

House Bill 3095

Sponsored by Representative BYNUM (at the request of Dr. Warren Roberts MD)

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 physician to report to Oregon Medical Board certain instances of harassment, bullying or other unprofessional treatment of patient or other physician. Directs board to establish procedure to receive and remediate issues reported and publish information regarding issues. Directs board to establish process to track and publish rates of success and failure of physicians who are Black. Directs board to provide to national database information about certain legal actions involving physicians.

Establishes Task Force on Black Physicians.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to physicians; and prescribing an effective date.

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

4 **SECTION 1. Sections 2 to 4 of this 2023 Act are added to and made a part of ORS chapter**
5 **677.**

6 **SECTION 2. (1) A physician shall report to the Oregon Medical Board if:**

7 (a) **The physician witnesses the harassment, bullying or other unprofessional treatment**
8 **of another physician or of a patient;**

9 (b) **The reporting physician believes the harassment, bullying or unprofessional treat-**
10 **ment is based on the race of the other physician or of the patient; and**

11 (c) **The harassment, bullying or unprofessional treatment occurs in a training and edu-**
12 **cational setting, a professional setting or a professional-related social setting.**

13 (2) **The board shall establish a process to address the reports made under subsection (1)**
14 **of this section and reports made by physicians who are Black about interactions occurring**
15 **in training and educational settings, professional settings and professional-related social**
16 **settings. The process must include mechanisms to:**

17 (a) **Receive reports;**

18 (b) **Remediate the issues reported, including by using the disciplinary authority of the**
19 **board as necessary; and**

20 (c) **Publish, on a website operated by or on behalf of the board, information about reports**
21 **received and remediated under this subsection. The board shall ensure that the information**
22 **published does not include any personally identifying information of the individuals involved**
23 **in the report.**

24 (3) **The board shall provide information about reports received under this section to the**
25 **Racial Justice Council created under ORS 176.350. The board shall ensure that the informa-**
26 **tion provided to the council does not include any personally identifying information of the**
27 **individuals involved in the report.**

28 (4) **The board may adopt rules to carry out this section.**

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 **SECTION 3.** (1) The Oregon Medical Board shall establish a process to track the success
2 and failure rates of physicians in this state who are Black. The board shall consider at least
3 the following factors in measuring the success and failure rates:

4 (a) The number of physicians who are Black and are actively practicing medicine in this
5 state; and

6 (b) Whether the physicians described in paragraph (a) of this subsection are in good
7 standing with the board or have been subject to disciplinary action, including but not limited
8 to, licensure suspension, revocation or other restriction.

9 (2) The board shall publish on a website operated by or on behalf of the board an annual
10 report regarding the success and failure rates described in subsection (1) of this section. The
11 information published on this website may not include any personally identifying information
12 of the physicians described in subsection (1) of this section.

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

14 **SECTION 4.** (1) The Oregon Medical Board shall establish a process to track legal actions
15 initiated by physicians practicing in this state who are Black.

16 (2) If the legal action described in subsection (1) of this section is related to the
17 physician's practice of medicine or professional reputation, the board shall report the final
18 outcome of the legal action to the National Practitioner Data Bank operated by the United
19 States Department of Health and Human Services.

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

21 **SECTION 5.** (1) The Task Force on Black Physicians is established.

22 (2) The task force consists of 11 members appointed as follows:

23 (a) The President of the Senate shall appoint two members from among members of the
24 Senate.

25 (b) The Speaker of the House of Representatives shall appoint two members from among
26 members of the House of Representatives.

27 (c) The Governor shall appoint seven members as follows:

28 (A) Two members who are physicians licensed under ORS chapter 677 and are individuals
29 who are Black;

30 (B) Two members who are nurses licensed under ORS 678.040 to 678.101 and are individ-
31 uals who are Black;

32 (C) Two members who are licensed mental health care providers and are individuals who
33 are Black; and

34 (D) One member of the public.

35 (3) The task force shall study career and reputational issues faced by physicians in this
36 state who are Black and develop processes to identify and address those issues.

37 (4) The task force may adopt rules as necessary.

38 (5) A majority of the voting members of the task force constitutes a quorum for the
39 transaction of business.

40 (6) Official action by the task force requires the approval of a majority of the voting
41 members of the task force.

42 (7) The task force shall elect one of its members to serve as chairperson.

43 (8) If there is a vacancy for any cause, the appointing authority shall make an appoint-
44 ment to become immediately effective.

45 (9) The task force shall meet at times and places specified by the call of the chairperson

1 or of a majority of the voting members of the task force.

2 (10) The task force may adopt rules necessary for the operation of the task force.

3 (11) The task force shall submit a report in the manner provided by ORS 192.245, and
4 may include recommendations for legislation, to an interim committee of the Legislative
5 Assembly related to health care no later than September 15, 2024.

6 (12) The Oregon Medical Board shall provide staff support to the task force.

7 (13) Members of the Legislative Assembly appointed to the task force are nonvoting
8 members of the task force and may act in an advisory capacity only.

9 (14) Members of the task force who are not members of the Legislative Assembly are not
10 entitled to compensation or reimbursement for expenses and serve as volunteers on the task
11 force.

12 (15) All agencies of state government, as defined in ORS 174.111, are directed to assist
13 the task force in the performance of the duties of the task force and, to the extent permitted
14 by laws relating to confidentiality, to furnish information and advice the members of the task
15 force consider necessary to perform their duties.

16 SECTION 6. Section 5 of this 2023 Act is repealed on December 31, 2024.

17 SECTION 7. (1) Sections 2 to 4 of this 2023 Act become operative on January 1, 2024.

18 (2) The Oregon Medical Board may take any action before the operative date specified in
19 subsection (1) of this section that is necessary to enable the board to exercise, on and after
20 the operative date specified in subsection (1) of this section, all of the duties, functions and
21 powers conferred on the board by sections 2 to 4 of this 2023 Act.

22 SECTION 8. This 2023 Act takes effect on the 91st day after the date on which the 2023
23 regular session of the Eighty-second Legislative Assembly adjourns sine die.

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