

Senate Bill 108

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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**.

Authorizes Oregon Board of Naturopathic Medicine to require person disciplined by board to pay reasonable costs of disciplinary hearing. Modifies language related to prohibited acts.

A BILL FOR AN ACT

1
2 Relating to naturopathic medicine; creating new provisions; and amending ORS 685.110.

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

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

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

9 [(1)] (a) Using fraud or deception in [*securing a license*] **applying for a license under this**
10 **chapter.**

11 [(2)] (b) Impersonating [*another*] **a naturopathic** 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)] *Any other reason that renders the applicant or licensee unfit to perform the duties of a*
16 *naturopathic physician.*

17 [(7)] (f) Being convicted of a crime [*relating to*] **related to the** practice of naturopathic medicine.

18 [(8)] (g) [*Committing negligence related to*] **Engaging in conduct that is below the standard**
19 **of care for** the practice of naturopathic medicine.

20 [(9)] (h) Having an impairment as defined in ORS 676.303.

21 [(10)] (i) Prescribing or dispensing drugs outside the scope of **the practice of naturopathic**
22 **medicine or any other profession for which the person is licensed to prescribe or dispense**
23 **drugs.**

24 [(11)] (j) Obtaining a fee through fraud or misrepresentation.

25 [(12)] (k) Committing gross or repeated malpractice.

26 [(13)] (L) Representing to a patient that a manifestly incurable [*condition of*] sickness, disease
27 or injury can be permanently cured.

28 [(14)] (m) Engaging in any conduct or practice:

29 (A) Contrary to a recognized standard of ethics of the profession **of naturopathic medicine**
30 [*or any conduct or practice*];

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 **(B)** That *[does]* **constitutes** or might constitute a danger to the health or safety of a patient
2 or the public *[or any conduct, practice or condition]*; **or**

3 **(C)** That *[does]* **adversely affects** or might adversely affect a **naturopathic** physician's ability
4 *[safely and skillfully]* to practice naturopathic medicine.

5 **[(15)] (n)** Willfully and consistently utilizing any naturopathic service, X-ray equipment or
6 treatment contrary to recognized standards of **the** practice of *[the]* naturopathic *[profession]* **medi-**
7 **cine.**

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

10 **[(17)] (p)** Attempting to practice *[naturopathic medicine or]*, practicing or claiming to practice
11 naturopathic medicine, or any *[of its components]* **component of naturopathic medicine**, in this
12 state without first complying with the provisions of this chapter.

13 **[(18)] (q)** Having a license to practice naturopathic medicine in another jurisdiction suspended
14 or revoked.

15 **[(19)] (r)** Employing unlicensed persons to practice naturopathic medicine.

16 **[(20)] (s)** Practicing natural childbirth without first obtaining a certificate of special competency.

17 **[(21)] (t)** Representing that *[the licensee]*, **in addition to being licensed to practice**
18 **naturopathic medicine, the naturopathic physician** is a medical specialist or practices a medical
19 specialty.

20 **[(22)] (u)** Failing to respond in a timely manner to a request for information regarding a com-
21 plaint or the investigation of a complaint by the board.

22 **[(23)] (v)** Failing to pay a civil penalty in the time specified by the order **of the board** imposing
23 the penalty.

24 **[(24)] (w)** Violating any provision of this chapter, **an order of the board** or rules adopted by
25 the board.

26 **(x) Any other reason that renders an applicant for a license to practice naturopathic**
27 **medicine or a person licensed to practice naturopathic medicine unfit to perform the duties**
28 **of a naturopathic physician.**

29 **(2) In disciplining a person under this section, the board may:**

30 **(a) Refuse to grant, suspend, revoke or refuse to renew a license to practice naturopathic**
31 **medicine.**

32 **(b) Limit the extent to which a person licensed under this chapter may practice**
33 **naturopathic medicine.**

34 **(c) Place a person licensed under this chapter on probation from practicing naturopathic**
35 **medicine.**

36 **(d) Issue a letter of reprimand.**

37 **(e) Impose a civil penalty not to exceed \$5,000 for each offense.**

38 **(f) In addition to or instead of imposing a civil penalty under paragraph (e) of this sub-**
39 **section, require the person to pay the reasonable costs of a disciplinary proceeding conducted**
40 **pursuant to this section, including, but not limited to, hearing costs, attorney fees and**
41 **investigatory costs described in ORS 685.225.**

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

43 **SECTION 2.** The amendments to ORS 685.110 by section 1 of this 2013 Act apply to
44 **hearings that commence on or after the effective date of this 2013 Act.**