

Senate Bill 620

Sponsored by Senator MORRISETTE

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**.

Defines "naturopathic physician." Allows naturopathic physician to submit report to State Health Officer in support of application for certificate of eligibility for person with physical condition that affects person's ability to operate motor vehicle.

A BILL FOR AN ACT

1
2 Relating to naturopathic physicians; amending ORS 685.010, 807.090 and 807.710.

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

4 **SECTION 1.** ORS 685.010 is amended to read:

5 685.010. As used in this chapter:

6 (1) "Accredited naturopathic school or college" means any naturopathic school or college of-
7 fering a four-year full-time resident program of study in naturopathy leading to a doctoral degree in
8 naturopathic medicine, such program having been approved by the board to meet the standards
9 specifically incorporated into board rules.

10 (2) "Board" means the Board of Naturopathic Examiners.

11 (3) "Drugs" means all medicines and preparations and all substances, except nonpoisonous plant
12 or animal substances in therapeutic dosages, food and water, substances listed on the formulary es-
13 tablished under ORS 685.145 (3), over-the-counter substances, nonprescriptive and non Drug
14 Enforcement Agency regulated homeopathic substances and nutritional supplements, used or in-
15 tended to be used for the diagnosis, cure, treatment, mitigation or prevention of diseases or abnor-
16 malities of humans, which are recognized in the latest editions of the official United States
17 Pharmacopoeia, official Homeopathic Pharmacopoeia, official National Formulary, or any supplement
18 to any of them, or otherwise established as drugs.

19 (4) "Minor surgery" means the use of electrical or other methods for the surgical repair and
20 care incident thereto of superficial lacerations and abrasions, benign superficial lesions, and the
21 removal of foreign bodies located in the superficial structures; and the use of antiseptics and local
22 anesthetics in connection therewith.

23 (5) "Naturopathic medicine" means the discipline that includes physiotherapy, natural healing
24 processes and minor surgery and has as its objective the maintaining of the body in, or of restoring
25 it to, a state of normal health.

26 (6) **"Naturopathic physician" means a person who holds a degree of Doctor of
27 Naturopathic Medicine and is licensed under this chapter.**

28 [(6)] (7) "Nonpoisonous" means a substance taken in accepted therapeutic dosage that by its
29 action on organs or tissue does not adversely impair function or destroy human life.

30 [(7)] (8) "Plant or animal substances" means those substances found in nature that comprise the
31 whole or parts of plants or animals and constituents thereof and that have not had changes made

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 in their molecular structure as found in nature.

2 **SECTION 2.** ORS 807.090 is amended to read:

3 807.090. (1) If the Department of Transportation determines that a person may be ineligible for
 4 a license because the person has a mental or physical condition or impairment that affects the per-
 5 son’s ability to safely operate a motor vehicle, the person may establish eligibility for a license,
 6 notwithstanding the mental or physical condition or impairment:

7 (a) By personally demonstrating to the satisfaction of the department that, notwithstanding the
 8 mental or physical condition or impairment, the person is qualified to safely operate a motor vehicle;
 9 or

10 (b) If the department reasonably believes that, notwithstanding the demonstration under para-
 11 graph (a) of this subsection, the person’s mental or physical condition or impairment affects the
 12 person’s ability to safely operate a motor vehicle, by obtaining a certificate of eligibility from the
 13 State Health Officer under this section.

14 (2) The State Health Officer shall issue to the department a certificate of eligibility required
 15 under this section if an applicant for a certificate establishes to the satisfaction of the State Health
 16 Officer that the person’s mental or physical condition or impairment does not affect the person’s
 17 ability to safely operate a motor vehicle. The State Health Officer shall use the following to estab-
 18 lish qualification for a certificate of eligibility under this subsection:

19 (a) A report from the applicant’s physician, nurse practitioner or physician assistant of the ap-
 20 plicant’s condition or impairment.

21 (b) If the applicant’s condition or impairment apparently involves only visual deficiencies, the
 22 department may require an applicant to submit a report from a licensed optometrist or a licensed
 23 physician who specializes in diagnosis and treatment of diseases of the eye.

24 (c) The State Health Officer may require an examination and a written report of findings and
 25 recommendations from a physician, nurse practitioner or physician assistant designated by the State
 26 Health Officer in addition to other reports submitted.

27 (3) If a person establishes eligibility for a license under this section by obtaining a certificate
 28 of eligibility, the department may require the person to reestablish eligibility at reasonable intervals.
 29 The frequency of reestablishing eligibility under this subsection shall be established by the State
 30 Health Officer after reviewing recommendations from the physician, nurse practitioner or physician
 31 assistant of the person required to reestablish eligibility.

32 (4) The State Health Officer may enter into an agreement with any physician, nurse practitioner
 33 or physician assistant allowing the physician, nurse practitioner or physician assistant to perform
 34 the duties assigned to the State Health Officer by this section.

35 **(5) As used in this section, “physician” means a person who holds a degree of Doctor of**
 36 **Medicine or Doctor of Osteopathy and is licensed under ORS chapter 677 and a person who**
 37 **holds a degree of Doctor of Naturopathic Medicine and is licensed under ORS chapter 685.**

38 **SECTION 3.** ORS 807.710 is amended to read:

39 807.710. (1) For the purposes of this section:

40 (a) “Physician” means a **person who holds a degree of Doctor of Medicine or Doctor of**
 41 **Osteopathy and is licensed** [*to practice medicine by the Board of Medical Examiners for the State of*
 42 *Oregon*] **under ORS chapter 677 and a person who holds a degree of Doctor of Naturopathic**
 43 **Medicine and is licensed under ORS chapter 685.**

44 (b) “Health care provider” means a person licensed, certified or otherwise authorized or per-
 45 mitted by the laws of this state to administer health care.

1 (2) In consultation with medical experts and experts on cognitive or functional impairments, the
2 Department of Transportation shall adopt rules requiring reporting and:

3 (a) Designating physicians and health care providers required to report to the department a
4 person whose cognitive or functional impairment affects that person's ability to safely operate a
5 motor vehicle. If a designated physician or health care provider makes a report to the department
6 in good faith, that person shall be immune from civil liability that might otherwise result from
7 making the report. If a designated physician or health care provider does not make a report, that
8 person shall be immune from civil liability that might otherwise result from not making the report.

9 (b) Designating the cognitive or functional impairments that are likely to affect a person's abil-
10 ity to safely operate a motor vehicle.

11 (3) Determinations regarding a person's ability to safely operate a motor vehicle may not be
12 based solely on the diagnosis of a medical condition or cognitive or functional impairment, but must
13 be based on the actual effect of that condition or impairment on the person's ability to safely oper-
14 ate a motor vehicle.

15 (4) Reports required by the department under this section shall be upon forms prescribed or
16 provided by the department. Each report shall include the person's name, address, date of birth, sex
17 and a description of how the person's current medical status affects the person's ability to safely
18 operate a motor vehicle. The State Health Officer shall consider this information in determining
19 whether to issue a certificate of eligibility under ORS 807.090.

20 (5) Except as provided in ORS 802.240, the reports required by the department under this section
21 are confidential and shall be used by the department only to determine the qualifications of persons
22 to operate motor vehicles upon the highways.
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