

House Bill 2113

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor Kate Brown 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**.

Expands specific geographic diversity requirement to include all medical professional members of Oregon Medical Board.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to members of the Oregon Medical Board; creating new provisions; amending ORS 677.235;
3 and prescribing an effective date.

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

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

6 677.235. (1) The Oregon Medical Board consists of 14 members appointed by the Governor and
7 subject to confirmation by the Senate in the manner provided in ORS 171.562 and 171.565. All
8 members of the board must be residents of this state. Of the members of the board:

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

10 (b) Two must have the degree of Doctor of Osteopathic Medicine;

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

12 (d) One must be a physician assistant licensed under ORS 677.512 or a retired physician assist-
13 ant; and

14 (e) Three must be members of the public who represent health consumers.

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

19 (B) Board members required to possess the degree of Doctor of Osteopathic Medicine may be
20 selected by the Governor from a list of three to five candidates for each member described in sub-
21 section (1)(b) of this section whose term expires in that year, submitted by the Osteopathic Physi-
22 cians and Surgeons of Oregon, Inc., not later than February 1.

23 (C) The board member required to possess the degree of Doctor of Podiatric Medicine may be
24 selected by the Governor from a list of three to five candidates for the member described in sub-
25 section (1)(c) of this section whose term expires in that year, submitted by the Oregon Podiatric
26 Medical Association not later than February 1.

27 (D) The board member required to be a physician assistant licensed under ORS 677.512 or a
28 retired physician assistant may be selected by the Governor from a list of three to five candidates
29 for the member described in subsection (1)(d) of this section whose term expires in that year, sub-
30 mitted by the Oregon Society of Physician Assistants not later than February 1.

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) Members who are physicians and the member who is a physician assistant or a retired phy-
 2 sician assistant must have been in the active practice of their profession for at least five years im-
 3 mediately preceding their appointment.

4 (c)(A) A public member may not be otherwise eligible for appointment to the board.

5 (B) A public member, or the spouse, domestic partner, child, parent or sibling of a public mem-
 6 ber, may not be a licensed health care professional in this state.

7 (d)(A) In selecting the members of the board, the Governor shall strive to balance the repre-
 8 sentation on the board according to geographic areas of this state and ethnicity.

9 (B) Of the *[seven members who hold the degree of Doctor of Medicine]* **members described in**
 10 **subsection (1)(a) to (d) of this section**, at least one member must be appointed from each federal
 11 congressional district.

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

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

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

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

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

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

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

30 (5)(a) The chairperson shall select at least one but no more than three former board members
 31 to serve as emeritus board members. A person selected to serve as an emeritus board member is
 32 subject to approval by the Governor.

33 (b) A person may serve as an emeritus board member for up to three years after the date on
 34 which the person's term as a board member ended.

35 (c) An emeritus board member serves at the pleasure of the Governor.

36 (d) The board shall publish a list of emeritus board members on a website maintained by the
 37 board.

38 (e) If a board member will be absent from a meeting of the board and has provided notice to the
 39 chairperson or executive director of the board in advance of the member's absence, an emeritus
 40 board member who holds the same degree or professional license, or who fulfills the same public
 41 capacity, as the absent member may take the place of the absent member during the absence.

42 **SECTION 2. The amendments to ORS 677.235 by section 1 of this 2021 Act apply to**
 43 **members of the Oregon Medical Board appointed on or after the operative date specified in**
 44 **section 3 of this 2021 Act.**

45 **SECTION 3. (1) The amendments to ORS 677.235 by section 1 of this 2021 Act become**

1 **operative on January 1, 2022.**

2 **(2) The Oregon Medical Board may take any action before the operative date specified in**
3 **subsection (1) of this section that is necessary to enable the board to exercise, on and after**
4 **the operative date specified in subsection (1) of this section, all of the duties, functions and**
5 **powers conferred on the board by the amendments to ORS 677.235 by section 1 of this 2021**
6 **Act.**

7 **SECTION 4. This 2021 Act takes effect on the 91st day after the date on which the 2021**
8 **regular session of the Eighty-first Legislative Assembly adjourns sine die.**

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