House Bill 2470

Sponsored by Representative BYNUM (Presession filed.)

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.

Requires Oregon Medical Board to consider certain medical practice settings in determining whether to discipline physician. Adds representative of Department of Corrections and representative of Oregon State Hospital to board. Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

Relating to Oregon Medical Board; creating new provisions; amending ORS 677.235; and prescribing an effective date.

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

SECTION 1. Section 2 of this 2023 Act is added to and made a part of ORS chapter 677.

SECTION 2. (1) In determining whether to discipline a physician licensed under this chapter, the Oregon Medical Board shall consider the physician’s medical practice setting if, at the time of the physician’s alleged actions or omissions giving rise to the disciplinary proceeding, the physician was:

(a) Employed by or contracted with the Department of Corrections or the Oregon State Hospital; and

(b) Practicing medicine at the Oregon State Hospital or in a facility operated by the department.

(2) The board may adopt rules to carry out this section.

SECTION 3. ORS 677.235 is amended to read:

677.235. (1) The Oregon Medical Board consists of [14] 16 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 Osteopathic Medicine;

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

(d) One must be a physician assistant licensed under ORS 677.512 or a retired physician assistant; [and]

(e) One must be a representative of the Department of Corrections;

(f) One must be a representative of the Oregon State Hospital; and

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

(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 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.

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.

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

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

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

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

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

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

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

(B) Of the members described in subsection (1)(a) to (d) of this section, at least one member must 
be appointed from each federal congressional district.

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

(b) If a vacancy occurs on the board, another qualifying member possessing the same profes-
sional 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.

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

(A) Is not a resident of this state;

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

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

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

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

(b) A person may serve as an emeritus board member for up to three years after the date on 
which the person's term as a board member ended.
(c) An emeritus board member serves at the pleasure of the Governor.
(d) The board shall publish a list of emeritus board members on a website maintained by the board.
(e) If a board member will be absent from a meeting of the board and has provided notice to the chairperson or executive director of the board in advance of the member’s absence, an emeritus board member who holds the same degree or professional license, or who fulfills the same public capacity, as the absent member may take the place of the absent member during the absence.

SECTION 4. Section 2 of this 2023 Act applies to actions or omissions of a physician described in section 2 of this 2023 Act that occur on and after the operative date specified in section 5 of this 2023 Act.

SECTION 5. (1) Section 2 of this 2023 Act and the amendments to ORS 677.235 by section 3 of this 2023 Act become operative on January 1, 2024.
(2) The Governor and 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 Governor and the board to exercise, on and after the operative date specified in subsection (1) of this section, all of the duties, functions and powers conferred on the Governor and the board by section 2 of this 2023 Act and the amendments to ORS 677.235 by section 3 of this 2023 Act.

SECTION 6. This 2023 Act takes effect on the 91st day after the date on which the 2023 regular session of the Eighty-second Legislative Assembly adjourns sine die.