

Senate Bill 455

Sponsored by Senator BROWN (at the request of Oregon Acupuncture Association)

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**.

Prohibits Board of Medical Examiners from requiring fingerprints for purposes of requesting criminal records check of person applying for license to practice acupuncture.

A BILL FOR AN ACT

1
2 Relating to requirements for license to practice acupuncture; creating new provisions; and amending
3 ORS 677.265.

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

5 **SECTION 1.** ORS 677.265 is amended to read:

6 677.265. In addition to any other powers granted by this chapter, the Board of Medical Exam-
7 iners for the State of Oregon may:

8 (1) Adopt necessary and proper rules for administration of this chapter including but not limited
9 to:

10 (a) Establishing fees and charges to carry out its legal responsibilities, subject to prior approval
11 by the Oregon Department of Administrative Services and a report to the Emergency Board prior
12 to adopting the fees and charges. The fees and charges shall be within the budget authorized by the
13 Legislative Assembly as that budget may be modified by the Emergency Board. The fees and charges
14 established under this section may not exceed the cost of administering the program or the purpose
15 for which the fee or charge is established, as authorized by the Legislative Assembly for the board's
16 budget, or as modified by the Emergency Board or future sessions of the Legislative Assembly.

17 (b) Establishing standards and tests to determine the moral, intellectual, educational, scientific,
18 technical and professional qualifications required of applicants for licenses under this chapter.

19 (c) Enforcing the provisions of this chapter and exercising general supervision over the practice
20 of medicine and podiatry within this state. In determining whether to discipline a licensee for a
21 standard of care violation, the board shall determine whether the licensee used that degree of care,
22 skill and diligence that is used by ordinarily careful physicians or podiatric physicians and surgeons
23 in the same or similar circumstances in the community of the physician or podiatric physician and
24 surgeon or a similar community.

25 (2) Issue, deny, suspend and revoke licenses and limited licenses, assess costs of proceedings and
26 fines and place licensees on probation as provided in this chapter.

27 (3) Use the gratuitous services and facilities of private organizations to receive the assistance
28 and recommendations of the organizations in administering this chapter.

29 (4) Make its personnel and facilities available to other regulatory agencies of this state, or other
30 bodies interested in the development and improvement of the practice of medicine or podiatry in this
31 state, upon terms and conditions for reimbursement as are agreed to by the board and the other

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 agency or body.

2 (5) Appoint examiners, who need not be members of the board, and employ or contract with the
3 American Public Health Association or the National Board of Medical Examiners or other organ-
4 izations, agencies and persons to prepare examination questions and score examination papers.

5 (6) Determine the schools, colleges, universities, institutions and training acceptable in con-
6 nection with licensing under this chapter. All residency, internship and other training programs
7 11 carried on in this state by any hospital, institution or medical facility shall be subject to approval
8 12 by the board. The board shall accept the approval by the American Osteopathic Association or the
9 13 American Medical Association.

10 (7) Prescribe the time, place, method, manner, scope and subjects of examinations under this
11 chapter.

12 (8) Prescribe all forms that it considers appropriate for the purposes of this chapter, and require
13 the submission of photographs and relevant personal history data by applicants for licensure under
14 this chapter.

15 (9) **Except as provided in section 3 of this 2007 Act**, for the purpose of requesting a state or
16 nationwide criminal records check under ORS 181.534, require the fingerprints of a person who is:

- 17 (a) Applying for a license that is issued by the board;
- 18 (b) Applying for renewal of a license that is issued by the board; or
- 19 (c) Under investigation by the board.

20 (10) Administer oaths, issue notices and subpoenas in the name of the board, enforce subpoenas
21 in the manner authorized by ORS 183.440, hold hearings and perform such other acts as are rea-
22 sonably necessary to carry out its duties under this chapter.

23 **SECTION 2. Section 3 of this 2007 Act is added to and made a part of ORS 677.757 to**
24 **677.770.**

25 **SECTION 3. The provisions of ORS 677.265 (9) do not apply to a person seeking initial**
26 **licensure or renewal of a license to practice acupuncture as required by ORS 677.759.**

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