

House Bill 2056

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of House Interim Committee on Health Care)

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**.

Increases number of public members on health regulatory boards.
Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to health regulatory board membership; creating new provisions; amending ORS 675.100,
3 675.775, 677.235, 678.140, 678.800, 679.230, 680.556, 681.410, 683.250, 684.130, 685.160, 687.470,
4 688.160, 688.545, 688.820, 689.115 and 691.485; and declaring an emergency.

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

6 **SECTION 1.** ORS 675.100 is amended to read:

7 675.100. (1) There hereby is created a State Board of Psychologist Examiners consisting of seven
8 members appointed by the Governor. **Of the members appointed to the board:**

9 (a) [*Five of the members shall*] **Four must** be residents of Oregon, have doctoral degrees with
10 primary emphasis in psychology and [*shall*] be licensed [*under ORS 675.010 to 675.150.*] **psychol-**
11 **ogists; and**

12 (b) [*Two members shall*] **Three must** be residents of Oregon and [*shall*] serve as public mem-
13 bers.

14 (2) The term of office of a board member [*shall be*] **is** three years, but [*the members shall serve*]
15 **a member serves** at the pleasure of the Governor. Before the expiration of the term of a member,
16 the Governor shall appoint a successor to assume duties on July 1 next following. A member shall
17 be eligible for one consecutive reappointment only. In case of a vacancy for any cause, the Governor
18 shall make an appointment to become immediately effective for the unexpired term.

19 (3) All appointments of members of the board by the Governor are subject to confirmation by
20 the Senate in the manner provided in ORS 171.562 and 171.565.

21 (4) Before entering upon the duties of office, each board member shall subscribe to an oath that
22 the member will faithfully and impartially discharge the duties of office and that the member will
23 support the Constitution of the United States and the Constitution of this state. The oath shall be
24 filed with the Secretary of State.

25 (5) Each member of the board is entitled to compensation and expenses as provided in ORS
26 292.495.

27 **SECTION 2.** ORS 675.775 is amended to read:

28 675.775. (1) The Oregon Board of Licensed Professional Counselors and Therapists is established.

29 (2) The board [*shall consist*] **consists** of seven members [*who shall be*] appointed by the Govern-
30 nor.

31 (3) In selecting the members of the board, the Governor shall strive to balance the represen-

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 tation according to geographic areas of this state, gender, age and ethnic group.

2 (4) The board shall consist of:

3 (a) [*Three*] **Two** members who are persons licensed as professional counselors under ORS
4 675.715;

5 (b) [*Two members who are persons*] **One member who is** licensed as a marriage and family
6 [*therapists*] **therapist** under ORS 675.715;

7 (c) One member from the faculty of a school within this state that has programs to train persons
8 to become professional counselors or marriage and family therapists; and

9 (d) [*One member*] **Three members** from the public who [*has*] **have** demonstrated an interest in
10 the fields of professional counseling and marriage and family therapy.

11 (5) Statewide counselor and marriage and family therapist organizations may recommend names
12 of qualified persons to the Governor at the time for filling vacancies on the board.

13 (6) The term of office of each member is three years, but a member serves at the pleasure of the
14 Governor. By October 1 of each year, the Governor shall appoint persons to fill positions on the
15 board that are due to become vacant on October 1 of that year. A member is eligible for one con-
16 secutive reappointment. If there is a vacancy for any cause, the Governor shall make an appoint-
17 ment to become immediately effective for the unexpired term.

18 **SECTION 3.** ORS 677.235 is amended to read:

19 677.235. (1)(a) The Oregon Medical Board consists of 12 members appointed by the Governor.

20 **The board shall consist of:**

21 (A) [*Seven of the*] **Five** members [*shall be*] appointed from among persons having the degree of
22 Doctor of Medicine[.];

23 (B) [*two*] **One member appointed** from among persons having the degree of Doctor of
24 Osteopathy [*and*];

25 (C) **One member appointed** from among persons having the degree of Doctor of Podiatric
26 Medicine[.]; **and**

27 **(D) Five public members appointed to represent health consumers.**

28 (b) [*Of the seven members who hold the degree of Doctor of Medicine, there shall be at least*] One
29 member **having the degree of Doctor of Medicine shall be** appointed from each federal congress-
30 sional district. [*In addition to the 10 named persons described, there shall be appointed two public*
31 *members representing health consumers.*]

32 (c) All persons appointed must have been residents of this state for at least seven years.

33 (d) The physician members and the member who is a podiatric physician and surgeon must have
34 been in the active practice of their profession for at least five years immediately preceding their
35 appointment.

36 (e) Neither the public members nor any person within the immediate family of the public mem-
37 bers shall be employed as a health professional or in any health-related industry. The public mem-
38 bers shall be members of the investigative committee of the board.

39 (2) Not later than February 1 of each year, the Oregon Medical Association shall nominate three
40 qualified physicians for each physician member of the board whose term expires in that year, and
41 shall certify its nominees to the Governor. Not later than February 1 of each odd-numbered year,
42 the Osteopathic Physicians and Surgeons of Oregon, Inc., shall nominate three physicians possessing
43 the degree of Doctor of Osteopathy and shall certify its nominees to the Governor. Not later than
44 February 1 of each third year, the Oregon Podiatric Medical Association shall nominate three
45 podiatric physicians and surgeons possessing the degree of Doctor of Podiatric Medicine and shall

1 certify its nominees to the Governor. The Governor shall consider these nominees in selecting suc-
 2 cessors to retiring board members.

3 (3) Each member of the board shall serve for a term of three years beginning on March 1 of the
 4 year the member is appointed and ending on the last day of February of the third year thereafter.
 5 No member shall serve more than two consecutive terms. If a vacancy occurs on the board, another
 6 qualifying member possessing the same professional degree or fulfilling the same public capacity as
 7 the person whose position has been vacated shall be appointed as provided in this section to fill the
 8 unexpired term.

9 (4) All appointments of members of the board by the Governor are subject to confirmation by
 10 the Senate in the manner provided in ORS 171.562 and 171.565.

11 **SECTION 4.** ORS 678.140 is amended to read:

12 678.140. (1) There is created an Oregon State Board of Nursing composed of nine members[.].

13 **The board shall consist of:**

14 (a) [*five of whom shall be*] **Four members who are** registered nurses[.];

15 (b) [*two of whom shall be*] **One member who is a** licensed practical [*nurses*] **nurse;** and

16 (c) [*two of whom shall be*] **Four members who are members** of the public [*who are*] **and** oth-
 17 erwise not eligible for appointment to the board.

18 (2) In making appointments of registered nurses, the Governor shall consider geographic balance
 19 in making the appointments and shall ensure that the following areas of practice are represented
 20 on the board:

21 (a) One nursing educator;

22 (b) One nursing administrator;

23 (c) [*Two*] **One** nonsupervisory [*nurses*] **nurse** involved in direct patient care; and

24 (d) One nurse practitioner.

25 (3) The members of the board shall be appointed by the Governor for terms of three years, be-
 26 ginning on January 1. No member [*shall be*] **is** eligible to appointment for more than two consecutive
 27 terms. An unexpired term of a board member shall be filled in the same manner as an original ap-
 28 pointment is made. The appointment shall be for the remainder of the unexpired term. All appoint-
 29 ments of members of the board by the Governor are subject to confirmation by the Senate pursuant
 30 to section 4, Article III of the Oregon Constitution.

31 (4) Two months before the expiration of the term of office of a nurse member of the board, or
 32 when a vacancy occurs in the office of a nurse member, the Oregon Nurses Association or any other
 33 organization representing registered nurses, if the vacancy is in a registered nurse position, or the
 34 Oregon Licensed Practical Nurses Association or any other organization representing licensed
 35 practical nurses, if the vacancy is in a licensed practical nurse position, may submit a list of three
 36 names of persons qualified for the appointment. The appointment of nurse members or a practical
 37 nurse [*members*] **member** may be made from the respective lists.

38 (5) At the time of appointment, each member of the board must be a citizen of the United States
 39 and a resident of Oregon. Each nurse member must be currently licensed and not under disciplinary
 40 status with the board in the category for which appointed with at least five years' experience
 41 therein, three of which were immediately prior to appointment. The public members and any person
 42 in the immediate family of the public members [*shall*] **may** not be employed as a health professional
 43 or in any health-related industry.

44 (6) The Governor may remove a member of the board for cause.

45 **SECTION 5.** ORS 678.800 is amended to read:

1 678.800. (1) There is hereby created a Board of Examiners of Nursing Home Administrators in
 2 the Department of Human Services.

3 (2) The board shall be composed of nine individuals concerned with the care and treatment of
 4 the chronically ill or infirm elderly patients and shall be appointed by the Governor after consulta-
 5 tion with the associations and societies appropriate to the professions and institutions[.]. **The board**
 6 **consists of:**

7 (a) [*Three*] **Two** members [*shall be*] **who are** nursing home administrators licensed under ORS
 8 678.710 to 678.780, 678.800 to 678.840 and 678.990 (2);

9 (b) One **member who is** a medical doctor licensed by the Oregon Medical Board actively en-
 10 gaged in private practice and conversant with the care and treatment of the long-term patient;

11 (c) One **member who is a** licensed professional nurse actively engaged in caring for chronically
 12 ill and infirm patients and licensed by the Oregon State Board of Nursing;

13 [*(d) Three members representative of the public at large, at least one of whom shall be at least 62*
 14 *years of age;*]

15 [*(e)*] **(d) [A] One member who is a** pharmacist licensed by the State Board of Pharmacy; and

16 [*(f) Except for those persons described in paragraph (a) of this subsection, no member of the board*
 17 *shall have a direct financial interest in a nursing home.*]

18 **(e) Four members who are representative of the public at large, at least one of whom is**
 19 **at least 62 years of age.**

20 (3) All members of the board [*shall*] **must** be citizens of the United States or [*shall*] have de-
 21 clared their intent to become citizens of the United States and [*shall*] **must** be residents of this
 22 state. No more than two of the members of the board may be officials or full-time employees of state
 23 or local governments.

24 (4) The term of office of each member is three years but a member serves at the pleasure of the
 25 Governor. Before the expiration of the term of a member, the Governor shall appoint a successor
 26 whose term begins on July 1 next following. A member is eligible for reappointment but no member
 27 shall serve more than two consecutive terms. If there is a vacancy for any cause the Governor shall
 28 make an appointment to become immediately effective for the unexpired term.

29 (5) All appointments of members of the board by the Governor are subject to confirmation by
 30 the Senate in the manner provided in ORS 171.562 and 171.565.

31 (6) The members of the board are entitled to compensation and expenses as provided in ORS
 32 292.495.

33 (7)(a) No public members of the board shall hold any pecuniary interest in, or have any em-
 34 ployment contract with, a long term care facility.

35 **(b) Except for those persons described in subsection (2)(a) of this section, no member of**
 36 **the board shall have a direct financial interest in a nursing home.**

37 **SECTION 6.** ORS 679.230 is amended to read:

38 679.230. (1) The Oregon Board of Dentistry [*shall consist*] **consists** of nine members. [*A member*
 39 *shall be appointed to the board by the Governor upon the expiration of the term of office of each of the*
 40 *preceding board members. Appointments to the board by the Governor are subject to confirmation by*
 41 *the Senate in the manner provided in ORS 171.562 and 171.565. Each member shall hold the office for*
 42 *four years and until the member's successor is appointed and qualified. Terms of office begin on the*
 43 *first Monday of April after the time of appointment. No person is eligible to membership on the board*
 44 *who is not a citizen of the United States or a resident of the State of Oregon.*] **Of the members of**
 45 **the board:**

1 (a) [*Six members shall be*] **Four members must be** Oregon active licensed dentists, of which
 2 at least one [*shall be*] **is** a dentist practicing in a dental specialty recognized by the American
 3 Dental Association[.];

4 (b) [*one member shall be a*] **Four members must be from the general** public [*member*]; and

5 (c) [*two members shall be*] **One member must be an** Oregon active licensed dental
 6 [*hygienists*] **hygienist**.

7 (2) Appointments of dentists made by the Governor to the Oregon Board of Dentistry may be
 8 selected by the Governor from a list of five names for each appointment suggested by the Oregon
 9 Dental Association. [*Appointments*] **An appointment of a dental** [*hygienists*] **hygienist** made by the
 10 Governor to the Oregon Board of Dentistry may be selected by the Governor from a list of five
 11 names suggested by the Oregon Dental Hygienists' Association. Appointments of dental specialists
 12 by the Governor to the Oregon Board of Dentistry may be selected by the Governor from one name
 13 suggested by each of the organizations representing a dental specialty.

14 (3) **A member shall be appointed to the board by the Governor upon the expiration of the**
 15 **term of office of each of the preceding board members. Appointments to the board by the**
 16 **Governor are subject to confirmation by the Senate in the manner provided in ORS 171.562**
 17 **and 171.565.**

18 (4) **Each member shall hold the office for four years and until the member's successor**
 19 **is appointed and qualified. Terms of office begin on the first Monday of April after the time**
 20 **of appointment.**

21 (5) **No person is eligible to membership on the board who is not a citizen of the United**
 22 **States or a resident of the State of Oregon.**

23 (6) Members are entitled to compensation and expenses as provided in ORS 292.495.

24 **SECTION 7.** ORS 680.556 is amended to read:

25 680.556. (1) There is established, within the Oregon Health Licensing Agency, the State Board
 26 of Denture Technology.

27 (2) The board shall consist of seven members appointed by the Governor.

28 (3) [*Four*] **Three** members shall be active licensed denturists, one member shall be an Oregon
 29 licensed dentist in active practice and [*two*] **three** members shall be public members who do not
 30 possess the professional qualifications of other members.

31 (4) The term of office of each member is three years, but a member serves at the pleasure of the
 32 Governor. Before the expiration of the term of a member, the Governor shall appoint a successor
 33 whose term begins on July 1 next following. A member is eligible for reappointment. If a person
 34 serves two consecutive terms, a period of three years must pass before the person may be appointed
 35 to the board again. If there is a vacancy for any cause, the Governor shall make an appointment to
 36 become immediately effective for the unexpired term.

37 (5) The agency shall provide the board with such administrative services and employees as the
 38 board requires to carry out its duties for the administration of ORS 680.500 to 680.570 and 680.990
 39 (2).

40 (6) Members of the board, or its appointed committees, shall be entitled to compensation and
 41 expenses as provided in ORS 292.495 from funds available under ORS 680.570.

42 **SECTION 8.** ORS 681.410 is amended to read:

43 681.410. (1) Of the membership of the State Board of Examiners for Speech-Language Pathology
 44 and Audiology:

45 [*(a) All members must be residents of this state.*]

1 *[(b)]* **(a) One or** two members must be audiologists licensed under this chapter.

2 *[(c)]* **(b) One or** two members must be speech-language pathologists licensed under this chapter.

3 *[(d)]* **(c)** One member must be a person licensed to practice medicine who also holds board cer-
4 tification from the American Board of Otolaryngology.

5 *[(e)]* **(d) [Two] Three** members must be public members who do not possess the qualifications
6 of any member described in paragraphs *[(b) to (d)]* **(a) to (c)** of this subsection.

7 **(2) All members of the board must be residents of this state.**

8 *[(2)]* **(3)** A member of the board shall receive compensation and expenses as provided in ORS
9 292.495.

10 **SECTION 9.** ORS 683.250 is amended to read:

11 683.250. **(1)** The Oregon Board of Optometry shall operate as a semi-independent state agency
12 subject to ORS 182.456 to 182.472, for the purpose of carrying out this chapter.

13 **(2)** The board *[shall consist]* **consists** of five members appointed by the Governor. Each member
14 of the board shall qualify by taking and subscribing the oath of office required by the Constitution,
15 which shall be filed in the office of the Secretary of State.

16 **(3) Of the members appointed to the board:**

17 **(a)** *[Four]* **Three** *[of the members of this board shall]* **must** be Doctors of Optometry licensed
18 and in practice in Oregon; and

19 **(b)** *[the fifth member]* **Two** *[shall be a public member]* **must be members of the public** repre-
20 senting health consumers.

21 **(4)** Each of the members shall hold office for a term of three years or until a successor is ap-
22 pointed and qualified and shall be so classified that at least one optometrist member of the board
23 retires each year.

24 **(5)** A majority of the members constitute a quorum for the transaction of business.

25 **SECTION 10.** ORS 684.130 is amended to read:

26 684.130. **(1)** There is established the State Board of Chiropractic Examiners. The board *[shall*
27 *be]* **is** composed of *[five]* **four** chiropractors and *[two]* **three** public members who are residents of this
28 state. The chiropractor members must have practiced chiropractic in this state for five years prior
29 to appointment. Annually, upon the expiration of the term of any members of the board, the Gover-
30 nor shall appoint one or more qualified persons to the board to serve for a period of three years.

31 **(2)** The Governor shall fill vacancies on the board, occasioned by death or otherwise. Upon
32 sufficient proof to the Governor of the inability or misconduct of a member of the board, the member
33 shall be dismissed and the Governor shall appoint as successor a person qualified to fill the vacancy.

34 **(3)** All appointments of members of the board by the Governor are subject to confirmation by
35 the Senate in the manner provided in ORS 171.562 and 171.565.

36 **SECTION 11.** ORS 685.160 is amended to read:

37 685.160. **(1)** There hereby is created the Board of Naturopathic Examiners in the Department
38 of Human Services. The board shall consist of seven members appointed by the Governor for terms
39 of three years commencing July 1, and until their successors are appointed and qualified. A majority
40 of the members of the board constitutes a quorum. If there is a vacancy for any cause, the Governor
41 shall appoint a member to serve for the remainder of the unexpired term. All appointments of
42 members of the board by the Governor are subject to confirmation by the Senate in the manner
43 provided in ORS 171.562 and 171.565.

44 **(2)** Of the membership of the Board of Naturopathic Examiners:

45 **(a)** All members must be *[citizens]* **residents** of this state.

1 (b) *[Five]* **Four** members *[shall]* **must** be naturopaths who have each practiced continuously in
2 this state for the five years immediately prior to the date of appointment.

3 (c) *[Two]* **Three** *[shall]* **must** be members of the general public who do not possess the quali-
4 fications set forth in paragraph (b) of this subsection.

5 (3) The board shall carry into effect the provisions of this chapter and is authorized to issue
6 licenses to practice naturopathic medicine in this state. The possession of a common seal by the
7 board hereby is authorized.

8 **SECTION 12.** ORS 687.470 is amended to read:

9 687.470. There is established within the Oregon Health Licensing Agency the State Board of
10 Direct Entry Midwifery consisting of seven members appointed by the Governor. Each member of
11 the board shall serve a term of three years and until a successor is appointed and qualified. If there
12 is a vacancy for any cause, the Governor shall make an appointment to become immediately effec-
13 tive for the unexpired term. All appointments of members of the board are subject to confirmation
14 by the Senate in the manner provided in ORS 171.562 and 171.565. The membership of the board
15 shall include:

16 (1) *[Four]* **Two** licensed direct entry midwives.

17 (2) *[Two]* **One** certified nurse *[midwives]* **midwife**.

18 (3) One physician licensed under ORS chapter 677 involved at the time of appointment in
19 obstetrical care or education.

20 (4) **Three members of the public.**

21 **SECTION 13.** ORS 688.160 is amended to read:

22 688.160. (1) The Physical Therapist Licensing Board *[shall operate]* **operates** as a semi-
23 independent state agency subject to ORS 182.456 to 182.472, for purposes of carrying out the pro-
24 visions of ORS 688.010 to 688.201 and 688.990 (1). The Physical Therapist Licensing Board *[shall*
25 *consist]* **consists** of seven members appointed by the Governor who may be appointed from a list of
26 not fewer than nine names, submitted by the Oregon Physical Therapy Association. *[Five]* **Three**
27 members *[shall]* **must** be physical therapists who are Oregon residents, possess unrestricted licenses
28 to practice physical therapy in this state, have been practicing in this state for at least two years
29 immediately preceding their appointments and have been practicing in the field of physical therapy
30 for at least five years. One member *[shall]* **must** be a licensed physical therapist assistant. *[One*
31 *member shall be a public member who has]* **Three members must be members of the public who**
32 **have** an interest in consumer rights. All members *[shall]* have equal voting privileges.

33 (2) Upon the expiration of the term of a member of the board, the Governor shall appoint a
34 successor who may be appointed from a list of three names submitted to the Governor by the Oregon
35 Physical Therapy Association to serve a term of four years. A member may not serve for more than
36 two consecutive four-year terms.

37 (3) In the event of a vacancy in the office of a member of the board other than by reason of the
38 expiration of a term, the Governor, not later than 90 days after the occurrence of the vacancy, shall
39 appoint a person to fill the vacancy for the unexpired term. The person may be appointed from a list
40 of three names submitted as provided in subsection (2) of this section. If requested by the board, the
41 Governor may remove any member of the board for misconduct, incompetence or neglect of duty.

42 (4) Each member of the board is entitled to compensation and expenses as provided in ORS
43 292.495.

44 (5) A board member who acts within the scope of board duties, without malice and in reasonable
45 belief that the member's action is warranted by law, is immune from civil liability.

- 1 (6) The board *[shall have]* **has the** power to:
- 2 (a) Establish matters of policy affecting administration of ORS 688.010 to 688.201;
- 3 (b) Provide for examinations for physical therapists and physical therapist assistants and adopt
- 4 passing scores for the examinations;
- 5 (c) Adopt rules necessary to carry out and enforce the provisions of ORS 688.010 to 688.201;
- 6 (d) Establish standards and tests to determine the qualifications of applicants for licenses to
- 7 practice physical therapy in this state;
- 8 (e) Issue licenses to persons who meet the requirements of ORS 688.010 to 688.201;
- 9 (f) Adopt rules relating to the supervision and the duties of physical therapist aides who assist
- 10 in performing routine work under supervision;
- 11 (g) Adopt rules establishing minimum continuing education requirements for all licensees;
- 12 (h) Exercise general supervision over the practice of physical therapy within this state;
- 13 (i) Establish and collect fees for the application or examination for, or the renewal, rein-
- 14 statement or duplication of, a license under ORS 688.040, 688.080 or 688.100 or for the issuance of
- 15 a temporary permit under ORS 688.110; and
- 16 (j) Establish and collect fees to carry out and enforce the provisions of ORS 688.010 to 688.201.
- 17 (7) The board shall meet as determined by the board and at any other time at the call of the
- 18 board chairperson, who shall be elected by the members of the board.
- 19 (8) The board may appoint and fix the compensation of an executive director and other staff as
- 20 necessary to carry out the operations of the board.
- 21 (9) The board shall:
- 22 (a) Maintain a current list of all persons regulated under ORS 688.010 to 688.201, including the
- 23 persons' names, current business and residential addresses, telephone numbers, electronic mail ad-
- 24 dresses and license numbers.
- 25 (b) Provide information to the public regarding the procedure for filing a complaint against a
- 26 physical therapist or physical therapist assistant.
- 27 (c) Publish at least annually, and in a format or place determined by the board, final disciplinary
- 28 actions taken against physical therapists and physical therapist assistants and other information,
- 29 including rules, in order to guide physical therapists and physical therapist assistants regulated
- 30 pursuant to ORS 688.010 to 688.201.
- 31 **SECTION 14.** ORS 688.545 is amended to read:
- 32 688.545. (1)(a) There is created in the Department of Human Services a Board of Radiologic
- 33 Technology consisting of nine members who shall be appointed by the Governor. Each member of
- 34 the board shall be a citizen of the United States and a resident of the State of Oregon. Each ap-
- 35 pointed member is entitled to vote.
- 36 (b) Of the members of the board:
- 37 (A) One *[shall]* **must** be a radiologist;
- 38 (B) At least *[one shall]* **four must** be *[a lay person]* **lay persons**;
- 39 (C) At least one *[shall]* **must** be a limited permit holder; and
- 40 (D) At least *[five shall]* **two must** be licensed practicing radiologic technologists, one of whom
- 41 *[shall]* **must** be a radiation therapist.
- 42 (2) The section manager of the Radiation Protection Services Section of the Department of Hu-
- 43 man Services, or a person appointed by the section manager, *[shall be]* **is** an advisory member of the
- 44 board for the purpose of providing counsel and *[shall not be]* **is not** entitled to vote.
- 45 (3) The term of office of the members of the board *[shall be]* **is** three years and a member may

1 be reappointed to serve not more than two full terms.

2 (4) Members of the board [*shall be*] **are** entitled to compensation and expenses as provided in
3 ORS 292.495.

4 (5) The board shall annually elect a board chairperson and a vice chairperson from the members
5 of the board.

6 (6) For the purpose of transacting its business, the board shall meet at least once every three
7 months at times and places designated by resolution. Special meetings may also be held at such
8 times as the board may elect or at the call of the chairperson. Notification of the time, place and
9 purpose of any special meeting shall be sent to all members of the board at least 15 days before the
10 date of the meeting. All meetings are subject to ORS 192.610 to 192.690.

11 (7) Five members of the board [*shall*] constitute a quorum for the transaction of business at any
12 meeting. Five affirmative votes [*shall be*] **are** required to take action.

13 **SECTION 15.** ORS 688.820 is amended to read:

14 688.820. (1) There is established within the Oregon Health Licensing Agency the Respiratory
15 Therapist Licensing Board, consisting of five members appointed by the Governor. **The board con-**
16 **sists of:**

17 (a) **Three respiratory therapists; and**

18 (b) **Two members of the general public.**

19 (2) The term of office of each member of the board is four years. A member is eligible for re-
20 appointment, but no member shall serve more than two full terms. If there is a vacancy for any
21 cause, the Governor shall make an appointment to become immediately effective for the unexpired
22 term.

23 (3) The members of the board must be [*citizens*] **residents** of this state. **Members of the board**
24 **who are respiratory therapists** [*who*] **must** have engaged in the practice of respiratory care for
25 a period of five or more years immediately preceding appointment to the board. In making appoint-
26 ments **of respiratory therapists** to the board, the Governor shall take into consideration any
27 nominations received from the Oregon Society for Respiratory Care, or its successor.

28 (4) A member of the board may be removed by the Governor for neglect of duty, incompetency
29 or unethical or dishonorable conduct.

30 (5) A member of the board is entitled to compensation and expenses as provided in ORS 292.495.

31 **SECTION 16.** ORS 689.115 is amended to read:

32 689.115. (1) The State Board of Pharmacy [*shall consist*] **consists** of seven members, [*two*] **three**
33 of whom [*shall*] **must** be representatives of the public, and the remaining [*five*] **four** of whom
34 [*shall*] **must** be licensed pharmacists. The members [*shall*] **must** possess the qualifications specified
35 in subsections (2) and (3) of this section.

36 (2) The public members of the State Board of Pharmacy [*shall*] **must** be residents of this state
37 who have attained the age of majority and [*shall*] **may** not be [*nor shall they*] **and may not** ever
38 have been a member of the profession of pharmacy, or persons who have any immediate family in
39 the profession of pharmacy or persons who have ever had any material financial interest in the
40 providing of pharmacy service or who have engaged in any activity directly related to the practice
41 of pharmacy.

42 (3) The licensed pharmacist members of the board [*shall*] **must** at the time of their appointment:

43 (a) Be residents of this state;

44 (b) Be licensed and in good standing to engage in the practice of pharmacy in this state;

45 (c) Be engaged in the practice of pharmacy in this state; and

1 (d) Have five years of experience in the practice of pharmacy in this state after licensure.

2 (4) The Governor shall appoint the members of the State Board of Pharmacy, subject to the ad-
 3 vice and consent of the Senate, and in accordance with the other provisions of subsection (5) of this
 4 section.

5 (5) At least five recommendations for appointment to each vacancy on the board may be made
 6 to the Governor by a task force assembled by the Oregon State Pharmacists Association to repre-
 7 sent all of the interested pharmacy groups. Such nominations shall be recommendations only and
 8 shall not be binding in any manner upon the Governor.

9 (6) Any vacancy which occurs in the membership of the board for any reason, including expira-
 10 tion of term, removal, resignation, death, disability or disqualification, shall be filled by the Gover-
 11 nor in the manner prescribed by subsections (4) and (5) of this section. The Governor shall fill
 12 vacancies which occur by expiration of full terms within 90 days prior to each date of expiration,
 13 and shall fill vacancies which occur for any other reason within 60 days after each such vacancy
 14 occurs.

15 **SECTION 17.** ORS 691.485 is amended to read:

16 691.485. (1) There is established a Board of Examiners of Licensed Dietitians within the De-
 17 partment of Human Services for the purpose of carrying out and enforcing the provisions of ORS
 18 691.405 to 691.585.

19 (2) The board [*shall consist*] **consists** of seven members appointed by the department of which:

20 (a) [*Two*] **Three** are members of the general public;

21 (b) One is a physician trained in clinical nutrition; and

22 (c) [*Four*] **Three** are dietitians licensed under ORS 691.405 to 691.585 who have been engaged
 23 in the practice of dietetics for no fewer than five years.

24 (3) Members of the board [*shall be*] **are** appointed for three-year terms and are eligible for
 25 reappointment[, *but none shall*]. **A member may not** serve more than two consecutive terms.

26 (4) Members of the board are entitled to compensation and expenses as provided in ORS 292.495.

27 **SECTION 18.** (1) **A member serving on a health professional regulatory board, as defined**
 28 **in ORS 676.160, or on a board, advisory council or program listed in ORS 676.606 on the ef-**
 29 **fective date of this 2009 Act continues to serve until the term of office for which the member**
 30 **was appointed terminates by expiration of time, resignation from the board by the member**
 31 **or removal of the member from office.**

32 (2) **When a member's term of service on a health professional regulatory board or on a**
 33 **board, advisory council or program terminates, a member who is otherwise eligible for re-**
 34 **appointment to the board, council or program may be reappointed, unless the appointment**
 35 **exceeds the total appointments authorized for members within the member's classification.**

36 **SECTION 19.** Section 18 of this 2009 Act is repealed on June 30, 2014.

37 **SECTION 20.** The amendments to ORS 675.100, 675.775, 677.235, 678.140, 678.800, 679.230,
 38 680.556, 681.410, 683.250, 684.130, 685.160, 687.470, 688.160, 688.545, 688.820, 689.115 and 691.485
 39 by sections 1 to 17 of this 2009 Act apply to appointments to health professional regulatory
 40 boards, as defined in ORS 676.160, and to boards, advisory councils and programs listed in
 41 ORS 676.606 made on or after the effective date of this 2009 Act.

42 **SECTION 21.** This 2009 Act being necessary for the immediate preservation of the public
 43 peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect
 44 on its passage.