

REVENUE: No revenue impact

FISCAL: No fiscal impact

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Action: Do Pass as Amended and Be Printed Engrossed

Vote: 3 - 1 - 1

Yeas: Atkinson, Bates, Avakian

Nays: Beyer

Exc.: Prozanski

Prepared By: Sue Marshall, Administrator

Meeting Dates: 1/23, 4/3

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**WHAT THE MEASURE DOES:** Authorizes the Veterinary Medical Examining Board to inspect certain premises and order examinations during the course of an investigation of an applicant or licensee.

**ISSUES DISCUSSED:**

- Whether the board has adequate authority to investigate complaints
- Standards for when an agency requires an examination
- Whether the board should have the authority to investigate complaints that are not directly related to veterinary practice

**EFFECT OF COMMITTEE AMENDMENT:** Requires that there be evidence of noncompliance before the board can order a physical, mental or competency examination.

**BACKGROUND:** The 2005 Legislative Assembly enacted Senate Bill 318, authorizing the Veterinary Medical Examining Board to discipline a permit or license holder who, after undergoing a physical or mental health examination ordered by the board, is determined to be unable to safely conduct the practice of veterinary medicine. However, upon attempting to enforce the statute during the interim, the board was successfully challenged by a licensee who refused to undergo an examination. Board representatives have indicated that they believe this to be an omission in the original law and are seeking to gain clear authority to order a mental or physical examination when there is evidence of noncompliance.

Senate Bill 134A creates new provisions in the Oregon Revised Statutes to authorize the Oregon Veterinary Medical Examining Board to inspect the premises of a veterinary facility and to order an applicant or licensee to undergo a mental, physical, or competency examination when the board has evidence of incapacity. The measure applies to all complaints that are before the board and investigations undertaken by the board on its own initiative or after the effective date.

4/3/2007 3:37:00 PM

*This summary has not been adopted or officially endorsed by action of the committee.*