

Senate Bill 146

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor Theodore R. Kulongoski for Board of Medical Examiners)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Authorizes Board of Medical Examiners to impose civil penalties and to assess enforcement costs against violators.

Declares emergency, effective July 1, 2007.

A BILL FOR AN ACT

1
2 Relating to enforcement authority of Board of Medical Examiners; amending ORS 677.990; and de-
3 claring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 677.990 is amended to read:

6 677.990. (1) Violation of any provision of this chapter is a misdemeanor. In any prosecution for
7 such violation, it shall be sufficient to sustain a conviction to show a single act of conduct in vio-
8 lation of any of the provisions of this chapter and it shall not be necessary to show a general course
9 of such conduct.

10 (2) Any person who practices medicine without being licensed under this chapter as prohibited
11 in ORS 677.080 (4) commits a Class C felony.

12 (3) A person who violates the provisions of ORS 677.360 to 677.370 commits a Class C
13 misdemeanor.

14 (4)(a) **Any person who violates any provision of this chapter or any rule adopted there-**
15 **under shall forfeit and pay into the General Fund to the credit of the Board of Medical Ex-**
16 **aminers Account a civil penalty in an amount determined by the Board of Medical**
17 **Examiners. The amount of the penalty may not exceed \$100,000 for each offense.**

18 (b) **In addition to any civil penalty forfeited and paid pursuant to paragraph (a) of this**
19 **subsection, the board may assess from any person subject to a civil penalty any costs in-**
20 **curring by the board in enforcing the civil penalty provisions of this subsection.**

21 (c) **The civil penalty and the enforcement costs assessed under this subsection may be**
22 **recovered by the Attorney General in an action brought in the name of the State of Oregon**
23 **in any court of appropriate jurisdiction or may be imposed as provided in ORS 183.745.**

24 (d) **The provisions of this subsection are in addition to and not in lieu of any other pen-**
25 **alty provided by law.**

26 **SECTION 2.** **This 2007 Act being necessary for the immediate preservation of the public**
27 **peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect**
28 **July 1, 2007.**

29

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.