

# Senate Bill 874

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## 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 says what the term "Oriental medicine" means. (Flesch Readability Score: 75.5). Defines "Oriental medicine."

## A BILL FOR AN ACT

Relating to Oriental medicine; amending ORS 677.010 and 677.275.

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

**SECTION 1.** ORS 677.010 is amended to read:

677.010. As used in this chapter, subject to the exemptions in ORS 677.060 and unless the context requires otherwise:

(1) "Approved internship" means the first year of post-graduate training served in a hospital that is approved by the **Oregon Medical Board** or by the Accreditation Council [of] **for Graduate Medical Education or its successor organization**, the American Osteopathic Association **or its successor organization** or the Royal College of Physicians and Surgeons of Canada **or its successor organization**.

(2) "Approved school of medicine" means a school offering a full-time resident program of study in medicine or osteopathic medicine leading to a degree of Doctor of Medicine or Doctor of Osteopathic Medicine, such program having been fully accredited or conditionally approved by the Liaison Committee on Medical Education, or its successor agency, or the American Osteopathic Association, or its successor agency, or having been otherwise determined by the board to meet the association standards as specifically incorporated into board rules.

[3] *"Board" means the Oregon Medical Board.*

[4] (3) "Diagnose" means to examine another person in any manner to determine the source or nature of a disease or other physical or mental condition, or to hold oneself out or represent that a person is so examining another person. It is not necessary that the examination be made in the presence of such other person; [it] **the examination** may be made on information supplied either directly or indirectly by such other person.

[5] (4) "Dispense" means the preparation and delivery of a prescription drug, pursuant to a lawful order of a practitioner, in a suitable container appropriately labeled for subsequent administration to or use by a patient or other individual entitled to receive the prescription drug.

[6] (5) "Dispensing physician" means a physician or podiatric physician and surgeon who purchases prescription drugs for the purpose of dispensing them to patients or other individuals entitled to receive the prescription drug and who dispenses them accordingly.

[7] (6) "Drug" means all medicines and preparations for internal or external use of humans,

**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 intended to be used for the cure, mitigation or prevention of diseases or abnormalities of humans,  
2 which are recognized in any published United States Pharmacopoeia or National Formulary, or  
3 otherwise established as a drug.

4 [(8)] (7) "Fellow" means an individual who has not qualified under ORS 677.100 (1) and (2) and  
5 who is pursuing some special line of study as part of a supervised program of a school of medicine,  
6 a hospital approved for internship or residency training, or an institution for medical research or  
7 education that provides for a period of study under the supervision of a responsible member of that  
8 hospital or institution, such school, hospital or institution having been approved by the board.

9 [(9)] (8) "Intern" means an individual who has entered into a hospital or hospitals for the first  
10 year of post-graduate training.

11 [(10)] (9) "License" means permission to practice, whether by license, registration or certifica-  
12 tion.

13 [(11)] (10) "Licensee" means an individual holding a valid license issued by the board.

14 (11) "**Oriental medicine**" means the practice of medicine, specifically acupuncture and  
15 **traditional Chinese medicine, regulated by this chapter if the medicine is practiced within the**  
16 **context of a person's license to practice acupuncture issued under ORS 677.757 to 677.770.**

17 (12) "Physical incapacity" means a condition that renders an individual licensed under this  
18 chapter unable to practice under that license with professional skill and safety by reason of physical  
19 illness or physical deterioration that adversely affects cognition, motor or perceptive skill.

20 (13) "Physician" means a person who holds a degree of Doctor of Medicine or Doctor of  
21 Osteopathic Medicine, or a person who holds a degree of Doctor of Podiatric Medicine if the context  
22 in which the term "physician" is used does not authorize or require the person to practice outside  
23 the scope of a license issued under ORS 677.805 to 677.840.

24 (14) "Podiatric physician and surgeon" means a physician licensed under ORS 677.805 to 677.840  
25 to practice podiatry.

26 (15)(a) "Podiatry" means:

27 (A) The diagnosis or the medical, physical or surgical treatment of ailments of the human foot,  
28 ankle and tendons directly attached to and governing the function of the foot and ankle, and treat-  
29 ment involving the use of a general or spinal anesthetic if that treatment is performed in a hospital  
30 licensed under ORS 441.025 or in an ambulatory surgical center licensed by the Oregon Health Au-  
31 thority and is under the supervision of or in collaboration with a podiatric physician and surgeon;

32 (B) Assisting in the performance of surgery, as provided in ORS 677.814; and

33 (C) The treatment of skin, skin-related structures and subcutaneous masses, and wounds involv-  
34 ing skin, skin-related structures and subcutaneous masses, on the human leg no further proximal  
35 than the tibial tubercle.

36 (b) "Podiatry" does not include administering general or spinal anesthetics or the amputation  
37 of the entire foot.

38 (16) "Prescribe" means to direct, order or designate the use of or manner of using by spoken  
39 or written words or other means.

40 (17) "Resident" means an individual who, after the first year of post-graduate training, in order  
41 to qualify for some particular specialty in the field of medicine, pursues a special line of study as  
42 part of a supervised program of a hospital approved by the board.

43 **SECTION 2.** ORS 677.275 is amended to read:

44 677.275. Each administrative law judge conducting hearings on behalf of the **Oregon Medical**  
45 Board is vested with the full authority of the board to schedule and conduct hearings on behalf and

1 in the name of the board on all matters referred by the board, including issuance of licenses, pro-  
2 ceedings for placing licensees on probation and for suspension and revocation of licenses, and shall  
3 cause to be prepared and furnished to the board, for decision thereon by the board, the complete  
4 written transcript of the record of the hearing. This transcript shall contain all evidence introduced  
5 at the hearing and all pleas, motions and objections, and all rulings of the administrative law judge.  
6 Each administrative law judge may administer oaths and issue summonses, notices and subpoenas,  
7 but may not place any licensee on probation or issue, refuse, suspend or revoke a license.

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