

# Senate Bill 138

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## SUMMARY

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

Allows Oregon Board of Naturopathic Medicine to assess costs of disciplinary proceedings and impose other disciplinary action on person subject to discipline.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to the Oregon Board of Naturopathic Medicine; amending ORS 685.110; and declaring an  
3 emergency.

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

5 **SECTION 1.** ORS 685.110 is amended to read:

6 685.110. (1) The Oregon Board of Naturopathic Medicine may [*refuse to grant a license, may*  
7 *suspend or revoke a license, may limit a license, may impose probation, may issue a letter of reprimand*  
8 *and may impose a civil penalty not to exceed \$5,000 for each offense*] **discipline a person as provided**  
9 **in subsection (2) of this section** for any of the following reasons:

10 [(1)] (a) Using fraud or deception in securing a license.

11 [(2)] (b) Impersonating another physician.

12 [(3)] (c) Practicing naturopathic medicine under an assumed name.

13 [(4)] (d) Performing an abortion.

14 [(5)] (e) Being convicted of a crime involving moral turpitude.

15 [(6)] (f) Any other reason that renders the applicant or licensee unfit to perform the duties of  
16 a naturopathic physician.

17 [(7)] (g) Being convicted of a crime relating to practice of naturopathic medicine.

18 [(8)] (h) Committing negligence related to the practice of naturopathic medicine.

19 [(9)] (i) Having an impairment as defined in ORS 676.303.

20 [(10)] (j) Prescribing or dispensing drugs outside the scope of practice.

21 [(11)] (k) Obtaining a fee through fraud or misrepresentation.

22 [(12)] (L) Committing gross or repeated malpractice.

23 [(13)] (m) Representing to a patient that a manifestly incurable condition of sickness, disease  
24 or injury can be permanently cured.

25 [(14)] (n) Engaging in any conduct or practice contrary to a recognized standard of ethics of the  
26 profession or any conduct or practice that does or might constitute a danger to the health or safety  
27 of a patient or the public or any conduct, practice or condition that does or might adversely affect  
28 a physician's ability safely and skillfully to practice naturopathic medicine.

29 [(15)] (o) Willfully and consistently utilizing any naturopathic service, X-ray equipment or  
30 treatment contrary to recognized standards of practice of the naturopathic profession.

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

3 [(17)] (q) Attempting to practice naturopathic medicine or practicing or claiming to practice  
4 naturopathic medicine or any of its components in this state without first complying with the pro-  
5 visions of this chapter.

6 [(18)] (r) Having a license to practice naturopathic medicine in another jurisdiction suspended  
7 or revoked.

8 [(19)] (s) Employing unlicensed persons to practice naturopathic medicine.

9 [(20)] (t) Practicing natural childbirth without first obtaining a certificate of special competency.

10 [(21)] (u) Representing that the licensee is a medical specialist or practices a medical specialty.

11 [(22)] (v) Failing to respond in a timely manner to a request for information regarding a com-  
12 plaint or the investigation of a complaint by the board.

13 [(23)] (w) Failing to pay a civil penalty in the time specified by the order imposing the penalty.

14 [(24)] (x) Violating any provision of this chapter or rules adopted by the board.

15 **(2) In disciplining a person under subsection (1) of this section, the board may:**

16 **(a) Refuse to grant a license;**

17 **(b) Suspend a license;**

18 **(c) Revoke a license;**

19 **(d) Limit a license;**

20 **(e) Impose probation;**

21 **(f) Issue a letter of reprimand;**

22 **(g) Impose a civil penalty not to exceed \$5,000 for each offense;**

23 **(h) Assess the costs of the disciplinary process, including but not limited to the costs of**  
24 **investigation, attorney fees, hearing officer costs and the costs of discovery; and**

25 **(i) Impose any other disciplinary action the board in its discretion finds proper.**

26 **SECTION 2. This 2011 Act being necessary for the immediate preservation of the public**  
27 **peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect**  
28 **on its passage.**

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