

# Senate Bill 279

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, M.D., for Oregon Medical Board)

## 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**.

Designates Oregon Medical Board as semi-independent state agency.  
Becomes operative July 1, 2015.  
Declares emergency, effective on passage.

## A BILL FOR AN ACT

Relating to operations of state agencies that regulate the practice of medicine; creating new provisions; amending ORS 182.454, 182.462, 182.466, 677.235, 677.265, 677.280, 677.290, 677.305 and 677.415 and section 20, chapter 240, Oregon Laws 2013; and declaring an emergency.

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

## DESIGNATION OF OREGON MEDICAL BOARD AS A SEMI-INDEPENDENT STATE AGENCY

**SECTION 1.** ORS 677.235 is amended to read:

677.235. (1) The Oregon Medical Board [*consists*] **is established as a semi-independent state agency subject to ORS 182.456 to 182.472. The board shall consist** of 12 members appointed by the Governor and subject to confirmation by the Senate in the manner provided in ORS 171.562 and 171.565. All members of the board must be residents of this state. Of the members of the board:

(a) Seven must have the degree of Doctor of Medicine;

(b) Two must have the degree of Doctor of Osteopathy;

(c) One must have the degree of Doctor of Podiatric Medicine; and

(d) Two must be members of the public [*representing*] **who represent** health consumers and who are not:

(A) Otherwise eligible for appointment to the board; or

(B) A spouse, domestic partner, child, parent or sibling of an individual [*having*] **who has** the degree of Doctor of Medicine, Doctor of Osteopathy or Doctor of Podiatric Medicine.

(2)(a)(A) Board members required to possess the degree of Doctor of Medicine may be selected by the Governor from a list of three to five candidates for each member of the board described in subsection (1)(a) of this section whose term expires in that year, submitted by the Oregon Medical Association not later than February 1.

(B) Board members required to possess the degree of Doctor of Osteopathy may be selected by the Governor from a list of three to five candidates for each [*vacancy*] **member of the board described in subsection (1)(b) of this section whose term expires in that year**, submitted by the Osteopathic Physicians and Surgeons of Oregon, Inc., not later than February 1 [*of each odd-*

**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 *numbered year*].

2 (C) The board member required to possess the degree of Doctor of Podiatric Medicine may be  
3 selected by the Governor from a list of three to five candidates **for the member of the board de-**  
4 **scribed in subsection (1)(c) of this section whose term expires in that year**, submitted by the  
5 Oregon Podiatric Medical Association not later than February 1 [*of each fourth year*].

6 (b) [*The physician*] Members **who are physicians** must have been in the active practice of their  
7 profession for at least five years immediately preceding their appointment.

8 (c) [*Neither the public members nor any person who is*] **A public member or** a spouse, domestic  
9 partner, child, parent or sibling of a public member may **not** be employed as a health professional.

10 (d)(A) In selecting the members of the board, the Governor shall strive to balance the repre-  
11 sentation on the board according to geographic areas of this state and [*ethnic group*] **ethnicity**.

12 (B) Of the seven members who hold the degree of Doctor of Medicine, there shall be at least  
13 one member appointed from each federal congressional district.

14 (3)(a) The term of office of each board member is three years, but a member serves at the  
15 pleasure of the Governor. The terms must be staggered so that no more than four terms end each  
16 year. A term begins on March 1 of the year the member is appointed and ends on the last day of  
17 February of the third year [*thereafter*] **after the member is appointed**. A member may not serve  
18 more than two consecutive terms.

19 (b) If a vacancy occurs on the board, another qualifying member possessing the same profes-  
20 sional degree or fulfilling the same public capacity as the person whose position has been vacated  
21 shall be appointed [*as provided in this section*] to fill the unexpired term.

22 (c) A board member shall be removed immediately from the board if, during the member's term,  
23 the member:

24 (A) Is not a resident of this state;

25 (B) Has been absent from three consecutive board meetings, unless at least one absence is ex-  
26 cused; or

27 (C) Is not a current licensee or a retired licensee whose license was in good standing at the time  
28 of retirement, if the board member was appointed to serve on the board as a licensee.

29 (4) Members of the board are entitled to compensation and expenses as provided in ORS  
30 [292.495. *The board may provide by rule for compensation to board members for the performance of*  
31 *official duties at a rate that is greater than the rate provided in ORS 292.495*] **182.466**.

32 **SECTION 2.** ORS 182.454, as amended by section 19, chapter 722, Oregon Laws 2013, and sec-  
33 tion 3, chapter 72, Oregon Laws 2014, is amended to read:

34 182.454. The following semi-independent state agencies are subject to ORS 182.456 to 182.472:

35 (1) The Appraiser Certification and Licensure Board.

36 (2) The State Board of Architect Examiners.

37 **(3) The Citizens' Initiative Review Commission.**

38 [(3)] **(4) The State Board of Examiners for Engineering and Land Surveying.**

39 [(4)] **(5) The State Board of Geologist Examiners.**

40 [(5)] **(6) The State Landscape Architect Board.**

41 **(7) The State Landscape Contractors Board.**

42 **(8) The State Board of Massage Therapists.**

43 **(9) The Oregon Medical Board.**

44 [(6)] **(10) The Oregon Board of Optometry.**

45 [(7)] **(11) The Oregon Patient Safety Commission.**

1 **(12) The Physical Therapist Licensing Board.**

2 [(8)] **(13) The Oregon Wine Board.**

3 [(9) *The State Board of Massage Therapists.*]

4 [(10) *The Physical Therapist Licensing Board.*]

5 [(11) *The State Landscape Contractors Board.*]

6 [(12) *The Citizens' Initiative Review Commission.*]

7  
8 **SUBMISSION OF BUDGET**

9  
10 **SECTION 3.** ORS 182.462 is amended to read:

11 182.462. (1)(a) A board shall adopt budgets on a biennial basis using classifications of expen-  
12 ditures and revenues required by ORS 291.206 (1), but the budget is not subject to review and ap-  
13 proval by the Legislative Assembly or to future modification by the Emergency Board or the  
14 Legislative Assembly.

15 (b) The budget referred to in paragraph (a) of this subsection shall be adopted in accordance  
16 with [*applicable provisions of ORS chapter 183*] **ORS 183.335.** [*Except as provided in this paragraph*]  
17 **However,** a board shall adopt or modify a budget only after a public hearing [*thereon*] **is held on**  
18 **the budget.** A board must give notice of the hearing to all holders of licenses issued by the board.

19 (c) A board shall follow generally accepted accounting principles and keep financial and statis-  
20 tical information as necessary to completely and accurately disclose the financial condition and [*fi-*  
21 *nancial*] operations of the board as [*may be*] required by the Secretary of State.

22 (d) A board shall prepare an annual financial statement of board revenues and expenses and  
23 shall make the statement available for public review. The board shall provide a copy of the state-  
24 ment to the Oregon Department of Administrative Services not later than the 90th day after the end  
25 of the state fiscal year.

26 (e) A board may, by rule, elect to donate all or part of the revenue derived by the board from  
27 civil penalties to the General Fund of the State Treasury.

28 **(2) Notwithstanding subsection (1) of this section:**

29 **(a)** In addition to the reports required by ORS 182.472, the Oregon Board of Optometry, the  
30 State Board of Massage Therapists, **the Oregon Medical Board** and the Physical Therapist Li-  
31 censing Board shall, on or before February 1 of each odd-numbered year, present the budget adopted  
32 by the board under this section to the Governor, the President of the Senate, the Speaker of the  
33 House of Representatives and the Legislative Fiscal Officer.

34 **(b) The Legislative Fiscal Officer shall submit the budget adopted by the Oregon Medical**  
35 **Board to the Joint Committee on Ways and Means. The committee may require the Oregon**  
36 **Medical Board to appear before the committee at a hearing for the purpose of requesting**  
37 **amendments to the budget, amendments to a fee increase or amendments to a charge in-**  
38 **crease that exceeds the cost of administering the service for which the charge is made.**

39 **SECTION 4.** ORS 182.466 is amended to read:

40 182.466. In addition to other powers granted by ORS 182.456 to 182.472 and by the statutes  
41 specifically applicable to a board, a board may:

42 (1) Sue and be sued in its own name.

43 (2) Notwithstanding ORS 279.835 to 279.855 and ORS chapters 279A, 279B and 279C, enter into  
44 contracts and acquire, hold, own, encumber, issue, replace, deal in and with and dispose of real and  
45 personal property.

1 (3) Notwithstanding ORS 670.300, fix a per diem amount to be paid to board members for each  
 2 day or portion thereof during which the member is actually engaged in the performance of official  
 3 duties. Board members may also receive actual and necessary travel expenses or other expenses  
 4 actually incurred in the performance of their duties. If an advisory council or peer review committee  
 5 is established under the law that governs the board, the board may also fix and pay amounts and  
 6 expenses for members thereof.

7 (4) Set the amount of any fee required by statute and establish by rule and collect other fees  
 8 as determined by the board. Fees shall not exceed amounts necessary for the purpose of carrying  
 9 out the functions of the board. Notwithstanding ORS 183.335, and except as provided in this sub-  
 10 section, a board shall hold a public hearing prior to adopting or modifying any fee without regard  
 11 to the number of requests received to hold a hearing. A board shall give notice to all licensees of  
 12 the board [*prior to*] **before** holding a hearing on the adoption or modification of any fee. A board  
 13 may adopt fees in conjunction with the budget adoption process described in ORS 182.462, **except**  
 14 **that the Oregon Medical Board shall adopt fees pursuant to the budget adoption process de-**  
 15 **scribed in ORS 182.462, and both fees and charges adopted by the Oregon Medical Board are**  
 16 **subject to ORS 182.462 (2)(b).**

17 (5) Subject to any other statutory provisions, adopt procedures and requirements governing the  
 18 manner of making application for issuance, renewal, suspension, revocation, restoration and related  
 19 activities concerning licenses that are under the jurisdiction of a board.

## 20 21 PUBLICATION OF BUDGET AND REPORT

22  
23 **SECTION 5. Section 6 of this 2015 Act is added to and made a part of ORS chapter 677.**

24 **SECTION 6. (1) In addition to the requirements of ORS 182.462 (2), the Oregon Medical**  
 25 **Board shall post a copy of the budget adopted by the board under ORS 182.462 on the board's**  
 26 **website on or before February 1 of each odd-numbered year.**

27 **(2) In addition to the requirements of ORS 182.472, the Oregon Medical Board shall post**  
 28 **a copy of the report prepared pursuant to ORS 182.472 on the board's website on or before**  
 29 **April 1 of each even-numbered year.**

## 30 31 ACCOUNTS, FEES AND PENALTIES

32  
33 **SECTION 7. The Oregon Medical Board Account is abolished on the operative date spec-**  
 34 **ified in section 16 of this 2015 Act. The Oregon Medical Board shall transfer the balance of**  
 35 **moneys remaining in the Oregon Medical Board Account to the account established by the**  
 36 **Oregon Medical Board under ORS 182.470.**

37 **SECTION 8. ORS 677.290, as amended by section 8, chapter 240, Oregon Laws 2013, is amended**  
 38 **to read:**

39 677.290. (1) All moneys received by the Oregon Medical Board under this chapter shall be paid  
 40 into [*the General Fund in the State Treasury and placed to the credit of the Oregon Medical Board*  
 41 *Account which is established. Such moneys are appropriated continuously and shall be used only for*  
 42 *the administration and enforcement of this chapter and ORS 676.850.] **an account established by the***

43 **board under ORS 182.470. All moneys in the account are continuously appropriated to the**  
 44 **board for the purpose of carrying out the functions of the board.**

45 (2) Notwithstanding subsection (1) of this section **and ORS 182.470**, the board may maintain a

1 revolving account in a sum *[not to]* **that does not** exceed \$50,000 for the purpose of receiving and  
 2 paying *[pass-through]* moneys *[relating]* **related** to peer review pursuant to *[its]* **the board's** duties  
 3 under ORS 441.055 (4) and (5) and in administering programs pursuant to *[its]* **the board's** duties  
 4 under this chapter relating to the education and rehabilitation of licensees in the areas of chemical  
 5 substance abuse, **the inappropriate prescribing of drugs** and medical competence. *[The creation of*  
 6 *and disbursement of moneys from the revolving account shall not require an allotment or allocation of*  
 7 *moneys pursuant to ORS 291.234 to 291.260.]* All moneys in the account are continuously appropri-  
 8 ated **to the board** for *[purposes set forth]* **the purposes described** in this subsection.

9 (3) Each year *[\$10 shall be paid]*, **the board shall pay \$10** to the Oregon Health and Science  
 10 University for each in-state physician licensed under this chapter, *[which amount is]*. **Amounts paid**  
 11 **to the Oregon Health and Science University under this section are** continuously appropriated  
 12 to the Oregon Health and Science University *[to be used in]* **for the purpose of** maintaining a cir-  
 13 culating library of medical and surgical books and publications for *[the use of]* **use by** practitioners  
 14 of medicine in this state[,] and, when not *[so]* in use **by practitioners of medicine**, to be kept at  
 15 the *[library of the]* **university's** School of Medicine *[and accessible to its]* **for use by the**  
 16 **university's** students. *[The balance of the money received by the board is appropriated continuously*  
 17 *and shall be used only for the administration and enforcement of this chapter, but any part of the*  
 18 *balance may, upon the order of the board, be paid into the circulating library fund.]*

19 **SECTION 9.** ORS 677.305 is amended to read:

20 677.305. **Notwithstanding ORS 182.470**, the Oregon Medical Board may maintain a petty cash  
 21 fund in compliance with ORS 293.180 in the amount of \$5,000.

22 **SECTION 10.** ORS 677.265 is amended to read:

23 677.265. In addition to any other powers granted by this chapter **and subject to ORS 182.456**  
 24 **to 182.472**, the Oregon Medical Board may:

25 (1) Adopt *[necessary and proper rules for]* **rules necessary for the** administration of this  
 26 chapter, including *[but not limited to]* **rules:**

27 (a) Establishing fees and charges to carry out *[its]* **the legal responsibilities of the board**,  
 28 *subject to prior approval by the Oregon Department of Administrative Services and a report to the*  
 29 *Emergency Board prior to adopting the fees and charges. The fees and charges shall be within the*  
 30 *budget authorized by the Legislative Assembly as that budget may be modified by the Emergency*  
 31 *Board].* The fees and charges established under this section may not exceed the cost of administer-  
 32 ing the program or the purpose for which the fee or charge is established, *as authorized by the*  
 33 *Legislative Assembly for the Oregon Medical Board's budget, or as modified by the Emergency Board*  
 34 *or future sessions of the Legislative Assembly].*

35 (b) Establishing standards and tests to determine the moral, intellectual, educational, scientific,  
 36 technical and professional qualifications required *[of applicants for licenses]* **for licensure** under this  
 37 chapter.

38 (c) *[Enforcing]* **Providing for the enforcement of** the provisions of this chapter and  
 39 *[exercising]* **the exercise of** general supervision over the practice of medicine and podiatry within  
 40 this state. In determining whether to discipline a licensee for a standard of care violation, the  
 41 *[Oregon Medical]* board shall determine whether the licensee used that degree of care, skill and  
 42 diligence that is used by ordinarily careful physicians in the same or similar circumstances in the  
 43 community of the physician or a similar community.

44 (2) Issue, deny, suspend and revoke licenses and limited licenses, assess costs of proceedings and  
 45 fines and place licensees on probation as provided in this chapter.

1 (3) Use the gratuitous services and facilities of private organizations to receive the assistance  
2 and recommendations of the organizations in administering this chapter.

3 (4) Make *[its]* **the** personnel and facilities **of the board** available to other regulatory agencies  
4 of this state, or other bodies interested in the development and improvement of the practice of  
5 medicine or podiatry in this state, upon terms and conditions for reimbursement as *[are]* agreed to  
6 by the *[Oregon Medical]* board and the other agency or body.

7 (5) Appoint examiners*[, who need not be members of the Oregon Medical Board,]* and employ or  
8 contract with *[the American Public Health Association or the National Board of Medical Examiners*  
9 *or]* other organizations, agencies *[and]* **or** persons to prepare examination questions and score ex-  
10 amination papers.

11 (6) Determine the schools, colleges, universities, institutions and training *[acceptable in con-*  
12 *nection with licensing]* **necessary to prepare an individual for licensure** under this chapter. All  
13 residency, internship and other training programs carried on in this state by any hospital, institution  
14 or medical facility shall be subject to approval by the *[Oregon Medical]* board. The board shall ac-  
15 cept the approval by the American Osteopathic Association or the American Medical Association  
16 in lieu of approval by the board.

17 (7) Prescribe the time, place, method, manner, scope and subjects of examinations **required for**  
18 **licensure** under this chapter.

19 (8) Prescribe all forms that *[it]* **the board** considers appropriate for *[the]* purposes **related to**  
20 **the administration** of this chapter, and require the submission of photographs and relevant per-  
21 sonal history data by applicants for licensure under this chapter.

22 (9) For the purpose of requesting a state or nationwide criminal records check under ORS  
23 181.534, require the fingerprints of a person who is:

- 24 (a) Applying for a license that is issued by the board;
- 25 (b) Applying for renewal of a license that is issued by the board; or
- 26 (c) Under investigation by the board.

27 (10) Administer oaths, issue notices and subpoenas in the name of the board, enforce subpoenas  
28 in the manner authorized by ORS 183.440, hold hearings and perform *[such]* other acts *[as are]* rea-  
29 sonably necessary to carry out *[its]* **the duties of the board** under this chapter.

30 **SECTION 11.** ORS 677.415 is amended to read:

31 677.415. (1) As used in this section:

32 (a) "Health care facility" means a facility licensed under ORS 441.015 to 441.087.

33 (b) "Official action" means a restriction, limitation, loss or denial of privileges of a licensee to  
34 practice medicine, or any formal action taken against a licensee by a government agency or a health  
35 care facility based on a finding of medical incompetence, unprofessional conduct, physical incapacity  
36 or impairment.

37 (2) The Oregon Medical Board on the board's own motion may investigate *[any]* evidence that  
38 appears to show that *[a licensee]* **an individual** licensed by the board is or may be medically in-  
39 competent *[or]*, is or may be guilty of unprofessional or dishonorable conduct or *[is or may be a*  
40 *licensee with]* **has or may have** a physical incapacity or *[an]* impairment as defined in ORS 676.303.

41 (3) *[A licensee]* **An individual** licensed by the *[Oregon Medical]* board, the Oregon Medical As-  
42 sociation, *[Inc., or]* any component society *[thereof]* **of the Oregon Medical Association**, the  
43 Osteopathic Physicians and Surgeons of Oregon*[, Inc.]* or the Oregon Podiatric Medical Association  
44 shall report **to the board** within 10 *[working]* **business** days, and any other person may report*[,]* to  
45 the board, any information *[such]* **that the** licensee, association, society or person may have that

1 appears to show that [*a licensee*] **an individual licensed by the board** is or may be medically in-  
 2 competent [*or*], is or may be guilty of unprofessional or dishonorable conduct or [*is or may be a*  
 3 *licensee with*] **has or may have** a physical incapacity.

4 (4) [*A licensee shall self-report within 10 working days*] **An individual licensed by the board**  
 5 **shall report to the board** any official action taken against the licensee **within 10 business days**  
 6 **of the date of the official action.**

7 (5) A health care facility shall report to the [*Oregon Medical*] board any official action taken  
 8 against [*a licensee*] **an individual licensed by the board** within 10 business days of the date of the  
 9 official action.

10 (6) A licensee's voluntary withdrawal from the practice of medicine or podiatry, voluntary res-  
 11 ignation from the staff of a health care facility or voluntary limitation of the licensee's staff privi-  
 12 leges at [*such*] a health care facility shall be promptly reported to the [*Oregon Medical*] board by  
 13 the health care facility and the licensee if the licensee's voluntary action occurs while the licensee  
 14 is under investigation by the health care facility or a committee [*thereof*] **of the health care facility**  
 15 for any reason related to possible medical incompetence, unprofessional conduct or physical inca-  
 16 pacity or impairment as defined in ORS 676.303.

17 (7)(a) A report made in accordance with subsection (3) of this section [*shall*] **must** contain:

18 (A) The name, title, address and telephone number of the person making the report; and

19 (B) **The** information that appears to show that [*a*] **the** licensee is or may be medically incom-  
 20 petent, is or may be guilty of unprofessional or dishonorable conduct or [*is or may be a licensee*  
 21 *with*] **has or may have** a physical incapacity.

22 **(b) The board may not require a report made in accordance with subsection (4) of this**  
 23 **section to contain more than:**

24 **(A) The name, title, address and telephone number of the licensee making the report; and**

25 **(B) The specific restriction, limitation, suspension, loss or denial of the licensee's staff**  
 26 **privileges and the effective date or term of the restriction, limitation, suspension, loss or**  
 27 **denial.**

28 [*(b)*] **(c)** The [*Oregon Medical*] board may not require [*in*] a report made in accordance with  
 29 subsection (5) or (6) of this section **to contain** more than:

30 (A) The name, title, address and telephone number of the licensee making the report or the  
 31 name, address and telephone number of the health care facility making the report;

32 (B) The date of an official action taken against the licensee or the licensee's voluntary [*action*  
 33 *under subsection (6) of this section*] **withdrawal, resignation or limitation;** and

34 (C) A description of the official action or [*the licensee's*] voluntary [*action, as appropriate to the*  
 35 *report,*] **withdrawal, resignation or limitation,** including:

36 (i) The specific restriction, limitation, suspension, loss or denial of the licensee's [*medical*] staff  
 37 privileges and the effective date or term of the restriction, limitation, suspension, loss or denial; or

38 (ii) The fact that the licensee has voluntarily withdrawn from the practice of medicine or  
 39 podiatry, voluntarily resigned from the staff of a health care facility or voluntarily limited the  
 40 licensee's **staff** privileges at a health care facility and the effective date of the withdrawal, resig-  
 41 nation or limitation.

42 [*(c) The Oregon Medical board may not require in a report made in accordance with subsection (4)*  
 43 *of this section more than:]*

44 [*(A) The name, title, address and telephone number of the licensee making the report; and]*

45 [*(B) The specific restriction, limitation, suspension, loss or denial of the licensee's staff privileges*

1 *and the effective date or term of the restriction, limitation, suspension, loss or denial.]*

2 [(8)] (d) A report made in accordance with this section may not include any data that is privi-  
3 leged under ORS 41.675.

4 [(9)] (8) If, in the opinion of the [*Oregon Medical*] board, it appears that information provided to  
5 [it] **the board** under this section is or may be true, the board may order an informal interview with  
6 the licensee subject to the notice requirement of ORS 677.320.

7 [(10)(a)] (9)(a) A health care facility's failure to report an official action as required under sub-  
8 section (5) of this section constitutes a violation of this section. The health care facility is subject  
9 to a penalty of not more than \$10,000 for each violation. **If the board imposes a penalty under**  
10 **this subsection**, the [*Oregon Medical*] board [may] **shall** impose the penalty in accordance with ORS  
11 183.745 and, in addition to the penalty, may assess reasonable costs the board [*incurs in enforcing*  
12 *the requirements of this section against the health care facility if the enforcement results*] **incurred** in  
13 the imposition of [a] **the** civil penalty.

14 (b) The Attorney General may bring an action in the name of the State of Oregon in a court  
15 of appropriate jurisdiction to recover a civil penalty and costs assessed under this subsection.

16 [(c) A civil penalty assessed or recovered in accordance with this subsection shall be paid to the  
17 State Treasury and the State Treasurer shall credit the amount of the payment to the Primary Care  
18 Services Fund established under ORS 442.570.]

19 (c) **Notwithstanding ORS 677.290 (1), moneys recovered under this subsection must be**  
20 **deposited in the Primary Care Services Fund established under ORS 442.570.**

21 [(11)] (10) A person who [reports] **makes a report** in good faith to the [*Oregon Medical*] board  
22 as required by this section is immune from civil liability by reason of making the report.

## 23 24 PERSONNEL

25  
26 **SECTION 12.** ORS 677.280 is amended to read:

27 677.280. [*Subject to any applicable provisions of the State Personnel Relations Law,*] The Oregon  
28 Medical Board may employ consultants, investigators and staff for the [*purpose*] **purposes** of en-  
29 forcing [*the laws relating to*] this chapter **and rules adopted under this chapter** and securing evi-  
30 dence of violations [*thereof, and*] **of this chapter and rules adopted under this chapter. The**  
31 **board** may fix the compensation [*therefor*] **of the board's employees** and incur **other** necessary  
32 [*other*] expenses.

## 33 34 TECHNICAL AMENDMENTS

35  
36 **SECTION 13.** Section 20, chapter 240, Oregon Laws 2013, is amended to read:

37 **Sec. 20.** (1) [*Sections 1 and 18 of this 2013 Act*] **ORS 676.850 and 676.855** and the amendments  
38 to statutes by sections 3 to **7 and 9 to 17, chapter 240, Oregon Laws 2013,** [*of this 2013 Act*] be-  
39 come operative on January 1, 2017.

40 (2) A board, as defined in [*section 1 of this 2013 Act*] **ORS 676.850,** may take any action neces-  
41 sary before the operative date specified in subsection (1) of this section to enable the board to ex-  
42 ercise, on and after the operative date specified in subsection (1) of this section, all the duties,  
43 functions and powers conferred on the board by [*sections 1 and 18 of this 2013 Act*] **ORS 676.850**  
44 **and 676.855** and the amendments to statutes by sections 3 to **7 and 9 to 17, chapter 240, Oregon**  
45 **Laws 2013** [*of this 2013 Act*].



**TRANSITIONAL PROVISIONS**

**SECTION 14.** Section 7 of this 2015 Act and the amendments to ORS 182.454, 182.462, 182.466, 677.235, 677.265, 677.280, 677.290, 677.305 and 677.415 by sections 1 to 4 and 8 to 12 of this 2015 Act do not affect:

(1) An action, proceeding or prosecution involving a duty, function or power of the Oregon Medical Board that is pending on the operative date specified in section 16 of this 2015 Act.

(2) A duty, liability or obligation owed by a person to the board that accrued before the operative date specified in section 16 of this 2015 Act.

(3) The rights and obligations of the board incurred under contracts, leases and business transactions that were entered into or executed before the operative date specified in section 16 of this 2015 Act.

**SECTION 15.** Notwithstanding section 7 of this 2015 Act and the amendments to ORS 182.454, 677.235 and 677.290 by sections 1, 2 and 8 of this 2015 Act:

(1) The unexpended balances of amounts authorized to be expended by the Oregon Medical Board for the biennium beginning July 1, 2015, for the purpose of administering and enforcing the duties, functions and powers of the board remain in effect until the board adopts a budget under ORS 182.462; and

(2) The expenditure classifications, if any, authorizing or limiting expenditures by the board for the biennium beginning July 1, 2015, remain in effect until the board adopts a budget under ORS 182.462.

**OPERATIVE DATE**

**SECTION 16.** (1) Sections 5 to 7 of this 2015 Act and the amendments to ORS 182.454, 182.462, 182.466, 677.235, 677.265, 677.280, 677.290, 677.305 and 677.415 by sections 1 to 4 and 8 to 12 of this 2015 Act become operative on July 1, 2015.

(2) The Oregon Medical Board may take any action before the operative date specified in subsection (1) of this section that is necessary to enable the board to exercise, on and after the operative date specified in subsection (1) of this section, all the duties, functions and powers conferred on the board by sections 5 to 7 of this 2015 Act and the amendments to ORS 182.454, 182.462, 182.466, 677.235, 677.265, 677.280, 677.290, 677.305 and 677.415 by sections 1 to 4 and 8 to 12 of this 2015 Act.

**UNIT CAPTIONS**

**SECTION 17.** The unit captions used in this 2015 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2015 Act.

**EMERGENCY CLAUSE**

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

1 **on its passage.**

2

---