

# Senate Bill 207

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 **as introduced**.

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.

## 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 of this state, or upon its own motion, the Board  
16 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, in the manner provided by  
20 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*]

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

26 **(f) Require a person to undergo a mental, physical, chemical dependency or competency**  
27 **evaluation at the person's expense when the board has objectively reasonable grounds to**  
28 **believe that the person is or may be unable to practice naturopathic medicine with reason-**  
29 **able skill and safety. The results of the evaluation shall be reported to the board. The report**

**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 **shall not be disclosed to the public but may be received into evidence in a proceeding between**  
2 **the board and the person when the mental, physical, chemical dependency or competency of**  
3 **the person is at issue, notwithstanding any claim of privilege by the person.**

4 (3) In exercising its authority under subsection (2) of this section, the board may issue subpoenas  
5 over the signature of the board chairperson and the seal of the board in the name of the State of  
6 Oregon.

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