

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action:	Do Pass as Amended and Be Printed Engrossed
Vote:	9 - 0 - 0
Yeas:	Bonamici, Bruun, Cannon, Flores, Gelser, Kotek, Maurer, Richardson, Greenlick
Nays:	0
Exc.:	0
Prepared By:	Sandy Thiele-Cirka, Administrator
Meeting Dates:	5/1 (Policy sub), 5/8 (Full)

WHAT THE MEASURE DOES: Authorizes the Board of Naturopathic Examiners to contract for services for impaired naturopathic physicians. Allows the board to refer impaired naturopathic physicians to diversion programs approved by the board in addition to, or instead of, other disciplinary sanctions the board is authorized to impose. Specifies criteria for an evaluation to be performed on a licensee or other person to practice naturopathic medicine. Requires the board to serve notice to the licensee for whom the evaluation is being requested. Allows the licensee or other person to request a contested case hearing within 10 days after receiving the board's notice or within any longer period of time the board authorizes. Directs the board to notify and provide copies of the evaluation results to the licensee or other person. Exempts controlled substances from these requirements. Allows the board to require a person to undergo certain evaluations when the board has reasonable grounds to believe the person is or may be unable to practice naturopathic medicine with reasonable skill and safety.

ISSUES DISCUSSED:

- Current board options for an impaired naturopathic physicians
- Concerns associated with expanding the board's authority to order mental, physical, chemical dependency and competency evaluations
- Review of other medical professional boards diversion programs
- Concerns associated with adequate checks and balances of expanding the board's authority
- Importance of protecting licensees
- Current definition of objectively reasonable grounds
- Proposed amendment

EFFECT OF COMMITTEE AMENDMENT: Specifies criteria for an evaluation to be performed on a licensee or other person to practice naturopathic medicine. Requires the board to serve notice to the licensee for whom the evaluation is being requested. Allows the licensee or other person to request a contested case hearing within 10 days after receiving the board's notice or within any longer period of time the board authorizes. Directs the board to notify and provide copies of the evaluation results to the licensee or other person. Exempts controlled substances from these requirements.

BACKGROUND: "Naturopathic medicine" is defined in ORS 685.010 as the discipline that includes physiotherapy, natural healing processes, and minor surgery, and has as its objective the maintaining of the body in, or of restoring it to, a state of normal health. In order to be licensed as a naturopathic physician, a person must graduate from an approved naturopathic college that offers a resident four-year course, and meet the qualifications of the Board of Naturopathic Examiners (BNE), which include certain standards, education and conduct.

The BNE is empowered to protect the public by licensing and regulating naturopathic physicians in Oregon. The board is authorized by law to examine, register, and license naturopathic physicians. The board enforces compliance with the naturopathic statute through administrative procedures, continuing education, discipline of licensees, and court actions.

Currently, the BNE does not have authority to address impaired licensees except through board orders that are public information.

The diversion program proposed by SB 207A is similar to that used by the Board of Medical Examiners. It authorizes the board to contract with programs to which impaired physicians can self-refer, allowing them an opportunity to correct problems without formal discipline from the board. This would not prevent the board from taking formal action if harm has been caused. The measure also allows the board to require a person to undergo mental, physical, chemical dependency or competency evaluations at the person's expense as part of an investigation, when the board has reasonable grounds to believe that the person is or may be unable to practice naturopathic medicine with reasonable safety and skill.

5/17/2007 3:15:00 PM

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

Committee Services Form – 2007 Regular Session