

A-Engrossed
House Bill 2058

Ordered by the House March 2
Including House Amendments dated March 2

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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.

Standardizes health profession regulatory boards.
Removes certain boards from jurisdiction of Department of Human Services.
Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to regulation of health professions; creating new provisions; amending ORS 169.750, 443.445,
3 443.775, 675.100, 675.310, 675.590, 675.775, 677.235, 677.280, 677.540, 677.780, 678.140, 678.150,
4 678.155, 678.157, 678.800, 679.230, 680.556, 681.400, 681.410, 683.250, 684.130, 684.160, 685.160,
5 685.190, 687.115, 687.470, 687.475, 688.160, 688.545, 688.820, 689.115, 691.485 and 692.300; repealing
6 ORS 689.125; and declaring an emergency.

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

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

9 675.100. (1) There hereby is created a State Board of Psychologist Examiners consisting of seven
10 members appointed by the Governor **and subject to confirmation by the Senate in the manner**
11 **provided in ORS 171.562 and 171.565. All members of the board must be Oregon residents.**

12 **Of the members of the board:**

13 (a) Five of the members [*shall be residents of Oregon,*] **must** have doctoral degrees with primary
14 emphasis in psychology and [*shall be licensed under ORS 675.010 to 675.150.*] **must be licensed**
15 **psychologists or former licensed psychologists who are retired from the practice of psychol-**
16 **ogy; and**

17 (b) Two **of the** members [*shall be residents of Oregon and shall serve as public members.*] **must**
18 **be members of the public and may not be:**

19 (A) **Otherwise eligible for appointment to the board; or**

20 (B) **A spouse, domestic partner, child, parent or sibling of a licensed psychologist.**

21 (2)(a) **Board members required to be licensed psychologists may be appointed from a list**
22 **of three to five nominees for each vacancy, submitted by any professional organization that**
23 **represents psychologists.**

24 (b) **In selecting the members of the board, the Governor shall strive to balance the rep-**
25 **resentation on the board according to:**

26 (A) **Geographic areas of this state; and**

27 (B) **Ethnic group.**

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 [(2)] **(3)(a)** The term of office of a board member [*shall be three*] **is three** years, but [*the members*
2 *shall serve*] **a member serves** at the pleasure of the Governor. **The terms must be staggered so**
3 **that no more than three terms end each year.**

4 **(b)** Before the expiration of the term of a member, the Governor shall appoint a successor to
5 assume duties on July 1 next following. [*A member shall be eligible for one consecutive reappointment*
6 *only.*] **A member is eligible for reappointment.** In case of a vacancy for any cause, the Governor
7 shall make an appointment to become immediately effective for the unexpired term.

8 **(c) A board member shall be removed immediately from the board if, during the mem-**
9 **ber's term, the member:**

10 **(A) Is not a resident of this state;**

11 **(B) Has been absent from three consecutive board meetings, unless at least one absence**
12 **is excused; or**

13 **(C) Is not a licensed psychologist or a retired psychologist who was a licensed psychol-**
14 **ogist in good standing at the time of retirement, if the board member was appointed to serve**
15 **on the board as a psychologist.**

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

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

22 (5) Each member of the board is entitled to compensation and expenses as provided in ORS
23 292.495. **The board may provide by rule for compensation to board members for the per-**
24 **formance of official duties at a rate that is greater than the rate provided in ORS 292.495.**

25 **SECTION 2.** ORS 675.310 is amended to read:

26 675.310. (1) There is created [*in the Department of Human Services*] the Occupational Therapy
27 Licensing Board. The board is composed of five members appointed by the Governor **and subject**
28 **to confirmation by the Senate in the manner provided in ORS 171.562 and 171.565. All mem-**
29 **bers of the board must be residents of this state. Of the members of the board:**

30 **(a)** Two [*members shall*] **must** be licensed occupational therapists in this state with no less than
31 three years of experience in occupational therapy immediately preceding their appointment[.];

32 **(b)** One [*member shall*] **must** be a licensed occupational therapy assistant[.]; **and**

33 **(c)** Two [*members shall*] **must** be members of the public[.] **who are not:**

34 **(A) Otherwise eligible for appointment to the board; or**

35 **(B) A spouse, domestic partner, child, parent or sibling of an individual who is a licensed**
36 **occupational therapist or licensed occupational therapy assistant.**

37 **(2)(a)** Board members required to be occupational therapists **or occupational therapy assist-**
38 **ants** may be selected by the Governor from **a list of three to five** nominees **for each vacancy,**
39 **submitted by:**

40 **(A) The Occupational Therapy Association of Oregon [*and the board.*], if the vacancy is in an**
41 **occupational therapist position; or**

42 **(B) Any professional organization representing occupational therapy assistants, if the**
43 **vacancy is in an occupational therapy assistant position.**

44 **(b) In selecting the members of the board, the Governor shall strive to balance the rep-**
45 **resentation on the board according to:**

1 (A) Geographic areas of this state; and

2 (B) Ethnic group.

3 [(2) Members are entitled to compensation and expenses as provided in ORS 292.495.]

4 (3)(a) Board members [shall] serve a term of [four] three years, [and may not serve more than
5 two consecutive terms.] but a member serves at the pleasure of the Governor. The terms shall
6 be staggered so that no more than two terms end each year. A member is eligible for reap-
7 pointment. If a vacancy occurs in the membership of the board for any reason, the Governor
8 shall make an appointment to become immediately effective for the expired term.

9 (b) A board member shall be removed immediately from the board if, during the mem-
10 ber's term, the member:

11 (A) Is not a resident of this state;

12 (B) Has been absent from three consecutive board meetings, unless at least one absence
13 is excused;

14 (C) Is not a licensed occupational therapist or a retired occupational therapist who was
15 a licensed occupational therapist in good standing at the time of retirement, if the board
16 member was appointed to serve on the board as an occupational therapist; or

17 (D) Is not a licensed occupational therapy assistant or a retired occupational therapy
18 assistant who was a licensed occupational therapy assistant in good standing at the time of
19 retirement, if the board member was appointed to serve on the board as an occupational
20 therapy assistant.

21 (4) Members of the board are entitled to compensation and expenses as provided in ORS
22 292.495. The board may provide by rule for compensation to board members for the per-
23 formance of official duties at a rate that is greater than the rate provided in ORS 292.495.

24 **SECTION 3.** ORS 675.590 is amended to read:

25 675.590. (1) There is established a State Board of Clinical Social Workers. The board shall
26 consist of seven members appointed by the Governor and subject to confirmation by the
27 Senate in the manner provided in ORS 171.562 and 171.565. All members of the board must
28 be residents of this state. Of the members of the board:

29 (a) Four members must be licensed clinical social workers who are licensed in accordance
30 with the provisions of ORS 675.510 to 675.600; and

31 (b) Three members must be members of the public who have demonstrated an interest
32 in the field of clinical social work and who are not:

33 (A) Licensed clinical social workers; or

34 (B) A spouse, domestic partner, child, parent or sibling of a licensed clinical social
35 worker.

36 [(2) The Governor shall appoint seven members to the board, consisting of members as specified in
37 subsection (4) of this section.]

38 (2)(a) Board members required to be licensed clinical social workers may be appointed
39 from a list of three to five nominees for each vacancy, submitted by any professional or-
40 ganization that represents clinical social workers.

41 (b) In selecting the members of the board, the Governor shall strive to balance the rep-
42 resentation on the board according to:

43 (A) Geographic areas of this state; and

44 (B) Ethnic group.

45 (3)(a) The term of office of each member is [four] three years, but a member serves at the

1 pleasure of the Governor. **The terms must be staggered so that no more than three terms end**
2 **each year.**

3 (b) Before the expiration of the term of a member, the Governor shall appoint a successor whose
4 term begins on July 1 next following. A member is eligible for *[one consecutive]* reappointment. If
5 there is a vacancy for any cause, the Governor shall make an appointment to become immediately
6 effective for the unexpired term.

7 (c) **A board member shall be removed immediately from the board if, during the mem-**
8 **ber's term, the member:**

9 (A) **Is not a resident of this state;**

10 (B) **Has been absent from three consecutive board meetings, unless at least one absence**
11 **is excused; or**

12 (C) **Is not a licensed clinical social worker or a retired clinical social worker who was a**
13 **licensed clinical social worker in good standing at the time of retirement, if the board**
14 **member was appointed to serve on the board as a licensed clinical social worker.**

15 *[(4) The composition of the board shall be as follows:]*

16 *[(a) Four members shall be licensed clinical social workers who are licensed in accordance with*
17 *the provisions of ORS 675.510 to 675.600; and]*

18 *[(b) Three members shall be public citizens who have demonstrated an interest in the field of clin-*
19 *ical social work.]*

20 *[(5)]* (4) **Members of the board** are entitled to compensation and expenses as provided in ORS
21 292.495. **The board may provide by rule for compensation to board members for the per-**
22 **formance of duties at a rate that is greater than the rate provided in ORS 292.495.**

23 **SECTION 4.** ORS 675.775 is amended to read:

24 675.775. (1) The Oregon Board of Licensed Professional Counselors and Therapists is established.

25 *[(2)]* The board *[shall consist]* **consists** of seven members *[who shall be]* appointed by the
26 Governor~~.]~~ **and subject to confirmation by the Senate in the manner provided in ORS 171.562**
27 **and 171.565. All members of the board must be residents of this state. Of the members of the**
28 **board:**

29 (a) **Three must be licensed as professional counselors under ORS 675.715;**

30 (b) **Two must be licensed as marriage and family therapists under ORS 675.715;**

31 (c) **One must be from the faculty of a school within this state that has programs to train**
32 **persons to become professional counselors or marriage and family therapists; and**

33 (d) **One must be a member of the public who has demonstrated an interest in the fields**
34 **of professional counseling and marriage and family therapy but who is not a:**

35 (A) **Licensed professional counselor or marriage and family therapist; or**

36 (B) **Spouse, domestic partner, child, parent or sibling of a licensee.**

37 (2)(a) **Board members required to be licensees may be selected by the Governor from a**
38 **list of three to five nominees for each vacancy, submitted by any professional organization**
39 **representing licensees.**

40 *[(3)]* (b) In selecting the members of the board, the Governor shall strive to balance the repre-
41 sentation according to:

42 (A) Geographic areas of this state *[, gender, age]; and*

43 (B) Ethnic group.

44 *[(4) The board shall consist of:]*

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

1 ***[(b) Two members who are persons licensed as marriage and family therapists under ORS***
2 ***675.715;]***

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

5 ***[(d) One member from the public who has demonstrated an interest in the fields of professional***
6 ***counseling and marriage and family therapy.]***

7 ***[(5) Statewide counselor and marriage and family therapist organizations may recommend names***
8 ***of qualified persons to the Governor at the time for filling vacancies on the board.]***

9 **[(6)] (3)(a) The term of office of each member is three years, but a member serves at the pleas-**
10 **ure of the Governor. **The terms must be staggered so that no more than three terms end each****
11 **year.**

12 **(b) By October 1 of each year, the Governor shall appoint persons to fill positions on the board**
13 **that are due to become vacant on October 1 of that year. A member is eligible for *[one***
14 ***consecutive]* reappointment. If there is a vacancy for any cause, the Governor shall make an ap-**
15 **pointment to become immediately effective for the unexpired term.**

16 **(c) A board member shall be removed immediately from the board if, during the mem-**
17 **ber's term, the member:**

18 **(A) Is not a resident of this state;**

19 **(B) Has been absent from three consecutive board meetings, unless at least one absence**
20 **is excused; or**

21 **(C) Is not a licensee or a retired licensee whose license was in good standing at the time**
22 **of retirement, if the board member was appointed to serve on the board as a licensee.**

23 **(4) Members of the board are entitled to compensation and expenses as provided in ORS**
24 **292.495. The board may provide by rule for compensation to board members for the per-**
25 **formance of official duties at a rate that is greater than the rate provided in ORS 292.495.**

26 **SECTION 5. ORS 677.235 is amended to read:**

27 **677.235. (1) The Oregon Medical Board consists of 12 members appointed by the Governor[.] **and****
28 **subject to confirmation by the Senate in the manner provided in ORS 171.562 and 171.565.**
29 **All members of the board must be residents of this state. Of the members of the board:**

30 **(a) Seven *[of the members shall be appointed from among persons having]* **must have** the degree**
31 **of Doctor of Medicine[.];**

32 **(b) Two *[from among persons having]* **must have** the degree of Doctor of Osteopathy *[and];***

33 **(c) One *[from among persons having]* **must have** the degree of Doctor of Podiatric Medicine[.**
34 ***Of the seven members who hold the degree of Doctor of Medicine, there shall be at least one member***
35 ***appointed from each federal congressional district. In addition to the 10 named persons described, there***
36 ***shall be appointed]; and***

37 **(d) Two *[public]* **must be** members **of the public** representing health consumers[. *All persons***
38 ***appointed must have been residents of this state for at least seven years.] **who are not:*****

39 **(A) Otherwise eligible for appointment to the board; or**

40 **(B) A spouse, domestic partner, child, parent or sibling of an individual having the degree**
41 **of Doctor of Medicine, Doctor of Osteopathy or Doctor of Podiatric Medicine.**

42 **(2)(a)(A) Board members required to possess the degree of Doctor of Medicine may be**
43 **selected by the Governor from a list of three to five physicians for each physician member**
44 **of the board whose term expires in that year, submitted by the Oregon Medical Association**
45 **not later than February 1.**

1 **(B) Board members required to possess the degree of Doctor of Osteopathy may be se-**
2 **lected by the Governor from a list of three to five qualified physicians for each vacancy,**
3 **submitted by the Osteopathic Physicians and Surgeons of Oregon, Inc., not later than Feb-**
4 **ruary 1 of each odd-numbered year.**

5 **(C) The board member required to possess the degree of Doctor of Podiatric Medicine**
6 **may be selected by the Governor from a list of three to five qualified physicians submitted**
7 **by the Oregon Podiatric Medical Association not later than February 1 of each fourth year.**

8 **(b)** The physician members and the member who is a podiatric physician and surgeon must have
9 been in the active practice of their profession for at least five years immediately preceding their
10 appointment.

11 **(c)** Neither the public members nor any person *[within the immediate family of the public mem-*
12 *bers shall]* **who is a spouse, domestic partner, child, parent or sibling of a public member may**
13 **be employed as a health professional or in any health-related industry. The public members** *[shall*
14 *be]* **are members of the investigative committee of the board.**

15 **(d)(A) In selecting the members of the board, the Governor shall strive to balance the**
16 **representation on the board according to geographic areas of this state and ethnic group.**

17 **(B) Of the seven members who hold the degree of Doctor of Medicine, there shall be at**
18 **least one member appointed from each federal congressional district.**

19 *[(2) Not later than February 1 of each year, the Oregon Medical Association shall nominate three*
20 *qualified physicians for each physician member of the board whose term expires in that year, and shall*
21 *certify its nominees to the Governor. Not later than February 1 of each odd-numbered year, the*
22 *Osteopathic Physicians and Surgeons of Oregon, Inc., shall nominate three physicians possessing the*
23 *degree of Doctor of Osteopathy and shall certify its nominees to the Governor. Not later than February*
24 *1 of each third year, the Oregon Podiatric Medical Association shall nominate three podiatric physi-*
25 *cians and surgeons possessing the degree of Doctor of Podiatric Medicine and shall certify its nominees*
26 *to the Governor. The Governor shall consider these nominees in selecting successors to retiring board*
27 *members.]*

28 **(3)(a)** *[Each member of the board shall serve for a term of three years beginning]* **The term of**
29 **office of each board member is three years, but a member serves at the pleasure of the**
30 **Governor. The terms must be staggered so that no more than four terms end each year. A**
31 **term begins** on March 1 of the year the member is appointed and *[ending]* **ends** on the last day of
32 February of the third year thereafter. *[No member shall serve more than two consecutive terms.]* **A**
33 **member is eligible for reappointment.**

34 **(b)** If a vacancy occurs on the board, another qualifying member possessing the same profes-
35 sional degree or fulfilling the same public capacity as the person whose position has been vacated
36 shall be appointed as provided in this section to fill the unexpired term.

37 **(c) A board member shall be removed immediately from the board if, during the mem-**
38 **ber's term, the member:**

39 **(A) Is not a resident of this state;**

40 **(B) Has been absent from three consecutive board meetings, unless at least one absence**
41 **is excused; or**

42 **(C) Is not a current licensee or a retired licensee whose license was in good standing at**
43 **the time of retirement, if the board member was appointed to serve on the board as a**
44 **licensee.**

45 *[(4) All appointments of members of the board by the Governor are subject to confirmation by the*

1 *Senate in the manner provided in ORS 171.562 and 171.565.]*

2 **(4) Members of the board are entitled to compensation and expenses as provided in ORS**
3 **292.495. The board may provide by rule for compensation to board members for the per-**
4 **formance of official duties at a rate that is greater than the rate provided in ORS 292.495.**

5 **SECTION 6.** ORS 677.280 is amended to read:

6 677.280. [(1)] Subject to any applicable provisions of the State Personnel Relations Law, the
7 Oregon Medical Board may employ consultants, investigators and staff for the purpose of enforcing
8 the laws relating to this chapter and securing evidence of violations thereof, and may fix the com-
9 pensation therefor and incur necessary other expenses.

10 [(2) *The board members are entitled to compensation and expenses as provided in ORS 292.495.*
11 *Notwithstanding the provisions of ORS 292.495 (1), a board member shall receive up to \$250 for each*
12 *day or portion thereof during which the member is actually engaged in the performance of official du-*
13 *ties.*]

14 **SECTION 7.** ORS 677.540 is amended to read:

15 677.540. (1) There is created a Physician Assistant Committee, which shall consist of five mem-
16 bers. Members of the committee shall be appointed as follows:

17 (a) The Oregon Medical Board shall appoint one of its members and one physician. One of the
18 two must supervise a physician assistant.

19 (b) The Oregon Medical Board shall appoint three physician assistants after considering persons
20 nominated by the Oregon Society of Physician Assistants.

21 (2) The term of each member of the committee shall be for three years. A member may not serve
22 more than two consecutive terms. A member shall serve until a successor is appointed. If a vacancy
23 occurs, it shall be filled for the unexpired term by a person with the same qualifications as the re-
24 tiring member.

25 (3) If any vacancy under subsection (1) of this section is not filled within 45 days, the Governor
26 shall make the necessary appointment from the category which is vacant.

27 (4) The committee shall elect its own chairperson with such powers and duties as the committee
28 shall fix.

29 (5) A quorum of the committee shall be three members. The committee shall hold a meeting at
30 least once quarterly and at such other times the committee considers advisable to review requests
31 for prescription and dispensing privileges and to review applications for licensure or renewal.

32 (6) The chairperson may call a special meeting of the Physician Assistant Committee upon at
33 least 10 days' notice in writing to each member, to be held at any place designated by the chair-
34 person.

35 (7) The committee members are entitled to compensation and expenses as provided for board
36 members in ORS [677.280 (2)] **677.235.**

37 **SECTION 8.** ORS 677.780 is amended to read:

38 677.780. (1) There is established an Acupuncture Advisory Committee consisting of six members
39 appointed by the Oregon Medical Board. Of the committee members appointed by the board:

40 (a) One shall be a person who is a current member of the board.

41 (b) Two shall be physicians licensed under ORS chapter 677.

42 (c) Three shall be acupuncturists licensed under ORS 677.759. In appointing the three
43 acupuncturists, the board may receive nominations from the Oregon Acupuncture Association, the
44 Acupuncture and Oriental Medicine Society of Oregon and other professional acupuncture organ-
45 izations.

1 (2) The term of office of each committee member is *[four]* **three** years, but a committee member
2 serves at the pleasure of the board. A committee member may not serve more than two consecutive
3 terms. A committee member serves until a successor is appointed and qualified. If there is a vacancy
4 for any cause, the board shall make an appointment to become immediately effective for the unex-
5 pired term.

6 (3) A committee member is entitled to compensation and expenses as provided for board mem-
7 bers in ORS *[677.280 (2)]* **677.235**.

8 (4) A majority of the members of the committee constitutes a quorum for the transaction of
9 business.

10 **SECTION 9.** ORS 678.140 is amended to read:

11 678.140. (1) There is created an Oregon State Board of Nursing composed of nine members[,]
12 **appointed by the Governor and subject to confirmation by the Senate in the manner provided**
13 **in ORS 171.562 and 171.565. All members of the board must be residents of this state. Of the**
14 **members of the board:**

15 (a) Five *[of whom shall]* **must** be registered nurses[,];

16 (b) Two *[of whom shall]* **must** be licensed practical nurses; and

17 (c) Two *[of whom shall]* **must** be members of the public who are otherwise not eligible for ap-
18 pointment to the board.

19 (2)(a) **Board members required to be nurse members may be selected by the Governor**
20 **from a list of three to five nominees for each vacancy, submitted two months before the**
21 **expiration of the term of office of a nurse member by:**

22 (A) **The Oregon Nurses Association or any other professional organization representing**
23 **registered nurses, if the vacancy is in a registered nurse position; or**

24 (B) **The Oregon Licensed Practical Nurses Association or any other professional organ-**
25 **ization representing licensed practical nurses, if the vacancy is in a licensed practical nurse**
26 **position.**

27 (b) **Each nurse member must:**

28 (A) **Be currently licensed and not under disciplinary status with the board in the category**
29 **for which appointed; and**

30 (B) **Have at least five years' experience in the category in which the nurse member is**
31 **appointed, three of which were immediately prior to appointment.**

32 (c) **The public members and any person who is a spouse, domestic partner, child, parent**
33 **or sibling of a public member may not be employed as a health professional or in any**
34 **health-related industry.**

35 (2) (d) In making appointments of registered nurses, the Governor shall *[consider geographic*
36 *balance in making the appointments and shall]* ensure that the following areas of practice are re-
37 presented on the board:

38 (a) (A) One nursing educator;

39 (b) (B) One nursing administrator;

40 (c) (C) Two nonsupervisory nurses involved in direct patient care; and

41 (d) (D) One nurse practitioner.

42 (3)(a) The members of the board shall be appointed by the Governor for terms of three years,
43 beginning on January 1. *[No member shall be eligible to appointment for more than two consecutive*
44 *terms.]* **A member serves at the pleasure of the Governor. The terms must be staggered so**
45 **that no more than three terms end each year. A member is eligible for reappointment. An**

1 unexpired term of a board member shall be filled in the same manner as an original appointment is
2 made. The appointment shall be for the remainder of the unexpired term. *[All appointments of mem-*
3 *bers of the board by the Governor are subject to confirmation by the Senate pursuant to section 4,*
4 *Article III of the Oregon Constitution.]*

5 **(b) A board member shall be removed immediately from the board if, during the mem-**
6 **ber's term, the member:**

7 **(A) Is not a resident of this state;**

8 **(B) Has been absent from three consecutive board meetings, unless at least one absence**
9 **is excused; or**

10 **(C) Is not a registered nurse or licensed practical nurse or a retired registered nurse or**
11 **licensed practical nurse who was a registered nurse in good standing or licensed practical**
12 **nurse in good standing at the time of retirement, if the board member was appointed to**
13 **serve on the board as a nurse member.**

14 *[(4) Two months before the expiration of the term of office of a nurse member of the board, or when*
15 *a vacancy occurs in the office of a nurse member, the Oregon Nurses Association or any other organ-*
16 *ization representing registered nurses, if the vacancy is in a registered nurse position, or the Oregon*
17 *Licensed Practical Nurses Association or any other organization representing licensed practical nurses,*
18 *if the vacancy is in a licensed practical nurse position, may submit a list of three names of persons*
19 *qualified for the appointment. The appointment of nurse members or practical nurse members may be*
20 *made from the respective lists.]*

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

27 *[(6) The Governor may remove a member of the board for cause.]*

28 **(4) Members of the board are entitled to compensation and expenses as provided in ORS**
29 **292.495. The board may provide by rule for compensation to board members for the per-**
30 **formance of official duties at a rate that is greater than the rate provided in ORS 292.495.**

31 **SECTION 10.** ORS 678.150 is amended to read:

32 678.150. (1) The Oregon State Board of Nursing shall elect annually from its number a president,
33 a president-elect and a secretary, each of whom shall serve until a successor is elected and qualified.
34 The board shall meet on the call of the president or as the board may require. Special meetings of
35 the board may be called by the secretary upon the request of any three members. Five members
36 shall constitute a quorum.

37 *[(2) Members of the board are entitled to compensation and expenses as provided in ORS 292.495.*
38 *Notwithstanding ORS 292.495 (1), a board member shall receive up to \$150 for each day or portion*
39 *thereof during which the member is actually engaged in the performance of official duties.]*

40 *[(3)]* **(2)** The board shall adopt a seal which shall be in the care of the executive director.

41 *[(4)]* **(3)** The board shall keep a record of all its proceedings and of all persons licensed and
42 schools or programs accredited or approved under ORS 678.010 to 678.445. The records shall at all
43 reasonable times be open to public scrutiny.

44 *[(5)]* **(4)** Subject to the State Personnel Relations Law, the board shall hire, define the duties and
45 fix the salary of an executive director who shall hire and define the duties of such other employees

1 as are necessary to carry into effect the provisions of ORS 678.010 to 678.445. The executive direc-
2 tor, with approval of the board, may also employ special consultants. All salaries, compensation and
3 expenses incurred or allowed shall be paid out of funds received by the board.

4 [(6)] (5) The board shall determine the qualifications of applicants for a license to practice
5 nursing in this state and establish educational and professional standards for such applicants subject
6 to laws of this state.

7 [(7)] (6) The board shall:

8 (a) Exercise general supervision over the practice of nursing in this state.

9 (b) Prescribe standards and approve curricula for nursing education programs preparing persons
10 for licensing under ORS 678.010 to 678.445.

11 (c) Provide for surveys of nursing education programs at such times as may be necessary.

12 (d) Accredite such nursing education programs as meet the requirements of ORS 678.010 to
13 678.445 and of the board.

14 (e) Deny or withdraw accreditation from nursing education programs for failure to meet pre-
15 scribed standards.

16 (f) Examine, license and renew the licenses of duly qualified applicants and administer exam-
17 inations for other states where requested to do so by the other state.

18 (g) Issue subpoenas for any records relevant to a board investigation, including patient and
19 other medical records, personnel records applicable to nurses and nursing assistants, records of
20 schools of nursing and nursing assistant training records and any other relevant records; issue
21 subpoenas to persons for personal interviews relating to board investigations; compel the attendance
22 of witnesses; and administer oaths or affirmations to persons giving testimony during an investi-
23 gation or at hearings. In any proceeding under this subsection, when a subpoena is issued to an
24 applicant, certificate holder or licensee of the board, a claim of nurse-patient privilege under ORS
25 40.240 or of psychotherapist-patient privilege under ORS 40.230 is not grounds for quashing the
26 subpoena or for refusing to produce the material that is subject to the subpoena.

27 (h) Enforce the provisions of ORS 678.010 to 678.445, and incur necessary expenses therefor.

28 (i) Prescribe standards for the delegation of special tasks of patient care to nursing assistants
29 and for the supervision of nursing assistants. The standards must include rules governing the dele-
30 gation of administration of noninjectable medication by nursing assistants and must include rules
31 prescribing the types of noninjectable medication that can be administered by nursing assistants,
32 and the circumstances, if any, and level of supervision under which nursing assistants can adminis-
33 ter noninjectable medication. In formulating the rules governing the administration of noninjectable
34 medication by nursing assistants, the board shall consult with nurses, physicians, gerontologists and
35 pharmacologists. Notwithstanding any other provision of this paragraph, however, determination of
36 the appropriateness of the delegation of a special task of patient care shall remain with the regis-
37 tered nurse issuing the order.

38 (j) Notify licensees at least annually of changes in legislative or board rules that affect the
39 licensees. Notice may be by newsletter or other appropriate means.

40 [(8)] (7) The board shall determine the scope of practice as delineated by the knowledge acquired
41 through approved courses of education or through experience.

42 [(9)] (8) For local correctional facilities, lockups and juvenile detention facilities, as defined in
43 ORS 169.005, youth correction facilities as defined in ORS 420.005, for facilities operated by a public
44 agency for detoxification of persons who use alcohol excessively, for homes or facilities licensed
45 under ORS 443.705 to 443.825 for adult foster care, and for facilities licensed under ORS 443.400 to

1 443.455 for residential care, training or treatment, the board shall adopt rules pertaining to the
2 provision of nursing care, and to the various tasks relating to the administration of noninjectable
3 medication including administration of controlled substances. The rules must provide for delegation
4 of nursing care and tasks relating to the administration of medication to other than licensed nursing
5 personnel by a physician licensed by the Oregon Medical Board or by a registered nurse, designated
6 by the facility. Such delegation must occur under the procedural guidance, initial direction and pe-
7 riodic inspection and evaluation of the physician or registered nurse. However, the provision of
8 nursing care may be delegated only by a registered nurse.

9 [(10)] (9) The board may require applicants, licensees and certificate holders under ORS 678.010
10 to 678.445 to provide to the board data concerning the individual's nursing employment and educa-
11 tion.

12 [(11)] (10) For the purpose of requesting a state or nationwide criminal records check under ORS
13 181.534, the board may require the fingerprints of a person who is:

- 14 (a) Applying for a license or certificate that is issued by the board;
- 15 (b) Applying for renewal of a license or certificate that is issued by the board; or
- 16 (c) Under investigation by the board.

17 [(12)] (11) Pursuant to ORS chapter 183, the board shall adopt rules necessary to carry out the
18 provisions of ORS 678.010 to 678.445.

19 **SECTION 11.** ORS 678.155 is amended to read:

20 678.155. (1) In carrying out its duties under ORS 678.150 [(6), (7) and (8)] (5), (6) and (7), the
21 Oregon State Board of Nursing shall not make changes in entry level nursing education or licensure
22 requirements unless such changes are enacted by the Legislative Assembly.

23 (2) In carrying out its duties under ORS 678.150 [(7)(i)] (6)(i), the Oregon State Board of Nursing
24 shall not prescribe any standard that would substantially alter the practices followed prior to July
25 1, 1979, in long term care facilities relating to the administration of noninjectable medication by
26 nursing assistants, except for the training requirements in ORS 678.440.

27 **SECTION 12.** ORS 678.157 is amended to read:

28 678.157. Nothing in ORS 678.150 and this section affects the limitation on the authority of the
29 board imposed by ORS 678.155 and 678.445 in carrying out its duties under ORS 678.150 [(7)(i)]
30 (6)(i).

31 **SECTION 13.** ORS 678.800 is amended to read:

32 678.800. (1) There is hereby created a Board of Examiners of Nursing Home Administrators [*in*
33 *the Department of Human Services*]. **The board consists of nine members appointed by the**
34 **Governor and subject to confirmation by the Senate in the manner provided in ORS 171.562**
35 **and 171.565. All members of the board must be concerned with the care and treatment of the**
36 **chronically ill or infirm elderly patients and must be residents of this state. Of the members**
37 **of the board:**

38 [(2) *The board shall be composed of nine individuals concerned with the care and treatment of the*
39 *chronically ill or infirm elderly patients and shall be appointed by the Governor after consultation with*
40 *the associations and societies appropriate to the professions and institutions:*]

41 (a) Three [*members shall*] **must** be nursing home administrators licensed under ORS 678.710 to
42 678.780, 678.800 to 678.840 and 678.990 (2);

43 (b) One **must be** a medical doctor licensed by the Oregon Medical Board actively engaged in
44 private practice and conversant with the care and treatment of the long-term patient;

45 (c) One **must be a** licensed professional nurse actively engaged in caring for chronically ill and

1 infirm patients and licensed by the Oregon State Board of Nursing;

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

4 *[(e)]* **(d) One must be a pharmacist licensed by the State Board of Pharmacy; and**

5 **(e) Three must be members of the public who are not:**

6 **(A) Otherwise eligible for appointment to the board; or**

7 **(B) A spouse, domestic partner, child, parent or sibling of a nursing home administrator.**

8 **(2)(a) Board members required to be nursing home administrators may be selected by the**
9 **Governor from a list of three to five nominees submitted by any professional organization**
10 **representing nursing home administrators.**

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

13 *[(3) All members of the board shall be citizens of the United States or shall have declared their*
14 *intent to become citizens of the United States and shall be residents of this state.]*

15 **(c) No more than two of the members of the board may be officials or full-time employees of**
16 **state or local governments.**

17 **(d) At least one public member must be at least 62 years of age.**

18 **(e) No public members of the board may hold any pecuniary interest in, or have any**
19 **employment contract with, a long term care facility.**

20 **(f) In selecting the members of the board, the Governor shall strive to balance the rep-**
21 **resentation on the board according to:**

22 **(A) Geographic areas of this state; and**

23 **(B) Ethnic group.**

24 *[(4)]* **(3)(a) The term of office of each member is three years but a member serves at the pleasure**
25 **of the Governor. The terms must be staggered so that no more than three terms end each**
26 **year.** Before the expiration of the term of a member, the Governor shall appoint a successor whose
27 term begins on July 1 next following. A member is eligible for reappointment *[but no member shall*
28 *serve more than two consecutive terms]*. If there is a vacancy for any cause the Governor shall make
29 an appointment to become immediately effective for the unexpired term.

30 **(b) A board member shall be removed immediately from the board if, during the mem-**
31 **ber's term, the member:**

32 **(A) Is not a resident of this state;**

33 **(B) Has been absent from three consecutive board meetings, unless at least one absence**
34 **is excused; or**

35 **(C) Is not a licensed nursing home administrator or a retired nursing home administrator**
36 **whose license as a nursing home administrator was in good standing at the time of retire-**
37 **ment, if the member was appointed to serve on the board as a nursing home administrator.**

38 *[(5) All appointments of members of the board by the Governor are subject to confirmation by the*
39 *Senate in the manner provided in ORS 171.562 and 171.565.]*

40 *[(6)]* **(4) The members of the board are entitled to compensation and expenses as provided in**
41 **ORS 292.495. The board may provide by rule for compensation to board members for the**
42 **performance of official duties at a rate that is greater than the rate provided in ORS 292.495.**

43 *[(7) No public members of the board shall hold any pecuniary interest in, or have any employment*
44 *contract with, a long term care facility.]*

45 **SECTION 14.** ORS 679.230 is amended to read:

1 679.230. (1) The Oregon Board of Dentistry [*shall consist*] **consists** of nine members[. *A member*
2 *shall be*] appointed [*to the board*] by the Governor [*upon the expiration of the term of office of each*
3 *of the preceding board members. Appointments to the board by the Governor are*] **and** subject to con-
4 firmation by the Senate in the manner provided in ORS 171.562 and 171.565. [*Each member shall hold*
5 *the office for four years and until the member's successor is appointed and qualified.*] **All members**
6 **of the board must be residents of this state. Of the members of the board:**

7 **(a) Six must be Oregon active licensed dentists, of which at least one must be a dentist**
8 **practicing in a dental specialty recognized by the American Dental Association;**

9 **(b) Two must be Oregon active licensed dental hygienists; and**

10 **(c) One must be a member of the public who is not:**

11 **(A) Otherwise eligible for appointment to the board; or**

12 **(B) A spouse, domestic partner, child, parent or sibling of a dentist or dental hygienist.**

13 **(2)(a) Board members required to be Oregon active licensed dentists or dental hygienists**
14 **may be selected by the Governor from a list of three to five nominees for each vacancy,**
15 **submitted by:**

16 **(A) The Oregon Dental Association, if the vacancy is in a dentist position;**

17 **(B) The Oregon Dental Hygienists' Association, if the vacancy is in a dental hygienist**
18 **position; or**

19 **(C) Any of the professional organizations representing a dental specialty, if the vacancy**
20 **is in a dental specialty position.**

21 **(b) In selecting the members of the board, the Governor shall strive to balance the rep-**
22 **resentation on the board according to:**

23 **(A) Geographic areas of this state; and**

24 **(B) Ethnic group.**

25 **(3)(a) The term of office of each member is three years, but a member serves at the**
26 **pleasure of the Governor. The terms must be staggered so that no more than three terms**
27 **end each year.** Terms of office begin on the first Monday of April after the time of appointment.
28 [*No person is eligible to membership on the board who is not a citizen of the United States or a resi-*
29 *dent of the State of Oregon. Six members shall be Oregon active licensed dentists, of which at least one*
30 *shall be a dentist practicing in a dental specialty recognized by the American Dental Association, one*
31 *member shall be a public member and two members shall be Oregon active licensed dental hygienists.*
32 *Appointments of dentists made by the Governor to the Oregon Board of Dentistry may be selected by*
33 *the Governor from a list of five names for each appointment suggested by the Oregon Dental Associ-*
34 *ation. Appointments of dental hygienists made by the Governor to the Oregon Board of Dentistry may*
35 *be selected by the Governor from a list of five names suggested by the Oregon Dental Hygienists' As-*
36 *sociation. Appointments of dental specialists by the Governor to the Oregon Board of Dentistry may*
37 *be selected by the Governor from one name suggested by each of the organizations representing a dental*
38 *specialty.] **A member is eligible for reappointment. If there is a vacancy in the membership***

39 **of the board for any reason, the Governor shall make an appointment to become immediately**
40 **effective for the unexpired term.**
41 **(b) A board member shall be removed immediately from the board if, during the mem-**
42 **ber's term, the member:**

43 **(A) Is not a resident of this state;**

44 **(B) Has been absent from three consecutive board meetings, unless at least one absence**
45 **is excused;**

1 (C) Is not a licensed dentist or a retired dentist whose license was in good standing at
2 the time of retirement, if the board member was appointed to serve on the board as a dentist
3 or a dental specialist; or

4 (D) Is not a licensed dental hygienist or a retired dental hygienist whose license was in
5 good standing at the time of retirement, if the board member was appointed to serve on the
6 board as a dental hygienist.

7 (4) Members of the board are entitled to compensation and expenses as provided in ORS
8 292.495. The board may provide by rule for compensation to board members for the per-
9 formance of official duties at a rate that is greater than the rate provided in ORS 292.495.

10 **SECTION 15.** ORS 680.556 is amended to read:

11 680.556. (1) There is established, within the Oregon Health Licensing Agency, the State Board
12 of Denture Technology. The board consists of seven members appointed by the Governor and
13 subject to confirmation by the Senate in the manner provided in ORS 171.562 and 171.565.
14 All members of the board must be residents of this state. Of the members of the board:

15 (a) Four must be active licensed denturists;

16 (b) One must be an Oregon licensed dentist in active practice; and

17 (c) Two must be members of the public who do not possess the professional qualifications
18 of other members and who are not a spouse, domestic partner, child, parent or sibling of an
19 active licensed denturist or dentist.

20 *[(2) The board shall consist of seven members appointed by the Governor.]*

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

24 (2)(a) Board members required to be denturists may be selected by the Governor from a
25 list of three to five nominees for each vacancy, submitted by a professional organization
26 representing denturists.

27 (b) In selecting the members of the board, the Governor shall strive to balance the rep-
28 resentation on the board according to:

29 (A) Geographic areas of this state; and

30 (B) Ethnic group.

31 [(4)] (3)(a) The term of office of each member is three years, but a member serves at the pleas-
32 ure of the Governor. Before the expiration of the term of a member, the Governor shall appoint a
33 successor whose term begins on July 1 next following. The terms must be staggered so that no
34 more than three terms end each year. A member is eligible for reappointment. *[If a person serves
35 two consecutive terms, a period of three years must pass before the person may be appointed to the
36 board again.]* If there is a vacancy for any cause, the Governor shall make an appointment to be-
37 come immediately effective for the unexpired term.

38 (b) A board member shall be removed immediately from the board if, during the mem-
39 ber's term, the member:

40 (A) Is not a resident of this state;

41 (B) Has been absent from three consecutive board meetings, unless at least one absence
42 is excused;

43 (C) Is not a licensed denturist or a retired denturist who was a licensed denturist in good
44 standing at the time of retirement, if the board member was appointed to serve on the board
45 as a denturist; or

1 **(D) Is not a licensed dentist or a retired dentist whose license to practice dentistry was**
2 **in good standing at the time of retirement, if the board member was appointed to serve on**
3 **the board as a dentist.**

4 **(4) Members are entitled to compensation and expenses as provided in ORS 292.495 from**
5 **funds available under ORS 680.570. The agency may provide by rule for compensation to**
6 **board members for the performance of official duties at a rate that is greater than the rate**
7 **provided in ORS 292.495.**

8 (5) The agency shall provide the board with such administrative services and employees as the
9 board requires to carry out its duties for the administration of ORS 680.500 to 680.570 and 680.990
10 (2).

11 *[(6) Members of the board, or its appointed committees, shall be entitled to compensation and ex-*
12 *penditures as provided in ORS 292.495 from funds available under ORS 680.570.]*

13 **SECTION 16.** ORS 681.400 is amended to read:

14 681.400. (1) There is established a State Board of Examiners for Speech-Language Pathology and
15 Audiology [*consisting*]. **The board consists** of seven members appointed by the Governor[.] **and**
16 **subject to confirmation by the Senate in the manner provided in ORS 171.562 and 171.565.**
17 **All members of the board must be residents of this state. Of the members of the board:**

18 **(a) Two must be audiologists licensed under this chapter.**

19 **(b) Two must be speech-language pathologists licensed under this chapter.**

20 **(c) One must be a person licensed to practice medicine who also holds board certification**
21 **from the American Board of Otolaryngology.**

22 **(d) Two must be members of the public who are not:**

23 **(A) Otherwise eligible for appointment to the board; or**

24 **(B) A spouse, domestic partner, child, parent or sibling of an audiologist, speech-language**
25 **pathologist or a person licensed to practice medicine who also holds board certification from**
26 **the American Board of Otolaryngology.**

27 **(2)(a) Board members required to be licensed audiologists or licensed speech-language**
28 **pathologists may be selected by the Governor from a list of three to five nominees for each**
29 **vacancy, submitted by:**

30 **(A) Any professional organization representing audiologists, if the vacancy on the board**
31 **is for an audiologist position; or**

32 **(B) Any professional organization representing speech-language pathologists, if the va-**
33 **cancy on the board is for a speech-language pathologist position.**

34 **(b) In selecting the members of the board, the Governor shall strive to balance the rep-**
35 **resentation on the board according to:**

36 **(A) Geographic areas of this state; and**

37 **(B) Ethnic group.**

38 [(2)] **(3)(a) The term of office of each member is three years, but a member serves at the pleas-**
39 **ure of the Governor. The terms must be staggered so that no more than three terms end each**
40 **year.** Before the expiration of the term of a member, the Governor shall appoint a successor whose
41 term begins on July 1 next following. A member is eligible for reappointment. If there is a vacancy
42 for any cause, the Governor shall make an appointment to become immediately effective for the
43 unexpired term.

44 **(b) A board member shall be removed immediately from the board if, during the mem-**
45 **ber's term, the member:**

1 (A) Is not a resident of this state;

2 (B) Has been absent from three consecutive board meetings, unless at least one absence
3 is excused;

4 (C) Is not a licensed audiologist or a retired audiologist who was a licensed audiologist
5 whose license was in good standing at the time of retirement, if the board member was ap-
6 pointed to serve on the board as an audiologist; or

7 (D) Is not a licensed speech-language pathologist or a retired speech-language pathologist
8 who was a licensed speech-language pathologist whose license was in good standing at the
9 time of retirement, if the board member was appointed to serve on the board as a speech-
10 language pathologist.

11 **SECTION 17.** ORS 681.410 is amended to read:

12 681.410. [(1) *Of the membership of the State Board of Examiners for Speech-Language Pathology*
13 *and Audiology:*]

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

15 [(b) *Two members must be audiologists licensed under this chapter.*]

16 [(c) *Two members must be speech-language pathologists licensed under this chapter.*]

17 [(d) *One member must be a person licensed to practice medicine who also holds board certification*
18 *from the American Board of Otolaryngology.*]

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

21 [(2)] A member of the [board] **State Board of Examiners for Speech-Language Pathology and**
22 **Audiology** shall receive compensation and expenses as provided in ORS 292.495. **The board may**
23 **provide by rule for compensation to board members for the performance of official duties at**
24 **a rate that is greater than the rate provided in ORS 292.495.**

25 **SECTION 18.** ORS 683.250 is amended to read:

26 683.250. (1) The Oregon Board of Optometry [*shall operate*] **operates** as a semi-independent state
27 agency subject to ORS 182.456 to 182.472, for the purpose of carrying out this chapter. The board
28 [*shall consist*] **consists** of five members appointed by the Governor[. *Each member of the board shall*
29 *qualify by taking and subscribing the oath of office required by the Constitution, which shall be filed*
30 *in the office of the Secretary of State.*] **and subject to confirmation by the Senate in the manner**
31 **provided in ORS 171.562 and 171.565. All members of the board must be residents of this**
32 **state. Of the members of the board:**

33 (a) Four [*of the members of this board shall*] **must** be doctors of optometry licensed and in
34 practice in Oregon; and [*the fifth member shall be a public*]

35 (b) **One member must be a member of the public who** [*representing*] **represents** health
36 consumers[. *Each of the members shall hold office for a term of three years or until a successor is*
37 *appointed and qualified and shall be so classified*] **and who is not:**

38 (A) **Otherwise eligible for appointment to the board; or**

39 (B) **The spouse, domestic partner, child, parent or sibling of a doctor of optometry.**

40 (2)(a) **Board members required to be a doctor of optometry may be selected by the Gov-**
41 **ernor from a list of three to five nominees for each vacancy, submitted by a professional**
42 **organization representing doctors of optometry.**

43 (b) **In selecting the members of the board, the Governor shall strive to balance the rep-**
44 **resentation on the board according to:**

45 (A) **Geographic areas of this state; and**

1 **(B) Ethnic group.**

2 **(3)(a) The term of office of each member is three years, but a member serves at the**
3 **pleasure of the Governor. The terms must be staggered so that** *[at least one optometrist member*
4 *of the board retires]* **no more than two terms end each year. A member is eligible for reap-**
5 **pointment. If a vacancy occurs in the membership of the board for any reason, the Governor**
6 **shall make an appointment to become immediately effective for the unexpired term.**

7 **(b) Each member of the board shall qualify by taking and subscribing the oath of office**
8 **required by the Oregon Constitution, which shall be filed in the office of the Secretary of**
9 **State.**

10 **(c) A board member shall be removed immediately from the board if, during the mem-**
11 **ber's term, the member:**

12 **(A) Is not a resident of this state;**

13 **(B) Has been absent from three consecutive board meetings, unless at least one absence**
14 **is excused; or**

15 **(C) Is not a licensed doctor of optometry or a retired doctor of optometry who was a li-**
16 **icensed doctor of optometry in good standing at the time of retirement, if the board member**
17 **was appointed to serve on the board as a doctor of optometry.**

18 **(4) Members of the board are entitled to compensation and expenses as provided in ORS**
19 **292.495. The board may provide by rule for compensation to board members for the per-**
20 **formance of official duties at a rate that is greater than the rate provided in ORS 292.495.**

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

22 **SECTION 19.** ORS 684.130 is amended to read:

23 684.130. (1) There is established the State Board of Chiropractic Examiners. *[The board shall be*
24 *composed of five chiropractors and two public members who are residents of this state.]* **The board**
25 **consists of seven members appointed by the Governor and subject to confirmation by the**
26 **Senate in the manner provided in ORS 171.562 and 171.565. All members of the board must**
27 **be residents of this state. Of the members of the board:**

28 **(a) Five must be chiropractors; and**

29 **(b) Two must be members of the public who are not chiropractors or a spouse, domestic**
30 **partner, child, parent or sibling of a chiropractor.**

31 **(2)(a) Board members required to be chiropractors may be selected by the Governor from**
32 **a list of three to five nominees for each vacancy, submitted by any professional organization**
33 **representing chiropractors.**

34 **(b) The chiropractor members must have practiced chiropractic in this state for five years prior**
35 **to appointment.**

36 **(c) In selecting the members of the board, the Governor shall strive to balance the rep-**
37 **resentation on the board according to:**

38 **(A) Geographic areas of this state; and**

39 **(B) Ethnic group.**

40 **(3)(a) Annually, upon the expiration of the term of any** *[members]* **member of the board, the**
41 **Governor shall appoint one or more qualified persons to the board to serve for a period of three**
42 **years. A member serves at the pleasure of the Governor. The terms must be staggered so**
43 **that no more than three terms end each year. If a vacancy occurs in the membership of the**
44 **board for any reason, the Governor shall make an appointment to become immediately ef-**
45 **fective for the unexpired term.**

1 [(2) *The Governor shall fill vacancies on the board, occasioned by death or otherwise. Upon suffi-*
2 *cient proof to the Governor of the inability or misconduct of a member of the board, the member shall*
3 *be dismissed and the Governor shall appoint as successor a person qualified to fill the vacancy.*]

4 **(b) A board member shall be removed immediately from the board if, during the mem-**
5 **ber's term, the member:**

6 **(A) Is not a resident of this state;**

7 **(B) Has been absent from three consecutive board meetings, unless at least one absence**
8 **is excused; or**

9 **(C) Is not a licensed chiropractor or a retired chiropractor who was a licensed**
10 **chiropractor in good standing at the time of retirement, if the board member was appointed**
11 **to serve on the board as a chiropractor.**

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

14 **SECTION 20.** ORS 684.160 is amended to read:

15 684.160. (1) A member **of the State Board of Chiropractic Examiners** is entitled to compen-
16 sation and expenses as provided in ORS 292.495. **The board may provide by rule for compen-**
17 **sation to board members for the performance of official duties at a rate that is greater than**
18 **the rate provided in ORS 292.495.**

19 (2) Such per diem and mileage, and other incidental expenses necessarily connected with the
20 [State] board [of *Chiropractic Examiners*] shall be paid out of the account of the State Board of
21 Chiropractic Examiners and not otherwise.

22 **SECTION 21.** ORS 685.160 is amended to read:

23 685.160. (1) There hereby is created the Board of Naturopathic Examiners [*in the Department of*
24 *Human Services*]. The board [*shall consist*] **consists** of seven members appointed by the Governor
25 [*for terms of three years commencing*] **and subject to confirmation by the Senate in the manner**
26 **provided in ORS 171.562 and 171.565. All members of the board must be residents of this**
27 **state. Of the members of the board:**

28 **(a) Five must be naturopathic physicians who have each practiced continuously in this**
29 **state for the five years immediately prior to the date of appointment.**

30 **(b) Two must be members of the general public who are not naturopathic physicians or**
31 **a spouse, domestic partner, child, parent or sibling of a naturopathic physician.**

32 (2)(a) **Board members required to be naturopathic physicians may be selected by the**
33 **Governor from a list of three to five nominees for each vacancy, submitted by a professional**
34 **organization representing naturopathic physicians.**

35 **(b) In selecting the members of the board, the Governor shall strive to balance the rep-**
36 **resentation on the board according to:**

37 **(A) Geographic areas of this state; and**

38 **(B) Ethnic group.**

39 (3)(a) **The term of office of each member is three years, but a member serves at the**
40 **pleasure of the Governor. The terms must be staggered so that no more than three terms**
41 **end each year. A member is eligible for reappointment. A term of office commences July 1[,**
42 **and]. Unless a member is removed prior to the end of the term, a member continues to serve**
43 **on the board until [*their successors are*] a successor is appointed and qualified. A majority of the**
44 **members of the board constitutes a quorum. If there is a vacancy for any cause, the Governor shall**
45 **appoint a member to serve for the remainder of the unexpired term. [*All appointments of members***

1 of the board by the Governor are subject to confirmation by the Senate in the manner provided in ORS
2 171.562 and 171.565.]

3 **(b) A board member shall be removed immediately from the board if, during the mem-
4 ber's term, the member:**

5 **(A) Is not a resident of this state;**

6 **(B) Has been absent from three consecutive board meetings, unless at least one absence
7 is excused; or**

8 **(C) Is not a licensed naturopathic physician or a retired naturopathic physician who was
9 a licensed naturopathic physician in good standing at the time of retirement, if the board
10 member was appointed to serve on the board as a naturopathic physician.**

11 [(2) *Of the membership of the Board of Naturopathic Examiners:*]

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

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

15 [(c) *Two shall be members of the general public who do not possess the qualifications set forth in
16 paragraph (b) of this subsection.*]

17 [(3)] **(4)** The board shall carry into effect the provisions of this chapter and is authorized to issue
18 licenses to practice naturopathic medicine in this state. The possession of a common seal by the
19 board hereby is authorized.

20 **SECTION 22.** ORS 685.190 is amended to read:

21 685.190. A member **of the Board of Naturopathic Examiners** is entitled to compensation and
22 expenses as provided in ORS 292.495. **The board may provide by rule for compensation to board
23 members for the performance of official duties at a rate that is greater than the rate pro-
24 vided in ORS 292.495.**

25 **SECTION 23.** ORS 687.115 is amended to read:

26 687.115. (1) The State Board of Massage Therapists [*shall operate*] **operates** as a semi-
27 independent state agency subject to ORS 182.456 to 182.472, for purposes of carrying out the pro-
28 visions of ORS 687.011 to 687.250, 687.895 and 687.991. The board [*shall be composed of*] **consists**
29 **of seven members[,]** **appointed by the Governor and subject to confirmation by the Senate in**
30 **the manner provided in ORS 171.562 and 171.565. All members of the board must be residents**
31 **of this state. Of the members of the board:**

32 **(a)** Four [*of whom shall*] **must** be licensed massage therapists [*and*].

33 **(b)** Three [*of whom shall*] **must** be members of the public, including one public member selected
34 from a health related field[, *who shall be appointed by the Governor for terms of four years. Members*
35 *serve at the option of the Governor*]. **Public members may not be:**

36 **(A) Massage therapists; or**

37 **(B) A spouse, domestic partner, child, parent or sibling of a massage therapist.**

38 **(2)(a) Board members required to be licensed massage therapists may be selected by the
39 Governor from a list of three to five nominees for each vacancy, submitted by a professional
40 organization representing massage therapists.**

41 **(b) In selecting the members of the board, the Governor shall strive to balance the rep-
42 resentation on the board according to:**

43 **(A) Geographic areas of this state; and**

44 **(B) Ethnic group.**

45 **(3)(a) The term of office of each member is three years, but a member serves at the**

1 pleasure of the Governor. The terms must be staggered so that no more than three terms
2 end each year. A member is eligible for reappointment. If there is a vacancy in the mem-
3 bership of the board for any reason, the Governor shall make an appointment to become
4 immediately effective for the remainder of the unexpired term.

5 (b) A board member shall be removed immediately from the board if, during the mem-
6 ber's term, the member:

7 (A) Is not a resident of this state;

8 (B) Has been absent from three consecutive board meetings, unless at least one absence
9 is excused; or

10 (C) Is not a licensed massage therapist or a retired massage therapist who was a licensed
11 massage therapist in good standing at the time of retirement, if the board member was ap-
12 pointed to serve on the board as a massage therapist.

13 [(2)] (4) *[Members are entitled to compensation and expenses as determined by the board.]* Mem-
14 bers of the board are entitled to compensation and expenses as provided in ORS 292.495. The
15 board may provide by rule for compensation to board members for the performance of offi-
16 cial duties at a rate that is greater than the rate provided in ORS 292.495.

17 [(3)] (5) The board may:

18 (a) Hold meetings at times and locations determined by the board.

19 (b) Hire, define the duties and fix the salary of an administrator who may hire and define the
20 duties and provide supervision and evaluation of other employees as necessary to carry out the
21 provisions of ORS 687.011 to 687.250, 687.895 and 687.991. The administrator, with approval of the
22 board, may also employ special consultants. All salaries, compensation and expenses incurred or
23 allowed shall be paid out of funds received by the board.

24 **SECTION 24.** ORS 687.470 is amended to read:

25 687.470. (1) There is established within the Oregon Health Licensing Agency the State Board
26 of Direct Entry Midwifery *[consisting]*. **The board consists** of seven members appointed by the
27 Governor $[\.]$ **and subject to confirmation by the Senate in the manner provided in ORS 171.562**
28 **and 171.565. All members of the board must be residents of this state. Of the members of the**
29 **board:**

30 (a) **Four must be licensed direct entry midwives.**

31 (b) **Two must be certified nurse midwives.**

32 (c) **One must be a physician licensed under ORS chapter 677 involved at the time of ap-**
33 **pointment in obstetrical care or education.**

34 (2)(a) **Board members required to be licensed direct entry midwives may be selected by**
35 **the Governor from a list of three to five nominees for each vacancy, submitted by a profes-**
36 **sional organization representing direct entry midwives.**

37 (b) **In selecting the members of the board, the Governor shall strive to balance the rep-**
38 **resentation on the board according to:**

39 (A) **Geographic areas of this state; and**

40 (B) **Ethnic group.**

41 (3)(a) **The term of office of each member is three years, but a member serves at the**
42 **pleasure of the Governor. The terms must be staggered so that no more than three terms**
43 **end each year. A member is eligible for reappointment.**

44 (b) **Unless a member is removed from office prior to the expiration of the term, each**
45 **member of the board *[shall serve a term of three years and]* serves until the expiration of the**

1 **member's term and** until a successor is appointed and qualified. If there is a vacancy for any
2 cause, the Governor shall make an appointment to become immediately effective for the unexpired
3 term. *[All appointments of members of the board are subject to confirmation by the Senate in the*
4 *manner provided in ORS 171.562 and 171.565. The membership of the board shall include:]*

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

6 *[(2) Two certified nurse midwives.]*

7 *[(3) One physician licensed under ORS chapter 677 involved at the time of appointment in*
8 *obstetrical care or education.]*

9 **(c) A board member shall be removed immediately from the board if, during the mem-**
10 **ber's term, the member:**

11 **(A) Is not a resident of this state;**

12 **(B) Has been absent from three consecutive board meetings, unless at least one absence**
13 **is excused; or**

14 **(C) Is not a licensed direct entry midwife or a retired direct entry midwife who was a**
15 **licensed direct entry midwife in good standing at the time of retirement, if the board member**
16 **was appointed to serve on the board as a direct entry midwife.**

17 **(4) Members of the board are entitled to compensation and expenses as provided in ORS**
18 **292.495. The agency may provide by rule for compensation to board members for the per-**
19 **formance of official duties at a rate that is greater than the rate provided in ORS 292.495.**

20 **SECTION 25.** ORS 687.475 is amended to read:

21 687.475. *[(1)]* The State Board of Direct Entry Midwifery shall elect a chairperson. The board
22 shall adopt rules to govern the proceedings of the board. The board shall hold meetings at such
23 times and places as it determines. A majority of the members of the board shall constitute a quorum.

24 *[(2) Each member of the board is entitled to compensation and expenses as provided in ORS*
25 *292.495.]*

26 **SECTION 26.** ORS 688.160 is amended to read:

27 688.160. (1) The Physical Therapist Licensing Board *[shall operate]* **operates** as a semi-
28 independent state agency subject to ORS 182.456 to 182.472, for purposes of carrying out the pro-
29 visions of ORS 688.010 to 688.201 and 688.990 (1). The Physical Therapist Licensing Board *[shall*
30 *consist]* **consists** of seven members appointed by the Governor *[who may be appointed from a list of*
31 *not fewer than nine names, submitted by the Oregon Physical Therapy Association.]* **and subject to**
32 **confirmation by the Senate in the manner provided in ORS 171.562 and 171.565. All members**
33 **of the board must be residents of this state. Of the members of the board:**

34 **(a) Five** *[members shall]* **must** be physical therapists who are Oregon residents, possess unre-
35 stricted licenses to practice physical therapy in this state, have been practicing in this state for at
36 least two years immediately preceding their appointments and have been practicing in the field of
37 physical therapy for at least five years.

38 **(b) One** *[member shall]* **must** be a licensed physical therapist assistant.

39 **(c) One** *[member shall]* **must** be a public member who has an interest in consumer rights[,] **and**
40 **who is not:**

41 **(A) Otherwise eligible for appointment to the board; or**

42 **(B) The spouse, domestic partner, child, parent or sibling of a physical therapist or**
43 **physical therapist assistant.** *[All members shall have equal voting privileges.]*

44 **(2)(a) Board members required to be physical therapists or physical therapist assistants**
45 **may be selected by the Governor from a list of three to five nominees for each vacancy,**

1 **submitted by the Oregon Physical Therapy Association.**

2 **(b) In selecting the members of the board, the Governor shall strive to balance the rep-**
3 **resentation on the board according to:**

4 **(A) Geographic areas of this state; and**

5 **(B) Ethnic group.**

6 **(3)(a)** *[Upon the expiration of the term of a member of the board, the Governor shall appoint a*
7 *successor who may be appointed from a list of three names submitted to the Governor by the Oregon*
8 *Physical Therapy Association to serve a term of four years. A member may not serve for more than two*
9 *consecutive four-year terms.]* **The term of office of each member is three years, but a member**
10 **serves at the pleasure of the Governor. The terms must be staggered so that no more than**
11 **three terms end each year. A member is eligible for reappointment.**

12 *[(3)]* **(b)** In the event of a vacancy in the office of a member of the board other than by reason
13 of the expiration of a term, the Governor, not later than 90 days after the occurrence of the va-
14 cancy, shall appoint a person to fill the vacancy for the unexpired term. *[The person may be ap-*
15 *pointed from a list of three names submitted as provided in subsection (2) of this section. If requested*
16 *by the board, the Governor may remove any member of the board for misconduct, incompetence or*
17 *neglect of duty.]*

18 **(c) A board member shall be removed immediately from the board if, during the mem-**
19 **ber's term, the member:**

20 **(A) Is not a resident of this state;**

21 **(B) Has been absent from three consecutive board meetings, unless at least one absence**
22 **is excused;**

23 **(C) Is not a licensed physical therapist or a retired physical therapist who was a licensed**
24 **physical therapist in good standing at the time of retirement, if the board member was ap-**
25 **pointed to serve on the board as a physical therapist; or**

26 **(D) Is not a licensed physical therapist assistant or a retired physical therapist assistant**
27 **who was a licensed physical therapist assistant in good standing at the time of retirement,**
28 **if the board member was appointed to serve on the board as a retired physical therapist as-**
29 **stant.**

30 (4) Each member of the board is entitled to compensation and expenses as provided in ORS
31 292.495. **The board may provide by rule for compensation to board members for the per-**
32 **formance of official duties at a rate that is greater than the rate provided in ORS 292.495.**

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

35 (6) The board shall have power to:

36 (a) Establish matters of policy affecting administration of ORS 688.010 to 688.201;

37 (b) Provide for examinations for physical therapists and physical therapist assistants and adopt
38 passing scores for the examinations;

39 (c) Adopt rules necessary to carry out and enforce the provisions of ORS 688.010 to 688.201;

40 (d) Establish standards and tests to determine the qualifications of applicants for licenses to
41 practice physical therapy in this state;

42 (e) Issue licenses to persons who meet the requirements of ORS 688.010 to 688.201;

43 (f) Adopt rules relating to the supervision and the duties of physical therapist aides who assist
44 in performing routine work under supervision;

45 (g) Adopt rules establishing minimum continuing education requirements for all licensees;

1 (h) Exercise general supervision over the practice of physical therapy within this state;

2 (i) Establish and collect fees for the application or examination for, or the renewal, rein-
3 statement or duplication of, a license under ORS 688.040, 688.080 or 688.100 or for the issuance of
4 a temporary permit under ORS 688.110; and

5 (j) Establish and collect fees to carry out and enforce the provisions of ORS 688.010 to 688.201.

6 (7) The board shall meet as determined by the board and at any other time at the call of the
7 board chairperson, who shall be elected by the members of the board. **All members have equal**
8 **voting privileges.**

9 (8) The board may appoint and fix the compensation of an executive director and other staff as
10 necessary to carry out the operations of the board.

11 (9) The board shall:

12 (a) Maintain a current list of all persons regulated under ORS 688.010 to 688.201, including the
13 persons' names, current business and residential addresses, telephone numbers, electronic mail ad-
14 dresses and license numbers.

15 (b) Provide information to the public regarding the procedure for filing a complaint against a
16 physical therapist or physical therapist assistant.

17 (c) Publish at least annually, and in a format or place determined by the board, final disciplinary
18 actions taken against physical therapists and physical therapist assistants and other information,
19 including rules, in order to guide physical therapists and physical therapist assistants regulated
20 pursuant to ORS 688.010 to 688.201.

21 **SECTION 27.** ORS 688.545 is amended to read:

22 688.545. (1)[(a)] There is created [*in the Department of Human Services*] a Board of Radiologic
23 Technology [*consisting of nine members who shall be appointed by the Governor*]. **The board consists**
24 **of nine members appointed by the Governor and subject to confirmation by the Senate in the**
25 **manner provided in ORS 171.562 and 171.565.** Each member of the board [*shall be a citizen of the*
26 *United States and*] **must be** a resident of [*the*] **this** state [*of Oregon. Each appointed member is en-*
27 *titled to vote*].

28 [(b)] Of the members of the board:

29 (a) One [*shall*] **must** be a radiologist;

30 [(B)] *At least one shall be a lay person;*

31 [(C)] (b) At least one [*shall*] **must** be a limited permit holder; [*and*]

32 [(D)] (c) At least five [*shall*] **must** be licensed practicing radiologic technologists, one of whom
33 [*shall*] **must** be a radiation therapist[.]; **and**

34 (d) **At least one must be a member of the public. A public member appointed under this**
35 **paragraph may not be:**

36 (A) **Otherwise eligible for appointment to the board; or**

37 (B) **The spouse, domestic partner, child, parent or sibling of a radiologist, limited permit**
38 **holder or radiologic technologist.**

39 (2)(a) **Board members required to be limited permit holders or licensed practicing**
40 **radiologic technologists may be selected by the Governor from a list of three to five nomi-**
41 **nees for each vacancy, submitted by:**

42 (A) **A professional organization representing limited permit holders, if the vacancy is in**
43 **a limited permit holder position;**

44 (B) **A professional organization representing radiation therapists, if the vacancy is in the**
45 **radiation therapist position; or**

1 (C) A professional organization representing radiologic technologists, if the vacancy is in
2 a radiologic technologist or radiation therapist position.

3 (b) In selecting the members of the board, the Governor shall strive to balance the rep-
4 resentation on the board according to:

5 (A) Geographic areas of this state; and

6 (B) Ethnic group.

7 [(2)] (3) The section manager of the Radiation Protection Services Section of the Department
8 of Human Services, or a person appointed by the section manager, shall be an advisory member of
9 the board for the purpose of providing counsel and *[shall not be]* **is not** entitled to vote.

10 [(3)] (4)(a) The term of office of the members of the board *[shall be three]* **is three years, but**
11 **a member serves at the pleasure of the Governor. The terms must be staggered so that no**
12 **more than three terms end each year.** *[and a member may be reappointed to serve not more than*
13 *two full terms.]* **A member is eligible for reappointment.**

14 (b) A board member shall be removed immediately from the board if, during the mem-
15 ber's term, the member:

16 (A) Is not a resident of this state;

17 (B) Has been absent from three consecutive board meetings, unless at least one absence
18 is excused;

19 (C) Is not a limited permit holder or a retired limited permit holder who was a limited
20 permit holder in good standing at the time of retirement, if the board member was appointed
21 to serve on the board as a limited permit holder;

22 (D) Is not a licensed practicing radiologic technologist or a retired radiologic technologist
23 who was a licensed radiologic technologist in good standing at the time of retirement, if the
24 board member was appointed to serve on the board as a radiologic technologist; or

25 (E) Is not a licensed practicing radiation therapist or a retired radiation therapist who
26 was a licensed radiation therapist in good standing at the time of retirement, if the board
27 member was appointed to serve on the board as a radiation therapist.

28 [(4)] (5) Members of the board *[shall be]* **are** entitled to compensation and expenses as provided
29 in ORS 292.495. **The board may provide by rule for compensation to board members for the**
30 **performance of official duties at a rate that is greater than the rate provided in ORS 292.495.**

31 [(5)] (6) The board shall annually elect a board chairperson and a vice chairperson from the
32 members of the board.

33 [(6)] (7) For the purpose of transacting its business, the board shall meet at least once every
34 three months at times and places designated by resolution. Special meetings may also be held at
35 such times as the board may elect or at the call of the chairperson. Notification of the time, place
36 and purpose of any special meeting shall be sent to all members of the board at least 15 days before
37 the date of the meeting. All meetings are subject to ORS 192.610 to 192.690.

38 [(7)] (8) Five members of the board *[shall]* constitute a quorum for the transaction of business
39 at any meeting. Five affirmative votes *[shall be]* **are** required to take action.

40 **SECTION 28.** ORS 688.820 is amended to read:

41 688.820. (1) There is established within the Oregon Health Licensing Agency the Respiratory
42 Therapist Licensing Board[.]. **The board consists** *[consisting]* of five members appointed by the
43 Governor[.] **and subject to confirmation by the Senate in the manner provided in ORS 171.562**
44 **and 171.565. All members of the board must:**

45 (a) **Be residents of this state; and**

1 **(b) Have engaged in the practice of respiratory care for a period of five or more years**
2 **immediately preceding appointment to the board.**

3 **(2)(a) Board members may be selected by the Governor from a list of three to five nom-**
4 **inees for each vacancy, submitted by the Oregon Society for Respiratory Care or another**
5 **professional organization representing respiratory care practitioners.**

6 **(b) In selecting the members of the board, the Governor shall strive to balance the rep-**
7 **resentation on the board according to:**

8 **(A) Geographic areas of this state; and**

9 **(B) Ethnic group.**

10 [(2)] **(3)(a) The term of office of each member of the board is [four] three years[.], but a**
11 **member serves at the pleasure of the Governor. The terms must be staggered so that no**
12 **more than two terms end each year.** A member is eligible for reappointment[, *but no member shall*
13 *serve more than two full terms*]. If there is a vacancy for any cause, the Governor shall make an
14 appointment to become immediately effective for the unexpired term.

15 **(b) A board member shall be removed immediately from the board if, during the mem-**
16 **ber's term, the member:**

17 **(A) Is not a resident of this state;**

18 **(B) Has been absent from three consecutive board meetings, unless at least one absence**
19 **is excused; or**

20 **(C) Is not a respiratory care practitioner or a retired respiratory care practitioner whose**
21 **license was in good standing at the time of retirement.**

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

26 [(4)] *A member of the board may be removed by the Governor for neglect of duty, incompetency or*
27 *unethical or dishonorable conduct.]*

28 [(5)] **(4) A member of the board is entitled to compensation and expenses as provided in ORS**
29 **292.495. The agency may provide by rule for compensation to board members for the per-**
30 **formance of official duties at a rate that is greater than the rate provided in ORS 292.495.**

31 **SECTION 29.** ORS 689.115 is amended to read:

32 689.115. (1) The State Board of Pharmacy [*shall consist*] **consists** of seven members[,]
33 **appointed by the Governor and subject to confirmation by the Senate in the manner provided in ORS**
34 **171.562 and 171.565. All members of the board must be residents of this state. Of the mem-**
35 **bers of the board:**

36 **(a)** [*two of whom shall be representatives of the public, and the remaining*] Five [*of whom shall*]
37 **must** be licensed pharmacists. [*The members shall possess the qualifications specified in subsections*
38 *(2) and (3) of this section.*]

39 **(b) Two must be members of the public who are not licensed pharmacists or a spouse,**
40 **domestic partner, child, parent or sibling of a pharmacist.**

41 **(2)(a) Board members required to be licensed pharmacists may be selected by the Gov-**
42 **ernor from a list of three to five nominees for each vacancy, submitted by a task force as-**
43 **sembled by the Oregon State Pharmacists Association to represent all of the interested**
44 **pharmacy groups.**

45 [(2)] **(b) The public members of the State Board of Pharmacy [*shall be residents of this state***

1 *who*] **must be individuals who:**

2 (A) Have attained the age of majority [*and shall not be nor shall they ever have been a*
3 *member*];

4 (B) **Are not former members** of the profession of pharmacy[, *or persons who have any imme-*
5 *diate family in the profession of pharmacy or persons who have ever had*];

6 (C) **Do not have and have never had** any material financial interest in the providing of phar-
7 macy service [*or who have*]; **and**

8 (D) **Have not** engaged in any activity directly related to the practice of pharmacy.

9 [(3)] (c) The licensed pharmacist members of the board [*shall*] **must** at the time of their ap-
10 pointment:

11 [(a) *Be residents of this state*;]

12 [(b)] (A) Be licensed and in good standing to engage in the practice of pharmacy in this state;

13 [(c)] (B) Be engaged in the practice of pharmacy in this state; and

14 [(d)] (C) Have five years of experience in the practice of pharmacy in this state after licensure.

15 (d) **In selecting the members of the board, the Governor shall strive to balance the rep-**
16 **resentation on the board according to:**

17 (A) **Geographic areas of this state; and**

18 (B) **Ethnic group.**

19 [(4) *The Governor shall appoint the members of the State Board of Pharmacy, subject to the advice*
20 *and consent of the Senate, and in accordance with the other provisions of subsection (5) of this*
21 *section.*]

22 [(5) *At least five recommendations for appointment to each vacancy on the board may be made to*
23 *the Governor by a task force assembled by the Oregon State Pharmacists Association to represent all*
24 *of the interested pharmacy groups. Such nominations shall be recommendations only and shall not be*
25 *binding in any manner upon the Governor.*]

26 [(6)] (3)(a) [*Any vacancy which occurs in the membership of the board for any reason, including*
27 *expiration of term, removal, resignation, death, disability or disqualification, shall be filled by the*
28 *Governor in the manner prescribed by subsections (4) and (5) of this section.*] **The term of office of**
29 **each member is three years, but a member serves at the pleasure of the Governor. The**
30 **terms must be staggered so that no more than three terms end each year. A member is el-**
31 **igible for reappointment.** The Governor shall fill vacancies which occur by expiration of full terms
32 within 90 days prior to each date of expiration, and shall fill vacancies which occur for any other
33 reason within 60 days after each such vacancy occurs, **for the unexpired term.**

34 (b) **A board member shall be removed immediately from the board if, during the mem-**
35 **ber's term, the member:**

36 (A) **Is not a resident of this state;**

37 (B) **Has been absent from three consecutive board meetings, unless at least one absence**
38 **is excused; or**

39 (C) **Is not a licensed pharmacist or a retired pharmacist who was a licensed pharmacist**
40 **in good standing at the time of retirement, if the board member was appointed to serve on**
41 **the board as a pharmacist.**

42 (4) **Members of the board are entitled to compensation and expenses as provided in ORS**
43 **292.495. The board may provide by rule for compensation to board members for the per-**
44 **formance of official duties at a rate that is greater than the rate provided in ORS 292.495.**

45 **SECTION 30. ORS 689.125 is repealed.**

1 **SECTION 31.** ORS 691.485 is amended to read:

2 691.485. (1) There is established a Board of Examiners of Licensed Dietitians [*within the De-*
3 *partment of Human Services*] for the purpose of carrying out and enforcing the provisions of ORS
4 691.405 to 691.585. **The board consists of seven members appointed by the Governor and sub-**
5 **ject to confirmation by the Senate in the manner provided in ORS 171.562 and 171.565. All**
6 **members of the board must be residents of this state. Of the members of the board:**

7 [(2) *The board shall consist of seven members appointed by the department of which.*]

8 (a) Two [*are*] **must be** members of the general public **who are not otherwise qualified for**
9 **membership on the board and who are not a spouse, domestic partner, child, parent or sib-**
10 **ling of a licensed dietitian;**

11 (b) One [*is*] **must be** a physician trained in clinical nutrition; and

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

14 **(2)(a) Board members required to be licensed dietitians may be selected by the Governor**
15 **from a list of three to five nominees for each vacancy, submitted by a professional organ-**
16 **ization representing dietitians.**

17 **(b) In selecting the members of the board, the Governor shall strive to balance the rep-**
18 **resentation on the board according to:**

19 **(A) Geographic areas of this state; and**

20 **(B) Ethnic group.**

21 [(3) *Members of the board shall be appointed for three-year terms and are eligible for reappoint-*
22 *ment, but none shall serve more than two consecutive terms.*]

23 **(3) The term of office of each member is three years, but a member serves at the pleas-**
24 **ure of the Governor. The terms must be staggered so that no more than three terms end**
25 **each year. A member is eligible for reappointment. If there is a vacancy on the board for any**
26 **reason, the Governor shall make an appointment to become immediately effective for the**
27 **unexpired term.**

28 (4) Members of the board are entitled to compensation and expenses as provided in ORS 292.495.
29 **The board may provide by rule for compensation to board members for the performance of**
30 **official duties at a rate that is greater than the rate provided in ORS 292.495.**

31 **SECTION 32.** ORS 169.750 is amended to read:

32 169.750. A juvenile detention facility may not:

33 (1) Impose upon a detained juvenile for purposes of discipline or punishment any infliction of
34 or threat of physical injury or pain, deliberate humiliation, physical restraint, withholding of meals,
35 or isolation, or detention under conditions that violate the provisions of subsections (2) to (8) of this
36 section[,] **or** ORS 169.076 (7) to (11), (13) or (14) or 169.740;

37 (2) Use any physical force, other means of physical control or isolation upon a detained juvenile
38 except as reasonably necessary and justified to prevent escape from the facility, physical injury to
39 another person, to protect a detained juvenile from physical self-injury or to prevent destruction of
40 property, or to effectuate the confinement of the juvenile in roomlock or isolation as provided for
41 in ORS 169.090, 169.730 to 169.800, 419A.050 and 419A.052, and for only so long as it appears that
42 the danger exists. A use of force or other physical means of control may not employ:

43 (a) The use of restraining devices for a purpose other than to prevent physical injury or escape,
44 or, in any case, for a period in excess of six hours. However, the time during which a detained ju-
45 venile is being transported to another facility pursuant to court order shall not be counted within

1 the six hours; or

2 (b) Isolation for a period in excess of six hours;

3 (3) Use roomlock except for the discipline and punishment of a detained juvenile for violation
4 of a rule of conduct or behavior of the facility as provided for in ORS 169.076 (12) or for conduct
5 that constitutes a crime under the laws of this state or that would justify physical force, control or
6 isolation under subsection (2) of this section;

7 (4) Cause to be made an internal examination of a detained juvenile's anus or vagina, except
8 upon probable cause that contraband, as defined in ORS 162.135 (1), will be found upon such exam-
9 ination and then only by a licensed physician or a nurse;

10 (5)(a) Administer to any detained juvenile medication, except upon the informed consent of the
11 juvenile or in the case of an imminent threat to the life of the juvenile or where the juvenile has
12 a contagious or communicable disease that poses an imminent threat to the health of other persons
13 in the facility. However, prescription medication may not be administered except upon a written
14 prescription or written order by a licensed physician or licensed dentist and administered by a li-
15 censed physician, licensed dentist or other medical personnel authorized by the State of Oregon
16 under ORS chapter 677, 678 or 679 to administer medication. Facility staff not otherwise authorized
17 by law to administer medications may administer noninjectable medications in accordance with rules
18 adopted by the Oregon State Board of Nursing pursuant to ORS 678.150 [(9)] (8);

19 (b) Nonmedical personnel shall receive training for administering medications, including recog-
20 nition of and response to drug reactions and unanticipated side effects, from the responsible physi-
21 cian or nurse and the official responsible for the facility. All personnel shall be responsible for
22 administering the dosage medications according to orders and for recording the administrations of
23 the dosage in a manner and on a form approved by the responsible physician; and

24 (c) Notwithstanding any other provision of law, medication may not be administered unless a
25 registered nurse or physician is either physically on the premises or readily available by telephone
26 and within 30 minutes travel time of the patient;

27 (6) Administer to any detained juvenile any medication or medical procedure for purposes of
28 experimentation;

29 (7) Discipline or punish any juvenile for conduct or behavior by roomlock, for a period in excess
30 of 12 hours, or by denial of any privilege, regularly awarded other detained adults or juveniles, for
31 more than one day, except after:

32 (a) Advising the juvenile in writing of the alleged offensive conduct or behavior;

33 (b) Providing the juvenile the opportunity to a hearing before a staff member who was not a
34 witness to the alleged offensive conduct or behavior;

35 (c) Providing the juvenile the opportunity to produce witnesses and evidence and to cross-
36 examine witnesses;

37 (d) Providing the detained juvenile the opportunity to testify, at the sole option of the juvenile;
38 and

39 (e) A finding that the alleged conduct or behavior was proven by a preponderance of the evi-
40 dence and that it violated a rule of conduct or behavior of the facility as provided for in ORS
41 169.076 (12) or constituted a crime under the laws of this state; and

42 (8) Detain juveniles with emotional disturbances, mental retardation or physical disabilities on
43 the same charges and circumstances for which other juveniles would have been released or provided
44 with another alternative.

45 **SECTION 33.** ORS 443.445 is amended to read:

1 443.445. (1) [No] A residential facility or home [shall] **may not** admit individuals who require
2 continuous nursing care except as provided in subsection (3) of this section.

3 (2) Except as provided in subsection (3) of this section, if any resident of a residential facility
4 or home requires nursing care for eight or more consecutive days or a physician or the designee
5 of a physician or a registered nurse certifies that continued nursing care is required, the resident
6 shall be transferred to an appropriate health care facility for as long as necessary.

7 (3) A resident of a residential facility or home who requires nursing care in addition to training,
8 treatment or care needs, or any combination thereof, may be served by that facility or home with
9 approval from the Department of Human Services and in accordance with the rules of the depart-
10 ment and consistent with rules adopted by the Oregon State Board of Nursing under ORS 678.150
11 [(9)] **(8)**.

12 (4) [No] A residential facility or home [shall] **may not** admit individuals of categories other than
13 those designated on its license without prior written consent of the department.

14 (5) In the case of residential facilities or homes supervised by and operated exclusively for per-
15 sons who rely upon prayer or spiritual means for healing in accordance with the creed or tenets of
16 a well-recognized church or religious denomination, no medical, psychological or rehabilitative pro-
17 cedures shall be required.

18 **SECTION 34.** ORS 443.775 is amended to read:

19 443.775. (1) The Department of Human Services shall adopt rules governing adult foster homes
20 and the level of care provided in such homes, including the provision of care to more than one
21 person with nursing care needs under specified conditions and department approval, such as are
22 necessary to protect the health, safety or welfare of the residents and to provide for an appropriate
23 continuum of care, but shall not be inconsistent with the residential nature of the living accommo-
24 dations and the family atmosphere of the home. The rules shall be consistent with rules adopted by
25 the Oregon State Board of Nursing under ORS 678.150 [(9)] **(8)**.

26 (a) An exception to the limit of one resident with nursing care needs may be granted if the
27 provider proves to the department by clear and convincing evidence that such an exception will not
28 jeopardize the care, health, safety or welfare of the residents and that the provider is capable of
29 meeting the additional care needs of the new resident.

30 (b) The department, and the counties acting under the exemption granted pursuant to ORS
31 443.780, shall report on a quarterly basis to the Legislative Assembly on the number of exceptions
32 granted during the quarter pursuant to paragraph (a) of this subsection.

33 (2) The provider may not employ a resident manager who does not meet the classification
34 standard for the adult foster home.

35 (3) The provider shall be able to meet the night care needs of a resident before admitting the
36 resident. The provider shall include night care needs in the resident's care plan.

37 (4) The provider shall screen a prospective resident before admitting the resident. The screening
38 shall include but is not limited to diagnosis, medications, personal care needs, nursing care needs,
39 night care needs, nutritional needs, activities and lifestyle preferences. A copy of the screening shall
40 be given to the prospective resident or the prospective resident's representative.

41 (5) The department shall make rules to assure that any employee who makes a complaint pur-
42 suant to ORS 443.755 shall be protected from retaliation.

43 (6) For adult foster homes in which clients reside for whom the department pays for care, in-
44 cluding homes in which the provider and the resident are related, the department may require sub-
45 stantial compliance with its rules relating to standards for care of the client as a condition for

1 paying for care.

2 (7) By order the Director of Human Services may delegate authority under this section to per-
3 sonnel other than of the department.

4 (8) The department may commence a suit in equity to enjoin maintenance of an adult foster
5 home if:

6 (a) The home is operated without a valid license under this section; or

7 (b) After the license to maintain the home is ordered suspended or revoked, a reasonable time
8 for placement of residents in other facilities has been allowed but such placement has not been ac-
9 complished.

10 (9) The department shall establish by rule the maximum capacity of adult foster homes, including
11 all nonrelated and related persons receiving residential care and day care.

12 (10) Any person who violates a provision of ORS 443.705 to 443.825 or the rules adopted there-
13 under may be subjected to the imposition of a civil penalty, to be fixed by the director by rule, not
14 to exceed \$100 per violation, to a maximum of \$250 or, per occurrence of substantiated abuse, a
15 maximum of \$1,000.

16 **SECTION 35.** ORS 692.300 is amended to read:

17 692.300. (1) There is created the State Mortuary and Cemetery Board [*in the Department of Hu-*
18 *man Services*] to carry out the purposes and enforce the provisions of this chapter. [*The board shall*
19 *consist of 11 members. The members of the board shall be as follows:*] **The board consists of 11**
20 **members appointed by the Governor and subject to confirmation by the Senate in the man-**
21 **ner provided in ORS 171.562 and 171.565. All members of the board must be residents of this**
22 **state. Of the members of the board:**

23 (a) Two members [*shall*] **must** be licensed funeral service practitioners. One of the members
24 under this paragraph [*shall*] **must** be a funeral service practitioner who does not offer embalming.

25 (b) One member [*shall*] **must** be a licensed embalmer.

26 (c) Three members [*shall*] **must** be representatives of cemeteries, one representing for-profit
27 cemeteries, one representing a city or county owned or operated cemetery and one representing a
28 special district owned or operated cemetery.

29 (d) One member [*shall*] **must** be a representative of a crematorium.

30 (e) Four members [*shall*] **must** be representatives of the public, one of whom [*shall*] **must** be a
31 member of a recognized senior citizen organization.

32 **(2)(a) Board members required to be licensed funeral service practitioners or licensed**
33 **embalmers may be selected by the Governor from a list of three to five nominees for each**
34 **vacancy, submitted by:**

35 **(A) Any professional organization representing funeral service practitioners, if the va-**
36 **cancy on the board is for a funeral service practitioner position; or**

37 **(B) Any professional organization representing embalmers, if the vacancy on the board**
38 **is for an embalmer position.**

39 **(b) In selecting the members of the board, the Governor shall strive to balance the rep-**
40 **resentation on the board according to:**

41 **(A) Geographic areas of this state; and**

42 **(B) Ethnic group.**

43 [(2)] **(3)(a) The term of office of the members of the board shall be [four] three years ending on**
44 **December 31, but a member serves at the pleasure of the Governor. The terms must be**
45 **staggered so that no more than four terms end each year.** A member is eligible for no more

1 than two consecutive terms. *[They shall be appointed by the Governor and hold office until the ap-*
2 *pointment and qualification of their successors.]* **If there is a vacancy for any cause, the Governor**
3 **shall make an appointment to become immediately effective for the unexpired term.**

4 **(b) A board member shall be removed immediately from the board if, during the mem-**
5 **ber's term, the member:**

6 **(A) Is not a resident of this state;**

7 **(B) Has been absent from three consecutive board meetings, unless at least one absence**
8 **is excused;**

9 **(C) Is not a licensed funeral service practitioner or a retired funeral service practitioner**
10 **whose license was in good standing at the time of retirement, if the board member was ap-**
11 **pointed to serve on the board as a funeral service practitioner; or**

12 **(D) Is not a licensed embalmer or a retired embalmer whose license was in good standing**
13 **at the time of retirement, if the board member was appointed to serve on the board as a**
14 **embalmer.**

15 **SECTION 36. (1) Except as provided in this section, the amendments to ORS 169.750,**
16 **443.445, 443.775, 675.100, 675.310, 675.590, 675.775, 677.235, 677.280, 677.540, 677.780, 678.140,**
17 **678.150, 678.155, 678.157, 678.800, 679.230, 680.556, 681.400, 681.410, 683.250, 684.130, 684.160,**
18 **685.160, 685.190, 687.115, 687.470, 687.475, 688.160, 688.545, 688.820, 689.115, 691.485 and 692.300**
19 **by sections 1 to 29 and 31 to 35 of this 2009 Act and the repeal of ORS 689.125 by section 30**
20 **of this 2009 Act apply to appointments to health professional regulatory boards, as defined**
21 **in ORS 676.160, and to boards, advisory councils and programs listed in ORS 676.606 made**
22 **prior to, on or after the effective date of this 2009 Act.**

23 **(2) A member serving on a health professional regulatory board, as defined in ORS**
24 **676.160, or on a board, advisory council or program listed in ORS 676.606 on the effective date**
25 **of this 2009 Act continues to serve until the term of office for which the member was ap-**
26 **pointed terminates by expiration of time, resignation from the board by the member or re-**
27 **moval of the member from office.**

28 **SECTION 37. This 2009 Act being necessary for the immediate preservation of the public**
29 **peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect**
30 **on its passage.**

31