

Enrolled Senate Bill 132

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor Theodore R. Kulongoski for Board of Naturopathic Examiners)

CHAPTER

AN ACT

Relating to the Board of Naturopathic Examiners; amending ORS 685.110 and 685.125.

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

SECTION 1. ORS 685.110 is amended to read:

685.110. The Board of Naturopathic Examiners may refuse to grant a license, may suspend or revoke a license, may limit a license, may impose probation, may issue a letter of reprimand and may impose a civil penalty not to exceed [~~\$1,000~~] **\$5,000** for each offense for any of the following reasons:

- (1) The use of fraud or deception in securing a license.
- (2) The impersonation of another physician.
- (3) Practicing naturopathic medicine under an assumed name.
- (4) The performance of an abortion.
- (5) The conviction of a crime involving moral turpitude.
- (6) Any other reason that renders the applicant or licensee unfit to perform the duties of a naturopathic physician.
- (7) Conviction of a crime relating to practice of naturopathic medicine.
- (8) Negligence related to the practice of naturopathic medicine.
- (9) Habitual or excessive use of intoxicants, drugs or controlled substances.
- (10) Prescribing or dispensing drugs outside the scope of practice.
- (11) Commitment to a mental institution for the treatment of a mental disease that affects the ability of the applicant or licensee to safely practice naturopathic medicine.
- (12) Obtaining a fee through fraud or misrepresentation.
- (13) Gross or repeated malpractice.
- (14) Representing to a patient that a manifestly incurable condition of sickness, disease or injury can be permanently cured.
- (15) Any conduct or practice contrary to a recognized standard of ethics of the profession or any conduct or practice that does or might constitute a danger to the health or safety of a patient or the public or any conduct, practice or condition that does or might impair a physician's ability safely and skillfully to practice naturopathic medicine.
- (16) Willful and consistent utilization of any naturopathic service, X-ray equipment or treatment that is contrary to recognized standards of practice of the naturopathic profession.

(17) Failure to notify the board within 30 days of a change in the location of practice or of mailing address.

(18) Attempting to practice naturopathic medicine or practicing or claiming to practice naturopathic medicine or any of its components in this state without first complying with the provisions of this chapter.

(19) Suspension or revocation of a license to practice naturopathic medicine in another jurisdiction.

(20) Employing unlicensed persons to practice naturopathic medicine.

(21) Practicing natural childbirth without first obtaining a certificate of special competency.

(22) Representing that the licensee is a medical specialist or practices a medical specialty.

(23) Failure to respond in a timely manner to a request for information regarding a complaint or the investigation of a complaint by the board.

(24) Failure to pay a civil penalty in the time specified by the order imposing the penalty.

(25) Violation of any provision of this chapter or rules adopted by the board.

SECTION 2. ORS 685.125 is amended to read:

685.125. (1) [*Where the Board of Naturopathic Examiners proposes to refuse to issue or renew except for nonpayment of fees or nonsubmittal of continuing education hours a license, or proposes to impose any of the sanctions set forth in ORS 685.110,*] **The Board of Naturopathic Examiners shall give opportunity for hearing [shall be accorded] as provided in ORS chapter 183 when the board proposes to:**

(a) Refuse to issue a license;

(b) Refuse to renew a license; or

(c) Impose any of the sanctions set forth in ORS 685.110.

[(2) Promulgation of rules, conduct of hearings, issuance of orders and judicial review of rules and orders shall be as provided in ORS chapter 183.]

(2) In accordance with applicable provisions of ORS chapter 183, the board may adopt rules necessary for the administration of the laws that the board is charged with administering.

Passed by Senate February 24, 2009

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Secretary of Senate

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President of Senate

Passed by House May 29, 2009

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Speaker of House

Received by Governor:

.....M.,....., 2009

Approved:

.....M.,....., 2009

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Governor

Filed in Office of Secretary of State:

.....M.,....., 2009

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Secretary of State