

Enrolled Senate Bill 61

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CHAPTER

AN ACT

Relating to public members of the Oregon Medical Board; creating new provisions; amending ORS 677.235; and declaring an emergency.

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

SECTION 1. ORS 677.235 is amended to read:

677.235. (1) The Oregon Medical Board consists of [13] **14** 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) [Two] **Three** 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 a person having the degree of Doctor of Medicine, Doctor of Osteopathic Medicine or Doctor of Podiatric Medicine or of a physician assistant licensed under ORS 677.512 or a retired physician assistant.*

(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.

(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 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.

(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 subsection (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, submitted 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 physician assistant must have been in the active practice of their profession for at least five years immediately 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 member, may not be *[employed as a health professional]* **a licensed health care professional in this state.**

(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 ethnicity.

(B) Of the seven members who hold the degree of Doctor of Medicine, 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 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.

(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 excused; 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 2. The amendments to ORS 677.235 by section 1 of this 2019 Act apply to individuals who are members of the Oregon Medical Board on and after the operative date of this 2019 Act.

SECTION 3. (1) The amendments to ORS 677.235 by section 1 of this 2019 Act become operative on January 1, 2020.

(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 of the duties, functions and

powers conferred on the board by the amendments to ORS 677.235 by section 1 of this 2019 Act.

SECTION 4. This 2019 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect on its passage.

Passed by Senate March 19, 2019

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Lori L. Brocker, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House May 22, 2019

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Tina Kotek, Speaker of House

Received by Governor:

.....M,....., 2019

Approved:

.....M,....., 2019

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M,....., 2019

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Bev Clarno, Secretary of State