

Oregon Senate Bill 279

Testimony Before the Oregon Senate Committee on Health Care
78th Oregon Legislative Assembly - 2015 Regular Session

February 9, 2015

Testimony by:

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Title of SB 279: Designates Oregon Medical Board as semi-independent state agency.

Dear Senators:

My position on Senate Bill 279: **Against.**

Position Details:

1. The Oregon Medical Board already has too much autonomy. They need more oversight - not less.
2. No state agency can simultaneously decrease oversight by the state and retain, or increase, its legitimate authority to act with authority in the name of the state.
3. Independent clubs & associations (or "semi-independent agencies") do not grant or regulate state licenses or the practice of medicine. It is the state which grants and regulates state licenses and the practice of medicine. Independence from state oversight should be understood to be inversely related to powers of the state. The people should not be blocked from access to ordinary means of holding accountable, all those who act in the name of the state. Public access to participation in government should be maximized, not compromised.
4. There is nothing which justifies regarding this bill (or the passage of this bill) as an emergency. This is an example of the reason OMB should not be granted (semi-) independence. The irresponsible use of hyperbole poses a threat to the people of the state. Actions of the OMB are far too important to be left to a handful of board members selected from narrow pools of candidates. Governing boards can become rogue when left without check (or the specter of oversight) and may succumb to agendas and passions of self-interest, neglecting that which is in the best interest of the people of the state. Included in this bill is an Emergency Clause. As proposed, it reads:

SECTION 18. This 2015 Act being necessary for the immediate preservation of the public peace, health and safety, and emergency is declared to exist, and this 2015 Act takes effect on its passage.

5. Declaring the passage of this bill an emergency shows OMB's willingness to justify any of its actions as "necessary for the immediate preservation of the public peace, health and safety." When emergencies are declared indiscriminately, the governing body of an agency, the state, and the people of the state lose the ability to trust declarations of emergencies. Not all things are emergencies. It is in fact, a threat to the preservation of the public peace, health and safety, when an agency as important as the OMB can authoritatively declare or even suggest that an emergency exists when in fact there is none.
6. One way to retain checks and balances over agencies which *need* to retain the public trust is to retain control over the agency's purse strings. I object to OMB being able to by-pass the monthly deposit of their revenues into the General Fund.
7. Senate Bill 279 serves only the interest of the Oregon Medical Board and OMB's bid for decreased oversight puts the people of Oregon at medical risk. OMB must have public and legislative oversight, in part, because such boards are not necessarily comprised of the best and brightest among physicians nor, necessarily, the most ethical among our state's citizens. Means of public and legislative redress of poor OMB decisions must remain in place and these means must remain, or become, more readily accessible than would be the case if SB 279 were passed.
8. The Oregon Medical Board's bid for semi-independent status should be, at minimum, denied, and the *alternative* - an *increase* in the oversight of OMB by the Oregon legislature should be considered by the legislature during the time of this 78th Oregon Legislative Assembly 2015 Regular session.

Thank you, Senators, for your kind consideration of this testimony.

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