

HOUSE AMENDMENTS TO HOUSE BILL 2118

By COMMITTEE ON HEALTH CARE

May 5

- 1 On page 1 of the printed bill, line 2, delete “and”.
- 2 In line 4, after “676.165,” insert “676.608,”.
- 3 In line 5, delete “678.126,”.
- 4 In line 6, after “681.350,” insert “681.400,”.
- 5 In line 7, delete “684.200,”.
- 6 In line 8, delete “687.122,” and delete “688.555,” and delete “689.125,”.
- 7 In line 9, delete “689.155,”.
- 8 In line 10, after “692.320” insert “; and repealing ORS 689.125”.
- 9 Delete lines 15 through 24 and delete page 2.
- 10 On page 3, delete lines 1 through 17 and insert:
- 11 **“SECTION 1. (1) As used in this section:**
- 12 **“(a) ‘Health professional regulatory board’ means the agencies listed in ORS 676.160 and**
- 13 **the Oregon Health Licensing Agency created in ORS 676.605.**
- 14 **“(b) ‘Impairment’ means an inability to practice with reasonable competence and safety**
- 15 **due to the habitual or excessive use of drugs or alcohol, other chemical dependency or a**
- 16 **mental health condition.**
- 17 **“(c) ‘License’ means a license, registration, certification or other authorization to engage**
- 18 **in a profession.**
- 19 **“(d) ‘Licensee’ means a person licensed, registered, certified or otherwise authorized by**
- 20 **a health professional regulatory board to engage in a profession.**
- 21 **“(2) All health professional regulatory boards shall operate with the primary purposes**
- 22 **of promoting the quality of health services provided, protecting the public health, safety and**
- 23 **welfare by ensuring that licensees practice with professional skill and safety and addressing**
- 24 **impairment among licensees.**
- 25 **“(3) For the purpose of requesting a state or nationwide criminal records check under**
- 26 **ORS 181.534, a health professional regulatory board may require the fingerprints of a licensee**
- 27 **seeking renewal of a license, an applicant for a license, a board employee or volunteer or an**
- 28 **applicant for employment with the board.**
- 29 **“SECTION 2. (1) As used in this section:**
- 30 **“(a) ‘Health professional regulatory board’ means the agencies listed in ORS 676.160 and**
- 31 **the Oregon Health Licensing Agency created in ORS 676.605.**
- 32 **“(b) ‘License’ means a license, registration, certification or other authorization to engage**
- 33 **in a profession.**
- 34 **“(2) A health professional regulatory board continues to have jurisdiction for licensing,**
- 35 **regulatory and disciplinary purposes related to acts and omissions that occur while a person**

1 is licensed or required to be licensed, regardless of any changes in the licensing status of the
2 person.

3 “(3) A person who obtains, but is not required to obtain, a license to engage in a profes-
4 sion regulated by a health professional regulatory board, and whose license expires, lapses
5 or is voluntarily surrendered while the person is under investigation by the board, or whose
6 license is suspended or revoked, may not engage in that profession unless the person again
7 obtains a license from the relevant health professional regulatory board to engage in the
8 profession.

9 “(4) Nothing in this section limits the jurisdictional, investigatory or other authority
10 otherwise provided by law to a health professional regulatory board.

11 “SECTION 3. (1) As used in this section, ‘health professional regulatory board’ means the
12 agencies listed in ORS 676.160 and the Oregon Health Licensing Agency created in ORS
13 676.605.

14 “(2) Notwithstanding ORS 192.410 to 192.505, a health professional regulatory board may,
15 at its discretion, release or withhold the personal electronic mail address, home address and
16 personal telephone number for a person licensed, registered or certified by the board. If the
17 personal electronic mail address, home address or personal telephone number is requested
18 for a public health or state health planning purpose, the board shall release the information.

19 “SECTION 4. (1) As used in this section, ‘health professional regulatory board’ means a
20 health professional regulatory board described in ORS 676.160 other than the Department of
21 Human Services with regard to the certification of emergency medical technicians.

22 “(2) Subject to applicable provisions of the State Personnel Relations Law and the ap-
23 proval of the Governor, notwithstanding ORS 182.468, each health professional regulatory
24 board shall appoint an executive director and prescribe the duties and fix the compensation
25 of the executive director. The executive director shall serve at the pleasure of the Governor
26 under the direct supervision of the appointing board. The board may request that the Gov-
27 ernor remove the executive director.

28 “(3) In addition to any other duties imposed by law or otherwise required of state agen-
29 cies, the executive director shall keep all records of the board and discharge all duties pre-
30 scribed by the board.

31 “(4) The executive director shall prepare periodic reports regarding the licensing, moni-
32 toring and investigative activities of the board. The executive director shall submit the re-
33 ports to the board and the Governor. The Oregon Department of Administrative Services, in
34 consultation with the board, shall adopt rules specifying requirements for the report content
35 and processes for preparing and submitting the reports. The rules may be consistent with
36 performance management measures and processes initiated by the department. The rules
37 shall require each board to undergo a peer review of board activities by a team of executive
38 directors of other health professional regulatory boards and at least one public member. The
39 department may assess the board for the cost of the peer review.

40 “SECTION 5. ORS 676.165 is amended to read:

41 “676.165. (1) [Upon receipt of] When a health professional regulatory board or the Oregon
42 Health Licensing Agency receives a complaint by any person against a licensee [or applicant, a
43 health professional regulatory], applicant or other person alleged to be practicing in violation
44 of law, the board or agency shall assign one or more persons to act as investigator of the com-
45 plaint.

1 “(2) The investigator shall collect evidence and interview witnesses and shall make a report to
2 the board **or agency**. The investigator shall have all investigatory powers possessed by the board
3 **or agency**.

4 “(3) The report to the board **or agency** shall describe the evidence gathered, the results of
5 witness interviews and any other information considered in preparing the report of the investigator.
6 The investigator shall consider, and include in the report, any disciplinary history **with the board**
7 **or agency** of the licensee, [or] applicant [*with the board*] **or other person alleged to be practicing**
8 **in violation of law**.

9 “(4) The investigator shall make the report to the board **or agency** not later than 120 days after
10 the board **or agency** receives the complaint. However, the board **or agency** may extend the time
11 for making the report by up to 30 days for just cause. The board **or agency** may grant more than
12 one extension of time.

13 “(5) Investigatory information obtained by an investigator and the report issued by the investi-
14 gator shall be exempt from public disclosure.

15 “(6) **When a health professional regulatory board reviews the investigatory information**
16 **and report, the public members of the board must be actively involved.**

17 “**SECTION 5a.** ORS 676.608 is amended to read:

18 “676.608. (1)(a) Upon its own motion [*or upon any complaint*], the Oregon Health Licensing
19 Agency may initiate and conduct investigations of matters relating to the practice of occupations
20 or professions subject to the authority of the boards, councils and programs listed in ORS 676.606.

21 “(b) **When the agency receives a complaint by any person against a holder of a certifi-**
22 **cate, permit, license or registration to practice issued by the agency, the agency shall in-**
23 **vestigate the complaint as provided in ORS 676.165.**

24 “(2) While conducting an investigation authorized under subsection (1) of this section or a
25 hearing related to an investigation, the agency may:

26 “(a) Take evidence;

27 “(b) Administer oaths;

28 “(c) Take the depositions of witnesses, including the person charged;

29 “(d) Compel the appearance of witnesses, including the person charged;

30 “(e) Require answers to interrogatories;

31 “(f) Compel the production of books, papers, accounts, documents and testimony pertaining to
32 the matter under investigation; and

33 “(g) Conduct criminal and civil background checks to determine conviction of a crime that bears
34 a demonstrable relationship to the field of practice.

35 “(3) In exercising its authority under this section, the agency may issue subpoenas over the
36 signature of the Director of the Oregon Health Licensing Agency or designated employee thereof
37 and in the name of the State of Oregon.

38 “(4) If a person fails to comply with a subpoena issued under this section, the judge of the Cir-
39 cuit Court for Marion County may compel obedience by initiating proceedings for contempt as in
40 the case of disobedience of the requirements of a subpoena issued from the court.

41 “(5) If necessary, the director, or an employee designated by the director, may appear before a
42 magistrate empowered to issue warrants in criminal cases to request that the magistrate issue a
43 warrant. The magistrate shall issue a warrant, directing it to any sheriff or deputy or police officer,
44 to enter the described property, to remove any person or obstacle, to defend any threatened violence
45 to the director or a designee of the director or an officer, upon entering private property, or to as-

1 sist the director in enforcing the agency's authority in any way.

2 "(6) In all investigations and hearings, the agency and any person affected thereby may have the
3 benefit of counsel.

4 "**SECTION 5b.** Section 5c of this 2009 Act is added to and made a part of ORS 676.605 to
5 **676.625.**

6 "**SECTION 5c.** (1) In addition to any other duties imposed by law or otherwise required
7 of state agencies, the Director of the Oregon Health Licensing Agency shall keep all records
8 of the agency and discharge all duties prescribed by the agency.

9 "(2) The director shall prepare periodic reports regarding the licensing, monitoring and
10 investigative activities of the agency. The director shall submit the reports to the Governor.
11 The Oregon Department of Administrative Services, in consultation with the agency, shall
12 adopt rules specifying requirements for the report content and processes for preparing and
13 submitting the reports. The rules may be consistent with performance management meas-
14 ures and processes initiated by the department. The rules shall require the agency to un-
15 dergo a peer review of agency activities by a team of executive directors of health
16 professional regulatory boards, as defined in ORS 676.160, and at least one public member of
17 a health professional regulatory board. The department may assess the agency for the cost
18 of the peer review."

19 On page 4, delete lines 27 through 45.

20 On page 5, delete lines 1 through 6 and insert:

21 "**SECTION 7.** ORS 675.100 is amended to read:

22 "675.100. (1) There hereby is created a State Board of Psychologist Examiners consisting of
23 seven members appointed by the Governor **and subject to confirmation by the Senate in the**
24 **manner provided in ORS 171.562 and 171.565. All members of the board must be Oregon res-**
25 **idents. Of the members of the board:**

26 "(a) Five of the members [*shall be residents of Oregon,*] **must** have doctoral degrees with pri-
27 mary emphasis in psychology and [*shall be licensed under ORS 675.010 to 675.150.*] **must be licensed**
28 **psychologists or former licensed psychologists who are retired from the practice of psychol-**
29 **ogy; and**

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

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

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

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

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

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

40 "(B) **Ethnic group.**

41 "[2] (3)(a) The term of office of a board member [*shall be three*] **is three** years, but [*the mem-*
42 *bers shall serve*] **a member serves** at the pleasure of the Governor.

43 "(b) Before the expiration of the term of a member, the Governor shall appoint a successor to
44 assume duties on July 1 next following. A member shall be eligible for one consecutive reappoint-
45 ment only. In case of a vacancy for any cause, the Governor shall make an appointment to become

1 immediately effective for the unexpired term.

2 “[3] *All appointments of members of the board by the Governor are subject to confirmation by the*
3 *Senate in the manner provided in ORS 171.562 and 171.565.*”

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

8 “(5) Each member of the board is entitled to compensation and expenses as provided in ORS
9 292.495.”.

10 Delete line 45.

11 On page 6, delete lines 1 through 18 and insert:

12 “**SECTION 10.** ORS 675.310 is amended to read:

13 “675.310. (1) There is created [*in the Department of Human Services*] the Occupational Therapy
14 Licensing Board. The board is composed of five members appointed by the Governor **and subject**
15 **to confirmation by the Senate in the manner provided in ORS 171.562 and 171.565. All mem-**
16 **bers of the board must be residents of this state. Of the members of the board:**

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

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

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

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

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

24 “(2)(a) Board members required to be occupational therapists **or occupational therapy as-**
25 **sistants** may be selected by the Governor from **a list of three to five nominees for each vacancy,**
26 submitted by:

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

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

31 “(b) **In selecting the members of the board, the Governor shall strive to balance the**
32 **representation on the board according to:**

33 “(A) **Geographic areas of this state; and**

34 “(B) **Ethnic group.**

35 “[2] (3) Members are entitled to compensation and expenses as provided in ORS 292.495.

36 “[3] (4) **Board** members [*shall*] serve a term of four years and may not serve more than two
37 consecutive terms. **A member serves at the pleasure of the Governor.”.**

38 On page 8, lines 29 through 32, delete the boldfaced material.

39 Delete lines 37 through 45.

40 On page 9, delete lines 1 through 18 and insert:

41 “**SECTION 15.** ORS 675.590 is amended to read:

42 “675.590. (1) There is established a State Board of Clinical Social Workers. **The board shall**
43 **consist of seven members appointed by the Governor and subject to confirmation by the**
44 **Senate in the manner provided in ORS 171.562 and 171.565. All members of the board must**
45 **be residents of this state. Of the members of the board:**

1 “(a) Four members must be licensed clinical social workers who are licensed in accord-
2 ance with the provisions of ORS 675.510 to 675.600; and

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

5 “(A) Licensed clinical social workers; or

6 “(B) A spouse, domestic partner, child, parent or sibling of a licensed clinical social
7 worker.

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

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

13 “(b) In selecting the members of the board, the Governor shall strive to balance the
14 representation on the board according to:

15 “(A) Geographic areas of this state; and

16 “(B) Ethnic group.

17 “(3) The term of office of each member is four years, but a member serves at the pleasure of the
18 Governor. Before the expiration of the term of a member, the Governor shall appoint a successor
19 whose term begins on July 1 next following. A member is eligible for one consecutive reappointment.
20 If there is a vacancy for any cause, the Governor shall make an appointment to become immediately
21 effective for the unexpired term.

22 “[(4) The composition of the board shall be as follows:]

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

25 “[(b) Three members shall be public citizens who have demonstrated an interest in the field of
26 clinical social work.]

27 “[(5)] (4) Members of the board are entitled to compensation and expenses as provided in ORS
28 292.495.”.

29 On page 10, delete lines 34 through 45.

30 On page 11, delete lines 1 through 22 and insert:

31 “**SECTION 18.** ORS 675.775 is amended to read:

32 “675.775. (1) The Oregon Board of Licensed Professional Counselors and Therapists is estab-
33 lished.

34 “[(2)] The board [shall consist] **consists** of seven members [who shall be] appointed by the
35 Governor[.] **and subject to confirmation by the Senate in the manner provided in ORS 171.562**
36 **and 171.565. All members of the board must be residents of this state. Of the members of the**
37 **board:**

38 “(a) Three must be licensed as professional counselors under ORS 675.715;

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

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

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

44 “(A) Licensed professional counselor or marriage and family therapist; or

45 “(B) Spouse, domestic partner, child, parent or sibling of a licensee.

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

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

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

7 “(B) Ethnic group.

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

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

10 “[(b) *Two members who are persons licensed as marriage and family therapists under ORS*
11 *675.715;*]

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

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

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

18 “[(6)] (3) The term of office of each member is three years, but a member serves at the pleasure
19 of the Governor. By October 1 of each year, the Governor shall appoint persons to fill positions on
20 the board that are due to become vacant on October 1 of that year. A member is eligible for one
21 consecutive reappointment. If there is a vacancy for any cause, the Governor shall make an ap-
22 pointment to become immediately effective for the unexpired term.”.

23 On page 12, lines 5 through 7, delete the boldfaced material.

24 On page 15, line 14, delete “reasonable” and insert “professional”.

25 On page 18, delete lines 6 through 45.

26 On page 19, delete lines 1 through 3 and insert:

27 “**SECTION 24.** ORS 677.235 is amended to read:

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

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

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

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

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

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

41 “(B) **A spouse, domestic partner, child, parent or sibling of an individual having the de-**
42 **gree of Doctor of Medicine, Doctor of Osteopathy or Doctor of Podiatric Medicine.**

43 “(2)(a)(A) **Board members required to possess the degree of Doctor of Medicine may be**
44 **selected by the Governor from a list of three to five physicians for each physician member**
45 **of the board whose term expires in that year, submitted by the Oregon Medical Association**

1 not later than February 1.

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

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

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

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

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

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

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

29 “(3)(a) [*Each member of the board shall serve for a term of three years beginning*] **The term of**
30 **office of each board member is three years, but a member serves at the pleasure of the**
31 **Governor. A term begins** on March 1 of the year the member is appointed and [*ending*] **ends** on
32 the last day of February of the third year thereafter. No member shall serve more than two con-
33 secutive terms.

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 “[*4*] All appointments of members of the board by the Governor are subject to confirmation by the
38 Senate in the manner provided in ORS 171.562 and 171.565.]”.

39 On page 20, line 1, delete the boldfaced material.

40 On page 23, delete lines 8 through 45.

41 On page 24, delete lines 1 through 12 and insert:

42 “**NOTE:** Section 33 was deleted by amendment. Subsequent sections were not renumbered.

43 “**SECTION 34.** ORS 678.140 is amended to read:

44 “678.140. (1) There is created an Oregon State Board of Nursing composed of nine members[,]
45 **appointed by the Governor and subject to confirmation by the Senate in the manner provided**

1 **in ORS 171.562 and 171.565. All members of the board must be residents of this state. Of the**
2 **members of the board:**

3 “(a) Five [*of whom shall*] **must** be registered nurses[.];

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

5 “(c) Two [*of whom shall*] **must** be members of the public who are otherwise not eligible for
6 appointment to the board.

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

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

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

15 “(b) **Each nurse member must:**

16 “(A) **Be currently licensed and not under disciplinary status with the board in the cate-**
17 **gory for which appointed; and**

18 “(B) **Have at least five years’ experience in the category in which the nurse member is**
19 **appointed, three of which were immediately prior to appointment.**

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

23 “[2] (d) In making appointments of registered nurses, the Governor shall [*consider geographic*
24 *balance in making the appointments and shall*] ensure that the following areas of practice are re-
25 presented on the board:

26 “[a] (A) One nursing educator;

27 “[b] (B) One nursing administrator;

28 “[c] (C) Two nonsupervisory nurses involved in direct patient care; and

29 “[d] (D) One nurse practitioner.

30 “(3) The members of the board shall be appointed by the Governor for terms of three years,
31 beginning on January 1. No member shall be eligible to appointment for more than two consecutive
32 terms. **A member serves at the pleasure of the Governor.** An unexpired term of a board member
33 shall be filled in the same manner as an original appointment is made. The appointment shall be for
34 the remainder of the unexpired term. [*All appointments of members of the board by the Governor are*
35 *subject to confirmation by the Senate pursuant to section 4, Article III of the Oregon Constitution.*]

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

43 “[5] *At the time of appointment, each member of the board must be a citizen of the United States*
44 *and a resident of Oregon. Each nurse member must be currently licensed and not under disciplinary*
45 *status with the board in the category for which appointed with at least five years’ experience therein,*

1 *three of which were immediately prior to appointment. The public members and any person in the im-*
2 *mediate family of the public members shall not be employed as a health professional or in any health-*
3 *related industry.]*

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

5 On page 27, delete lines 22 through 45.

6 On page 28, delete lines 1 through 17 and insert:

7 “**SECTION 38.** ORS 678.800 is amended to read:

8 “678.800. (1) There is hereby created a Board of Examiners of Nursing Home Administrators [*in*
9 *the Department of Human Services*]. **The board consists of nine members appointed by the Gov-**
10 **ernor and subject to confirmation by the Senate in the manner provided in ORS 171.562 and**
11 **171.565. All members of the board must be concerned with the care and treatment of the**
12 **chronically ill or infirm elderly patients and must be residents of this state. Of the members**
13 **of the board:**

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

17 “(a) Three [*members shall*] **must** be nursing home administrators licensed under ORS 678.710 to
18 678.780, 678.800 to 678.840 and 678.990 (2);

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

21 “(c) One **must be a** licensed professional nurse actively engaged in caring for chronically ill
22 and infirm patients and licensed by the Oregon State Board of Nursing;

23 “[*(d) Three members representative of the public at large, at least one of whom shall be at least*
24 *62 years of age;*]

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

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

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

28 “(B) **A spouse, domestic partner, child, parent or sibling of a nursing home administra-**
29 **tor.**

30 “(2)(a) **Board members required to be nursing home administrators may be selected by**
31 **the Governor from a list of three to five nominees submitted by any professional organiza-**
32 **tion representing nursing home administrators.**

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

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

37 “(c) No more than two of the members of the board may be officials or full-time employees of
38 state or local governments.

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

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

42 “(f) **In selecting the members of the board, the Governor shall strive to balance the**
43 **representation on the board according to:**

44 “(A) **Geographic areas of this state; and**

45 “(B) **Ethnic group.**

1 “[(4)] (3) The term of office of each member is three years but a member serves at the pleasure
2 of the Governor. Before the expiration of the term of a member, the Governor shall appoint a suc-
3 cessor whose term begins on July 1 next following. A member is eligible for reappointment but no
4 member shall serve more than two consecutive terms. If there is a vacancy for any cause the Gov-
5 ernor shall make an appointment to become immediately effective for the unexpired term.

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

8 “[(6)] (4) The members of the board are entitled to compensation and expenses as provided in
9 ORS 292.495.

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

12 On page 30, delete lines 28 through 45.

13 On page 31, delete lines 1 through 18 and insert:

14 “**SECTION 40.** ORS 679.230 is amended to read:

15 “679.230. (1) The Oregon Board of Dentistry [*shall consist*] **consists** of nine members[. *A member*
16 *shall be*] appointed [*to the board*] by the Governor [*upon the expiration of the term of office of each*
17 *of the preceding board members. Appointments to the board by the Governor are*] **and** subject to con-
18 firmation by the Senate in the manner provided in ORS 171.562 and 171.565. [*Each member shall hold*
19 *the office for four years and until the member’s successor is appointed and qualified.*] **All members**
20 **of the board must be residents of this state. Of the members of the board:**

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

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

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

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

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

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

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

31 “(B) **The Oregon Dental Hygienists’ Association, if the vacancy is in a dental hygienist**
32 **position; or**

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

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

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

38 “(B) **Ethnic group.**

39 “(3) **The term of office of each member is four years, but a member serves at the pleas-**
40 **ure of the Governor.** Terms of office begin on the first Monday of April after the time of appoint-
41 ment. [*No person is eligible to membership on the board who is not a citizen of the United States or*
42 *a resident of the State of Oregon. Six members shall be Oregon active licensed dentists, of which at*
43 *least one shall be a dentist practicing in a dental specialty recognized by the American Dental Asso-*
44 *ciation, one member shall be a public member and two members shall be Oregon active licensed dental*
45 *hygienists. Appointments of dentists made by the Governor to the Oregon Board of Dentistry may be*

1 selected by the Governor from a list of five names for each appointment suggested by the Oregon Dental
2 Association. Appointments of dental hygienists made by the Governor to the Oregon Board of Dentistry
3 may be selected by the Governor from a list of five names suggested by the Oregon Dental Hygienists'
4 Association. Appointments of dental specialists by the Governor to the Oregon Board of Dentistry may
5 be selected by the Governor from one name suggested by each of the organizations representing a dental
6 specialty.]

7 “(4) Members of the board are entitled to compensation and expenses as provided in ORS
8 292.495.”

9 On page 33, delete lines 36 through 45.

10 On page 34, delete lines 1 through 9 and insert:

11 “**SECTION 43a.** ORS 681.400 is amended to read:

12 “681.400. (1) There is established a State Board of Examiners for Speech-Language Pathology
13 and Audiology [*consisting*]. **The board consists** of seven members appointed by the Governor[,] **and**
14 **subject to confirmation by the Senate in the manner provided in ORS 171.562 and 171.565.**
15 **All members of the board must be residents of this state. Of the members of the board:**

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

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

18 “(c) **One must be a person licensed to practice medicine who also holds board certifi-**
19 **cation from the American Board of Otolaryngology.**

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

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

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

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

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

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

32 “(b) **In selecting the members of the board, the Governor shall strive to balance the**
33 **representation on the board according to:**

34 “(A) **Geographic areas of this state; and**

35 “(B) **Ethnic group.**

36 “[2)] (3) The term of office of each member is three years, but a member serves at the pleasure
37 of the Governor. Before the expiration of the term of a member, the Governor shall appoint a suc-
38 cessor whose term begins on July 1 next following. A member is eligible for reappointment. If there
39 is a vacancy for any cause, the Governor shall make an appointment to become immediately effec-
40 tive for the unexpired term.

41 “**SECTION 44.** ORS 681.410 is amended to read:

42 “681.410. [(1) *Of the membership of the State Board of Examiners for Speech-Language Pathology*
43 *and Audiology:*]

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

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

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

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

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

6 “[~~(2)~~] A member of the [board] **State Board of Examiners for Speech-Language Pathology
7 and Audiology** shall receive compensation and expenses as provided in ORS 292.495.”.

8 On page 35, delete lines 22 through 45.

9 On page 36, delete lines 1 through 11 and insert:

10 “**SECTION 47.** ORS 683.250 is amended to read:

11 “683.250. (1) The Oregon Board of Optometry [*shall operate*] **operates** as a semi-independent
12 state agency subject to ORS 182.456 to 182.472, for the purpose of carrying out this chapter. The
13 board [*shall consist*] **consists** of five members appointed by the Governor[. *Each member of the board
14 shall qualify by taking and subscribing the oath of office required by the Constitution, which shall be
15 filed in the office of the Secretary of State.*] **and subject to confirmation by the Senate in the
16 manner provided in ORS 171.562 and 171.565. All members of the board must be residents of
17 this state. Of the members of the board:**

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

20 “(b) **One member must be a member of the public who** [*representing*] **represents** health
21 consumers[. *Each of the members shall hold office for a term of three years or until a successor is
22 appointed and qualified and shall be so classified*] **and who:**

23 “(A) **Is not otherwise eligible for appointment to the board;**

24 “(B) **Is not the spouse, domestic partner, child, parent or sibling of a doctor of
25 optometry; and**

26 “(C) **Does not have a direct or indirect relationship to health care professionals, to the
27 health care industry or to the ophthalmic optical industry.**

28 “(2)(a) **Board members required to be a doctor of optometry may be selected by the
29 Governor from a list of three to five nominees for each vacancy, submitted by a professional
30 organization representing doctors of optometry.**

31 “(b) **In selecting the members of the board, the Governor shall strive to balance the
32 representation on the board according to:**

33 “(A) **Geographic areas of this state; and**

34 “(B) **Ethnic group.**

35 “(3) **The term of office of each member is three years, but a member serves at the
36 pleasure of the Governor. The terms must be staggered so that at least one optometrist member
37 of the board retires each year.**

38 “(4) **Each member of the board shall qualify by taking and subscribing the oath of office
39 required by the Oregon Constitution, which shall be filed in the office of the Secretary of
40 State.**

41 “(5) A majority of the members [*constitute*] **constitutes** a quorum for the transaction of busi-
42 ness.

43 “**SECTION 48.** ORS 683.260 is amended to read:

44 “683.260. (1) [*No person is eligible to membership on the Oregon Board of Optometry who*] **A
45 person may not be a member of the Oregon Board of Optometry if the person is a stockholder**

1 in, or owner of, or a member of the faculty of or of the board of trustees of any school of optometry.
2 *[The person appointed to represent health consumers and any person in the immediate family of the*
3 *person shall not have any direct or indirect relationships to health care professionals, to the health care*
4 *industry or to the ophthalmic optical industry.]*

5 “(2) *[No]* **A** member of the board *[shall]* **may not** be financially interested in any purchase or
6 contract in which the board is interested. *[No]* **A** member of the board *[shall]* **may not** be financially
7 interested in the sale of any property or optical supplies to any prospective candidate for examina-
8 tion before the board.”.

9 On page 39, delete lines 30 through 45.

10 On page 40, delete lines 1 through 4 and insert:

11 “**SECTION 52.** ORS 684.130 is amended to read:

12 “684.130. (1) There is established the State Board of Chiropractic Examiners. *[The board shall*
13 *be composed of five chiropractors and two public members who are residents of this state.]* **The board**
14 **consists of seven members appointed by the Governor and subject to confirmation by the**
15 **Senate in the manner provided in ORS 171.562 and 171.565. All members of the board must**
16 **be residents of this state. Of the members of the board:**

17 “(a) **Five must be chiropractors; and**

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

20 “(2)(a) **Board members required to be chiropractors may be selected by the Governor**
21 **from a list of three to five nominees for each vacancy, submitted by any professional or-**
22 **ganization representing chiropractors.**

23 “(b) The chiropractor members must have practiced chiropractic in this state for five years
24 prior to appointment.

25 “(c) **In selecting the members of the board, the Governor shall strive to balance the**
26 **representation on the board according to:**

27 “(A) **Geographic areas of this state; and**

28 “(B) **Ethnic group.**

29 “(3) Annually, upon the expiration of the term of any *[members]* **member** of the board, the
30 Governor shall appoint one or more qualified persons to the board to serve for a period of three
31 years. **A member serves at the pleasure of the Governor.**

32 “[*(2) The Governor shall fill vacancies on the board, occasioned by death or otherwise. Upon suf-*
33 *ficient proof to the Governor of the inability or misconduct of a member of the board, the member shall*
34 *be dismissed and the Governor shall appoint as successor a person qualified to fill the vacancy.]*”

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

37 Delete lines 15 through 23 and insert:

38 “**NOTE:** Section 55 was deleted by amendment. Subsequent sections were not renumbered.”.

39 On page 41, delete lines 25 through 45.

40 On page 42, delete lines 1 through 3 and insert:

41 “**SECTION 57.** ORS 685.160 is amended to read:

42 “685.160. (1) There hereby is created the Board of Naturopathic Examiners *[in the Department*
43 *of Human Services]*. The board *[shall consist]* **consists** of seven members appointed by the Governor
44 *[for terms of three years commencing]* **and subject to confirmation by the Senate in the manner**
45 **provided in ORS 171.562 and 171.565. All members of the board must be residents of this**

1 state. Of the members of the board:

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

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

6 “(2)(a) Board members required to be naturopathic physicians may be selected by the
7 Governor from a list of three to five nominees for each vacancy, submitted by a professional
8 organization representing naturopathic physicians.

9 “(b) In selecting the members of the board, the Governor shall strive to balance the
10 representation on the board according to:

11 “(A) Geographic areas of this state; and

12 “(B) Ethnic group.

13 “(3) The term of office of each member is three years, but a member serves at the
14 pleasure of the Governor. A term of office commences July 1[, and]. Unless a member is re-
15 moved prior to the end of the term, a member continues to serve on the board until [*their*
16 *successors are*] a successor is appointed and qualified. A majority of the members of the board
17 constitutes a quorum. If there is a vacancy for any cause, the Governor shall appoint a member to
18 serve for the remainder of the unexpired term. [*All appointments of members of the board by the*
19 *Governor are subject to confirmation by the Senate in the manner provided in ORS 171.562 and*
20 *171.565.*]

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

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

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

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

27 “[*(3)*] (4) The board shall carry into effect the provisions of this chapter and is authorized to
28 issue licenses to practice naturopathic medicine in this state. The possession of a common seal by
29 the board hereby is authorized.”.

30 On page 43, delete lines 34 through 36 and insert:

31 “(2) All members of the board must be residents of this state. A public member may not be a
32 person licensed under this chapter or a person who has a spouse, domestic partner, child, parent
33 or sibling who is licensed under this chapter.”.

34 On page 46, delete lines 20 through 45.

35 On page 47, delete lines 1 through 19 and insert:

36 “**SECTION 64.** ORS 687.115 is amended to read:

37 “687.115. (1) The State Board of Massage Therapists [*shall operate*] **operates** as a semi-
38 independent state agency subject to ORS 182.456 to 182.472, for purposes of carrying out the pro-
39 visions of ORS 687.011 to 687.250, 687.895 and 687.991. The board [*shall be composed of*] **consists**
40 **of seven members[,]** **appointed by the Governor and subject to confirmation by the Senate in**
41 **the manner provided in ORS 171.562 and 171.565. All members of the board must be residents**
42 **of this state. Of the members of the board:**

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

44 “(b) Three [*of whom shall*] **must** be members of the public, including one public member selected
45 from a health related field[, *who shall be appointed by the Governor for terms of four years. Members*

1 *serve at the option of the Governor*]. **Public members may not be:**

2 **“(A) Massage therapists; or**

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

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

7 **“(b) In selecting the members of the board, the Governor shall strive to balance the**
8 **representation on the board according to:**

9 **“(A) Geographic areas of this state; and**

10 **“(B) Ethnic group.**

11 **“(3) The term of office of each member is four years, but a member serves at the pleas-**
12 **ure of the Governor.**

13 “[2)] (4) Members are entitled to compensation and expenses as determined by the board.

14 “[3)] (5) The board may:

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

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

21 **“NOTE:** Section 65 was deleted by amendment. Subsequent sections were not renumbered.”.

22 On page 49, delete lines 42 through 45 and delete page 50.

23 On page 51, delete lines 1 through 20 and insert:

24 **“SECTION 67.** ORS 688.160 is amended to read:

25 “688.160. (1) The Physical Therapist Licensing Board [*shall operate*] **operates** as a semi-
26 independent state agency subject to ORS 182.456 to 182.472, for purposes of carrying out the pro-
27 visions of ORS 688.010 to 688.201 and 688.990 (1). The Physical Therapist Licensing Board [*shall*
28 *consist*] **consists** of seven members appointed by the Governor [*who may be appointed from a list of*
29 *not fewer than nine names, submitted by the Oregon Physical Therapy Association.*] **and subject to**
30 **confirmation by the Senate in the manner provided in ORS 171.562 and 171.565. All members**
31 **of the board must be residents of this state. Of the members of the board:**

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

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

37 **“(c) One [*member shall*] must** be a public member who has an interest in consumer rights[.] **and**
38 **who is not:**

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

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

42 **“(2)(a) Board members required to be physical therapists or physical therapist assistants**
43 **may be selected by the Governor from a list of three to five nominees for each vacancy,**
44 **submitted by the Oregon Physical Therapy Association.**

45 **“(b) In selecting the members of the board, the Governor shall strive to balance the**

1 **representation on the board according to:**

2 **“(A) Geographic areas of this state; and**

3 **“(B) Ethnic group.**

4 **“(3)(a)** *[Upon the expiration of the term of a member of the board, the Governor shall appoint a*
5 *successor who may be appointed from a list of three names submitted to the Governor by the Oregon*
6 *Physical Therapy Association to serve a term of four years. A member may not serve for more than two*
7 *consecutive four-year terms.]* **The term of office of each member is four years, but a member**
8 **serves at the pleasure of the Governor.**

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

15 **“(4)** Each member of the board is entitled to compensation and expenses as provided in ORS
16 292.495.

17 **“(5)** A board member who acts within the scope of board duties, without malice and in reason-
18 able belief that the member’s action is warranted by law, is immune from civil liability.

19 **“(6)** The board shall have power to:

20 **“(a)** Establish matters of policy affecting administration of ORS 688.010 to 688.201;

21 **“(b)** Provide for examinations for physical therapists and physical therapist assistants and adopt
22 passing scores for the examinations;

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

24 **“(d)** Establish standards and tests to determine the qualifications of applicants for licenses to
25 practice physical therapy in this state;

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

27 **“(f)** Adopt rules relating to the supervision and the duties of physical therapist aides who assist
28 in performing routine work under supervision;

29 **“(g)** Adopt rules establishing minimum continuing education requirements for all licensees;

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

31 **“(i)** Establish and collect fees for the application or examination for, or the renewal, rein-
32 statement or duplication of, a license under ORS 688.040, 688.080 or 688.100 or for the issuance of
33 a temporary permit under ORS 688.110; and

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

35 **“(7)** The board shall meet as determined by the board and at any other time at the call of the
36 board chairperson, who shall be elected by the members of the board.

37 **“(8)** The board may appoint and fix the compensation of *[an executive director and other]* staff
38 as necessary to carry out the operations of the board.

39 **“(9)** The board shall:

40 **“(a)** Maintain a current list of all persons regulated under ORS 688.010 to 688.201, including the
41 persons’ names, current business and residential addresses, telephone numbers, electronic mail ad-
42 dresses and license numbers.

43 **“(b)** Provide information to the public regarding the procedure for filing a complaint against a
44 physical therapist or physical therapist assistant.

45 **“(c)** Publish at least annually, and in a format or place determined by the board, final discipli-

1 nary actions taken against physical therapists and physical therapist assistants and other informa-
2 tion, including rules, in order to guide physical therapists and physical therapist assistants regulated
3 pursuant to ORS 688.010 to 688.201.”.

4 On page 52, delete lines 2 through 45.

5 On page 53, delete lines 1 through 4 and insert:

6 “**SECTION 69.** ORS 688.545 is amended to read:

7 “688.545. (1)[(a)] There is created [*in the Department of Human Services*] a Board of Radiologic
8 Technology [*consisting of nine members who shall be appointed by the Governor*]. **The board consists**
9 **of nine members appointed by the Governor and subject to confirmation by the Senate in the**
10 **manner provided in ORS 171.562 and 171.565.** Each member of the board [*shall be a citizen of the*
11 *United States and*] **must be** a resident of [*the*] **this** state [*of Oregon. Each appointed member is en-*
12 *titled to vote*].

13 “[*b*] Of the members of the board:

14 “[*A*] (a) One [*shall*] **must** be a radiologist;

15 “[*B*] *At least one shall be a lay person;*]

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

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

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

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

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

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

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

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

31 **“(C) A professional organization representing radiologic technologists, if the vacancy is**
32 **in a radiologic technologist or radiation therapist position.**

33 **“(b) In selecting the members of the board, the Governor shall strive to balance the**
34 **representation on the board according to:**

35 **“(A) Geographic areas of this state; and**

36 **“(B) Ethnic group.**

37 “[*2*] (3) The section manager of the Radiation Protection Services Section of the Department
38 of Human Services, or a person appointed by the section manager, shall be an advisory member of
39 the board for the purpose of providing counsel and [*shall not be*] **is not** entitled to vote.

40 “[*3*] (4) The term of office of the members of the board [*shall be*] **is** three years [*and*], **but a**
41 **member serves at the pleasure of the Governor.** A member may be reappointed to serve not
42 more than two full terms.

43 “[*4*] (5) Members of the board [*shall be*] **are** entitled to compensation and expenses as provided
44 in ORS 292.495.

45 “[*5*] (6) The board shall annually elect a board chairperson and a vice chairperson from the

1 members of the board.

2 “[(6)] (7) For the purpose of transacting its business, the board shall meet at least once every
3 three months at times and places designated by resolution. Special meetings may also be held at
4 such times as the board may elect or at the call of the chairperson. Notification of the time, place
5 and purpose of any special meeting shall be sent to all members of the board at least 15 days before
6 the date of the meeting. All meetings are subject to ORS 192.610 to 192.690.

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

9 “**NOTE:** Section 70 was deleted by amendment. Subsequent sections were not renumbered.”.

10 On page 56, delete lines 6 through 45 and delete page 57.

11 On page 58, delete lines 1 through 16 and insert:

12 “**SECTION 72.** ORS 689.115 is amended to read:

13 “689.115. (1) The State Board of Pharmacy [shall consist] **consists** of seven members[, two of
14 whom shall be representatives of the public, and the remaining Five of whom shall] **appointed by the**
15 **Governor and subject to confirmation by the Senate in the manner provided in ORS 171.562**
16 **and 171.565. All members of the board must be residents of this state. Of the members of the**
17 **board:**

18 “(a) **Five must** be licensed pharmacists. [*The members shall possess the qualifications specified*
19 *in subsections (2) and (3) of this section.*]

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

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

26 “[(2)] (b) The public members of the State Board of Pharmacy [shall be residents of this state
27 who] **must be individuals who:**

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

30 “(B) **Are not former members** of the profession of pharmacy[, *or persons who have any im-*
31 *mediate family in the profession of pharmacy or persons who have ever had*];

32 “(C) **Do not have and have never had** any material financial interest in the providing of
33 pharmacy service [*or who have*]; **and**

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

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

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

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

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

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

41 “(d) **In selecting the members of the board, the Governor shall strive to balance the**
42 **representation on the board according to:**

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

44 “(B) **Ethnic group.**

45 “[*(4) The Governor shall appoint the members of the State Board of Pharmacy, subject to the ad-*”

1 vice and consent of the Senate, and in accordance with the other provisions of subsection (5) of this
2 section.]

3 “[5] At least five recommendations for appointment to each vacancy on the board may be made to
4 the Governor by a task force assembled by the Oregon State Pharmacists Association to represent all
5 of the interested pharmacy groups. Such nominations shall be recommendations only and shall not be
6 binding in any manner upon the Governor.]

7 “[6] (3) [Any vacancy which occurs in the membership of the board for any reason, including
8 expiration of term, removal, resignation, death, disability or disqualification, shall be filled by the
9 Governor in the manner prescribed by subsections (4) and (5) of this section.] **The term of office of**
10 **each member is three years, but a member serves at the pleasure of the Governor.** The
11 Governor shall fill vacancies which occur by expiration of full terms within 90 days prior to each
12 date of expiration, and shall fill vacancies which occur for any other reason within 60 days after
13 each such vacancy occurs.

14 **“SECTION 73. ORS 689.125 is repealed.**

15 **“NOTE:** Section 74 was repealed. Subsequent sections were not renumbered.”.

16 On page 61, delete lines 13 through 33 and insert:

17 **“SECTION 81.** ORS 691.485 is amended to read:

18 “691.485. (1) There is established a Board of Examiners of Licensed Dietitians [*within the De-*
19 *partment of Human Services*] for the purpose of carrying out and enforcing the provisions of ORS
20 691.405 to 691.585. **The board consists of seven members appointed by the Governor and sub-**
21 **ject to confirmation by the Senate in the manner provided in ORS 171.562 and 171.565. All**
22 **members of the board must be residents of this state. Of the members of the board:**

23 “[2] *The board shall consist of seven members appointed by the department of which:]*

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

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

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

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

33 **“(b) In selecting the members of the board, the Governor shall strive to balance the**
34 **representation on the board according to:**

35 **“(A) Geographic areas of this state; and**

36 **“(B) Ethnic group.**

37 “[3] *Members of the board shall be appointed for three-year terms and are eligible for reappoint-*
38 *ment, but none shall serve more than two consecutive terms.]*

39 **“(3) The term of office of each member is three years, but a member serves at the**
40 **pleasure of the Governor.**

41 “(4) Members of the board are entitled to compensation and expenses as provided in ORS
42 292.495.”.

43 On page 62, lines 12 and 13, delete the boldfaced material.

44 On page 63, delete lines 43 through 45.

45 On page 64, delete lines 1 through 22 and insert:

1 “**SECTION 85.** ORS 692.300 is amended to read:

2 “692.300. (1) There is created the State Mortuary and Cemetery Board [*in the Department of*
3 *Human Services*] to carry out the purposes and enforce the provisions of this chapter. [*The board*
4 *shall consist of 11 members. The members of the board shall be as follows:*] **The board consists of**
5 **11 members appointed by the Governor and subject to confirmation by the Senate in the**
6 **manner provided in ORS 171.562 and 171.565. All members of the board must be residents of**
7 **this state. Of the members of the board:**

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

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

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

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

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

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

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

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

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

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

27 “(B) **Ethnic group.**

28 “[(2)] (3) The term of office of the members of the board shall be four years ending on December
29 31, **but a member serves at the pleasure of the Governor.** A member is eligible for no more than
30 two consecutive terms. [*They shall be appointed by the Governor and hold office until the appointment*
31 *and qualification of their successors.*].”

32 On page 65, delete lines 6 through 21 and insert:

33 “**SECTION 87. (1) The amendments to ORS 676.165 and 676.608 by sections 5 and 5a of this**
34 **2009 Act apply to complaints received on or after the effective date of this 2009 Act.**

35 “(2) **The amendments to ORS 675.100, 675.310, 675.590, 675.775, 677.235, 678.140, 678.800,**
36 **679.230, 681.400, 681.410, 683.250, 683.260, 684.130, 685.160, 686.210, 687.115, 688.160, 688.545,**
37 **689.115, 691.485 and 692.300 by sections 7, 10, 15, 18, 24, 34, 38, 40, 43a, 44, 47, 48, 52, 57, 61,**
38 **64, 67, 69, 72, 81 and 85 of this 2009 Act:**

39 “(a) **Apply to board membership appointments made on or after the effective date of this**
40 **2009 Act; and**

41 “(b) **Do not disqualify any member of a board appointed before the effective date of this**
42 **2009 Act from completing the term to which the member was appointed.**

43 “(3) **Sections 4 and 5c of this 2009 Act and the amendments to ORS 675.130, 675.320,**
44 **675.600, 675.785, 677.275, 678.150, 679.250, 681.450, 685.170, 686.210, 688.160, 688.555, 689.165,**
45 **691.505 and 692.320 by sections 8, 11, 16, 19, 27, 35, 41, 45, 58, 61, 67, 70, 75, 82 and 86 of this**

1 **2009 Act do not affect the employment status or seniority of any person employed by a health**
2 **professional regulatory board before the effective date of this 2009 Act.**

3 **“(4) Section 2 of this 2009 Act applies to persons who receive a license or whose license**
4 **is renewed on or after the effective date of this 2009 Act.”.**

5
