

Chapter 676

1979 REPLACEMENT PART

Health Professions Generally

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676.110

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676.010 [Amended by 1967 c.470 §64; repealed by 1973 c.31 §5]

676.020 [Amended by 1953 c.203 §1; 1957 c.212 §1; repealed by 1973 c.31 §5]

676.030 [Amended by 1957 c.212 §2; 1967 c.470 §65; repealed by 1973 c.31 §5]

676.035 [1967 c.184 §1; 1971 c.15 §1; repealed by 1973 c.31 §5]

676.040 [Amended by 1957 c.212 §3; repealed by 1973 c.31 §5]

676.050 [Amended by 1953 c.203 §2; 1957 c.212 §4; repealed by 1973 c.31 §5]

676.060 [Repealed by 1973 c.31 §5]

676.070 [Repealed by 1973 c.31 §5]

676.080 [Repealed by 1973 c.31 §5]

676.090 [Repealed by 1973 c.31 §5]

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 medicine by the Board of Medical Examiners of the State of Oregon who holds the degree of Doctor of Osteopathy, or the equivalent, the word "osteopath" or the words "osteopathic physician" or "osteopathic physician and surgeon."

(7) In the case of a person licensed to practice medicine by the Board of Medical Examiners of the State of Oregon who holds the degree of Doctor of Medicine, or the equivalent, 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."
[Amended by 1967 c.470 §66]

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 [Repealed by 1967 c 470 §68]

ENJOINING PRACTICE AFTER SUSPENSION OR REVOCAION 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 an action 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 the license has been revoked or suspended it shall issue an injunction restraining the licentiate. 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; 1979 c 284 §191]

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]

MISCELLANEOUS

676.310 Fees for laboratory testing; itemized billing; failure to comply considered unprofessional conduct. (1) Any person authorized by law to order laboratory testing may charge a reasonable fee for all laboratory and other specialized testing performed by the practitioner or by a person in the practitioner's employ. In addition, the practitioner is entitled to charge a reasonable fee for collecting and preparing specimens to be sent to independent persons or laboratories for testing, and for the preparation of the billing to the patient for the test. However, a practitioner shall not mark up, or charge a commission or make a profit on services rendered by an independent person or laboratory.

(2) A practitioner shall prepare an itemized billing, indicating the charges for each service rendered to the patient. Any services rendered to the patient that were performed by persons other than those in the direct employ of the practitioner and the charges therefor shall be indicated separately on the patient's bill.

(3) Failure to comply with the requirements of this section shall be considered to be unprofessional conduct and may be subject to disciplinary action by the appropriate licensing board.

(4) As used in this section, "practitioner" means a person licensed to practice medicine, dentistry, naturopathy or chiropractic or to be a nurse practitioner. [1979 c 428 §1]

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, Thomas G. Clifford, 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,
October 1, 1979

Thomas G Clifford
Legislative Counsel

