

**REVENUE: No revenue impact**

**FISCAL: Fiscal statement issued**

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**Action:** Do Pass With Amendments to the A-Engrossed Measure and Be Printed B-Engrossed

**Vote:** 4 - 0 - 1

**Yeas:** Kruse, Morrisette, Morse, Monnes Anderson

**Nays:** 0

**Exc.:** Bates

**Prepared By:** Robert Shook, Administrator

**Meeting Dates:** 5/12, 5/19, 5/26

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**WHAT THE MEASURE DOES:** Requires licensee of a health professional regulatory board to report prohibited conduct to the board. Defines licensee, prohibited conduct and unprofessional conduct. Requires licensees to report other licensees without undue delay, or no later than 10 working days. Requires the board receiving the report of prohibited or unprofessional conduct to investigate and, if necessary, present the facts to the appropriate law enforcement agency without undue delay or no later than 10 working days. Requires licensees arrested or convicted of a misdemeanor or felony to report conviction or arrest to the board within 10 days after conviction or arrest. Specifies that other boards that have reporting requirements are required to maintain those reporting standards. Grants immunity from civil liability for good faith reporting. Maintains federal and state compliance with confidentiality laws. Specifies educational and clinical experience necessary to obtain license in massage therapy and includes passage of the National Certification Board for Therapeutic Massage and Bodyworks or another board-approved national standardized examination as meeting the written examination requirement for licensure. Clarifies "law" vs. "statute" in reporting unprofessional conduct. Adds Oregon State Veterinary Medical Examining Board, and State Mortuary and Cemetery Board to list of Section 1 meaning of "boards".

**ISSUES DISCUSSED:**

- Importance of protecting the public
- Impact of reporting to appropriate law enforcement agency
- Immunity from civil liability for good faith reporting
- Compliance with confidentiality laws
- Comparison to mandatory child and elder abuse reporting requirements
- Need for national standardized examination

**EFFECT OF COMMITTEE AMENDMENT:** Adds State Veterinary Medical Examining Board, and State Mortuary and Cemetery Board to meaning of "boards." Clarifies meaning of law vs. statute in reporting unprofessional conduct, and includes educational, clinical, and testing requirements to obtain license as massage therapists.

**BACKGROUND:** In 2004, a physician (who was part of a group practice) molested an anesthetized patient. Another physician in the practice, as well as staff, was aware of the misconduct and did not report the actions to the appropriate regulatory board. The abused patient believes that "the system" protects the professionals before the patients. The issue was brought to the attention of the House Interim Health Care Committee, resulting in the introduction of House Bill 2059-B.

Currently, reporting requirements of the various health care professional boards are inconsistent with one another, and the boards are unable to share information concerning dangerous practitioners with other boards or law enforcement agencies.

Under House Bill 2059-B, all health care professionals requesting licensure in Oregon are required to meet educational, clinical and testing requirements set forth by their respective licensing boards. Massage therapists have added a national standardized examination as part of their licensing requirements.

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***This summary has not been adopted or officially endorsed by action of the committee.***