

**SENATE AMENDMENTS TO
B-ENGROSSED HOUSE BILL 2118
(INCLUDING AMENDMENTS TO RESOLVE CONFLICTS)**

By JOINT COMMITTEE ON WAYS AND MEANS

June 26

1 On page 1 of the printed B-engrossed bill, line 9, after “692.320” insert “and section 38, chapter
2 43, Oregon Laws 2009 (Enrolled Senate Bill 131), and section 50, chapter ___, Oregon Laws 2009
3 (Enrolled Senate Bill 177)”.

4 In line 10, before the period insert “and section 1, chapter 43, Oregon Laws 2009 (Enrolled
5 Senate Bill 131), and section 2, chapter ___, Oregon Laws 2009 (Enrolled Senate Bill 177)”.

6 On page 49, line 7, after “practice” insert “with”.

7 On page 67, after line 13, insert:
8

9 **“CONFLICT AMENDMENTS**

10
11 **“SECTION 87. If House Bill 2058 becomes law, sections 10 (amending ORS 675.310), 18**
12 **(amending ORS 675.775), 34 (amending ORS 678.140), 40 (amending ORS 679.230), 69 (amending**
13 **ORS 688.545) and 72 (amending ORS 689.115) of this 2009 Act are repealed.**

14 **“SECTION 88. If Senate Bill 177 becomes law, section 12 of this 2009 Act (amending ORS**
15 **675.510) is repealed and ORS 675.510, as amended by section 1, chapter ___, Oregon Laws 2009**
16 **(Enrolled Senate Bill 177), is amended to read:**

17 “675.510. As used in ORS 675.510 to 675.600, unless the context requires otherwise:

18 “(1) ‘Authorization to practice regulated social work’ means a certificate or license issued by
19 the State Board of Licensed Social Workers under ORS 675.510 to 675.600.

20 “(2) ‘Clinical social work’ means the professional practice of applying principles and methods
21 with individuals, couples, families, children and groups, which include, but are not restricted to:

22 “(a) Providing diagnostic, preventive and treatment services of a psychosocial nature pertaining
23 to personality adjustment, behavior problems, interpersonal dysfunctioning or deinstitutionalization;

24 “(b) Developing a psychotherapeutic relationship to employ a series of problem solving tech-
25 niques for the purpose of removing, modifying, or retarding disrupted patterns of behavior, and for
26 promoting positive personality growth and development;

27 “(c) Counseling and the use of psychotherapeutic techniques, such as disciplined interviewing
28 which is supportive, directive or insight oriented depending upon diagnosed problems, observation
29 and feedback, systematic analysis, and recommendations;

30 “(d) Modifying internal and external conditions that affect a client’s behavior, emotions, think-
31 ing, or intrapersonal processes;

32 “(e) Explaining and interpreting the psychosocial dynamics of human behavior to facilitate
33 problem solving; and

34 “(f) Supervising, administering or teaching clinical social work practice.

1 “(3) ‘Impaired clinical social worker’ means a person who is unable to perform the practice of
2 clinical social work by reason of mental illness, physical illness or alcohol or other drug abuse.]

3 “(4) (3) ‘Regulated social worker’ means a clinical social work associate certified under ORS
4 675.537 or a clinical social worker licensed under ORS 675.530.

5 “(5) (4) ‘Unprofessional conduct’ includes, but is not limited to, any conduct or practice con-
6 trary to recognized standards of ethics of the social work profession or any conduct that constitutes
7 or might constitute a danger to the health or safety of a client or the public or in any other manner
8 fails or might fail to adhere to the recognized standards of the profession.

9 “**SECTION 88a. If Senate Bill 177 becomes law, section 2, chapter __, Oregon Laws 2009**
10 **(Enrolled Senate Bill 177) (amending ORS 675.510), is repealed and ORS 675.510, as amended**
11 **by section 1, chapter __, Oregon Laws 2009 (Enrolled Senate Bill 177), and section 88 of this**
12 **2009 Act, is amended to read:**

13 “675.510. As used in ORS 675.510 to 675.600, unless the context requires otherwise:

14 “(1) ‘Authorization to practice regulated social work’ means a certificate or license issued by
15 the State Board of Licensed Social Workers under ORS 675.510 to 675.600.

16 “(2) ‘Clinical social work’ means the professional practice of applying principles and methods
17 with individuals, couples, families, children and groups, which include, but are not restricted to:

18 “(a) Providing diagnostic, preventive and treatment services of a psychosocial nature pertaining
19 to personality adjustment, behavior problems, interpersonal dysfunctioning or deinstitutionalization;

20 “(b) Developing a psychotherapeutic relationship to employ a series of problem solving tech-
21 niques for the purpose of removing, modifying, or retarding disrupted patterns of behavior, and for
22 promoting positive personality growth and development;

23 “(c) Counseling and the use of psychotherapeutic techniques, such as disciplined interviewing
24 which is supportive, directive or insight oriented depending upon diagnosed problems, observation
25 and feedback, systematic analysis, and recommendations;

26 “(d) Modifying internal and external conditions that affect a client’s behavior, emotions, think-
27 ing, or intrapersonal processes;

28 “(e) Explaining and interpreting the psychosocial dynamics of human behavior to facilitate
29 problem solving; and

30 “(f) Supervising, administering or teaching clinical social work practice.

31 “(3) ‘Regulated social worker’ means a **baccalaureate social worker registered under section**
32 **6, chapter __, Oregon Laws 2009 (Enrolled Senate Bill 177), a master’s social worker licensed**
33 **under section 7, chapter __, Oregon Laws 2009 (Enrolled Senate Bill 177), a clinical social**
34 **work associate certified under ORS 675.537 or a clinical social worker licensed under ORS 675.530.**

35 “(4) ‘Unprofessional conduct’ includes, but is not limited to, any conduct or practice contrary
36 to recognized standards of ethics of the social work profession or any conduct that constitutes or
37 might constitute a danger to the health or safety of a client or the public or in any other manner
38 fails or might fail to adhere to the recognized standards of the profession.

39 “**SECTION 88b.** Section 50, chapter __, Oregon Laws 2009 (Enrolled Senate Bill 177), is
40 amended to read:

41 **Sec. 50.** Sections 4a, 6, 7, 12a and 12b, **chapter __, Oregon Laws 2009 (Enrolled Senate Bill**
42 **177)**, [of this 2009 Act and] the amendments to ORS [675.510 and] 675.530 by [sections 2 and 9 of this
43 2009 Act] **section 9, chapter __, Oregon Laws 2009 (Enrolled Senate Bill 177), and the**
44 **amendments to ORS 675.510 by section 88a of this 2009 Act** become operative on January 1,
45 2011.

1 “**SECTION 89.** If House Bill 2345 becomes law and Senate Bill 177 does not become law, ORS
2 675.583, as amended by section 14 of this 2009 Act, is amended to read:

3 “675.583. (1) A licensed clinical social worker shall report to the State Board of Clinical Social
4 Workers any information the licensed clinical social worker has that appears to show that a licensed
5 clinical social worker [*has or may have a physical illness that makes the clinical social worker unable*
6 *to practice*] **is or may be an impaired professional as defined in section 1, chapter __, Oregon**
7 **Laws 2009 (Enrolled House Bill 2345)**, or may be guilty of unprofessional conduct according to the
8 guidelines of the code of ethics, to the extent that disclosure does not conflict with the requirements
9 of ORS 675.580.

10 “(2) Any information that the board obtains pursuant to subsection (1) of this section is confi-
11 dential as provided under ORS 676.175.

12 “(3) Any person who reports or provides information to the board under subsection (1) of this
13 section in good faith [*shall not be*] **is not** subject to an action for civil damages as a result
14 [*thereof*] **of reporting or providing information to the board.**

15 “**SECTION 89a.** If Senate Bill 177 becomes law, section 14 of this 2009 Act (amending ORS
16 675.583) is repealed and ORS 675.583, as amended by section 18, chapter __, Oregon Laws 2009
17 (Enrolled Senate Bill 177), is amended to read:

18 “675.583. (1) A regulated social worker shall report to the State Board of Licensed Social
19 Workers any information the regulated social worker has that appears to show that a regulated
20 social worker [*is or may be an impaired social worker, or*] **has or may have a physical illness that**
21 **makes the regulated social worker unable to practice, or** may have engaged in unprofessional
22 conduct according to the guidelines of the code of ethics, to the extent that disclosure does not
23 conflict with the requirements of ORS 675.580.

24 “(2) Notwithstanding ORS 676.175, any information that the board obtains pursuant to sub-
25 section (1) of this section is confidential and may not be disclosed except as provided by the board
26 by rule.

27 “(3) A person who reports or provides information to the board under subsection (1) of this
28 section in good faith is not subject to an action for civil damages as a result thereof.

29 “**SECTION 89b.** If both Senate Bill 177 and House Bill 2345 become law, ORS 675.583, as
30 amended by section 18, chapter __, Oregon Laws 2009 (Enrolled Senate Bill 177), and section 89a
31 of this 2009 Act, is amended to read:

32 “675.583. (1) A regulated social worker shall report to the State Board of Licensed Social
33 Workers any information the regulated social worker has that appears to show that a regulated
34 social worker [*has or may have a physical illness that makes the regulated social worker unable to*
35 *practice*] **is or may be an impaired professional as defined in section 1, chapter __, Oregon**
36 **Laws 2009 (Enrolled House Bill 2345)**, or may have engaged in unprofessional conduct according
37 to the guidelines of the code of ethics, to the extent that disclosure does not conflict with the re-
38 quirements of ORS 675.580.

39 “(2) Notwithstanding ORS 676.175, any information that the board obtains pursuant to sub-
40 section (1) of this section is confidential and may not be disclosed except as provided by the board
41 by rule.

42 “(3) A person who reports or provides information to the board under subsection (1) of this
43 section in good faith is not subject to an action for civil damages as a result thereof.

44 “**SECTION 89c.** The amendments to ORS 675.583 by sections 89 and 89b of this 2009 Act
45 **become operative on July 1, 2010.**

1 “**SECTION 90.** If Senate Bill 177 becomes law and House Bill 2058 does not become law,
2 section 15 of this 2009 Act (amending ORS 675.590) is repealed and ORS 675.590, as amended
3 by section 20, chapter __, Oregon Laws 2009 (Enrolled Senate Bill 177), is amended to read:

4 “675.590. (1) There is established a State Board of Licensed Social Workers. **The board shall**
5 **consist of seven members appointed by the Governor and subject to confirmation by the**
6 **Senate in the manner provided in ORS 171.562 and 171.565. All members of the board must**
7 **be residents of this state. Of the members of the board:**

8 “(a) **Four members must be clinical social workers licensed under ORS 675.530; and**

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

11 “(A) **Licensed clinical social workers; or**

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

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

16 “(2)(a) **Board members required to be clinical social workers licensed under ORS 675.530**
17 **may be appointed from a list of three to five nominees for each vacancy, submitted by any**
18 **professional organization that represents clinical social workers.**

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

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

22 “(B) **Ethnic group.**

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

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

29 “[(a) *Four members shall be clinical social workers licensed under ORS 675.530; and*]

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

32 “[(5)] (4) **Members of the board** are entitled to compensation and expenses as provided in ORS
33 292.495.

34 “**SECTION 90a.** If both Senate Bill 177 and House Bill 2058 become law, section 15 of this
35 **2009 Act (amending ORS 675.590) is repealed.**

36 “**SECTION 91.** If Senate Bill 177 becomes law, section 16 of this 2009 Act (amending ORS
37 **675.600) is repealed and ORS 675.600, as amended by section 23, chapter __, Oregon Laws 2009**
38 **(Enrolled Senate Bill 177), is amended to read:**

39 “675.600. (1) The State Board of Licensed Social Workers shall:

40 “(a) Pursuant to ORS chapter 183, make rules necessary to carry out the provisions of ORS
41 675.510 to 675.600.

42 “(b) Publish annually a list of the names and addresses of all persons who have been authorized
43 to practice regulated social work.

44 “(c) Establish a program for [*impaired*] **regulated social workers who have an impairment as**
45 **defined in section 1 of this 2009 Act or who are unable to practice due to physical illness, to**

1 assist regulated social workers to regain or retain their authorizations to practice regulated social
2 work and impose the requirement of participation as a condition to reissuance or retention of the
3 authorization.

4 “(d) Establish a voluntary arbitration procedure that may be invoked with the consent of clients
5 and regulated social workers whereby disputes between clients and workers may be resolved.

6 “(e) Report to the Legislative Assembly on its activities regarding authorizations to practice
7 regulated social work during the preceding biennium.

8 “[*2*] *The board may appoint an administrator who may not be a member of the board. The board*
9 *shall fix the compensation for the administrator.*]

10 “[*3*] **(2)** Any information obtained by the board as part of the [*impaired social workers*] program
11 **for regulated social workers who have an impairment** is confidential and may not be disclosed
12 except as provided by the board by rule.

13 “**SECTION 91a.** If House Bill 2345 becomes law and Senate Bill 177 does not become law, ORS
14 675.600, as amended by section 16 of this 2009 Act, is amended to read:

15 “675.600. The State Board of Clinical Social Workers shall:

16 “(1) Pursuant to ORS chapter 183, make rules necessary to carry out the provisions of ORS
17 675.510 to 675.600;

18 “(2) Publish annually a list of the names and addresses of all persons who have been certified
19 or licensed under ORS 675.510 to 675.600;

20 “[*3*] *Establish a program for clinical social workers who have an impairment as defined in section*
21 *1 of this 2009 Act or who are unable to practice due to physical illness, to assist licensed clinical social*
22 *workers to regain or retain their certification or licensure and impose the requirement of participation*
23 *as a condition to reissuance or retention of the certificate or license;*]

24 “[*4*] **(3)** Establish a voluntary arbitration procedure that may be invoked with the consent of
25 clients and the licensed clinical social workers whereby disputes between clients and workers may
26 be resolved; and

27 “[*5*] **(4)** Report to the Legislative Assembly on its activities regarding the certification or
28 licensure of clinical social workers during the preceding biennium.

29 “**SECTION 91b.** If both House Bill 2345 and Senate Bill 177 become law, ORS 675.600, as
30 amended by section 23, chapter __, Oregon Laws 2009 (Enrolled Senate Bill 177), and section 91
31 of this 2009 Act, is amended to read:

32 “675.600. [*1*] The State Board of Licensed Social Workers shall:

33 “[*a*] **(1)** Pursuant to ORS chapter 183, make rules necessary to carry out the provisions of ORS
34 675.510 to 675.600.

35 “[*b*] **(2)** Publish annually a list of the names and addresses of all persons who have been au-
36 thorized to practice regulated social work.

37 “[*c*] *Establish a program for regulated social workers who have an impairment as defined in sec-*
38 *tion 1 of this 2009 Act or who are unable to practice due to physical illness, to assist regulated social*
39 *workers to regain or retain their authorizations to practice regulated social work and impose the re-*
40 *quirement of participation as a condition to reissuance or retention of the authorization.*]

41 “[*d*] **(3)** Establish a voluntary arbitration procedure that may be invoked with the consent of
42 clients and regulated social workers whereby disputes between clients and workers may be resolved.

43 “[*e*] **(4)** Report to the Legislative Assembly on its activities regarding authorizations to prac-
44 tice regulated social work during the preceding biennium.

45 “[*2*] *Any information obtained by the board as part of the program for regulated social workers*

1 *who have an impairment is confidential and may not be disclosed except as provided by the board by*
2 *rule.]*

3 “**SECTION 91c.** If both House Bill 2345 and Senate Bill 177 become law, ORS 675.600, as
4 amended by section 23, chapter ___, Oregon Laws 2009 (Enrolled Senate Bill 177), and section 20,
5 chapter ___, Oregon Laws 2009 (Enrolled House Bill 2345), is amended to read:

6 “675.600. [(1)] The State Board of Licensed Social Workers shall:

7 “[(a)] (1) Pursuant to ORS chapter 183, adopt rules necessary to carry out the provisions of ORS
8 675.510 to 675.600.

9 “[(b)] (2) Publish annually a list of the names and addresses of all persons who have been au-
10 thorized to practice regulated social work.

11 “[(c)] (3) Establish a voluntary arbitration procedure that may be invoked with the consent of
12 clients and regulated social workers whereby disputes between clients and workers may be resolved.

13 “[(d)] (4) Report to the Legislative Assembly on its activities regarding authorizations to prac-
14 tice regulated social work during the preceding biennium.

15 “[(2) *The board may appoint an administrator who may not be a member of the board. The board*
16 *shall fix the compensation for the administrator.*]

17 “**SECTION 91d. The amendments to ORS 675.600 by sections 91a, 91b and 91c of this 2009**
18 **Act become operative July 1, 2010.**

19 “**SECTION 92.** If House Bill 3232 becomes law, ORS 676.608, as amended by section 5a of this
20 2009 Act, is amended to read:

21 “676.608. (1)(a) Upon its own motion, the Oregon Health Licensing Agency may initiate and
22 conduct investigations of matters relating to the practice of occupations or professions subject to
23 the authority of the boards, councils and programs listed in ORS 676.606.

24 “(b) When the agency receives a complaint by any person against a holder [*of a certificate, per-*
25 *mit, license or registration to practice issued by the agency*], the agency shall investigate the com-
26 plaint as provided in ORS 676.165.

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

29 “(a) Take evidence;

30 “(b) Administer oaths;

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

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

33 “(e) Require answers to interrogatories;

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

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

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

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

44 “(5) If necessary, the director, or an employee designated by the director, may appear before a
45 magistrate empowered to issue warrants in criminal cases to request that the magistrate issue a

1 warrant. The magistrate shall issue a warrant, directing it to any sheriff or deputy or police officer,
2 to enter the described property, to remove any person or obstacle, to defend any threatened violence
3 to the director or a designee of the director or an officer, upon entering private property, or to as-
4 sist the director in enforcing the agency’s authority in any way.

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

7 **“SECTION 93. If House Bill 2058 becomes law, section 24 of this 2009 Act (amending ORS**
8 **677.235) is repealed and ORS 677.235, as amended by section 5, chapter ___, Oregon Laws 2009**
9 **(Enrolled House Bill 2058), is amended to read:**

10 “677.235. (1) The Oregon Medical Board consists of 12 members appointed by the Governor and
11 subject to confirmation by the Senate in the manner provided in ORS 171.562 and 171.565. All
12 members of the board must be residents of this state. Of the members of the board:

13 “(a) Seven must have the degree of Doctor of Medicine;

14 “(b) Two must have the degree of Doctor of Osteopathy;

15 “(c) One must have the degree of Doctor of Podiatric Medicine; and

16 “(d) Two must be members of the public representing health consumers **and** who are not:

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

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

20 “(2)(a)(A) Board members required to possess the degree of Doctor of Medicine may be selected
21 by the Governor from a list of three to five physicians for each physician member of the board
22 whose term expires in that year, submitted by the Oregon Medical Association not later than Feb-
23 ruary 1.

24 “(B) Board members required to possess the degree of Doctor of Osteopathy may be selected by
25 the Governor from a list of three to five qualified physicians for each vacancy, submitted by the
26 Osteopathic Physicians and Surgeons of Oregon, Inc., not later than February 1 of each odd-
27 numbered year.

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

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

34 “(c) Neither the public members nor any person who is a spouse, domestic partner, child, parent
35 or sibling of a public member may be employed as a health professional. [*The public members are*
36 *members of the investigative committee of the board.*]

37 “(d)(A) In selecting the members of the board, the Governor shall strive to balance the repre-
38 sentation on the board according to geographic areas of this state and ethnic group.

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

41 “(3)(a) The term of office of each board 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 four terms end each
43 year. A term begins on March 1 of the year the member is appointed and ends on the last day of
44 February of the third year thereafter. A member may not serve more than two consecutive terms.

45 “(b) If a vacancy occurs on the board, another qualifying member possessing the same profes-

1 sional degree or fulfilling the same public capacity as the person whose position has been vacated
2 shall be appointed as provided in this section to fill the unexpired term.

3 “(c) A board member shall be removed immediately from the board if, during the member’s term,
4 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 is ex-
7 cused; or

8 “(C) Is not a current licensee or a retired licensee 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 licensee.

10 “(4) Members of the board are entitled to compensation and expenses as provided in ORS
11 292.495. The board may provide by rule for compensation to board members for the performance of
12 official duties at a rate that is greater than the rate provided in ORS 292.495.

13 “**SECTION 94.** If House Bill 2345 becomes law, ORS 678.112, as amended by section 32 of this
14 2009 Act, is amended to read:

15 “678.112. *[(1) When a person licensed to practice nursing voluntarily seeks treatment for an*
16 *impairment or physical problem that otherwise may lead to formal disciplinary action under ORS*
17 *678.111, the Oregon State Board of Nursing may abstain from taking such formal disciplinary action*
18 *if the board finds that the licensee can be treated effectively and that there is no danger to the public*
19 *health, safety or welfare.]*

20 “*[(2) If the board abstains from taking such formal disciplinary action, it may require the licensee*
21 *to be subject to the voluntary monitoring program as established by the board.]*

22 “*[(3) All records of the voluntary monitoring program are confidential and shall not be subject to*
23 *public disclosure, nor shall the records be admissible as evidence in any judicial proceedings.]*

24 “*[(4) A licensee voluntarily participating in the voluntary monitoring program shall not be subject*
25 *to investigation or disciplinary action by the board for the same offense, if the licensee complies with*
26 *the terms and conditions of the monitoring program.]*

27 “*[(5) The board shall establish by rule criteria for eligibility to participate in the voluntary moni-*
28 *toring program and criteria for successful completion of the program.]*

29 “*[(6) Licensees]* **Persons licensed to practice nursing** who elect not to participate in the [*vol-*
30 *untary monitoring program]* **impaired health professional program established under section 1b,**
31 **chapter __, Oregon Laws 2009 (Enrolled House Bill 2345),** or who fail to comply with the terms
32 of participation shall be reported to the [*board*] **Oregon State Board of Nursing** for formal disci-
33 plinary action under ORS 678.111.

34 “**SECTION 94a.** **The amendments to ORS 678.112 by section 94 of this 2009 Act become**
35 **operative on July 1, 2010.**

36 “**SECTION 95.** **If House Bill 2243 becomes law, sections 37 (amending ORS 678.780) and**
37 **38 (amending ORS 678.800) of this 2009 Act are repealed.**

38 “**SECTION 96.** **If House Bill 2058 becomes law, section 47 of this 2009 Act (amending ORS**
39 **683.250) is repealed and ORS 683.250, as amended by section 18, chapter __, Oregon Laws 2009**
40 **(Enrolled House Bill 2058), is amended to read:**

41 “683.250. (1) The Oregon Board of Optometry operates as a semi-independent state agency sub-
42 ject to ORS 182.456 to 182.472, for the purpose of carrying out this chapter. The board consists of
43 five members appointed by the Governor and subject to confirmation by the Senate in the manner
44 provided in ORS 171.562 and 171.565. All members of the board must be residents of this state. Of
45 the members of the board:

1 “(a) Four must be doctors of optometry licensed and in practice in Oregon; and
2 “(b) One member must be a member of the public who represents health consumers and who [is
3 not]:
4 “(A) **Is not** otherwise eligible for appointment to the board; [or]
5 “(B) **Is not** the spouse, domestic partner, child, parent or sibling of a doctor of optometry; **and**
6 “(C) **Does not have a direct or indirect relationship to health care professionals, to the**
7 **health care industry or to the ophthalmic optical industry.**
8 “(2)(a) Board members required to be a doctor of optometry may be selected by the Governor
9 from a list of three to five nominees for each vacancy, submitted by a professional organization
10 representing doctors of optometry.
11 “(b) In selecting the members of the board, the Governor shall strive to balance the represen-
12 tation on the board according to:
13 “(A) Geographic areas of this state; and
14 “(B) Ethnic group.
15 “(3)(a) The term of office of each member is three years, but a member serves at the pleasure
16 of the Governor. The terms must be staggered so that no more than two terms end each year. A
17 member is eligible for reappointment. If a vacancy occurs in the membership of the board for any
18 reason, the Governor shall make an appointment to become immediately effective for the unexpired
19 term.
20 “(b) Each member of the board shall qualify by taking and subscribing the oath of office required
21 by the Oregon Constitution, which shall be filed in the office of the Secretary of State.
22 “(c) A board member shall be removed immediately from the board if, during the member’s term,
23 the member:
24 “(A) Is not a resident of this state;
25 “(B) Has been absent from three consecutive board meetings, unless at least one absence is ex-
26 cused; or
27 “(C) Is not a licensed doctor of optometry or a retired doctor of optometry who was a licensed
28 doctor of optometry in good standing at the time of retirement, if the board member was appointed
29 to serve on the board as a doctor of optometry.
30 “(4) Members of the board are 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 performance of
32 official duties at a rate that is greater than the rate provided in ORS 292.495.
33 “(5) A majority of the members [*constitute*] **constitutes** a quorum for the transaction of business.
34 “**SECTION 97. If Senate Bill 131 becomes law, section 56 of this 2009 Act (amending ORS**
35 **685.110) is repealed and ORS 685.110, as amended by section 22, chapter 43, Oregon Laws 2009**
36 **(Enrolled Senate Bill 131), is amended to read:**
37 “685.110. The Oregon Board of Naturopathic Medicine may refuse to grant a license, may sus-
38 pend or revoke a license, may limit a license, may impose probation, may issue a letter of reprimand
39 and may impose a civil penalty not to exceed \$1,000 for each offense for any of the following rea-
40 sons:
41 “(1) Using fraud or deception in securing a license.
42 “(2) Impersonating another physician.
43 “(3) Practicing naturopathic medicine under an assumed name.
44 “(4) Performing an abortion.
45 “(5) Being convicted of a crime involving moral turpitude.

1 “(6) Any other reason that renders the applicant or licensee unfit to perform the duties of a
2 naturopathic physician.

3 “(7) Being convicted of a crime relating to practice of naturopathic medicine.

4 “(8) Committing negligence related to the practice of naturopathic medicine.

5 “(9) [*Using intoxicants, drugs or controlled substances when the use is habitual or excessive*]

6 **Having an impairment as defined in section 1 of this 2009 Act.**

7 “(10) Prescribing or dispensing drugs outside the scope of practice.

8 “[*(11) Being committed to a mental institution for the treatment of a mental disease that affects the*
9 *ability of the applicant or licensee to safely practice naturopathic medicine.*]

10 “[*(12)*] **(11)** Obtaining a fee through fraud or misrepresentation.

11 “[*(13)*] **(12)** Committing gross or repeated malpractice.

12 “[*(14)*] **(13)** Representing to a patient that a manifestly incurable condition of sickness, disease
13 or injury can be permanently cured.

14 “[*(15)*] **(14)** Engaging in any conduct or practice contrary to a recognized standard of ethics of
15 the profession or any conduct or practice that does or might constitute a danger to the health or
16 safety of a patient or the public or any conduct, practice or condition that does or might [*impair*]
17 **adversely affect** a physician’s ability safely and skillfully to practice naturopathic medicine.

18 “[*(16)*] **(15)** Willfully and consistently utilizing any naturopathic service, X-ray equipment or
19 treatment contrary to recognized standards of practice of the naturopathic profession.

20 “[*(17)*] **(16)** Failing to notify the board within 30 days of a change in the location of practice or
21 of mailing address.

22 “[*(18)*] **(17)** Attempting to practice naturopathic medicine or practicing or claiming to practice
23 naturopathic medicine or any of its components in this state without first complying with the pro-
24 visions of this chapter.

25 “[*(19)*] **(18)** Having a license to practice naturopathic medicine in another jurisdiction suspended
26 or revoked.

27 “[*(20)*] **(19)** Employing unlicensed persons to practice naturopathic medicine.

28 “[*(21)*] **(20)** Practicing natural childbirth without first obtaining a certificate of special compe-
29 tency.

30 “[*(22)*] **(21)** Representing that the licensee is a medical specialist or practices a medical spe-
31 cialty.

32 “[*(23)*] **(22)** Failing to respond in a timely manner to a request for information regarding a
33 complaint or the investigation of a complaint by the board.

34 “[*(24)*] **(23)** Failing to pay a civil penalty in the time specified by the order imposing the penalty.

35 “[*(25)*] **(24)** Violating any provision of this chapter or rules adopted by the board.

36 **“SECTION 98. If House Bill 2009 becomes law and House Bill 2129 does not become law,**
37 **section 57 of this 2009 Act (amending ORS 685.160) is repealed and ORS 685.160, as amended**
38 **by section 1091, chapter __, Oregon Laws 2009 (Enrolled House Bill 2009), is amended to read:**

39 **“685.160. (1) There hereby is created the Board of Naturopathic Examiners [*in the Oregon Health***
40 ***Authority*]. The board [*shall consist*] **consists** of seven members appointed by the Governor [*for terms***
41 ***of three years commencing*] **and subject to confirmation by the Senate in the manner provided**
42 **in ORS 171.562 and 171.565. All members of the board must be residents of this state. Of the**
43 **members of the board:****

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

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

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

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

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

9 “(B) Ethnic group.

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

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

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

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

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

24 “[(3)] (4) The board shall carry into effect the provisions of this chapter and is authorized to
25 issue licenses to practice naturopathic medicine in this state. The possession of a common seal by
26 the board hereby is authorized.

27 “**SECTION 98a. If Senate Bill 131 becomes law and House Bill 2009 does not become law,**
28 **section 1, chapter 43, Oregon Laws 2009 (Enrolled Senate Bill 131) (amending ORS 685.160),**
29 **is repealed and ORS 685.160, as amended by section 57 of this 2009 Act, is amended to read:**

30 “685.160. (1) There hereby is created the [Board of Naturopathic Examiners] **Oregon Board of**
31 **Naturopathic Medicine.** The board consists of seven members appointed by the Governor and sub-
32 ject to 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 must be naturopathic physicians who have each practiced continuously in this state
35 for the five years immediately prior to the date of appointment.

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

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

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

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

44 “(B) Ethnic group.

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

1 the Governor. A term of office commences July 1. Unless a member is removed prior to the end of
2 the term, a member continues to serve on the board until a successor is appointed and qualified. A
3 majority of the members of the board constitutes a quorum. If there is a vacancy for any cause, the
4 Governor shall appoint a member to serve for the remainder of the unexpired term.

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

8 “**SECTION 98b.** If Senate Bill 131 becomes law and House Bills 2009 and 2058 do not become
9 law, section 38, chapter 43, Oregon Laws 2009 (Enrolled Senate Bill 131), is amended to read:

10 “**Sec. 38.** (1) The amendments to [*ORS 685.160 by section 1 of this 2009 Act*] **ORS 685.170 by**
11 **section 28, chapter 43, Oregon Laws 2009 (Enrolled Senate Bill 131)**, are intended to change the
12 name of the ‘Board of Naturopathic Examiners’ to the ‘Oregon Board of Naturopathic Medicine.’

13 “(2) For the purpose of harmonizing and clarifying statute sections published in Oregon Revised
14 Statutes, the Legislative Counsel may substitute for words designating the ‘Board of Naturopathic
15 Examiners,’ wherever they occur in Oregon Revised Statutes, other words designating the ‘Oregon
16 Board of Naturopathic Medicine.’

17 “**SECTION 98c.** If both Senate Bill 131 and House Bill 2009 become law and House Bill 2129
18 **does not become law, section 1, chapter 43, Oregon Laws 2009 (Enrolled Senate Bill 131)**
19 **(amending ORS 685.160), is repealed and ORS 685.160, as amended by section 1091, chapter**
20 **___, Oregon Laws 2009 (Enrolled House Bill 2009), and section 98 of this 2009 Act, is amended**
21 **to read:**

22 “685.160. (1) There hereby is created the [*Board of Naturopathic Examiners*] **Oregon Board of**
23 **Naturopathic Medicine.** The board consists of seven members appointed by the Governor and sub-
24 ject to confirmation by the Senate in the manner provided in ORS 171.562 and 171.565. All members
25 of the board must be residents of this state. Of the members of the board:

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

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

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

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

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

36 “(B) Ethnic group.

37 “(3) The term of office of each member is three years, but a member serves at the pleasure of
38 the Governor. A term of office commences July 1. Unless a member is removed prior to the end of
39 the term, a member continues to serve on the board until a successor is appointed and qualified. A
40 majority of the members of the board constitutes a quorum. If there is a vacancy for any cause, the
41 Governor shall appoint a member to serve for the remainder of the unexpired term.

42 “(4) The board shall carry into effect the provisions of this chapter and is authorized to issue
43 licenses to practice naturopathic medicine in this state. The possession of a common seal by the
44 board hereby is authorized.

45 “**SECTION 98d.** If Senate Bill 131 and House Bill 2009 become law and House Bill 2058 does

1 not become law, section 38, chapter 43, Oregon Laws 2009 (Enrolled Senate Bill 131), is amended to
2 read:

3 “**Sec. 38.** (1) The amendments to [ORS 685.160 by section 1 of this 2009 Act] **ORS 685.170 by**
4 **section 28, chapter 43, Oregon Laws 2009 (Enrolled Senate Bill 131)**, are intended to change the
5 name of the ‘Board of Naturopathic Examiners’ to the ‘Oregon Board of Naturopathic Medicine.’

6 “(2) For the purpose of harmonizing and clarifying statute sections published in Oregon Revised
7 Statutes, the Legislative Counsel may substitute for words designating the ‘Board of Naturopathic
8 Examiners,’ wherever they occur in Oregon Revised Statutes, other words designating the ‘Oregon
9 Board of Naturopathic Medicine.’

10 “**SECTION 98e.** If House Bill 2009, House Bill 2129 and Senate Bill 131 become law and
11 **House Bill 2058 does not become law, ORS 685.160, as amended by section 1091, chapter __,**
12 **Oregon Laws 2009 (Enrolled House Bill 2009), and section 3, chapter __, Oregon Laws 2009**
13 **(Enrolled House Bill 2129), is amended to read:**

14 “685.160. [(1) *There hereby is created the Oregon Board of Naturopathic Medicine. The board*
15 *consists of seven members appointed by the Governor for terms of three years commencing July 1, and*
16 *until their successors are appointed and qualified. A majority of the members of the board constitutes*
17 *a quorum. If there is a vacancy for any cause, the Governor shall appoint a member to serve for the*
18 *remainder of the unexpired term. All appointments of members of the board by the Governor are subject*
19 *to confirmation by the Senate in the manner provided in ORS 171.562 and 171.565.]*

20 “[*(2) Of the membership of the Oregon Board of Naturopathic Medicine:*]

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

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

25 “[*(3) All members of the board must be residents of this state.*]

26 “(1) **There hereby is created the Oregon Board of Naturopathic Medicine. The board**
27 **consists of seven members appointed by the Governor and subject to confirmation by the**
28 **Senate in the manner provided in ORS 171.562 and 171.565. All members of the board must**
29 **be residents of this state. Of the members of the board:**

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

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

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

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 “(3) **The term of office of each member is three years, but a member serves at the**
42 **pleasure of the Governor. A term of office commences July 1. Unless a member is removed**
43 **prior to the end of the term, a member continues to serve on the board until a successor is**
44 **appointed and qualified. A majority of the members of the board constitutes a quorum. If**
45 **there is a vacancy for any cause, the Governor shall appoint a member to serve for the re-**

1 **mainder of the unexpired term.**

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

5 “**SECTION 98f.** If House Bill 2009, House Bill 2129 and Senate Bill 131 become law and House
6 Bill 2058 does not become law, ORS 685.160, as amended by section 57 of this 2009 Act, is amended
7 to read:

8 “685.160. (1) There hereby is created the [*Board of Naturopathic Examiners*] **Oregon Board of**
9 **Naturopathic Medicine.** The board consists of seven members appointed by the Governor and sub-
10 ject to confirmation by the Senate in the manner provided in ORS 171.562 and 171.565. All members
11 of the board must be residents of this state. Of the members of the board:

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

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

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

19 “(b) In selecting the members of the board, the Governor shall strive to balance the represen-
20 tation on the board according to:

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

22 “(B) Ethnic group.

23 “(3) The term of office of each member is three years, but a member serves at the pleasure of
24 the Governor. A term of office commences July 1. Unless a member is removed prior to the end of
25 the term, a member continues to serve on the board until a successor is appointed and qualified. A
26 majority of the members of the board constitutes a quorum. If there is a vacancy for any cause, the
27 Governor shall appoint a member to serve for the remainder of the unexpired term.

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

31 “**SECTION 98g.** If House Bill 2009 and House Bill 2129 become law and House Bill 2058 and
32 Senate Bill 131 do not become law, section 57 of this 2009 Act (amending ORS 685.160) is re-
33 pealed and ORS 685.160, as amended by section 1091, chapter ___, Oregon Laws 2009 (Enrolled
34 House Bill 2009), is amended to read:

35 “685.160. (1) There hereby is created the Board of Naturopathic Examiners [*in the Oregon Health*
36 *Authority*]. The board [*shall consist*] **consists** of seven members appointed by the Governor [*for terms*
37 *of three years commencing*] **and subject to confirmation by the Senate in the manner provided**
38 **in ORS 171.562 and 171.565. All members of the board must be residents of this state. Of the**
39 **members of the board:**

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

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

44 “(2)(a) Board members required to be naturopathic physicians may be selected by the
45 Governor from a list of three to five nominees for each vacancy, submitted by a professional

1 organization representing naturopathic physicians.

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

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

5 “(B) Ethnic group.

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

14 “[2) Of the membership of the Board of Naturopathic Examiners:]

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

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

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

20 “[3)] (4) The board shall carry into effect the provisions of this chapter and is authorized to
21 issue licenses to practice naturopathic medicine in this state. The possession of a common seal by
22 the board hereby is authorized.

23 “**SECTION 99. If House Bill 2345 becomes law, section 63 (amending ORS 687.081) of this
24 2009 Act is repealed.**

25 “**SECTION 100. If House Bill 2058 becomes law, section 67 of this 2009 Act (amending ORS
26 688.160) is repealed and ORS 688.160, as amended by section 26, chapter __, Oregon Laws 2009
27 (Enrolled House Bill 2058), is amended to read:**

28 “688.160. (1) The Physical Therapist Licensing Board operates as a semi-independent state
29 agency subject to ORS 182.456 to 182.472, for purposes of carrying out the provisions of ORS 688.010
30 to 688.201 and 688.990 (1). The Physical Therapist Licensing Board consists of eight members ap-
31 pointed by the Governor and subject to confirmation by the Senate in the manner provided in ORS
32 171.562 and 171.565. All members of the board must be residents of this state. Of the members of the
33 board:

34 “(a) Five must be physical therapists who are Oregon residents, possess unrestricted licenses to
35 practice physical therapy in this state, have been practicing in this state for at least two years im-
36 mediately preceding their appointments and have been practicing in the field of physical therapy for
37 at least five years.

38 “(b) One must be a licensed physical therapist assistant.

39 “(c) Two must be public members who have an interest in consumer rights and who are not:

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

41 “(B) The spouse, domestic partner, child, parent or sibling of a physical therapist or physical
42 therapist assistant.

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

1 “(b) In selecting the members of the board, the Governor shall strive to balance the represen-
2 tation on the board according to:

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

4 “(B) Ethnic group.

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

8 “(b) In the event of a vacancy in the office of a member of the board other than by reason of
9 the expiration of a term, the Governor, not later than 90 days after the occurrence of the vacancy,
10 shall appoint a person to fill the vacancy for the unexpired term.

11 “(c) A board member shall be removed immediately from the board if, during the member’s term,
12 the member:

13 “(A) Is not a resident of this state;

14 “(B) Has been absent from three consecutive board meetings, unless at least one absence is ex-
15 cused;

16 “(C) Is not a licensed physical therapist or a retired physical therapist who was a licensed
17 physical therapist in good standing at the time of retirement, if the board member was appointed to
18 serve on the board as a physical therapist; or

19 “(D) Is not a licensed physical therapist assistant or a retired physical therapist assistant who
20 was a licensed physical therapist assistant in good standing at the time of retirement, if the board
21 member was appointed to serve on the board as a retired physical therapist assistant.

22 “(4) 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 performance of
24 official duties at a rate that is greater than the rate provided in ORS 292.495.

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

27 “(6) The board shall have power to:

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

29 “(b) Provide for examinations for physical therapists and physical therapist assistants and adopt
30 passing scores for the examinations;

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

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

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

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

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

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

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

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

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

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

3 “(9) The board shall:

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

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

9 “(c) Publish at least annually, and in a format or place determined by the board, final discipli-
10 nary actions taken against physical therapists and physical therapist assistants and other informa-
11 tion, including rules, in order to guide physical therapists and physical therapist assistants regulated
12 pursuant to ORS 688.010 to 688.201.

13 “**SECTION 101. If House Bill 2009 becomes law and House Bill 2058 does not become law,**
14 **section 69 (amending ORS 688.545) of this 2009 Act is repealed and ORS 688.545, as amended**
15 **by section 1092, chapter __, Oregon Laws 2009 (Enrolled House Bill 2009), is amended to read:**

16 “688.545. (1)(a) There is created [*in the Oregon Health Authority*] a Board of Radiologic Tech-
17 nology [*consisting of nine members who shall be appointed by the Governor*]. **The board consists of**
18 **nine members appointed by the Governor and subject to confirmation by the Senate in the**
19 **manner provided in ORS 171.562 and 171.565.** Each member of the board [*shall be a citizen of the*
20 *United States and*] **must be** a resident of [*the*] **this** state [*of Oregon. Each appointed member is en-*
21 *titled to vote*].

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 “[(4)] (5) Members of the board [shall be] **are** entitled to compensation and expenses as provided
8 in ORS 292.495.

9 “[(5)] (6) The board shall annually elect a board chairperson and a vice chairperson from the
10 members of the board.

11 “[(6)] (7) For the purpose of transacting its business, the board shall meet at least once every
12 three months at times and places designated by resolution. Special meetings may also be held at
13 such times as the board may elect or at the call of the chairperson. Notification of the time, place
14 and purpose of any special meeting shall be sent to all members of the board at least 15 days before
15 the date of the meeting. All meetings are subject to ORS 192.610 to 192.690.

16 “[(7)] (8) Five members of the board [shall] constitute a quorum for the transaction of business
17 at any meeting. Five affirmative votes [shall be] **are** required to take action.

18 “**SECTION 102. If House Bill 2009 becomes law and House Bill 2129 does not become law,**
19 **section 81 of this 2009 Act (amending ORS 691.485) is repealed and ORS 691.485, as amended**
20 **by section 1109, chapter __, Oregon Laws 2009 (Enrolled House Bill 2009), is amended to read:**

21 “691.485. (1) There is established a Board of Examiners of Licensed Dietitians [*within the Oregon*
22 *Health Authority*] for the purpose of carrying out and enforcing the provisions of ORS 691.405 to
23 691.585. **The board consists of seven members appointed by the Governor and subject to**
24 **confirmation by the Senate in the manner provided in ORS 171.562 and 171.565. All members**
25 **of the board must be residents of this state. Of the members of the board:**

26 “[(2) *The board shall consist of seven members appointed by the authority of which:]*]

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

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

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

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

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

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

39 “(B) **Ethnic group.**

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

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

44 “(4) Members of the board are entitled to compensation and expenses as provided in ORS
45 292.495.

1 “**SECTION 103.** If House Bill 2009 becomes law and House Bill 2129 does not become law,
2 section 85 of this 2009 Act (amending ORS 692.300) is repealed and ORS 692.300, as amended
3 by section 1110, chapter ___, Oregon Laws 2009 (Enrolled House Bill 2009), is amended to read:

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

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

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

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

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

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

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

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

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

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

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

29 “(B) **Ethnic group.**

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

34 In line 17, delete “87” and insert “104”.

35 After line 33, insert:

36 “**SECTION 104a.** If House Bill 2058 becomes law, section 104 of this 2009 Act is amended to
37 read:

38 “**Sec. 104.** (1) The amendments to ORS 676.165 and 676.608 by sections 5 and 5a of this 2009
39 Act apply to complaints received on or after the effective date of this 2009 Act.

40 “(2) The amendments to ORS 675.100, [675.310,] 675.590, [675.775,] 677.235, [678.140,] 678.800,
41 [679.230,] 681.400, 681.410, 683.250, 683.260, 684.130, 685.160, 686.210, 687.115, 688.160, [688.545,
42 689.115,] 691.485 and 692.300 by sections 7, [10,] 15, [18, 24, 34,] 38, [40,] 43a, 44, [47,] 48, 52, 57, 61,
43 64, [67, 69, 72,] 81, [and] 85, **93, 96 and 100** of this 2009 Act:

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

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

3 “(3) Sections 4 and 5c of this 2009 Act and the amendments to ORS 675.130, 675.320, 675.600,
4 675.785, 677.275, 678.150, 679.250, 681.450, 685.170, 686.210, 688.160, 688.555, 689.165, 691.505 and
5 692.320 by sections 8, 11, 16, 19, 27, 35, 41, 45, 58, 61, [67,] 70, 75, 82, [and] 86 **and 100** of this 2009
6 Act do not affect the employment status or seniority of any person employed by a health profes-
7 sional regulatory board before the effective date of this 2009 Act.

8 “(4) Section 2 of this 2009 Act applies to persons who receive a license or whose license is re-
9 newed on or after the effective date of this 2009 Act.

10 “**SECTION 104b.** If Senate Bill 177 becomes law and House Bill 2058 does not become law,
11 section 104 of this 2009 Act is amended to read:

12 “**Sec. 104.** (1) The amendments to ORS 676.165 and 676.608 by sections 5 and 5a of this 2009
13 Act apply to complaints received on or after the effective date of this 2009 Act.

14 “(2) The amendments to ORS 675.100, 675.310, 675.590, 675.775, 677.235, 678.140, 678.800, 679.230,
15 681.400, 681.410, 683.250, 683.260, 684.130, 685.160, 686.210, 687.115, 688.160, 688.545, 689.115, 691.485
16 and 692.300 by sections 7, 10, [15,] 18, 24, 34, 38, 40, 43a, 44, 47, 48, 52, 57, 61, 64, 67, 69, 72, 81,
17 [and] 85 **and 90** of this 2009 Act:

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

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

22 “(3) Sections 4 and 5c of this 2009 Act and the amendments to ORS 675.130, 675.320, 675.600,
23 675.785, 677.275, 678.150, 679.250, 681.450, 685.170, 686.210, 688.160, 688.555, 689.165, 691.505 and
24 692.320 by sections 8, 11, [16,] 19, 27, 35, 41, 45, 58, 61, 67, 70, 75, 82, [and] 86 **and 91** of this 2009
25 Act do not affect the employment status or seniority of any person employed by a health profes-
26 sional regulatory board before the effective date of this 2009 Act.

27 “(4) Section 2 of this 2009 Act applies to persons who receive a license or whose license is re-
28 newed on or after the effective date of this 2009 Act.

29 “**SECTION 104c.** If both Senate Bill 177 and House Bill 2058 become law, section 104 of this
30 2009 Act is amended to read:

31 “**Sec. 104c.** (1) The amendments to ORS 676.165 and 676.608 by sections 5 and 5a of this 2009
32 Act apply to complaints received on or after the effective date of this 2009 Act.

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

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

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

41 “(3) Sections 4 and 5c of this 2009 Act and the amendments to ORS 675.130, 675.320, 675.600,
42 675.785, 677.275, 678.150, 679.250, 681.450, 685.170, 686.210, 688.160, 688.555, 689.165, 691.505 and
43 692.320 by sections 8, 11, [16,] 19, 27, 35, 41, 45, 58, 61, 67, 70, 75, 82, [and] 86 **and 91** of this 2009
44 Act do not affect the employment status or seniority of any person employed by a health profes-
45 sional regulatory board before the effective date of this 2009 Act.

1 “(4) Section 2 of this 2009 Act applies to persons who receive a license or whose license is re-
2 newed on or after the effective date of this 2009 Act.

3 “**SECTION 104d.** If House Bill 2243 becomes law, section 104 of this 2009 Act is amended to
4 read:

5 “**Sec. 104.** (1) The amendments to ORS 676.165 and 676.608 by sections 5 and 5a of this 2009
6 Act apply to complaints received on or after the effective date of this 2009 Act.

7 “(2) The amendments to ORS 675.100, 675.310, 675.590, 675.775, 677.235, 678.140, [678.800,]
8 679.230, 681.400, 681.410, 683.250, 683.260, 684.130, 685.160, 686.210, 687.115, 688.160, 688.545, 689.115,
9 691.485 and 692.300 by sections 7, 10, 15, 18, 24, 34, [38,] 40, 43a, 44, 47, 48, 52, 57, 61, 64, 67, 69, 72,
10 81 and 85 of this 2009 Act:

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

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

15 “(3) Sections 4 and 5c of this 2009 Act and the amendments to ORS 675.130, 675.320, 675.600,
16 675.785, 677.275, 678.150, 679.250, 681.450, 685.170, 686.210, 688.160, 688.555, 689.165, 691.505 and
17 692.320 by sections 8, 11, 16, 19, 27, 35, 41, 45, 58, 61, 67, 70, 75, 82 and 86 of this 2009 Act do not
18 affect the employment status or seniority of any person employed by a health professional regulatory
19 board before the effective date of this 2009 Act.

20 “(4) Section 2 of this 2009 Act applies to persons who receive a license or whose license is re-
21 newed on or after the effective date of this 2009 Act.

22 “**SECTION 104e.** If House Bill 2009 becomes law, section 104 of this 2009 Act is amended to
23 read:

24 “**Sec. 104.** (1) The amendments to ORS 676.165 and 676.608 by sections 5 and 5a of this 2009
25 Act apply to complaints received on or after the effective date of this 2009 Act.

26 “(2) The amendments to ORS 675.100, 675.310, 675.590, 675.775, 677.235, 678.140, 678.800, 679.230,
27 681.400, 681.410, 683.250, 683.260, 684.130, 685.160, 686.210, 687.115, 688.160, 688.545, 689.115, 691.485
28 and 692.300 by sections 7, 10, 15, 18, 24, 34, 38, 40, 43a, 44, 47, 48, 52, [57,] 61, 64, 67, 69, 72, [81 and
29 85] **98, 102 and 103** of this 2009 Act:

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

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

34 “(3) Sections 4 and 5c of this 2009 Act and the amendments to ORS 675.130, 675.320, 675.600,
35 675.785, 677.275, 678.150, 679.250, 681.450, 685.170, 686.210, 688.160, 688.555, 689.165, 691.505 and
36 692.320 by sections 8, 11, 16, 19, 27, 35, 41, 45, 58, 61, 67, 70, 75, 82 and 86 of this 2009 Act do not
37 affect the employment status or seniority of any person employed by a health professional regulatory
38 board before the effective date of this 2009 Act.

39 “(4) Section 2 of this 2009 Act applies to persons who receive a license or whose license is re-
40 newed on or after the effective date of this 2009 Act.

41 “**SECTION 104f.** If House Bill 2009 becomes law and House Bill 2058 does not become law,
42 section 104 of this 2009 Act is amended to read:

43 “**Sec. 104.** (1) The amendments to ORS 676.165 and 676.608 by sections 5 and 5a of this 2009
44 Act apply to complaints received on or after the effective date of this 2009 Act.

45 “(2) The amendments to ORS 675.100, 675.310, 675.590, 675.775, 677.235, 678.140, 678.800, 679.230,

1 681.400, 681.410, 683.250, 683.260, 684.130, 685.160, 686.210, 687.115, 688.160, 688.545, 689.115, 691.485
2 and 692.300 by sections 7, 10, 15, 18, 24, 34, 38, 40, 43a, 44, 47, 48, 52, 57, 61, 64, 67, [69,] 72, 81,
3 [and] 85 **and 101** of this 2009 Act:

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

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

8 “(3) Sections 4 and 5c of this 2009 Act and the amendments to ORS 675.130, 675.320, 675.600,
9 675.785, 677.275, 678.150, 679.250, 681.450, 685.170, 686.210, 688.160, 688.555, 689.165, 691.505 and
10 692.320 by sections 8, 11, 16, 19, 27, 35, 41, 45, 58, 61, 67, 70, 75, 82 and 86 of this 2009 Act do not
11 affect the employment status or seniority of any person employed by a health professional regulatory
12 board before the effective date of this 2009 Act.

13 “(4) Section 2 of this 2009 Act applies to persons who receive a license or whose license is re-
14 newed on or after the effective date of this 2009 Act.”.

15 In line 37, delete “88” and insert “105”.
16
