

A-Engrossed Senate Bill 207

Ordered by the House May 17
Including House Amendments dated May 17

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 Naturopathic 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.

Authorizes Board of Naturopathic Examiners to contract for services for impaired naturopathic physicians. Allows board to refer impaired naturopathic physician to board-approved diversion program in addition to or instead of imposition of disciplinary sanction. Permits board to require certain evaluations of *[persons who are subject of investigation]* **licensee or other person charged with violation of provisions relating to naturopathic physicians.**

Directs board to notify licensee or other person and provide copies of evaluation results to licensee or other person. Allows licensee or other person to request contested case hearing within 10 days after receiving board's notice or within longer period of time if authorized by board.

A BILL FOR AN ACT

1
2 Relating to authority of Board of Naturopathic Examiners; creating new provisions; and amending
3 ORS 685.225.

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

5 **SECTION 1. Section 2 of this 2007 Act is added to and made a part of ORS chapter 685.**

6 **SECTION 2. (1)(a) The Board of Naturopathic Examiners may enter into contracts to
7 make services available to impaired naturopathic physicians.**

8 **(b) The board may, in accordance with ORS chapter 183, adopt rules for the adminis-
9 tration of a diversion program for impaired naturopathic physicians.**

10 **(2) In addition to or instead of any disciplinary action under ORS 685.110, the board may
11 refer an impaired naturopathic physician to a board-approved diversion program.**

12 **(3) The program administrator shall report to the board and provide all pertinent infor-
13 mation concerning an impaired naturopathic physician who is referred to the program.**

14 **SECTION 3. ORS 685.225 is amended to read:**

15 **685.225. (1) Upon the complaint of any *[citizen]* **resident** of this state, or upon its own motion,
16 the Board of Naturopathic Examiners may investigate any alleged violation of this chapter.**

17 **(2) In the conduct of investigations, the board may:**

18 **(a) Take evidence;**

19 **(b) Take the depositions of witnesses, including the person charged **with a violation of this
20 chapter**, in the manner provided by law in civil cases;**

21 **(c) Compel the appearance of witnesses, including the person charged, before the board in per-
22 son the same as in civil cases;**

23 **(d) Require answers to interrogatories; *[and]***

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.

1 (e) Compel the production of books, papers, accounts, documents and testimony pertaining to the
2 matter under investigation; **and**

3 **(f) Require a licensee under this chapter or another person charged with a violation of**
4 **this chapter to undergo a mental, physical, chemical dependency or competency evaluation**
5 **at the person's expense when there is an objectively reasonable basis to believe that the**
6 **licensee or other person is unable to practice naturopathic medicine safely. An evaluation**
7 **conducted under this subsection must be performed:**

8 **(A) By qualified, impartial professionals;**

9 **(B) In a timely manner; and**

10 **(C) In a cost-effective manner if the licensee or other person is required to pay the cost**
11 **of the evaluation.**

12 **(3) If the board intends to require a licensee or another person charged with a violation**
13 **of this chapter to undergo an evaluation described in subsection (2)(f) of this section, the**
14 **board must first issue a notice to the licensee or other person as required under ORS 183.415.**
15 **The licensee or other person may request a contested case hearing on the order within 10**
16 **days after receiving the board's notice or within any longer period of time the board au-**
17 **thorizes. If a licensee or other person charged with a violation of this chapter does not re-**
18 **quest a hearing in the time authorized, the notice shall constitute the board's final order**
19 **requiring the evaluation. A hearing conducted in accordance with this subsection shall con-**
20 **sider only whether the board has complied with the procedural requirements for ordering the**
21 **evaluation and whether an adequate substantive basis exists for the board's order.**

22 **(4) Upon receipt of the results of an evaluation conducted under this section, the board**
23 **must immediately provide to the licensee or other person who was evaluated copies of any**
24 **evaluation reports and all documents or other information produced or reviewed by the per-**
25 **sons who conducted the evaluation.**

26 **(5) Subsection (3) of this section does not apply to board orders requiring tests for con-**
27 **trolled substances.**

28 **[(3)] (6) In exercising its authority under subsection (2) of this section, the board may issue**
29 **subpoenas over the signature of the board chairperson and the seal of the board in the name of the**
30 **State of Oregon.**

31