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I certify that the attached copies are true, full and correct copies of the PERMANENT Rule(s) adopted on Upon filing, by the
Oregon Medical Board 847

Agency and Division Administrative Rules Chapter Number

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To become effective Upon filing, Rulemaking Notice was published in the February 2015 Oregon Bulletin.

RULE CAPTION

Repeal agency rule on discovery in contested case hearings

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

RULEMAKING ACTION

Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

ADOPT:

AMEND:

REPEAL:

847-001-0020

RENUMBER:

AMEND AND RENUMBER:

Statutory Authority:

ORS 677.265

Other Authority:

Statutes Implemented:

ORS 183.335, 183.341, 677.275

RULE SUMMARY

The repeal removes the discovery rule for contested case hearings because the Oregon Medical Board has adopted the Attorney General's model rule on discovery in contested case hearings, specifically OAR 137-003-0566 through 137-003-0569.

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OREGON ADMINISTRATIVE RULES
CHAPTER 847, DIVISION 001 – OREGON MEDICAL BOARD
PROPOSED RULES CHANGES
FINAL REVIEW – APRIL 2015

The repeal removes the discovery rule for contested case hearings because the Oregon Medical Board has adopted the Attorney General's model rule on discovery in contested case hearings, specifically OAR 137-003-0566 through 137-003-0569.

[847-001-0020]

Discovery

~~(1) Before the hearing, upon request by the Board or by a licensee or applicant, the Board and the licensee or applicant must provide:~~

~~(a) The names, telephone numbers, and addresses of witnesses expected to testify at the hearing, except rebuttal witnesses;~~

~~(b) Documents expected to be offered as evidence;~~

~~(c) Objects for inspection, if expected to be offered as evidence;~~

~~(d) Responses to no more than 20 requests for admission (each subpart to count as a separate request) unless otherwise authorized, limited, or prohibited by the administrative law judge; and~~

~~(e) Responses to no more than 20 written interrogatories (each subpart to count as a separate interrogatory), unless otherwise authorized, limited, or prohibited by the administrative law judge.~~

~~(2) The Board may deny any discovery request under this section if:~~

~~(a) The request would unduly complicate or interfere with the hearing process, and~~

~~(b) Alternative procedures for sharing relevant information exist.~~

~~(3) Parties must provide the list of witnesses and documents no later than ten working days prior to the beginning of the contested case hearing.]~~

Stat. Auth.: ORS 677.265

Stats. Implemented: ORS 183.335, 183.341, 677.275