
 9 appropriated for purposes set forth in this subsection.

10 (3) Each year \$10 shall be paid to the Oregon Health and Science University for each in-state
 11 physician licensed under this chapter, which amount is continuously appropriated to the Oregon
 12 Health and Science University to be used in maintaining a circulating library of medical and surgi-
 13 cal books and publications for the use of practitioners of medicine in this state, and when not so in
 14 use to be kept at the library of the School of Medicine and accessible to its students. The balance
 15 of the money received by the board is appropriated continuously and shall be used only for the ad-
 16 ministration and enforcement of this chapter, but any part of the balance may, upon the order of the
 17 board, be paid into the circulating library fund.

18 **SECTION 8.** ORS 678.170, as amended by section 9, chapter 240, Oregon Laws 2013, is amended
 19 to read:

20 678.170. (1) All money received by the Oregon State Board of Nursing under ORS 678.010 to
 21 678.448 shall be paid into the General Fund in the State Treasury and placed to the credit of the
 22 Oregon State Board of Nursing Account. Such moneys are appropriated continuously and shall be
 23 used only for the administration and enforcement of ORS 676.850 and 678.010 to 678.448 **and section**
 24 **1 of this 2017 Act.**

25 (2) The board shall keep a record of all moneys deposited in the Oregon State Board of Nursing
 26 Account. This record shall indicate by separate cumulative accounts the source from which the
 27 moneys are derived and the individual activity or program against which each withdrawal is
 28 charged.

29 (3) The board may maintain a petty cash fund in compliance with ORS 293.180 in the amount
 30 of \$1,000.

31 **SECTION 9.** ORS 684.171, as amended by section 13, chapter 240, Oregon Laws 2013, is
 32 amended to read:

33 684.171. All moneys received by the State Board of Chiropractic Examiners under this chapter
 34 shall be paid into the General Fund in the State Treasury and placed to the credit of the State
 35 Board of Chiropractic Examiners Account which is hereby established and such moneys are appro-
 36 priated continuously and shall be used only for the administration and enforcement of this chapter,
 37 [and] ORS 676.850 **and section 1 of this 2017 Act.**

38 **SECTION 10.** ORS 685.201, as amended by section 14, chapter 240, Oregon Laws 2013, is
 39 amended to read:

40 685.201. The Oregon Board of Naturopathic Medicine Account is established in the State
 41 Treasury, separate and distinct from the General Fund. All moneys received by the Oregon Board
 42 of Naturopathic Medicine under this chapter shall be deposited into the account and are contin-
 43 uously appropriated to the board to be used only for the administration and enforcement of this
 44 chapter, [and] ORS 676.850 **and section 1 of this 2017 Act.** Any interest or other income from
 45 moneys in the account shall be credited to the account.

1 **SECTION 11.** ORS 688.201, as amended by section 16, chapter 240, Oregon Laws 2013, and
 2 section 8, chapter 13, Oregon Laws 2016, is amended to read:

3 688.201. (1) All moneys received under ORS 688.010 to 688.201 shall be paid into an account es-
 4 tablished by the Physical Therapist Licensing Board under ORS 182.470. The board may establish
 5 an additional account under ORS 182.470 for the purpose of meeting financial obligations imposed
 6 on the State of Oregon as a result of this state’s participation in the Physical Therapy Licensure
 7 Compact established under section 1, chapter 13, Oregon Laws 2016.

8 (2) The moneys paid into the accounts established by the board under ORS 182.470 are contin-
 9 uously appropriated to the board and may be used only for the administration and enforcement of
 10 ORS 676.850 and 688.010 to 688.201 **and section 1 of this 2017 Act** and for the purpose of meeting
 11 financial obligations imposed on the State of Oregon as a result of this state’s participation in the
 12 Physical Therapy Licensure Compact established under section 1, chapter 13, Oregon Laws 2016.

13 **SECTION 12.** (1) **A person who on January 1, 2018, is authorized to practice a profession**
 14 **listed in section 1 (3) of this 2017 Act must complete the initial three to six hours of the**
 15 **continuing education described in section 1 (2) of this 2017 Act no later than January 1, 2021.**

16 (2) **A person who on January 1, 2018, is authorized to practice a profession listed in sec-**
 17 **tion 1 (4) of this 2017 Act must complete the continuing education required by section 1 (4)**
 18 **of this 2017 Act no later than January 1, 2021.**

19 **SECTION 13.** (1) **Sections 1, 2 and 12 of this 2017 Act and the amendments to statutes**
 20 **by sections 3 to 11 of this 2017 Act become operative on January 1, 2018.**

21 (2) **A board, as defined in section 1 of this 2017 Act, and the Oregon Health Authority**
 22 **may take any action before the operative date specified in subsection (1) of this section that**
 23 **is necessary to enable the board and the authority to exercise, on or after the operative date**
 24 **specified in subsection (1) of this section, all of the duties, functions and powers conferred**
 25 **on the board and the authority by sections 1, 2 and 12 of this 2017 Act and the amendments**
 26 **to statutes by sections 3 to 11 of this 2017 Act.**

27 **SECTION 14.** **This 2017 Act being necessary for the immediate preservation of the public**
 28 **peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect**
 29 **on its passage.**

30 _____