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Senate Committee on Healthcare
900 Court St NE, Salem, OR 97301

February 1, 2017

RE: **Testimony on SB 60**, February 2, 2017, 1:00 PM, HR B
Position: **Against**

Dear Members of the Senate Committee on Healthcare:

I am writing today in opposition to Senate Bill 60. The Oregon Medical Board (OMB) seems to be asking the legislature to provide them with a solution to an absentee problem within the OMB. No one can blame any board for wanting to feel assured they will always have a quorum in order to do business most effectively. However Oregon Revised Statutes (2015) already provide OMB a solution to this problem. It is similar to the remedy provided to most boards for absenteeism. There is nothing special about OMB in this regard. The relevant statute(s) read:

ORS 677.235

(3)(b) If a vacancy occurs on the board, another qualifying member possessing the same professional degree, license or retired status or fulfilling the same public capacity as the person whose position has been vacated shall be appointed as provided in this section to fill the unexpired term.

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

(B) Has been absent from three consecutive board meetings, unless at least one absence is excused;

Changes to these perfectly adequate statutory remedies for absenteeism would raise some concerns.

The amendments to ORS 677.235 as proposed in SB 60:

- 1) Allows the OMB chair to "cherry pick" extra board members with no checks and balances. This is true even if the OMB chair is choosing from many former board members who have "recently" been confirmed by the Oregon Senate.
- 2) This compromises the likely retention of a fair and balanced board composition. Even if the OMB chair is trying to be fair and balanced, without the required involvement of

other decision-makers, the passage of SB 60 could tilt the board composition in such a way as to create a problematic bias.

- 3) ORS. 677.235 contains some important requirements regarding OMB board composition which would need to be amended to accommodate SB 60 in a meaningful way. Additional congruent amendments may be complicated and make SB 60 difficult to implement in practicality while abiding by statutes which mandate diversity compliance. ORS 677.125 d(A) & (B) read, for example:

(d)(A) In selecting the members of the board, the Governor shall strive to balance the representation on the board according to geographic areas of this state and ethnic group.

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

- 4) Instead of the proposed “emeritus” board members serving at the “pleasure of the governor,” it seems under SB 60, the “emeritus” board members would be serving “at the pleasure of” the OMB chair. These seems to mean that in addition to adding new members without any checks and balances, the OMB chair would be able to “fire” the “emeritus” members as the Chair pleases assuring that the board was loaded with up to three additional members who would not vote independently, but in the direction of the OMB chair’s preferences.

- 5) The OMB needs more oversight. Not less. The current statutes are perfectly adequate to solve the OMB’s concerns about absenteeism. Passing SB would only complicate things and increase rumors of corruption and foul play regarding OMB’s behavior.

Please terminate SB 60 in committee.

Thank you, very much, for this opportunity to participate in government.

Sincerely,

A handwritten signature in black ink, appearing to read "Christian Wolff". The signature is fluid and cursive, with the first name "Christian" written in a larger, more prominent script than the last name "Wolff".

Christian Wolff