

Enrolled
Senate Bill 140

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 John A. Kitzhaber for Occupational Therapy Licensing Board)

CHAPTER

AN ACT

Relating to the Occupational Therapy Licensing Board; amending ORS 675.300, 675.335 and 675.336; repealing ORS 675.337; and declaring an emergency.

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

SECTION 1. ORS 675.300 is amended to read:

675.300. (1) The Occupational Therapy Licensing Board may deny, suspend, revoke or refuse to renew a license or may impose probationary conditions where the licensee or applicant has *[been guilty of]*:

- (a) **Committed** unprofessional conduct as defined by the standards established by the board;
 - (b) *[Obtaining or attempting]* **Obtained or attempted** to obtain a license by means of fraud, misrepresentation or concealment of material facts;
 - (c) *[Violating]* **Violated any provision of ORS 675.210 to 675.340** or any *[lawful]* order or rule adopted by the board *[that may affect the health, welfare or safety of the public]*; or
 - (d) **Committed** gross negligence or incompetence in the performance of professional duties.
- (2) The board may suspend or revoke the license of any person licensed under ORS 675.210 to 675.340 *[and 675.990 (2)]* if the licensee has an impairment as defined in ORS 676.303.
- (3) *[Where]* **When** the board proposes to refuse to issue or renew a license or proposes to revoke or suspend a license, opportunity for hearing shall be accorded as provided in ORS chapter 183.
- (4) Judicial review of orders under subsection (3) of this section shall be **conducted** in accordance with ORS chapter 183.
- (5) 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 2. ORS 675.335 is amended to read:

675.335. (1) Upon the complaint of any citizen of this state, or upon its own motion, the Occupational Therapy Licensing Board may investigate any alleged violation of ORS 675.210 to 675.340. The board shall conduct an investigation as described under ORS 676.165.

- (2) In the conduct of investigations, the board may:
 - (a) Take evidence;
 - (b) Take the depositions of witnesses, including the person charged, in the manner provided by law in civil cases;

(c) Compel the appearance of witnesses, including the person charged, before the board in person the same as in civil cases;

(d) Require answers to interrogatories; [and]

(e) Compel the production of books, papers, accounts, documents and testimony pertaining to the matter under investigation; and

(f) Issue subpoenas.

[3) In exercising its authority under subsection (2) of this section, the board may issue subpoenas over the signature of the board chairperson and the seal of the board in the name of the State of Oregon.]

SECTION 3. ORS 675.336 is amended to read:

675.336. (1) In addition to any other liability or penalty provided by law, the Occupational Therapy Licensing Board may impose a civil penalty on a person who violates the provisions of ORS 675.210 to 675.340 **in an amount not to exceed \$1,000 for each violation.**

(2) **The board shall impose** civil penalties under this section [shall be imposed] in the manner provided by ORS 183.745.

(3) All penalties recovered under this section shall be paid into the Occupational Therapy Licensing Board Account established in ORS 675.330 and shall be used only for the administration and enforcement of ORS 675.210 to 675.340.

SECTION 4. ORS 675.337 is repealed.

SECTION 5. This 2011 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect on its passage.

Passed by Senate February 24, 2011

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Robert Taylor, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House May 11, 2011

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Bruce Hanna, Speaker of House

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Arnie Roblan, Speaker of House

Received by Governor:

.....M.,....., 2011

Approved:

.....M.,....., 2011

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John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M.,....., 2011

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Kate Brown, Secretary of State