

# Senate Bill 140

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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 Occupational Therapy Licensing Board to deny, suspend, revoke or refuse to renew license or impose probationary conditions if licensee or applicant violates statutes administered by board.

Allows board to issue subpoena without signature of chairperson.

Allows board to impose civil penalty not to exceed \$1,000 without first issuing warning.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to the Occupational Therapy Licensing Board; amending ORS 675.300, 675.335 and 675.336;  
3 repealing ORS 675.337; and declaring an emergency.

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

5 **SECTION 1.** ORS 675.300 is amended to read:

6 675.300. (1) The Occupational Therapy Licensing Board may deny, suspend, revoke or refuse to  
7 renew a license or may impose probationary conditions where the licensee or applicant has [*been*  
8 *guilty of*]:

9 (a) **Committed** unprofessional conduct as defined by the standards established by the board;

10 (b) [*Obtaining or attempting*] **Obtained or attempted** to obtain a license by means of fraud,  
11 misrepresentation or concealment of material facts;

12 (c) [*Violating*] **Violated any provision of ORS 675.210 to 675.340 or** any [*lawful*] order or rule  
13 adopted by the board [*that may affect the health, welfare or safety of the public*]; or

14 (d) **Committed** gross negligence or incompetence in the performance of professional duties.

15 (2) The board may suspend or revoke the license of any person licensed under ORS 675.210 to  
16 675.340 [*and 675.990 (2)*] if the licensee has an impairment as defined in ORS 676.303.

17 (3) [*Where*] **When** the board proposes to refuse to issue or renew a license or proposes to revoke  
18 or suspend a license, opportunity for hearing shall be accorded as provided in ORS chapter 183.

19 (4) Judicial review of orders under subsection (3) of this section shall be **conducted** in accord-  
20 ance with ORS chapter 183.

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

24 **SECTION 2.** ORS 675.335 is amended to read:

25 675.335. (1) Upon the complaint of any citizen of this state, or upon its own motion, the Occu-  
26 pational Therapy Licensing Board may investigate any alleged violation of ORS 675.210 to 675.340.  
27 The board shall conduct an investigation as described under ORS 676.165.

28 (2) In the conduct of investigations, the board may:

**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 (a) Take evidence;

2 (b) Take the depositions of witnesses, including the person charged, in the manner provided by  
3 law in civil cases;

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

6 (d) Require answers to interrogatories; *[and]*

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

9 **(f) Issue subpoenas.**

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

13 **SECTION 3.** ORS 675.336 is amended to read:

14 675.336. (1) In addition to any other liability or penalty provided by law, the Occupational  
15 Therapy Licensing Board may impose a civil penalty on a person who violates the provisions of ORS  
16 675.210 to 675.340 **in an amount not to exceed \$1,000 for each violation.**

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

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

22 **SECTION 4.** ORS 675.337 is repealed.

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

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