Chapter 676

1957 REPLACEMENT PART

(1963 reprint)

Health Professions Generally

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EXAMINATION IN FUNDAMENTAL SCIENCES

676.010 Certificate of proficiency in fundamental sciences required before securing license to practice medicine or other method of healing. Any person desiring to apply to the officer, board or commission of this state having jurisdiction in the premises, for a license to practice either medicine or surgery, osteopathy, chiropractic, naturopathy, or any other system or method of healing that may hereafter be legalized in this state, shall file with his application for the license, a certificate of proficiency in the fundamental sciences from the State Board of Higher Education, as provided for in ORS 676.040. It is unlawful for any such officer, board or commission to issue any license until such certificate has been filed with him or it. This requirement is in addition to all other requirements now or hereafter in effect with respect to the issuance of such licenses.

676.020 Application for examination; qualifications; fee. Any person who desires to apply for a license to practice in this state any of the healing arts mentioned in ORS 676.010 shall apply to the secretary of the State Board of Higher Education, on a blank form prepared and furnished by the board, to be examined in the fundamental sciences named in ORS 676.030, accompanying the application with a fee of $25 and evidence that the applicant is 21 years of age or over, is of good moral character and is a graduate of an accredited high school of this state, or a school maintaining standards equal to the standards fixed for accredited high schools by the Oregon State Board of Education; provided, however, that after March 1, 1958, no applicant shall be examined and no certificate shall be issued unless the applicant therefor demonstrates by evidence satisfactory to the board that such applicant has successfully completed at least two years' study of liberal arts or sciences in a college or university accredited by either the Northwest Association of Secondary and Higher Schools or a like regional association, or in any college or university in Oregon approved for granting degrees by the Oregon State Board of Education; provided further, that no applicant shall be required or permitted to disclose the professional college or university he may have attended nor the method or system of healing he desires to practice. If the secretary is satisfied that the applicant has the qualifications prescribed in this section, he shall so certify to the State Board of Higher Education, and shall give the applicant at least 10 days' written notice, by mail, of the time and place where the applicant may be examined in the fundamental sciences.

[Amended by 1953 c.203 §1; 1957 c.212 §1]

676.030 Examination of applicants. (1) At least twice each year at the times and places it may designate, the State Board of Higher Education shall conduct examinations upon the subjects listed in subsection (2) of this section of all persons who desire to apply for a license to practice medicine and surgery, osteopathy, chiropractic, naturopathy or any other system or method of healing that hereafter may be legalized within this state.

(2) The examination shall cover the following six fundamental sciences:

(a) Human anatomy.
(b) Human physiology.
(c) Human pathology.
(d) Chemistry.
(e) Hygiene.
(f) Bacteriology.

(3) The examination shall be written and shall be of such a nature as to constitute an adequate test as to whether the person examined has a reasonable knowledge of the elementary principles of such sciences. If the board deems it advantageous so to do, the several examiners may prepare and transmit to the secretary of the board the questions to be propounded and the secretary may conduct the examination and thereafter distribute the examination papers, identified by number only and not containing or accompanied by anything by which the identity of the person examined can be determined, to the several examiners who shall examine and grade the papers and report the grades to the secretary of the board as speedily as practicable.

[Amended by 1957 c.212 §2]

676.040 Grades required to pass; issuance of certificate. (1) If the applicant, upon examination in the six subjects provided, obtains an average grade of not less than 75 percent and a grade of not less than 70 percent in each of the subjects, the State Board of Higher Education shall issue to the applicant a certificate of proficiency in the fundamental sciences named in ORS 676.030, signed by the chairman and secretary.

(2) If the applicant, in any one examination conducted by said board shall obtain a grade of not less than 70 percent in each of at least four of the subjects provided, and an average grade of not less than 75 percent in such four or more subjects, but fails to obtain a grade of not less than 70 percent in one or two of the remaining subjects provided, on any subsequent examination within 12 months following such examination, he shall only be required to take an examination in the subjects in which he failed to obtain a grade of not less than 70 percent, and if he receives such a grade in such examination the State Board of Higher Education shall issue to him such a certificate of proficiency; provided if he fails to obtain such a grade in all subjects so retaken, on the next examination he shall be required to comply with subsection (1) of this section. The examination fee for a reexamination in one or two subjects provided for above shall be $10. [Amended by 1957 c.212 §3]

676.050 Reciprocity. (1) The State Board of Higher Education may, in its discretion, waive the examination required by ORS 676.030 when proof satisfactory to the board is submitted showing that the applicant has passed the examination in the fundamental sciences before a board authorized to issue certificates of proficiency in such sciences in another state, when the requirements of that state are, in the opinion of the board, not less than those provided by ORS 676.010 to 676.090; provided, however, that after March 1, 1958, the board may waive the said examination only when, in its opinion, the requirements of the other state concerned are not less than those required by ORS 676.010 to 676.090, with the exception, that the requirements of the other state concerned will not be regarded as less than those herein required although such other state permits an applicant to take the examination in the fundamental sciences without demonstrating successful completion of said two years' study of liberal arts or sciences in the type of school, college or university herein provided under the following circumstances, to wit:

(a) When the applicant presents evidence satisfactory to the board of completion of two years' study of liberal arts or sciences, or,

(b) When the applicant presents evidence satisfactory to the board that he has satisfactorily passed the examination in the fundamental sciences before such a board in another state prior to March 1, 1958.

(2) This section applies only to examinations conducted by the boards or officers of states that grant exemptions from examination in the fundamental sciences to persons granted certificates by the State Board of Higher Education of this state under substantially similar conditions.

(3) If all of the conditions provided for are complied with, except that this state requires an examination in not more than two subjects not covered by the examination in such other state, the State Board of Higher Education may grant to such an applicant an examination in such subjects, and upon such applicant obtaining a grade of not less than 70 percent in each of the subjects of such an examination, the State Board of Higher Education shall issue such a certificate of proficiency to such an applicant. [Amended by 1953 c.203 §2; 1957 c.212 §4]

676.060 Appointment of examiners. The State Board of Higher Education shall appoint such examiners as are necessary to conduct the examinations provided for in ORS 676.030. The examiners may be selected from the faculties of the University of Oregon, Oregon State University or any university or college accredited by the Oregon state system of higher education. However, no examiner may be actively engaged in the practice of any method or system of healing, or have any financial interest in, or be a member of the faculty of any school of healing.

676.070 Compensation of examiners; expenses of secretary. Each examiner who is appointed by the board shall receive $10 per day for each day he is actually engaged in the work of examination, together with his necessary traveling expenses. The secretary of the State Board of Higher Education shall receive no additional compensation because of the duties performed by him under ORS 676.010 to 676.090, but he shall receive his necessary traveling expenses and expenses necessarily incurred by him for clerical hire and supplies in connection with the operation of ORS 676.010 to 676.090.

676.080 Deposit of fees; disbursements. The secretary of the State Board of Higher Education shall deposit all fees received by him under ORS 676.010 to 676.090 with the

State Treasurer, who shall keep them in a separate fund for disbursement on written orders or vouchers approved by the chairman and secretary of the board.

676.090 Practitioners unaffected by ORS 676.010 to 676.080. Nothing in ORS 676.010 to 676.080 shall be construed to:

(1) Apply to persons holding licenses as physicians and surgeons, osteopaths, chiropractors or naturopaths on Janury 1, 1934.

(2) Apply to dentists, nurses, pharmacists, optometrists or podiatrists practicing within the limits of their respective callings.

(3) Affect or prevent the practice of the religion of persons who endeavor to prevent or cure disease or suffering by prayer or other spiritual means in accordance with the tenets of any church.

USE OF TITLES IMPORTING SKILL IN HEALING

676.100 Definitions for ORS 676.100 to 676.130. As used in ORS 676.100 to 676.130, unless the context requires otherwise, "person" means and includes any "clinic," "institute," "specialist" or any group or combination of persons.

676.110 Practitioner to designate his particular business or profession. Any person practicing any of the healing arts or the corrective art of optometry who uses the title "doctor," or any contraction thereof, "clinic," "institute," "specialist" or any other assumed or artificial name or title, in connection with his business or profession, on any written or printed matter, or in connection with any advertising, billboards, signs or professional notices, shall add after his name, or after any such assumed or artificial names, one of the following respective designations in letters or print which shall be at least one-fourth the size of the largest letters used in the title or name, and in material, color, type or illumination to give display and legibility of at least one-fourth that of the title or name:

(1) In the case of a person practicing podiatry, the word "podiatrist."

(2) In the case of a person practicing chiropractic, the word "chiropractor" or the words "chiropractic physician."

(3) In the case of a person practicing dentistry, the word "dentist" or the words "dental surgeon."

(4) In the case of a person practicing naturopathy, the word "naturopath" or the words "naturopathic physician."

(5) In the case of a person practicing the corrective art of optometry, the word "optometrist."

(6) In the case of a person licensed to practice osteopathy and surgery by the Board of Medical Examiners of the State of Oregon, the word "osteopath" or the words "osteopathic physician" or "osteopathic physician and surgeon."

(7) In the case of a person licensed to practice medicine and surgery by the Board of Medical Examiners of the State of Oregon, the word "physician" or the word "surgeon" or the words "physician and surgeon."

(8) In the case of a person practicing veterinary medicine, the word "veterinarian."

676.120 Use of business or professional designation by unlicensed person prohibited; use of deceased licensee's name. No person shall use any of the designations stated in subsections (1) to (8) of ORS 676.110, in connection with his name, business or profession or in connection with an assumed or artificial name, or "clinic," "institute" or "specialist," unless he is licensed under the laws of this state to practice the particular healing art or corrective art indicated by such designation, as stated in ORS 676.110. However, upon the death of any person duly licensed by any board empowered to license any practitioner of the healing arts or the corrective art of optometry, the executors of his estate or his heirs, assigns, associates or partners may retain the use of the decedent's name, where it appears other than as a part of an assumed name, for no more than one year after the death of such person or until his estate is settled, whichever is sooner. [Amended by 1953 c.137 §2]

676.130 Enforcement of ORS 676.100 to 676.120. Each board licensing any of the healing arts, or the corrective art of optometry, within this state, shall notify the appropriate district attorney of any violation of ORS 676.100 to 676.120 which may be brought to the attention of such board. The district attorney of the county in which any violation of those sections takes place shall prosecute the violation upon being informed of the violation by any person or by one of such boards.

676.140 List of persons practicing healing arts. Each board licensing any person to practice any healing art in this state shall file with the Secretary of State a list of all persons licensed by such board to practice such healing art, together with the last known address of each of such persons. The list shall be filed each year, on or before April 1, showing such list as of February 15 of such year. If a board revokes a license to practice, or suspends a license, or a licensee dies, or for any reason the license terminates or is otherwise affected, the board forthwith shall notify the Secretary of State of such occurrence and a record thereof shall be made. The lists of licensees and the status of each license shall be official public records in the office of the Secretary of State.

676.150 to 676.200 [Reserved for expansion]

ENJOINING PRACTICE AFTER SUSPENSION OR REVOCATION OF LICENSE

676.210 Practice of healing or corrective art after suspension or revocation of license prohibited. No person whose license has been revoked or suspended by any board authorized by the statutes of the State of Oregon to issue licenses to practice any of the healing or corrective arts shall continue the practice of this art after the order or decision of the board suspending or revoking his license has been made. The license shall remain suspended or revoked until a final determination of an appeal from the decision or order of the board has been made by the court.
[1953 c.592 §1]

676.220 Enjoining licentiate of healing or corrective arts from practicing after suspension or revocation of license. (1) If at any time the board suspending or revoking the license of any licentiate of any of the healing or corrective arts determines that such licentiate is continuing to practice the healing or corrective art notwithstanding, the board shall in its own name bring a suit in equity to enjoin such licentiate.

(2) If the court shall find that the licentiate has been or is continuing the practice of the healing or corrective art for which his license has been revoked or suspended it shall issue an injunction restraining him. The commission of a single act constituting the practice of the respective corrective or healing art shall be prima facie evidence warranting the issuance of such injunction.
[1953 c.592 §2]

676.230 Injunction is cumulative remedy. The remedy herein provided is cumulative and shall be without prejudice to any other civil or criminal remedy.
[1953 c.592 §3]

676.240 to 676.980 [Reserved for expansion]

PENALTIES

676.990 Penalties. (1) Violation or participation in the violation of any provision of ORS 676.010 to 676.090 is punishable, upon conviction, by a fine of not more than $500, or by imprisonment in the county jail for not more than one year, or by both.

(2) Violation of any of the provisions of ORS 676.100 to 676.130 is punishable, upon conviction, by a fine of not more than $250, or by imprisonment in the county jail for not more than 30 days, or by both.

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Sam R. Haley, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.

Done at Salem, Oregon,
on December 2, 1957.

Sam R. Haley
Legislative Counsel