

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

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

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

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

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

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

12 (b) **Practicing medicine at the Oregon State Hospital or in a facility operated by the de-**
13 **partment.**

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

15 **SECTION 3. ORS 677.235 is amended to read:**

16 677.235. (1) The Oregon Medical Board consists of [14] **16** members appointed by the Governor
17 and subject to confirmation by the Senate in the manner provided in ORS 171.562 and 171.565. All
18 members of the board must be residents of this state. Of the members of the board:

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

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

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

22 (d) One must be a physician assistant licensed under ORS 677.512 or a retired physician assist-
23 ant; *[and]*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 **SECTION 4. Section 2 of this 2023 Act applies to actions or omissions of a physician de-**
9 **scribed in section 2 of this 2023 Act that occur on and after the operative date specified in**
10 **section 5 of this 2023 Act.**

11 **SECTION 5. (1) Section 2 of this 2023 Act and the amendments to ORS 677.235 by section**
12 **3 of this 2023 Act become operative on January 1, 2024.**

13 **(2) The Governor and the Oregon Medical Board may take any action before the operative**
14 **date specified in subsection (1) of this section that is necessary to enable the Governor and**
15 **the board to exercise, on and after the operative date specified in subsection (1) of this sec-**
16 **tion, all of the duties, functions and powers conferred on the Governor and the board by**
17 **section 2 of this 2023 Act and the amendments to ORS 677.235 by section 3 of this 2023 Act.**

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

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