

House Bill 2345

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

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires health profession licensing boards to develop process for dealing with impaired professionals. Establishes uniform standards for monitoring impaired professionals. Directs health profession licensing boards to impose sanctions on impaired professionals.

Deletes existing impaired professional programs of health profession licensing boards.

Applies to licensees identified by health profession licensing boards, and disciplinary proceedings commenced, on or after January 1, 2010.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to impaired health professionals; creating new provisions; amending ORS 192.690, 675.410,
3 675.510, 675.583, 675.600, 675.785, 678.112, 678.410, 684.010 and 687.081; repealing ORS 677.615,
4 677.625, 677.635, 677.645, 677.655, 677.665, 677.677, 684.103, 684.157, 689.342, 689.344, 689.346,
5 689.348, 689.352, 689.354 and 689.356; and declaring an emergency.

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

7 **SECTION 1. (1) For purposes of this section:**

8 (a) **"Health profession licensing board" means:**

9 (A) **A health professional regulatory board, as defined in ORS 676.160; or**

10 (B) **The Oregon Health Licensing Agency for a board, council or program listed in ORS**
11 **676.606.**

12 (b) **"Impaired professional" means a licensee unable to practice with reasonable skill and**
13 **safety by reason of habitual or excessive use or abuse of drugs, alcohol or other substances**
14 **that impair ability.**

15 (c) **"Licensee" means a health professional licensed or certified by or registered with a**
16 **health profession licensing board.**

17 (d) **"Monitoring entity" means a person that:**

18 (A) **Is not engaged in the diagnosis, treatment or referral for treatment of alcohol or**
19 **substance abuse; and**

20 (B) **A health profession licensing board determines is qualified to monitor licensees en-**
21 **gaged in the process for impaired professionals.**

22 (2) **Each health profession licensing board that is authorized by law to take disciplinary**
23 **action against licensees shall adopt by rule a process for impaired professionals. The process**
24 **shall provide for:**

25 (a) **The identification and discipline of impaired professionals;**

26 (b) **Referral of impaired professionals to a monitoring entity; and**

27 (c) **Public protection.**

28 (3) **A health profession licensing board shall contract with an independent monitoring**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 **entity to:**

2 (a) **Monitor the progress of impaired professionals engaged in the process for impaired**
3 **professionals; and**

4 (b) **Administer random tests for alcohol or substance abuse to impaired professionals**
5 **engaged in the process for impaired professionals.**

6 (4)(a) **A health profession licensing board shall do all of the following:**

7 (A) **Adopt rules in accordance with ORS chapter 183 to prohibit a licensee from practicing**
8 **within a profession while the licensee's ability to practice is impaired.**

9 (B) **Establish criteria for referring licensees to a monitoring entity.**

10 (C) **Act immediately on complaints filed with the board or information received by the**
11 **board that a licensee is or may be impaired.**

12 (D) **Refer impaired licensees to a monitoring entity.**

13 (b) **In addition to any disciplinary action the board may take under ORS 675.070, 675.300,**
14 **675.540, 675.745, 676.612, 677.205, 678.111, 678.780, 679.140, 681.350, 682.224, 683.140, 684.100,**
15 **685.110, 686.150, 687.081, 688.140, 688.525, 689.405, 691.535, 692.180 or 692.230, the board shall:**

16 (A) **Suspend or modify the terms of a licensee's license for at least 30 days, if the board**
17 **finds that the licensee:**

18 (i) **Is impaired by substance abuse; or**

19 (ii) **Has tested positive for controlled substances or alcoholic beverages while the licensee**
20 **is engaged in the process for impaired professionals; or**

21 (B) **Suspend the licensee's license for at least one year, if the board finds that a licensee**
22 **has tested positive for controlled substances or alcoholic beverages at least twice while the**
23 **licensee is engaged in the process for impaired professionals.**

24 (5) **A process for impaired professionals shall provide for the referral of impaired pro-**
25 **fessionals to an independent monitoring entity that is separate and distinct from, and not**
26 **established by, the health profession licensing board. The monitoring entity shall:**

27 (a) **Require licensees referred to the monitoring entity to submit to drug or alcohol**
28 **testing;**

29 (b) **Conduct random drug or alcohol tests of licensees referred to the monitoring entity;**
30 **and**

31 (c) **Report to the health profession licensing board all licensee treatment failures, in-**
32 **cluding positive drug test results, diluted urine or the termination of treatment prior to**
33 **successful completion.**

34 (6) **A licensee engaged in a process for impaired professionals may enter into and par-**
35 **ticipate in any treatment program legally authorized to diagnose and treat the licensee's**
36 **impairment.**

37 (7) **This section does not apply to a licensee who enters a treatment program on the**
38 **licensee's own accord, independent of any action by a health profession licensing board or**
39 **process for impaired professionals adopted by a board.**

40 **SECTION 2.** ORS 675.410 is amended to read:

41 675.410. (1) The Oregon Health Licensing Agency shall:

42 (a) Issue certifications to persons determined by the agency to be qualified.

43 (b) Make all disbursements necessary to carry out the provisions of ORS 675.360 to 675.410.

44 (c) Maintain a registry of all current certified sex offender therapists. The registry shall be made
45 available to the public online.

1 (d) Keep a record of its proceedings related to the issuance, refusal, suspension and revocation
 2 of certifications issued under ORS 675.360 to 675.380.

3 *[(e) Approve or sanction programs for impaired professionals to assist any certified sex offender*
 4 *therapist to regain or retain certification and shall impose the requirement of participation in the pro-*
 5 *gram as a condition to reissuance or retention of certification.]*

6 *[(f)]* (e) In consultation with the Sex Offender Treatment Board, create a multidisciplinary ad-
 7 visory committee within the board. Persons who are not board members may be appointed as non-
 8 voting members to serve on the multidisciplinary advisory committee with the approval of the board.

9 (2) The agency may:

10 (a) Deny, suspend, revoke or refuse to issue or renew any certification issued under ORS 675.360
 11 to 675.380.

12 (b) Provide for waivers of examinations, grandfathering requirements and temporary certif-
 13 ications as considered appropriate.

14 (c) In consultation with the Sex Offender Treatment Board, create any committees within the
 15 board as deemed necessary. Persons who are not board members may be appointed as nonvoting
 16 members to serve on the committees with the approval of the board.

17 **SECTION 3.** ORS 675.510 is amended to read:

18 675.510. As used in ORS 675.510 to 675.600, unless the context requires otherwise:

19 (1) “Board” means the State Board of Clinical Social Workers.

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 techniques
 25 for the purpose of removing, modifying, or retarding disrupted patterns of behavior, and for pro-
 26 moting 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, thinking,
 31 or intrapersonal processes;

32 (e) Explaining and interpreting the psychosocial dynamics of human behavior to facilitate prob-
 33 lem solving; and

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

35 (3) “Clinical social work associate” means a person who holds a master’s degree from an ac-
 36 credited college or university accredited by the Council on Social Work Education whose plan of
 37 practice and supervision has been approved by the board, and who is working toward licensure in
 38 accordance with ORS 675.510 to 675.600 and rules adopted by the board.

39 *[(4) “Impaired clinical social worker” means a person unable to perform the practice of clinical*
 40 *social work by reason of mental illness, physical illness or alcohol or other drug abuse.]*

41 *[(5)]* (4) “Licensed clinical social worker” means a person licensed under the provisions of ORS
 42 675.510 to 675.600 to practice clinical social work.

43 *[(6)]* (5) “Unprofessional conduct” includes, but is not limited to, any conduct or practice con-
 44 trary to recognized standards of ethics of the social work profession or any conduct that constitutes
 45 or might constitute a danger to the health or safety of a client or the public or in any other manner

1 fails or might fail to adhere to the recognized standards of the profession.

2 **SECTION 4.** ORS 675.583 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 is or may be an impaired [*clinical social worker*] **professional as defined in**
6 **section 1 of this 2009 Act**, or may be guilty of unprofessional conduct according to the guidelines
7 of the code of ethics, to the extent that disclosure does not conflict with the requirements of ORS
8 675.580.

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

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

14 **SECTION 5.** ORS 675.600 is amended to read:

15 675.600. (1) The State Board of Clinical Social Workers shall:

16 (a) Pursuant to ORS chapter 183, [*make*] **adopt** rules necessary to carry out the provisions of
17 ORS 675.510 to 675.600;

18 (b) 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 [*(c) Establish a program for impaired clinical social workers to assist licensed clinical social*
21 *workers to regain or retain their certification or licensure and impose the requirement of participation*
22 *as a condition to reissuance or retention of the certificate or license;*]

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

26 [*(e)*] (d) Report to the Legislative Assembly on its activities regarding the certification or
27 licensure of clinical social workers during the preceding biennium.

28 (2) The board may appoint an administrator who shall not be a member of the board. The board
29 shall fix the compensation for the administrator.

30 **SECTION 6.** ORS 675.785 is amended to read:

31 675.785. The Oregon Board of Licensed Professional Counselors and Therapists has the following
32 powers:

33 (1) In accordance with the applicable provisions of ORS chapter 183, the board shall adopt rules
34 necessary for the administration of the laws the board is charged with administering.

35 (2) Subject to any applicable provisions of the State Personnel Relations Law, the board may
36 appoint, prescribe the duties and fix the compensation of an administrator and other employees of
37 the board necessary to carry out the duties of the board.

38 (3) The board may impose nonrefundable fees in an amount set by rule for the following:

39 (a) License application.

40 (b) First issuance of a license.

41 (c) Renewal of a license.

42 (d) Late filing of a license renewal.

43 (e) Renewal of registration as an intern.

44 (f) Examinations. Examination fees shall not exceed the costs incurred in administering the
45 particular examination. Fees established under this subsection are subject to prior approval of the

1 Oregon Department of Administrative Services and a report to the Emergency Board prior to
2 adopting the fees and shall be within the budget authorized by the Legislative Assembly as that
3 budget may be modified by the Emergency Board.

4 (4) The board shall:

5 (a) Maintain a register of all current licensed professional counselors and marriage and family
6 therapists.

7 (b) Annually publish a directory listing all current licensed professional counselors and marriage
8 and family therapists. The directory shall be available to the public, for which the board may collect
9 a publication fee.

10 (5) The board shall:

11 (a) Investigate alleged violations of the provisions of ORS 675.715 to 675.835 or rules adopted
12 under authority of the board.

13 (b) Establish procedures to review the complaints of clients of licensees of the board. Upon re-
14 ceipt of a complaint under ORS 675.715 to 675.835 against any licensed or unlicensed person, the
15 board shall conduct an investigation as described under ORS 676.165.

16 (6) The board shall report to the Legislative Assembly concerning the activities of the board
17 during the preceding biennium.

18 (7) The board shall form standards committees to establish, examine and pass on the qualifica-
19 tions of applicants to practice professional counseling or marriage and family therapy in this state.
20 The standards committee for professional counselors shall be made up of the professional counselors
21 on the board, the faculty member and the public member. The standards committee for marriage and
22 family therapists shall be made up of the marriage and family members of the board, the faculty
23 member and the public member.

24 (8) The board shall grant licenses to applicants who qualify to practice professional counseling
25 or marriage and family therapy in this state upon compliance with ORS 675.715 to 675.835 and the
26 rules of the board.

27 (9) The board may administer oaths, take depositions, defray legal expenses and issue subpoenas
28 to compel the attendance of witnesses and the production of documents or written information nec-
29 essary to carry out ORS 675.715 to 675.835.

30 (10) The board may adopt a seal to be affixed to all licenses.

31 (11) The board shall adopt a code of ethics for licensees. The board may use the ethical codes
32 of professional counseling and marriage and family therapy associations as models for the code es-
33 tablished by the board.

34 (12) The board may set academic and training standards necessary under ORS 675.715 to 675.835,
35 including, but not limited to, the adoption of rules to establish semester hour equivalents for quali-
36 fication for licensing where quarter hours are required under ORS 675.715 to 675.835.

37 (13) The board shall require the applicant for a professional counselor license or a marriage and
38 family therapy license to receive a passing score on an examination of competency in counseling
39 or marriage and family therapy. The examination may be the examination given nationally to certify
40 counselors, or in the case of marriage and family therapy, the examination approved by the Associ-
41 ation of Marital and Family Therapy Regulatory Boards.

42 (14) The standards committee shall establish standards and requirements for continuing educa-
43 tion and supervision, as appropriate. *[The standards and requirements shall be in effect July 1,*
44 *1992.]*

45 *[(15) The board shall establish a program for licensees whose ability to perform professional*

1 *counseling is impaired to assist those licensees in regaining or retaining their licensure and shall im-*
 2 *pose the requirement of participation as a condition to reissuance or retention of the license.]*

3 [(16)] (15) For the purpose of requesting a state or nationwide criminal records check under ORS
 4 181.534, the board may require the fingerprints of a person who is:

- 5 (a) Applying for a license that is issued by the board;
- 6 (b) Applying for renewal of a license that is issued by the board; or
- 7 (c) Under investigation by the board.

8 **SECTION 7.** ORS 678.112 is amended to read:

9 678.112. (1) When a person licensed to practice nursing voluntarily seeks treatment for chemical
 10 dependency or an emotional or physical problem that otherwise may lead to formal disciplinary
 11 action under ORS 678.111, the Oregon State Board of Nursing may abstain from taking [*such*] formal
 12 disciplinary action if the board finds that:

- 13 (a) The licensee **is not an impaired professional as defined in section 1 of this 2009 Act;**
- 14 (b) **The licensee** can be treated effectively; and [*that*]
- 15 (c) There is no danger to the public health, safety or welfare.

16 (2) If the board abstains from taking [*such*] formal disciplinary action, it may require the
 17 licensee to be subject to [*the voluntary monitoring program as established by the board*] **the process**
 18 **for impaired professionals described in section 1 of this 2009 Act.**

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

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

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

26 [(6)] (3) Licensees who elect not to participate in the [*voluntary monitoring program*] **process**
 27 **for impaired professionals described in section 1 of this 2009 Act** or who fail to comply with the
 28 terms of participation shall be reported to the board for formal disciplinary action under ORS
 29 678.111.

30 **SECTION 8.** ORS 678.410 is amended to read:

31 678.410. (1) The Oregon State Board of Nursing may impose fees for the following:

- 32 (a) License renewal.
- 33 (b) Examination.
- 34 (c) License by indorsement.
- 35 (d) Limited license.
- 36 (e) Examination proctor service.
- 37 (f) Duplicate license.
- 38 (g) Extension of limited license.
- 39 (h) Nurse practitioner certificate.
- 40 (i) Reexamination for licensure.
- 41 (j) Delinquent fee.
- 42 (k) Renewal fee nurse practitioner.
- 43 (L) Verification of a license of a nurse applying for license by indorsement in another state.
- 44 (m) Certified nurse practitioner's initial application and registration for writing prescriptions.
- 45 (n) Renewal of certified nurse practitioner's application for writing prescriptions.

1 (o) Approval of training program for nursing assistants.

2 (p) Issuance, renewal and delinquency of a nursing assistant certificate.

3 [(q) *Voluntary monitoring program for chemical dependency or an emotional or physical*
4 *problem.*]

5 [(r) (q) Clinical nurse specialist certification established pursuant to ORS 678.370.

6 [(s) (r) Clinical nurse specialist's initial application for prescriptive authority.

7 [(t) (s) Renewal of clinical nurse specialist's application for prescriptive authority.

8 [(u) (t) Inactive license or certificate.

9 [(v) (u) Retired license or certificate.

10 [(w) (v) Nationwide criminal records check.

11 (2) Fees are nonrefundable.

12 (3) Subject to prior approval of the Oregon Department of Administrative Services and a report
13 to the Emergency Board prior to adopting the fees and charges, the fees and charges established
14 under this section shall not exceed the cost of administering the regulatory program of the board
15 pertaining to the purpose for which the fee or charge is established, as authorized by the Legislative
16 Assembly within the board's budget, as the budget may be modified by the Emergency Board. If
17 federal or other funds are available to offset costs of administering the program, fees shall be es-
18 tablished based on net costs to the state but not to exceed \$75 per biennium for the certification fee
19 under subsection (1)(p) of this section.

20 **SECTION 9.** ORS 684.010 is amended to read:

21 684.010. As used in this chapter:

22 (1) "Active senior" means a person who:

23 (a) Is licensed under ORS 684.054;

24 (b) Is at least 60 years of age; and

25 (c) Has been in practice for 25 years or more.

26 (2) "Chiropractic" is defined as:

27 (a) That system of adjusting with the hands the articulations of the bony framework of the hu-
28 man body, and the employment and practice of physiotherapy, electrotherapy, hydrotherapy and
29 minor surgery.

30 (b) The chiropractic diagnosis, treatment and prevention of body dysfunction; correction, main-
31 tenance of the structural and functional integrity of the neuro-musculoskeletal system and the ef-
32 fects thereof or interferences therewith by the utilization of all recognized and accepted chiropractic
33 diagnostic procedures and the employment of all rational therapeutic measures as taught in ap-
34 proved chiropractic colleges.

35 (3) "Chiropractic physician" means a person licensed by ORS 677.060, 684.025, 684.100, 684.155
36 or 688.010 to 688.201 and this section as an attending physician.

37 (4) "Drugs" means all medicines and preparations and all substances, except over-the-counter
38 nonprescription substances, food, water and nutritional supplements taken orally, used or intended
39 to be used for the diagnosis, cure, treatment, mitigation or prevention of diseases or abnormalities
40 of humans, which are recognized in the latest editions of the official United States Pharmacopoeia,
41 official Homeopathic Pharmacopoeia, official National Formulary, or any supplement to any of them,
42 or otherwise established as drugs.

43 [(5) *"Impaired chiropractic physician" means a chiropractic physician unable to practice*
44 *chiropractic with reasonable skill and safety by reason of habitual or excessive use or abuse of drugs,*
45 *alcohol or other substances that impair ability.*]

1 [(6)] (5) “Minor surgery” means the use of electrical or other methods for the surgical repair
 2 and care incident thereto of superficial lacerations and abrasions, benign superficial lesions, and the
 3 removal of foreign bodies located in the superficial structures; and the use of antiseptics and local
 4 anesthetics in connection therewith.

5 **SECTION 10.** ORS 687.081 is amended to read:

6 687.081. (1) The State Board of Massage Therapists may discipline a licensee, deny, suspend,
 7 revoke or refuse to renew a license, issue a reprimand, censure a licensee or place a licensee on
 8 probation if the licensee:

9 (a) Has violated any provision of ORS 687.011 to 687.250, 687.895 and 687.991 or any rule of the
 10 board adopted under ORS 687.121.

11 (b) Has made any false representation or statement to the board in order to induce or prevent
 12 action by the board.

13 (c) Has a physical or mental condition that makes the licensee unable to conduct safely the
 14 practice of massage.

15 (d) Is habitually intemperate in the use of alcoholic beverages or is addicted to the use of
 16 habit-forming drugs or controlled substances.

17 (e) Has misrepresented to any patron any services rendered.

18 (f) Has been convicted of a crime that bears a demonstrable relationship to the practice of
 19 massage.

20 (g) Fails to meet with any requirement under ORS 687.051.

21 (h) Violates any provision of ORS 167.002 to 167.027.

22 (i) Engages in unprofessional or dishonorable conduct.

23 (j) Has been the subject of disciplinary action as a massage therapist by any other state or
 24 territory of the United States or by a foreign country and the board determines that the cause of
 25 the disciplinary action would be a violation under ORS 687.011 to 687.250, 687.895 and 687.991 or
 26 rules of the board if it occurred in this state.

27 (2) If the board places a licensee on probation pursuant to subsection (1) of this section, the
 28 board may impose and at any time modify the following conditions of probation:

29 (a) Limitation on the allowed scope of practice.

30 (b) *[If the board finds that the licensee is physically or mentally impaired, a requirement for suc-*
 31 *cessful completion of appropriate treatment as determined by the board]* **Referral to a monitoring**
 32 **entity under section 1 of this 2009 Act.**

33 (c) Individual or peer supervision.

34 (d) Such other conditions as the board may [*deem*] **consider** necessary for the protection of the
 35 public and the rehabilitation of the licensee.

36 (3) If the board determines that a licensee’s continued practice constitutes a serious danger to
 37 the public, the board may impose an emergency suspension of the license without a hearing. Si-
 38 multaneous with the order of suspension, the board shall institute proceedings for a hearing as
 39 provided under ORS 687.011 to 687.250, 687.895 and 687.991. The suspension shall continue unless
 40 and until the licensee obtains injunctive relief from a court of competent jurisdiction or the board
 41 determines that the suspension is no longer necessary for the protection of the public.

42 (4) In addition to the discipline described in subsection (1) of this section, the board may impose
 43 a civil penalty as provided under ORS 687.250. Civil penalties under this subsection shall be imposed
 44 pursuant to ORS 183.745.

45 (5) Prior to imposing any of the sanctions authorized under this section, the board shall con-

sider, but is not limited to, the following factors:

(a) The person's past history in observing the provisions of ORS 687.011 to 687.250, 687.895 and 687.991 and the rules adopted pursuant thereto;

(b) The effect of the violation on public safety and welfare;

(c) The degree to which the action subject to sanction violates professional ethics and standards of practice;

(d) The economic and financial condition of the person subject to sanction; and

(e) Any mitigating factors that the board may choose to consider.

(6) In addition to the sanctions authorized by this section, the board may assess against a licensee the costs associated with the disciplinary action taken against the licensee.

(7) The board shall adopt a code of ethical standards for practitioners of massage and shall take appropriate measures to ensure that all applicants and practitioners of massage are aware of those standards.

(8) Upon receipt of a complaint under ORS 687.011 to 687.250, 687.895 and 687.991, the board shall conduct an investigation as described under ORS 676.165.

(9) Information that the board obtains as part of an investigation into licensee or applicant conduct or as part of a contested case proceeding, consent order or stipulated agreement involving licensee or applicant conduct is confidential as provided under ORS 676.175.

SECTION 11. ORS 192.690, as amended by section 8, chapter 796, Oregon Laws 2007, is amended to read:

192.690. (1) ORS 192.610 to 192.690 do not apply to the deliberations of the State Board of Parole and Post-Prison Supervision, the Psychiatric Security Review Board, state agencies conducting hearings on contested cases in accordance with the provisions of ORS chapter 183, the review by the Workers' Compensation Board or the Employment Appeals Board of similar hearings on contested cases, meetings of the state lawyers assistance committee operating under the provisions of ORS 9.568, [*meetings of the Health Professionals Program Supervisory Council established under ORS 677.615,*] meetings of the personal and practice management assistance committees operating under the provisions of ORS 9.568, the county multidisciplinary child abuse teams required to review child abuse cases in accordance with the provisions of ORS 418.747, the child fatality review teams required to review child fatalities in accordance with the provisions of ORS 418.785, the peer review committees in accordance with the provisions of ORS 441.055, mediation conducted under ORS 36.250 to 36.270, any judicial proceeding, meetings of the Oregon Health and Science University Board of Directors or its designated committee regarding candidates for the position of president of the university or regarding sensitive business, financial or commercial matters of the university not customarily provided to competitors related to financings, mergers, acquisitions or joint ventures or related to the sale or other disposition of, or substantial change in use of, significant real or personal property, or related to health system strategies, or to Oregon Health and Science University faculty or staff committee meetings.

(2) Because of the grave risk to public health and safety that would be posed by misappropriation or misapplication of information considered during such review and approval, ORS 192.610 to 192.690 shall not apply to review and approval of security programs by the Energy Facility Siting Council pursuant to ORS 469.530.

SECTION 12. ORS 677.615, 677.625, 677.635, 677.645, 677.655, 677.665, 677.677, 684.103, 684.157, 689.342, 689.344, 689.346, 689.348, 689.352, 689.354 and 689.356 are repealed.

SECTION 13. Section 1 of this 2009 Act, the amendments to ORS 192.690, 675.410, 675.510,

1 675.583, 675.600, 675.785, 678.112, 678.410, 684.010 and 687.081 by sections 2 to 11 of this 2009
2 Act and the repeal of ORS 677.615, 677.625, 677.635, 677.645, 677.655, 677.665, 677.677, 684.103,
3 684.157, 689.342, 689.344, 689.346, 689.348, 689.352, 689.354 and 689.356 by section 12 of this 2009
4 Act apply to:

5 (1) A licensee who is the subject of a complaint filed with a health profession licensing
6 board on or after January 1, 2010;

7 (2) A licensee about whom a board receives information that the licensee may be im-
8 paired on or after January 1, 2010; and

9 (3) A disciplinary proceeding commenced on or after January 1, 2010.

10 SECTION 14. (1) Section 1 of this 2009 Act, the amendments to ORS 192.690, 675.410,
11 675.510, 675.583, 675.600, 675.785, 678.112, 678.410, 684.010 and 687.081 by sections 2 to 11 of this
12 2009 Act and the repeal of ORS 677.615, 677.625, 677.635, 677.645, 677.655, 677.665, 677.677,
13 684.103, 684.157, 689.342, 689.344, 689.346, 689.348, 689.352, 689.354 and 689.356 by section 12 of
14 this 2009 Act become operative January 1, 2010.

15 (2) A health profession licensing board as defined in section 1 of this 2009 Act may take
16 any action before the operative date specified in subsection (1) of this section that is neces-
17 sary to enable the board to exercise, on and after the operative date specified in subsection
18 (1) of this section, all the duties, functions and powers conferred on the board by this 2009
19 Act.

20 SECTION 15. This 2009 Act being necessary for the immediate preservation of the public
21 peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect
22 on its passage.