

# Chapter 676

## 1983 REPLACEMENT PART

(1987 reprint)

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## OCCUPATIONS AND PROFESSIONS

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**676 010** [Amended by 1967 c 470 §64 repealed by 1973 c 31 §5]

**676 020** [Amended by 1953 c 203 §1 1957 c 212 §1, repealed by 1973 c 31 §5]

**676 030** [Amended by 1957 c 212 §2, 1967 c 470 §65, repealed by 1973 c 31 §5]

**676 035** [1967 c 184 §1, 1971 c 15 §1, repealed by 1973 c 31 §5]

**676 040** [Amended by 1957 c 212 §3, repealed by 1973 c 31 §5]

**676 050** [Amended by 1953 c 203 §2, 1957 c 212 §4, repealed by 1973 c 31 §5]

**676 060** [Repealed by 1973 c 31 §5]

**676 070** [Repealed by 1973 c 31 §5]

**676 080** [Repealed by 1973 c 31 §5]

**676 090** [Repealed by 1973 c 31 §5]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 HEALTH CARE PROFESSION

**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 particular business or profession.** Any person practicing a health care profession who uses the title "doctor," or any contraction thereof, "clinic," "institute," "specialist" or any other assumed or artificial name or title, in connection with the business or profession, on any written or printed matter, or in connection with any advertising, billboards, signs or professional notices, shall add after the name of the person, 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" or the words "podiatric physician" or "podiatric physician and surgeon "

(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 "dentistry "

(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 optometry, the word "optometrist" or the words "doctor of optometry "

(6) In the case of a person licensed to practice medicine by the Board of Medical Examiners for 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 for 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, 1983 c 169 §29, 1983 c 486 §1a, 1983 c 769 §1]

**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 ORS 676 110 (1) to (8), in connection with the name, business or profession of the person or in connection with an assumed or artificial name, or "clinic," "institute" or "specialist," unless the person is licensed under the laws of this state to practice the particular health care profession 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 a health care profession, the executors of the estate or the 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 the estate is settled, whichever is sooner [Amended by 1953 c 137 §2, 1983 c 769 §2]

**676.130 Enforcement of ORS 676.100 to 676.120.** Each board licensing any of the health care professions, 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 [Amended by 1983 c 769 §3]

**676 140** [Repealed by 1967 c 470 §68]

### ENJOINING PRACTICE AFTER SUSPENSION OR REVOCATION OF LICENSE

**676.210 Practice of health care profession 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 a health care profession shall continue the practice of this profession after the order or decision of the board suspending or revoking the license of the person 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, 1983 c 769 §4]

**676.220 Enjoining health care professional from practicing after suspension or revocation of license.** (1) If at any time the board suspending or revoking the license of any licentiate of a health care profession determines that such licentiate is continuing to practice the health care profession 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 health care profession 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 health care profession shall be prima facie evidence warranting the issuance of such injunction. [1953 c 592 §2, 1979 c 284 §191, 1983 c 769 §5]

**676.230 Injunction as 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.** 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