

House Bill 3042

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor Tina Kotek for Oregon Board of Naturopathic Medicine)

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**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act lists more ways a person can get in trouble with the Oregon Board of Naturopathic Medicine. The Act also lets the board make a person who might be in trouble with the board take a test. (Flesch Readability Score: 74.0).

Specifies additional reasons for which the Oregon Board of Naturopathic Medicine may impose discipline. Allows the board to require a person under investigation by the board to undergo a mental, physical, chemical dependency or competency evaluation.

Takes effect on the 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to Oregon Board of Naturopathic Medicine; creating new provisions; amending ORS 685.110
3 and 685.225; and prescribing an effective date.

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

5 **SECTION 1.** ORS 685.110 is amended to read:

6 685.110. The Oregon Board of Naturopathic Medicine may refuse to grant a license, may suspend
7 or revoke a license, may limit a license, may impose probation, may issue a letter of reprimand and
8 may impose a civil penalty not to exceed \$5,000 for each offense for any of the following reasons:

9 (1) [*Using fraud or deception in securing*] **Making misleading, deceptive or fraudulent re-**
10 **presentations in applying for** a license.

11 (2) Impersonating another physician.

12 (3) Practicing naturopathic medicine under an assumed name.

13 (4) Performing an abortion.

14 (5) Being convicted of a crime involving moral turpitude.

15 (6) Any other reason that renders the applicant or licensee unfit to perform the duties of a
16 naturopathic physician.

17 (7) Being convicted of a crime relating to practice of naturopathic medicine, unless the con-
18 viction is solely the result of providing a reproductive or gender-affirming health care service that
19 is otherwise lawful in this state but unlawful in the jurisdiction in which the person provided the
20 service, so long as the service provided was performed in accordance with the standard of care ap-
21 plicable to the service.

22 (8) Committing negligence related to the practice of naturopathic medicine.

23 (9) Having an impairment as defined in ORS 676.303.

24 (10) Prescribing or dispensing drugs outside the scope of practice.

25 (11) Obtaining a fee through fraud or misrepresentation.

26 (12) Committing gross or repeated malpractice.

27 (13) Representing to a patient that a manifestly incurable condition of sickness, disease or injury

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 can be permanently cured.

2 (14) Engaging in any conduct or practice contrary to a recognized standard of ethics of the
 3 profession or any conduct or practice that does or might constitute a danger to the health or safety
 4 of a patient or the public or any conduct, practice or condition that does or might adversely affect
 5 a **naturopathic** physician's ability [*safely and skillfully*] to practice naturopathic medicine **safely**
 6 **and skillfully**.

7 (15) Willfully and consistently utilizing any naturopathic service, X-ray equipment or treatment
 8 contrary to recognized standards of practice of the naturopathic profession.

9 (16) Failing to notify the board within 30 days of a change in the location of practice or of
 10 mailing address.

11 (17) Attempting to practice naturopathic medicine or practicing or claiming to practice
 12 naturopathic medicine or any of its components in this state without first complying with the pro-
 13 visions of this chapter.

14 (18) Having a license to practice naturopathic medicine in another jurisdiction suspended or
 15 revoked, unless the suspension or revocation is solely the result of providing a reproductive or
 16 gender-affirming health care service that is otherwise lawful in this state but unlawful in the juris-
 17 diction in which the person provided the service, so long as the service was performed in accordance
 18 with the standard of care applicable to the service.

19 (19) Employing unlicensed persons to practice naturopathic medicine.

20 (20) Practicing natural childbirth without first obtaining a certificate of special competency.

21 (21) Failing to respond in a timely manner to a request for information regarding a complaint
 22 or the investigation of a complaint by the board.

23 (22) Failing to pay a civil penalty in the time specified by the order imposing the penalty.

24 **(23) Making statements that the licensee knows, or with the exercise of reasonable care**
 25 **should know, are false or misleading regarding the licensee's skill or the efficacy or value**
 26 **of a medicine, remedy or treatment.**

27 **(24) Engaging in sexual misconduct.**

28 **(25) Failing to maintain required confidentiality.**

29 **(26) Providing substandard care as a naturopathic physician through a deliberate or**
 30 **negligent act or failure to act, regardless of whether injury to a patient occurs as a result**
 31 **of the act or failure to act.**

32 [(23)] (27) Violating any provision of this chapter or rules adopted by the board.

33 **SECTION 2.** ORS 685.225 is amended to read:

34 685.225. (1) Upon the complaint of a [*citizen*] **resident** of this state, or upon its own motion, the
 35 Oregon Board of Naturopathic Medicine may investigate an alleged violation of this chapter.

36 (2) In conducting investigations, the board may:

37 (a) Take evidence;

38 (b) Take depositions of witnesses, including the person under investigation, in the manner pre-
 39 scribed by law for depositions in civil actions;

40 (c) Compel the appearance of witnesses, including the person under investigation, in the manner
 41 prescribed by law for appearances in civil actions;

42 (d) Require answers to interrogatories; [*and*]

43 (e) Compel the production of books, papers, accounts, documents or testimony that pertains to
 44 the matter under investigation[.]; **and**

45 **(f) Require a person under investigation to undergo a mental, physical, chemical de-**

1 **pendency or competency evaluation, at the person's expense, if the board has objectively**
2 **reasonable grounds to believe that the person is or may be unable to practice naturopathic**
3 **medicine with reasonable skill and safety.**

4 (3) In exercising its authority under subsection (2) of this section, the board or a designee of the
5 board may issue subpoenas.

6 (4) **The results of an evaluation conducted under subsection (2)(f) of this section must**
7 **be reported to the board. The results may not be disclosed to the public but may be received**
8 **into evidence in a proceeding involving the person subjected to the evaluation, regardless of**
9 **any claim of privilege by the person.**

10 (5) **The board may adopt rules to carry out this section.**

11 **SECTION 3. (1) The amendments to ORS 685.110 and 685.225 by sections 1 and 2 of this**
12 **2025 Act become operative on January 1, 2026.**

13 (2) **The Oregon Board of Naturopathic Medicine may take any action before the operative**
14 **date specified in subsection (1) of this section that is necessary to enable the board to exer-**
15 **cise, on and after the operative date specified in subsection (1) of this section, all of the du-**
16 **ties, functions and powers conferred on the board by the amendments to ORS 685.110 and**
17 **685.225 by sections 1 and 2 of this 2025 Act.**

18 **SECTION 4. This 2025 Act takes effect on the 91st day after the date on which the 2025**
19 **regular session of the Eighty-third Legislative Assembly adjourns sine die.**

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