

EXECUTIVE DIRECTOR'S REPORT
TO THE
OREGON MORTUARY & CEMETERY BOARD
FOR NOVEMBER 2008

Overview

This report covers the period from September 17 through November 18, 2008.

Administrative

2009-2011 Biennium Budget Preparation Update

We have been working with the Governor's Office of Budget and Management to provide information and support materials during the development of the Governor's recommended budget, which will be published the first week of December. The Board's policy packages 170 (Death Certificate Filing Fee increase) and 171 (budget authority for inspector position) were initially not recommended, which required the filing of a formal appeal and testimony. I am happy to report that our appeal was successful, and I expect all of our policy packages to move forward in the process in some form.

Once the Governor's recommended budget is published, we will need to focus on the legislative concept attached to policy package 170.

2007-2009 Budget Status Summary

The following chart includes a summary of the total budget through the month of September (the most current reconciled available). Please see the attached monthly statements for additional information. Detailed reports are available at the OMCB offices.

	2007-2009 Plan (Total Budget)	Biennium to Date (Activity)	<i>Estimated</i> Remaining Activity (based on recent activity)	<i>Estimated Total</i> Biennium Activity
Beginning Cash Balance	\$ 178,738.00	\$ 184,056.00		
Revenues	\$ 971,544.00	\$ 561,244.91		
Total Avail Revenue	\$1,150,282.00	\$ 745,300.91		\$1,150,282.00
Personal Services*	\$ 767,576.00	\$ 531,958.12	\$ 280,000.00	\$ 811,958.12
Services & Supplies	\$ 325,532.00	\$ 196,946.69	\$ 120,000.00	\$ 316,946.69
Total Expenses	\$1,093,108.00	\$ 728,904.81	\$ 400,000.00	\$1,128,904.81
Projected Ending Cash Balance	\$ 57,174.00	\$ 40,597.59		\$21,377.19

Staffing

With Bill Bennington's retirement as of October 29th, the Board is down an additional .5 FTE. Our intent is to fill the position as soon as possible, and we are working with DAS-HR to review and recruit.

In the interim, we continue to work hard to minimize any negative impact to agency programs and services, and I would like to recognize the commitment and outstanding efforts of staff during this transition.

Other Items

Interim House Health Care Committee Legislative Concepts

The House Health Care Committee has removed reference to the Oregon Mortuary and Cemetery Board from the latest drafts of many of their previously mentioned legislative concepts, including LC1150 and LC1152. LC1153 still references OMCB, and the text of the draft is included for review. LC1153 requires all health-related licensing boards to implement by rule an impaired professional program that meets specific criteria as outlined in the draft.

Operational Summary

Licensing

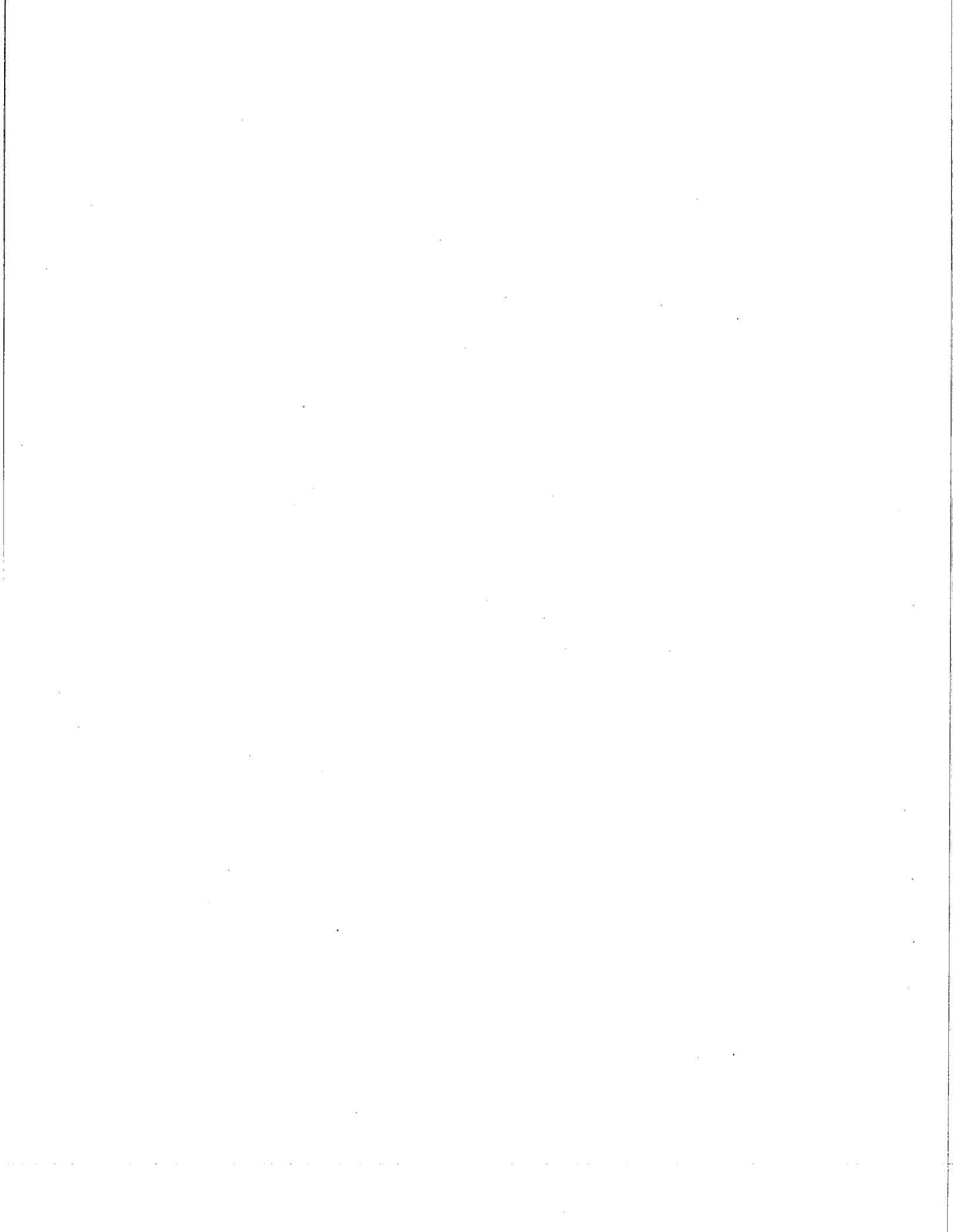
Active Licenses as of November 18, 2008	
Embalmer Apprentices	53
Funeral Service Practitioner Apprentices	61
Interns	3
Embalmers	26
Funeral Service Practitioners	176
Combination License:	
Embalmers	410
FSPs	410
Military Combination License:	
Embalmer	1
FSP	1
Preneed Salespeople	184
Funeral Establishments	196
Immediate Disposition Companies	9
Crematoriums	62
Cemeteries, Operating	442
Cemeteries, Registered	77
Removal Registrations	14
Combined Total of Active Licenses:	2,125

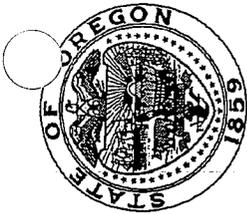
Licensing Transactions Executed Pursuant to Delegated Authority

1. Permanently Lapsed Licenses - None.
2. Unqualified Applicants - None.
3. Licenses Inactivated - None.

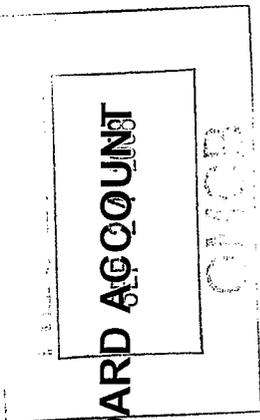
Compliance

INVESTIGATIVE CASES	With ABC's	Without ABC's
Total Cases Open	140 ¹ (115) ²	56 (49)
Pending an Investigative Report	99 (68)	32 (30)
Completed Investigative Report, presented today	29 (32)	17 (13)
The Investigation and Report is complete -- The Staff has presented the Case to the Board -- The Board voted to initiate Disciplinary Action -- Pending:	12 (15)	7 (6)
Notices of Proposed Disciplinary Action pending	1 (6)	1 (2)
Default/Consent Orders pending (No hearing requested)	5 (5)	4 (3)
Hearing requested or held - Final Order pending	2 (0)	1 (0)
Judicial Review in Appeals Court pending	4 (4)	1 (1)
¹ Figure effective on November 19, 2008		
² Figures from the Sept 23, 2008 "Status of Open Cases Memo" are noted throughout in parenthesis		
INVESTIGATIVE CASES - AGING REPORT	With ABC's	Without ABC's
Total Cases Pending Investigative Report	99	32
Cases Opened in last 0-30 days	29	3
Cases Opened in last 31-60 days	8	4
Cases Opened in last 61-90 days	7	2
Cases Opened in last 91-120 days	6	3
Cases Open more than 120 days	49	20
Figures effective on November 25, 2008		
Cases over 61 days will require request for extension of investigative report pursuant to 676.165.		





HEALTH RELATED LICENSING BOARDS Fund 4750 STATE MORTUARY & CEMETERY BOARD ACCOUNT For the Month of AUGUST 2008



REVENUES

Budget Obj	Budget Obj Title	Monthly Activity	Biennium to Date Activity	2007 - 2009 Financial Plan	Unobligated Plan	Monthly Avg to Date	Monthly Avg to Spend
0205	OTHER BUSINESS LICENSES	22,349.00	299,842.50	580,310.00	280,467.50	21,417.32	28,046.75
0210	OTHER NONBUSINESS LICENSES AND FEES	0.00	148,340.72	325,000.00	176,659.28	10,595.77	17,665.93
0410	CHARGES FOR SERVICES	50.00	327.40	680.00	352.60	23.39	35.26
0505	FINES AND FORFEITS	0.00	19,000.00	50,000.00	31,000.00	1,357.14	3,100.00
0605	INTEREST AND INVESTMENTS	192.06	5,768.16	15,554.00	9,785.84	412.01	978.58
0975	OTHER REVENUE	0.00	5.00	0.00	-5.00	0.36	-0.50
		22,591.06	473,283.78	971,544.00	498,260.22	33,805.98	49,826.02

TRANSFER IN

Budget Obj	Budget Obj Title	Monthly Activity	Biennium to Date Activity	2007 - 2009 Financial Plan	Unobligated Plan	Monthly Avg to Date	Monthly Avg to Spend
1010	TRANSFER IN FROM OTHER FUNDS	0.00	12.15	0.00	-12.15	0.87	-1.22
		0.00	12.15	0.00	-12.15	0.87	-1.22

PERSONAL SERVICES

Budget Obj	Budget Obj Title	Monthly Activity	Biennium to Date Activity	2007 - 2009 Financial Plan	Unobligated Plan	Monthly Avg to Date	Monthly Avg to Spend
3110	CLASS/JUNCLASS SALARY & PER DIEM	20,622.80	312,994.38	505,068.00	192,073.62	22,356.74	19,207.36
3160	TEMPORARY APPOINTMENTS	0.00	0.00	3,802.00	3,802.00	0.00	380.20
3170	OVERTIME PAYMENTS	54.28	748.83	0.00	-748.83	53.49	-74.88
3210	ERB ASSESSMENT	7.50	105.00	180.00	75.00	7.50	7.50
3220	PUBLIC EMPLOYEES' RETIREMENT SYSTEM	2,429.36	36,067.88	62,259.00	26,191.12	2,576.28	2,619.11
3221	PENSION BOND CONTRIBUTION	1,129.19	17,361.17	29,239.00	11,877.83	1,240.08	1,187.78
3230	SOCIAL SECURITY TAX	1,539.72	23,545.98	38,928.00	15,382.02	1,681.86	1,538.20
3240	UNEMPLOYMENT ASSESSMENT	0.00	1,553.88	0.00	-1,553.88	110.99	-155.39
3250	WORKERS' COMPENSATION ASSESSMENT	9.95	158.65	310.00	151.35	11.33	15.14
3260	MASS TRANSIT	123.69	1,859.65	2,915.00	1,055.35	132.83	105.54
3270	FLEXIBLE BENEFITS	4,621.23	72,658.29	124,875.00	52,216.71	5,189.88	5,221.67
		30,537.72	467,053.71	767,576.00	300,522.29	33,360.98	30,052.23

SERVICES and SUPPLIES

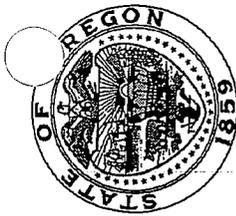
Budget Obj	Budget Obj Title	Monthly Activity	Biennium to Date Activity	2007 - 2009 Financial Plan	Unobligated Plan	Monthly Avg to Date	Monthly Avg to Spend
4100	INSTATE TRAVEL	66.15	15,721.66	31,659.00	15,937.34	1,122.98	1,593.73
4125	OUT-OF-STATE TRAVEL	0.00	0.00	2,724.00	2,724.00	0.00	272.40
4150	EMPLOYEE TRAINING	260.00	330.00	6,977.00	6,647.00	23.57	664.70
4175	OFFICE EXPENSES	1,350.26	12,905.02	26,642.00	13,736.98	921.79	1,373.70
4200	TELECOMM/TECH SVC AND SUPPLIES	361.40	4,853.72	13,603.00	8,749.28	346.69	874.93
4225	STATE GOVERNMENT SERVICE CHARGES	7,376.09	41,737.83	61,783.00	20,045.17	2,981.27	2,004.52

Budget Obj	Budget Title	Monthly Activity	Biennium Activity	2007 - 2009 Financial Plan	Unobligated Plan	Monthly Avg to Date	Monthly Avg to Spend
4250	DATA PROCESSING	0.00	3,787.00	9,539.00	5,752.00	270.50	575.20
4275	PUBLICITY & PUBLICATIONS	0.00	111.26	1,013.00	901.74	7.95	90.17
4300	PROFESSIONAL SERVICES	0.00	4,611.42	15,200.00	10,588.58	329.39	1,058.86
4315	IT PROFESSIONAL SERVICES	0.00	3,662.50	13,653.00	9,990.50	261.61	999.05
4325	ATTORNEY GENERAL LEGAL FEES	4,278.81	35,867.37	48,612.00	12,744.63	2,561.95	1,274.46
4375	EMPLOYEE RECRUITMENT AND	0.00	0.00	1,676.00	1,676.00	0.00	167.60
4400	DUES AND SUBSCRIPTIONS	0.00	315.00	2,900.00	2,585.00	22.50	258.50
4425	FACILITIES RENT & TAXES	2,465.76	27,123.36	64,631.00	37,507.64	1,937.38	3,750.76
4575	AGENCY PROGRAM RELATED SVCS & SUPP	0.00	101.25	3,536.00	3,434.75	7.23	343.48
4650	OTHER SERVICES AND SUPPLIES	0.00	267.87	10,260.00	9,992.13	19.13	999.21
4700	EXPENDABLE PROPERTY \$250-\$5000	0.00	0.00	9,581.00	9,581.00	0.00	958.10
4715	IT EXPENDABLE PROPERTY	0.00	14.99	1,543.00	1,528.01	1.07	152.80
		16,158.47	151,410.25	325,532.00	174,121.75	10,815.02	17,412.17

4750 STATE MORTUARY & CEMETERY BOARD ACC

	Month Activity	Biennium Activity
REVENUES	22,591.06	473,283.78
Total	22,591.06	473,283.78
TRANSFER IN	0.00	12.15
Total	0.00	12.15
EXPENDITURES	30,537.72	467,053.71
SERVICES & SUPPLIES	16,158.47	151,410.25
Total	46,696.19	618,463.96

SUMMARY TOTALS



HEALTH RELATED LICENSING EARNINGS

Fund 4750 STATE MORTUARY & CEMETERY BOARD ACCOUNT

For the Month of SEPTEMBER 2008

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REVENUES

Budget Obj	Budget Obj Title	Monthly Activity	Biennium to Date Activity	2007 - 2009 Financial Plan	Unobligated Plan	Monthly Avg to Date	Monthly Avg to Spend
0205	OTHER BUSINESS LICENSES	11,149.00	310,991.50	580,310.00	269,318.50	20,732.77	29,924.28
0210	OTHER NONBUSINESS LICENSES AND FEES	35,951.43	184,292.15	325,000.00	140,707.85	12,286.14	15,634.21
0410	CHARGES FOR SERVICES	20.00	347.40	680.00	332.60	23.16	36.96
0505	FINES AND FORFEITS	4,000.00	23,000.00	50,000.00	27,000.00	1,533.33	3,000.00
0605	INTEREST AND INVESTMENTS	112.67	5,880.83	15,554.00	9,673.17	392.06	1,074.80
0975	OTHER REVENUE	0.00	5.00	0.00	-5.00	0.33	-0.56
		51,233.10	524,516.88	971,544.00	447,027.12	34,967.79	49,669.68

TRANSFER IN

Budget Obj	Budget Obj Title	Monthly Activity	Biennium to Date Activity	2007 - 2009 Financial Plan	Unobligated Plan	Monthly Avg to Date	Monthly Avg to Spend
1010	TRANSFER IN FROM OTHER FUNDS	0.00	12.15	0.00	-12.15	0.81	-1.35
		0.00	12.15	0.00	-12.15	0.81	-1.35

PERSONAL SERVICES

Budget Obj	Budget Obj Title	Monthly Activity	Biennium to Date Activity	2007 - 2009 Financial Plan	Unobligated Plan	Monthly Avg to Date	Monthly Avg to Spend
3110	CLASS/JUNCLASS SALARY & PER DIEM	20,423.66	333,418.04	505,068.00	171,649.96	22,227.87	19,072.22
3160	TEMPORARY APPOINTMENTS	0.00	0.00	3,802.00	3,802.00	0.00	422.44
3170	OVERTIME PAYMENTS	15.40	764.23	0.00	-764.23	50.95	-84.91
3210	ERB ASSESSMENT	6.00	111.00	180.00	69.00	7.40	7.67
3220	PUBLIC EMPLOYEES' RETIREMENT SYSTEM	2,395.22	38,463.10	62,259.00	23,795.90	2,564.21	2,643.99
3221	PENSION BOND CONTRIBUTION	1,114.81	18,475.98	29,239.00	10,763.02	1,231.73	1,195.89
3230	SOCIAL SECURITY TAX	1,520.89	25,066.87	38,928.00	13,861.13	1,671.12	1,540.13
3240	UNEMPLOYMENT ASSESSMENT	0.00	1,553.88	0.00	-1,553.88	103.59	-172.65
3250	WORKERS' COMPENSATION ASSESSMENT	10.47	169.12	310.00	140.88	11.27	15.65
3260	MASS TRANSIT	122.25	1,981.90	2,915.00	933.10	132.13	103.68
3270	FLEXIBLE BENEFITS	4,658.28	77,316.57	124,875.00	47,558.43	5,154.44	5,284.27
		30,266.98	497,320.69	767,576.00	270,255.31	33,154.71	30,028.37

SERVICES and SUPPLIES

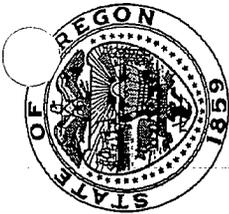
Budget Obj	Budget Obj Title	Monthly Activity	Biennium to Date Activity	2007 - 2009 Financial Plan	Unobligated Plan	Monthly Avg to Date	Monthly Avg to Spend
4100	INSTATE TRAVEL	618.19	16,339.85	31,659.00	15,319.15	1,089.32	1,702.13
4125	OUT-OF-STATE TRAVEL	0.00	0.00	2,724.00	2,724.00	0.00	302.67
4150	EMPLOYEE TRAINING	0.00	330.00	6,977.00	6,647.00	22.00	738.56
4175	OFFICE EXPENSES	320.39	13,225.41	26,642.00	13,416.59	881.69	1,490.73
4200	TELECOMM/TECH SVC AND SUPPLIES	358.62	5,212.34	13,603.00	8,390.66	347.49	932.30
4225	STATE GOVERNMENT SERVICE CHARGES	20.85	41,758.68	61,783.00	20,024.32	2,783.91	2,224.92

Budget Obj	Budget Title	Monthly Activity	Biennium Activity	2007 - 2009 Financial Plan	Unobligated Plan	Monthly Avg to Date	Monthly Avg to Spend
4250	DATA PROCESSING	185.87	3,972.87	9,539.00	5,566.13	264.86	618.46
4275	PUBLICITY & PUBLICATIONS	0.00	111.26	1,013.00	901.74	7.42	100.19
4300	PROFESSIONAL SERVICES	99.40	4,710.82	15,200.00	10,489.18	314.05	1,165.46
4315	IT PROFESSIONAL SERVICES	0.00	3,662.50	13,653.00	9,990.50	244.17	1,110.06
4325	ATTORNEY GENERAL LEGAL FEES	9,416.75	45,284.12	48,612.00	3,327.88	3,018.94	369.76
4375	EMPLOYEE RECRUITMENT AND DUES AND SUBSCRIPTIONS	0.00	0.00	1,676.00	1,676.00	0.00	186.22
4400	FACILITIES RENT & TAXES	239.00	554.00	2,900.00	2,346.00	36.93	260.67
4425	MEDICAL SUPPLIES AND SERVICES	7,609.78	34,733.14	64,631.00	29,897.86	2,315.54	3,321.98
4525	AGENCY PROGRAM RELATED SVCS & SUPP	124.80	124.80	0.00	-124.80	8.32	-13.87
4575	OTHER SERVICES AND SUPPLIES	0.00	101.25	3,536.00	3,434.75	6.75	381.64
4650	EXPENDABLE PROPERTY \$250-\$5000	10.71	278.58	10,260.00	9,981.42	18.57	1,109.05
4700	IT EXPENDABLE PROPERTY	239.99	239.99	9,581.00	9,341.01	16.00	1,037.89
4715		0.00	14.99	1,543.00	1,528.01	1.00	169.78
		19,244.35	170,654.60	325,532.00	154,877.40	11,376.97	17,208.60

SUMMARY TOTALS

4750 STATE MORTUARY & CEMETERY BOARD ACC

	Month Activity	Biennium Activity
REVENUES		
Total	51,233.10	524,516.88
TRANSFER IN		
Total	51,233.10	524,516.88
EXPENDITURES		
PERSONAL SERVICES	0.00	12.15
SERVICES & SUPPLIES	0.00	12.15
Total	30,266.98	497,320.69
	19,244.35	170,654.60
	49,511.33	667,975.29



HEALTH RELATED LICENSING BOARDS

Fund 4750 STATE MORTUARY & CEMETERY BOARD ACCOUNT

For the Month of OCTOBER 2008

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REVENUES

Budget Obj	Budget Obj Title	Monthly Activity	Biennium to Date Activity	2007 - 2009 Financial Plan	Unobligated Plan	Monthly Avg to Date	Monthly Avg to Spend
0205	OTHER BUSINESS LICENSES	21,146.00	332,137.50	580,310.00	248,172.50	20,758.59	31,021.56
0210	OTHER NONBUSINESS LICENSES AND FEES	15,500.00	199,792.15	325,000.00	125,207.85	12,487.01	15,650.98
0410	CHARGES FOR SERVICES	0.00	347.40	680.00	332.60	21.71	41.58
0505	FINES AND FORFEITS	0.00	23,000.00	50,000.00	27,000.00	1,437.50	3,375.00
0605	INTEREST AND INVESTMENTS	82.03	5,962.86	15,554.00	9,591.14	372.68	1,198.89
0975	OTHER REVENUE	0.00	5.00	0.00	-5.00	0.31	-0.63
		36,728.03	561,244.91	971,544.00	410,299.09	35,077.81	51,287.39

TRANSFER IN

Budget Obj	Budget Obj Title	Monthly Activity	Biennium to Date Activity	2007 - 2009 Financial Plan	Unobligated Plan	Monthly Avg to Date	Monthly Avg to Spend
1010	TRANSFER IN FROM OTHER FUNDS	0.00	12.15	0.00	-12.15	0.76	-1.52
		0.00	12.15	0.00	-12.15	0.76	-1.52

PERSONAL SERVICES

Budget Obj	Budget Obj Title	Monthly Activity	Biennium to Date Activity	2007 - 2009 Financial Plan	Unobligated Plan	Monthly Avg to Date	Monthly Avg to Spend
3110	CLASS/UNCLASS SALARY & PER DIEM	22,570.09	355,988.13	505,068.00	149,079.87	22,249.26	18,634.98
3160	TEMPORARY APPOINTMENTS	0.00	0.00	3,802.00	3,802.00	0.00	475.25
3170	OVERTIME PAYMENTS	1,928.67	2,692.90	0.00	-2,692.90	168.31	-336.61
3210	ERB ASSESSMENT	6.00	117.00	180.00	63.00	7.31	7.88
3220	PUBLIC EMPLOYEES' RETIREMENT SYSTEM	2,402.97	40,866.07	62,259.00	21,392.93	2,554.13	2,674.12
3221	PENSION BOND CONTRIBUTION	1,118.00	19,593.98	29,239.00	9,645.02	1,224.62	1,205.63
3230	SOCIAL SECURITY TAX	1,835.06	26,901.93	38,928.00	12,026.07	1,681.37	1,503.26
3240	UNEMPLOYMENT ASSESSMENT	0.00	1,553.88	0.00	-1,553.88	97.12	-194.24
3250	WORKERS' COMPENSATION ASSESSMENT	14.90	184.02	310.00	125.98	11.50	15.75
3260	MASS TRANSIT	140.51	2,122.41	2,915.00	792.59	132.65	99.07
3270	FLEXIBLE BENEFITS	4,621.23	81,937.80	124,875.00	42,937.20	5,121.11	5,367.15
		34,637.43	531,958.12	767,576.00	235,617.88	33,247.38	29,452.23

SERVICES and SUPPLIES

Budget Obj	Budget Obj Title	Monthly Activity	Biennium to Date Activity	2007 - 2009 Financial Plan	Unobligated Plan	Monthly Avg to Date	Monthly Avg to Spend
4100	INSTATE TRAVEL	2,252.52	18,592.37	31,659.00	13,066.63	1,162.02	1,633.33
4125	OUT-OF-STATE TRAVEL	0.00	0.00	2,724.00	2,724.00	0.00	340.50
4150	EMPLOYEE TRAINING	0.00	330.00	6,977.00	6,647.00	20.63	830.88
4175	OFFICE EXPENSES	418.42	13,643.83	26,642.00	12,998.17	852.74	1,624.77
4200	TELECOMM/TECH SVC AND SUPPLIES	381.91	5,594.25	13,603.00	8,008.75	349.64	1,001.09
4225	STATE GOVERNMENT SERVICE CHARGES	15,254.89	57,013.57	61,783.00	4,769.43	3,563.35	596.16

Budget Obj	Budget Obj Title	Monthly Activity	Bienn Activity	2007 - 2009 Financial Plan	Unobligated Plan	Monthly Avg to Date	Monthly Avg to Spend
4250	DATA PROCESSING	0.00	3,972.87	9,539.00	5,566.13	248.30	695.77
4275	PUBLICITY & PUBLICATIONS	0.00	111.26	1,013.00	901.74	6.95	112.72
4300	PROFESSIONAL SERVICES	167.56	4,878.38	15,200.00	10,321.62	304.90	1,290.20
4315	IT PROFESSIONAL SERVICES	0.00	3,662.50	13,653.00	9,990.50	228.91	1,248.81
4325	ATTORNEY GENERAL LEGAL FEES	5,027.40	50,311.52	48,612.00	-1,699.52	3,144.47	-212.44
4375	EMPLOYEE RECRUITMENT AND DUES AND SUBSCRIPTIONS	0.00	0.00	1,676.00	1,676.00	0.00	209.50
4400	FACILITIES RENT & TAXES	250.00	804.00	2,900.00	2,096.00	50.25	262.00
4425	MEDICAL SUPPLIES AND SERVICES	2,465.76	37,198.90	64,631.00	27,432.10	2,324.93	3,429.01
4525	AGENCY PROGRAM RELATED SVCS & SUPP	23.92	148.72	0.00	-148.72	9.29	-18.59
4575	OTHER SERVICES AND SUPPLIES	6.00	107.25	3,536.00	3,428.75	6.70	428.59
4650	EXPENDABLE PROPERTY \$250-\$5000	43.71	322.29	10,260.00	9,937.71	20.14	1,242.21
4700	IT EXPENDABLE PROPERTY	0.00	239.99	9,581.00	9,341.01	15.00	1,167.63
4715		0.00	14.99	1,543.00	1,528.01	0.94	191.00
		26,292.09	196,946.69	325,532.00	128,585.31	12,309.17	16,073.16

SUMMARY TOTALS

	Month Activity	Biennium Activity
REVENUES		
Total	36,728.03	561,244.91
TRANSFER IN		
Total	36,728.03	561,244.91
EXPENDITURES		
PERSONAL SERVICES	0.00	12.15
SERVICES & SUPPLIES	0.00	12.15
Total	34,637.43	531,958.12
	26,292.09	196,946.69
Total	60,929.52	728,904.81

4750
STATE MORTUARY & CEMETERY BOARD ACC

DRAFT

SUMMARY

Requires health profession licensing boards to develop impaired professionals programs. Establishes uniform standards for monitoring impaired professionals. Directs health profession licensing boards to impose sanctions on impaired professionals.

Deletes existing impaired professional programs of health professional licensing boards.

Applies to licensees identified by health licensing boards, and disciplinary proceedings commenced, on or after January 1, 2010.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to impaired health professionals; creating new provisions; amending
3 ORS 192.690, 675.410, 675.510, 675.583, 675.600, 675.785, 678.112, 678.410,
4 684.010 and 687.081; repealing ORS 677.615, 677.625, 677.635, 677.645,
5 677.655, 677.665, 677.677, 684.103, 684.157, 689.342, 689.344, 689.346, 689.348,
6 689.352, 689.354 and 689.356; and declaring an emergency.

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

8 **SECTION 1. (1) For purposes of this section:**

9 **(a) "Health profession licensing board" means:**

10 **(A) A health professional regulatory board, as defined in ORS**
11 **676.160; or**

12 **(B) The Oregon Health Licensing Agency for a board, council or**
13 **program listed in ORS 676.606.**

14 **(b) "Impaired professional" means a licensee unable to practice with**
15 **reasonable skill and safety by reason of:**

16 **(A) Habitual or excessive use or abuse of drugs, alcohol or other**
17 **substances that impair ability; or**

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) Mental illness.

2 (c) "Licensee" means a health professional licensed or certified by
3 or registered with a health profession licensing board.

4 (2) Each health profession licensing board that is authorized by law
5 to take disciplinary action against licensees shall adopt by rule an
6 impaired professionals program. The program shall provide for:

7 (a) The identification and discipline of impaired professionals;

8 (b) Referral of impaired professionals to a monitoring program; and

9 (c) Public protection.

10 (3)(a) A health profession licensing board shall do all of the follow-
11 ing:

12 (A) Adopt policies to prohibit a licensee from practicing within a
13 profession while the licensee's ability to practice is impaired.

14 (B) Establish criteria for referring licensees to a monitoring pro-
15 gram.

16 (C) Act immediately on complaints filed with the board or infor-
17 mation received by the board that a licensee is or may be impaired.

18 (D) Refer impaired licensees to a monitoring program that the
19 board determines is appropriate.

20 (E) Adopt rules in accordance with ORS chapter 183 that are nec-
21 essary for administration of the impaired professionals program.

22 (b) In addition to any disciplinary action the board may take under
23 ORS 675.070, 675.300, 675.540, 675.745, 676.612, 677.205, 678.111, 678.780,
24 679.140, 681.350, 682.224, 683.140, 684.100, 685.110, 686.150, 687.081, 688.140,
25 688.525, 689.405, 691.535, 692.180 or 692.230, the board shall:

26 (A) Suspend or modify the terms of a licensee's license for at least
27 30 days, if the board finds that the licensee:

28 (i) Is impaired by substance abuse or mental illness; or

29 (ii) Has tested positive for controlled substances or alcoholic
30 beverages while the licensee is participating in a monitoring or treat-
31 ment program or is subject to a monitoring or treatment plan; or

1 (B) Suspend the licensee's license for at least one year, if the board
2 finds that a licensee has tested positive for controlled substances or
3 alcoholic beverages at least twice while the licensee is participating in
4 a monitoring or treatment program or is subject to a monitoring or
5 treatment plan.

6 (4)(a) An impaired professionals program shall provide for referral
7 of impaired professionals to an independent monitoring program that
8 is separate and distinct from, and not established by, the health pro-
9 fession licensing board. The monitoring program shall:

10 (A) Provide a resource to facilitate the entry of impaired licensees
11 into appropriate treatment programs and plans;

12 (B) Negotiate treatment plans with treatment providers;

13 (C) Establish a list of acceptable treatment providers;

14 (D) Monitor licensees in treatment programs;

15 (E) Monitor licensees in any post-treatment plans or programs; and

16 (F) Report to the health profession licensing board all licensee
17 treatment failures, including positive drug test results or the termi-
18 nation of treatment prior to successful completion.

19 (b) The program shall require licensees participating in the program
20 to submit to drug or alcohol testing. The program shall require
21 scheduled or random testing.

22 (5) In implementing and administering an impaired professionals
23 program, a health profession licensing board shall promote and protect
24 public health and safety.

25 (6) This section does not apply to a licensee who enters a monitor-
26 ing or treatment program on the licensee's own accord, independent
27 of any action by a health profession licensing board or an impaired
28 professional program adopted by a board.

29 SECTION 2. ORS 675.410 is amended to read:

30 675.410. (1) The Oregon Health Licensing Agency shall:

31 (a) Issue certifications to persons determined by the agency to be quali-

1 fied.

2 (b) Make all disbursements necessary to carry out the provisions of ORS
3 675.360 to 675.410.

4 (c) Maintain a registry of all current certified sex offender therapists. The
5 registry shall be made available to the public online.

6 (d) Keep a record of its proceedings related to the issuance, refusal, sus-
7 pension and revocation of certifications issued under ORS 675.360 to 675.380.

8 *[(e) Approve or sanction programs for impaired professionals to assist any
9 certified sex offender therapist to regain or retain certification and shall im-
10 pose the requirement of participation in the program as a condition to reissu-
11 ance or retention of certification.]*

12 *[(f)]* (e) In consultation with the Sex Offender Treatment Board, create a
13 multidisciplinary advisory committee within the board. Persons who are not
14 board members may be appointed as nonvoting members to serve on the
15 multidisciplinary advisory committee with the approval of the board.

16 (2) The agency may:

17 (a) Deny, suspend, revoke or refuse to issue or renew any certification
18 issued under ORS 675.360 to 675.380.

19 (b) Provide for waivers of examinations, grandfathering requirements and
20 temporary certifications as considered appropriate.

21 (c) In consultation with the Sex Offender Treatment Board, create any
22 committees within the board as deemed necessary. Persons who are not
23 board members may be appointed as nonvoting members to serve on the
24 committees with the approval of the board.

25 **SECTION 3.** ORS 675.510 is amended to read:

26 675.510. As used in ORS 675.510 to 675.600, unless the context requires
27 otherwise:

28 (1) "Board" means the State Board of Clinical Social Workers.

29 (2) "Clinical social work" means the professional practice of applying
30 principles and methods with individuals, couples, families, children and
31 groups, which include, but are not restricted to:

1 (a) Providing diagnostic, preventive and treatment services of a
2 psychosocial nature pertaining to personality adjustment, behavior problems,
3 interpersonal dysfunctioning or deinstitutionalization;

4 (b) Developing a psychotherapeutic relationship to employ a series of
5 problem solving techniques for the purpose of removing, modifying, or re-
6 tarding disrupted patterns of behavior, and for promoting positive personal-
7 ity growth and development;

8 (c) Counseling and the use of psychotherapeutic techniques, such as dis-
9 ciplined interviewing which is supportive, directive or insight oriented de-
10 pending upon diagnosed problems, observation and feedback, systematic
11 analysis, and recommendations;

12 (d) Modifying internal and external conditions that affect a client's be-
13 havior, emotions, thinking, or intrapersonal processes;

14 (e) Explaining and interpreting the psychosocial dynamics of human be-
15 havior to facilitate problem solving; and

16 (f) Supervising, administering or teaching clinical social work practice.

17 (3) "Clinical social work associate" means a person who holds a master's
18 degree from an accredited college or university accredited by the Council on
19 Social Work Education whose plan of practice and supervision has been ap-
20 proved by the board, and who is working toward licensure in accordance
21 with ORS 675.510 to 675.600 and rules adopted by the board.

22 [(4) "*Impaired clinical social worker*" means a person unable to perform the
23 *practice of clinical social work by reason of mental illness, physical illness or*
24 *alcohol or other drug abuse.*]

25 [(5)] (4) "Licensed clinical social worker" means a person licensed under
26 the provisions of ORS 675.510 to 675.600 to practice clinical social work.

27 [(6)] (5) "Unprofessional conduct" includes, but is not limited to, any
28 conduct or practice contrary to recognized standards of ethics of the social
29 work profession or any conduct that constitutes or might constitute a danger
30 to the health or safety of a client or the public or in any other manner fails
31 or might fail to adhere to the recognized standards of the profession.

1 **SECTION 4.** ORS 675.583 is amended to read:

2 675.583. (1) A licensed clinical social worker shall report to the State
3 Board of Clinical Social Workers any information the licensed clinical social
4 worker has that appears to show that a licensed clinical social worker is or
5 may be an impaired [*clinical social worker*] **professional as defined in sec-**
6 **tion 1 of this 2009 Act**, or may be guilty of unprofessional conduct accord-
7 ing to the guidelines of the code of ethics, to the extent that disclosure does
8 not conflict with the requirements of ORS 675.580.

9 (2) Any information that the board obtains pursuant to subsection (1) of
10 this section is confidential as provided under ORS 676.175.

11 (3) Any person who reports or provides information to the board under
12 subsection (1) of this section in good faith [*shall*] **may not be subject to an**
13 **action for civil damages as a result [*thereof*] of reporting or providing in-**
14 **formation to the board.**

15 **SECTION 5.** ORS 675.600 is amended to read:

16 675.600. (1) The State Board of Clinical Social Workers shall:

17 (a) Pursuant to ORS chapter 183, [*make*] **adopt** rules necessary to carry
18 out the provisions of ORS 675.510 to 675.600;

19 (b) Publish annually a list of the names and addresses of all persons who
20 have been certified or licensed under ORS 675.510 to 675.600;

21 [(c) *Establish a program for impaired clinical social workers to assist li-*
22 *censed clinical social workers to regain or retain their certification or licensure*
23 *and impose the requirement of participation as a condition to reissuance or*
24 *retention of the certificate or license;]*

25 [(d)] (c) Establish a voluntary arbitration procedure that may be invoked
26 with the consent of clients and the licensed clinical social workers whereby
27 disputes between clients and workers may be resolved; and

28 [(e)] (d) Report to the Legislative Assembly on its activities regarding the
29 certification or licensure of clinical social workers during the preceding
30 biennium.

31 (2) The board may appoint an administrator who shall not be a member

1 of the board. The board shall fix the compensation for the administrator.

2 **SECTION 6.** ORS 675.785 is amended to read:

3 675.785. The Oregon Board of Licensed Professional Counselors and
4 Therapists has the following powers:

5 (1) In accordance with the applicable provisions of ORS chapter 183, the
6 board shall adopt rules necessary for the administration of the laws the
7 board is charged with administering.

8 (2) Subject to any applicable provisions of the State Personnel Relations
9 Law, the board may appoint, prescribe the duties and fix the compensation
10 of an administrator and other employees of the board necessary to carry out
11 the duties of the board.

12 (3) The board may impose nonrefundable fees in an amount set by rule for
13 the following:

14 (a) License application.

15 (b) First issuance of a license.

16 (c) Renewal of a license.

17 (d) Late filing of a license renewal.

18 (e) Renewal of registration as an intern.

19 (f) Examinations, **subject to section 8 of this 2009 Act.** [*Examination*
20 *fees shall not exceed the costs incurred in administering the particular exam-*
21 *ination. Fees established under this subsection are subject to prior approval*
22 *of the Oregon Department of Administrative Services and a report to the*
23 *Emergency Board prior to adopting the fees and shall be within the budget*
24 *authorized by the Legislative Assembly as that budget may be modified by the*
25 *Emergency Board.*]

26 (4) The board shall:

27 (a) Maintain a register of all current licensed professional counselors and
28 marriage and family therapists.

29 (b) Annually publish a directory listing all current licensed professional
30 counselors and marriage and family therapists. The directory shall be avail-
31 able to the public, for which the board may collect a publication fee.

1 (5) The board shall:

2 (a) Investigate alleged violations of the provisions of ORS 675.715 to
3 675.835 or rules adopted under authority of the board.

4 (b) Establish procedures to review the complaints of clients of licensees
5 of the board. Upon receipt of a complaint under ORS 675.715 to 675.835
6 against any licensed or unlicensed person, the board shall conduct an in-
7 vestigation as described under ORS 676.165.

8 (6) The board shall report to the Legislative Assembly concerning the
9 activities of the board during the preceding biennium.

10 (7) The board shall form standards committees to establish, examine and
11 pass on the qualifications of applicants to practice professional counseling
12 or marriage and family therapy in this state. The standards committee for
13 professional counselors shall be made up of the professional counselors on
14 the board, the faculty member and the public member. The standards com-
15 mittee for marriage and family therapists shall be made up of the marriage
16 and family members of the board, the faculty member and the public member.

17 (8) The board shall grant licenses to applicants who qualify to practice
18 professional counseling or marriage and family therapy in this state upon
19 compliance with ORS 675.715 to 675.835 and the rules of the board.

20 (9) The board may administer oaths, take depositions, defray legal ex-
21 penses and issue subpoenas to compel the attendance of witnesses and the
22 production of documents or written information necessary to carry out ORS
23 675.715 to 675.835.

24 (10) The board may adopt a seal to be affixed to all licenses.

25 (11) The board shall adopt a code of ethics for licensees. The board may
26 use the ethical codes of professional counseling and marriage and family
27 therapy associations as models for the code established by the board.

28 (12) The board may set academic and training standards necessary under
29 ORS 675.715 to 675.835, including, but not limited to, the adoption of rules
30 to establish semester hour equivalents for qualification for licensing where
31 quarter hours are required under ORS 675.715 to 675.835.

1 (13) The board shall require the applicant for a professional counselor
2 license or a marriage and family therapy license to receive a passing score
3 on an examination of competency in counseling or marriage and family
4 therapy. The examination may be the examination given nationally to certify
5 counselors, or in the case of marriage and family therapy, the examination
6 approved by the Association of Marital and Family Therapy Regulatory
7 Boards.

8 (14) The standards committee shall establish standards and requirements
9 for continuing education and supervision, as appropriate. [*The standards and*
10 *requirements shall be in effect July 1, 1992.*]

11 [(15) *The board shall establish a program for licensees whose ability to*
12 *perform professional counseling is impaired to assist those licensees in re-*
13 *gaining or retaining their licensure and shall impose the requirement of par-*
14 *ticipation as a condition to reissuance or retention of the license.*]

15 [(16)] (15) For the purpose of requesting a state or nationwide criminal
16 records check under ORS 181.534, the board may require the fingerprints of
17 a person who is:

- 18 (a) Applying for a license that is issued by the board;
19 (b) Applying for renewal of a license that is issued by the board; or
20 (c) Under investigation by the board.

21 **SECTION 7. Section 8 of this 2009 Act is added to and made a part**
22 **of ORS 675.715 to 675.835.**

23 **SECTION 8. (1) Examination fees adopted under ORS 675.785 may**
24 **not exceed the costs incurred in administering the particular exam-**
25 **ination.**

26 **(2) The examination fees:**

27 **(a) Are subject to prior approval of the Oregon Department of Ad-**
28 **ministrative Services and a report to the Emergency Board prior to**
29 **the fees being adopted; and**

30 **(b) Must be within the budget authorized by the Legislative As-**
31 **sembly as that budget may be modified by the Emergency Board.**

1 **SECTION 9.** ORS 678.112 is amended to read:

2 678.112. (1) When a person licensed to practice nursing voluntarily seeks
3 treatment for chemical dependency or an emotional or physical problem that
4 otherwise may lead to formal disciplinary action under ORS 678.111, the
5 Oregon State Board of Nursing may abstain from taking [*such*] formal dis-
6 ciplinary action if the board finds that:

7 **(a) The licensee is not an impaired professional as defined in section**
8 **1 of this 2009 Act;**

9 **(b) The licensee can be treated effectively; and [*that*]**

10 **(c) There is no danger to the public health, safety or welfare.**

11 (2) If the board abstains from taking [*such*] formal disciplinary action, it
12 may require the licensee to be subject to [*the voluntary*] a monitoring pro-
13 gram [*as established by the board*] **described in section 1 of this 2009 Act.**

14 [(3) *All records of the voluntary monitoring program are confidential and*
15 *shall not be subject to public disclosure, nor shall the records be admissible*
16 *as evidence in any judicial proceedings.*]

17 [(4) *A licensee voluntarily participating in the voluntary monitoring pro-*
18 *gram shall not be subject to investigation or disciplinary action by the board*
19 *for the same offense, if the licensee complies with the terms and conditions of*
20 *the monitoring program.*]

21 [(5) *The board shall establish by rule criteria for eligibility to participate*
22 *in the voluntary monitoring program and criteria for successful completion of*
23 *the program.*]

24 [(6)] **(3) Licensees who elect not to participate in the [*voluntary*] moni-**
25 **toring program described in section 1 of this 2009 Act or who fail to**
26 **comply with the terms of participation shall be reported to the board for**
27 **formal disciplinary action under ORS 678.111.**

28 **SECTION 10.** ORS 678.410 is amended to read:

29 678.410. (1) The Oregon State Board of Nursing may impose fees for the
30 following:

31 (a) License renewal.

- 1 (b) Examination.
- 2 (c) License by indorsement.
- 3 (d) Limited license.
- 4 (e) Examination proctor service.
- 5 (f) Duplicate license.
- 6 (g) Extension of limited license.
- 7 (h) Nurse practitioner certificate.
- 8 (i) Reexamination for licensure.
- 9 (j) Delinquent fee.
- 10 (k) Renewal fee nurse practitioner.
- 11 (L) Verification of a license of a nurse applying for license by
12 indorsement in another state.
- 13 (m) Certified nurse practitioner's initial application and registration for
14 writing prescriptions.
- 15 (n) Renewal of certified nurse practitioner's application for writing pre-
16 scriptions.
- 17 (o) Approval of training program for nursing assistants.
- 18 (p) Issuance, renewal and delinquency of a nursing assistant certificate.
- 19 [(q) *Voluntary monitoring program for chemical dependency or an emo-*
20 *tional or physical problem.*]
- 21 [(r)] (q) Clinical nurse specialist certification established pursuant to
22 ORS 678.370.
- 23 [(s)] (r) Clinical nurse specialist's initial application for prescriptive au-
24 thority.
- 25 [(t)] (s) Renewal of clinical nurse specialist's application for prescriptive
26 authority.
- 27 [(u)] (t) Inactive license or certificate.
- 28 [(v)] (u) Retired license or certificate.
- 29 [(w)] (v) Nationwide criminal records check.
- 30 (2) Fees are nonrefundable.
- 31 (3) Subject to prior approval of the Oregon Department of Administrative

1 Services and a report to the Emergency Board prior to adopting the fees and
 2 charges, the fees and charges established under this section shall not exceed
 3 the cost of administering the regulatory program of the board pertaining to
 4 the purpose for which the fee or charge is established, as authorized by the
 5 Legislative Assembly within the board's budget, as the budget may be modi-
 6 fied by the Emergency Board. If federal or other funds are available to offset
 7 costs of administering the program, fees shall be established based on net
 8 costs to the state but not to exceed \$75 per biennium for the certification fee
 9 under subsection (1)(p) of this section.

10 **SECTION 11.** ORS 684.010 is amended to read:

11 684.010. As used in this chapter:

12 (1) "Active senior" means a person who:

13 (a) Is licensed under ORS 684.054;

14 (b) Is at least 60 years of age; and

15 (c) Has been in practice for 25 years or more.

16 (2) "Chiropractic" is defined as:

17 (a) That system of adjusting with the hands the articulations of the bony
 18 framework of the human body, and the employment and practice of
 19 physiotherapy, electrotherapy, hydrotherapy and minor surgery.

20 (b) The chiropractic diagnosis, treatment and prevention of body
 21 dysfunction; correction, maintenance of the structural and functional integ-
 22 rity of the neuro-musculoskeletal system and the effects thereof or interfer-
 23 ences therewith by the utilization of all recognized and accepted chiropractic
 24 diagnostic procedures and the employment of all rational therapeutic meas-
 25 ures as taught in approved chiropractic colleges.

26 (3) "Chiropractic physician" means a person licensed by ORS 677.060,
 27 684.025, 684.100, 684.155 or 688.010 to 688.201 and this section as an attending
 28 physician.

29 (4) "Drugs" means all medicines and preparations and all substances, ex-
 30 cept over-the-counter nonprescription substances, food, water and nutritional
 31 supplements taken orally, used or intended to be used for the diagnosis, cure,

1 treatment, mitigation or prevention of diseases or abnormalities of humans,
2 which are recognized in the latest editions of the official United States
3 Pharmacopoeia, official Homeopathic Pharmacopoeia, official National
4 Formulary, or any supplement to any of them, or otherwise established as
5 drugs.

6 [(5) "*Impaired chiropractic physician*" means a chiropractic physician una-
7 ble to practice chiropractic with reasonable skill and safety by reason of ha-
8 bitual or excessive use or abuse of drugs, alcohol or other substances that
9 impair ability.]

10 [(6)] (5) "Minor surgery" means the use of electrical or other methods for
11 the surgical repair and care incident thereto of superficial lacerations and
12 abrasions, benign superficial lesions, and the removal of foreign bodies lo-
13 cated in the superficial structures; and the use of antiseptics and local an-
14 esthetics in connection therewith.

15 **SECTION 12.** ORS 687.081 is amended to read:

16 687.081. (1) The State Board of Massage Therapists may discipline a
17 licensee, deny, suspend, revoke or refuse to renew a license, issue a
18 reprimand, censure a licensee or place a licensee on probation if the licensee:

19 (a) Has violated any provision of ORS 687.011 to 687.250, 687.895 and
20 687.991 or any rule of the board adopted under ORS 687.121.

21 (b) Has made any false representation or statement to the board in order
22 to induce or prevent action by the board.

23 (c) Has a physical or mental condition that makes the licensee unable to
24 conduct safely the practice of massage.

25 (d) Is habitually intemperate in the use of alcoholic beverages or is ad-
26 dicted to the use of habit-forming drugs or controlled substances.

27 (e) Has misrepresented to any patron any services rendered.

28 (f) Has been convicted of a crime that bears a demonstrable relationship
29 to the practice of massage.

30 (g) Fails to meet with any requirement under ORS 687.051.

31 (h) Violates any provision of ORS 167.002 to 167.027.

1 (i) Engages in unprofessional or dishonorable conduct.

2 (j) Has been the subject of disciplinary action as a massage therapist by
3 any other state or territory of the United States or by a foreign country and
4 the board determines that the cause of the disciplinary action would be a
5 violation under ORS 687.011 to 687.250, 687.895 and 687.991 or rules of the
6 board if it occurred in this state.

7 (2) If the board places a licensee on probation pursuant to subsection (1)
8 of this section, the board may impose and at any time modify the following
9 conditions of probation:

10 (a) Limitation on the allowed scope of practice.

11 (b) [*If the board finds that the licensee is physically or mentally impaired,*
12 *a requirement for successful completion of appropriate treatment as determined*
13 *by the board*] **Referral to a monitoring program under section 1 of this**
14 **2009 Act.**

15 (c) Individual or peer supervision.

16 (d) Such other conditions as the board may [*deem*] **consider** necessary for
17 the protection of the public and the rehabilitation of the licensee.

18 (3) If the board determines that a licensee's continued practice constitutes
19 a serious danger to the public, the board may impose an emergency suspen-
20 sion of the license without a hearing. Simultaneous with the order of sus-
21 pension, the board shall institute proceedings for a hearing as provided
22 under ORS 687.011 to 687.250, 687.895 and 687.991. The suspension shall con-
23 tinue unless and until the licensee obtains injunctive relief from a court of
24 competent jurisdiction or the board determines that the suspension is no
25 longer necessary for the protection of the public.

26 (4) In addition to the discipline described in subsection (1) of this section,
27 the board may impose a civil penalty as provided under ORS 687.250. Civil
28 penalties under this subsection shall be imposed pursuant to ORS 183.745.

29 (5) Prior to imposing any of the sanctions authorized under this section,
30 the board shall consider, but is not limited to, the following factors:

31 (a) The person's past history in observing the provisions of ORS 687.011

1 to 687.250, 687.895 and 687.991 and the rules adopted pursuant thereto;

2 (b) The effect of the violation on public safety and welfare;

3 (c) The degree to which the action subject to sanction violates profes-
4 sional ethics and standards of practice;

5 (d) The economic and financial condition of the person subject to sanc-
6 tion; and

7 (e) Any mitigating factors that the board may choose to consider.

8 (6) In addition to the sanctions authorized by this section, the board may
9 assess against a licensee the costs associated with the disciplinary action
10 taken against the licensee.

11 (7) The board shall adopt a code of ethical standards for practitioners of
12 massage and shall take appropriate measures to ensure that all applicants
13 and practitioners of massage are aware of those standards.

14 (8) Upon receipt of a complaint under ORS 687.011 to 687.250, 687.895 and
15 687.991, the board shall conduct an investigation as described under ORS
16 676.165.

17 (9) Information that the board obtains as part of an investigation into
18 licensee or applicant conduct or as part of a contested case proceeding,
19 consent order or stipulated agreement involving licensee or applicant con-
20 duct is confidential as provided under ORS 676.175.

21 **SECTION 13.** ORS 192.690, as amended by section 8, chapter 796, Oregon
22 Laws 2007, is amended to read:

23 192.690. (1) ORS 192.610 to 192.690 do not apply to the deliberations of the
24 State Board of Parole and Post-Prison Supervision, the Psychiatric Security
25 Review Board, state agencies conducting hearings on contested cases in ac-
26 cordance with the provisions of ORS chapter 183, the review by the Workers'
27 Compensation Board or the Employment Appeals Board of similar hearings
28 on contested cases, meetings of the state lawyers assistance committee op-
29 erating under the provisions of ORS 9.568, [*meetings of the Health Profes-*
30 *sionals Program Supervisory Council established under ORS 677.615,*]
31 meetings of the personal and practice management assistance committees

1 operating under the provisions of ORS 9.568, the county multidisciplinary
 2 child abuse teams required to review child abuse cases in accordance with
 3 the provisions of ORS 418.747, the child fatality review teams required to
 4 review child fatalities in accordance with the provisions of ORS 418.785, the
 5 peer review committees in accordance with the provisions of ORS 441.055,
 6 mediation conducted under ORS 36.250 to 36.270, any judicial proceeding,
 7 meetings of the Oregon Health and Science University Board of Directors
 8 or its designated committee regarding candidates for the position of president
 9 of the university or regarding sensitive business, financial or commercial
 10 matters of the university not customarily provided to competitors related to
 11 financings, mergers, acquisitions or joint ventures or related to the sale or
 12 other disposition of, or substantial change in use of, significant real or per-
 13 sonal property, or related to health system strategies, or to Oregon Health
 14 and Science University faculty or staff committee meetings.

15 (2) Because of the grave risk to public health and safety that would be
 16 posed by misappropriation or misapplication of information considered dur-
 17 ing such review and approval, ORS 192.610 to 192.690 shall not apply to re-
 18 view and approval of security programs by the Energy Facility Siting
 19 Council pursuant to ORS 469.530.

20 **SECTION 14. ORS 677.615, 677.625, 677.635, 677.645, 677.655, 677.665,**
 21 **677.677, 684.103, 684.157, 689.342, 689.344, 689.346, 689.348, 689.352, 689.354**
 22 **and 689.356 are repealed.**

23 **SECTION 15. Sections 1 and 8 of this 2009 Act, the amendments to**
 24 **ORS 192.690, 675.410, 675.510, 675.583, 675.600, 675.785, 678.112, 678.410,**
 25 **684.010 and 687.081 by sections 2 to 6 and 9 to 13 of this 2009 Act and**
 26 **the repeal of ORS 677.615, 677.625, 677.635, 677.645, 677.655, 677.665,**
 27 **677.677, 684.103, 684.157, 689.342, 689.344, 689.346, 689.348, 689.352, 689.354**
 28 **and 689.356 by section 14 of this 2009 Act apply to:**

29 (1) A licensee who is the subject of a complaint filed with a health
 30 profession licensing board on or after January 1, 2010;

31 (2) A licensee about whom a board receives information that the

1 licensee may be impaired on or after January 1, 2010; and

2 (3) A disciplinary proceeding commenced on or after January 1,
3 2010.

4 **SECTION 16.** (1) Sections 1, 7 and 8 of this 2009 Act, the amend-
5 ments to ORS 192.690, 675.410, 675.510, 675.583, 675.600, 675.785, 678.112,
6 678.410, 684.010 and 687.081 by sections 2 to 6 and 9 to 13 of this 2009
7 Act and the repeal of ORS 677.615, 677.625, 677.635, 677.645, 677.655,
8 677.665, 677.677, 684.103, 684.157, 689.342, 689.344, 689.346, 689.348, 689.352,
9 689.354 and 689.356 by section 14 of this 2009 Act become operative
10 January 1, 2010.

11 (2) A health profession licensing board as defined in section 1 of this
12 2009 Act may take any action before the operative date specified in
13 subsection (1) of this section that is necessary to enable the board to
14 exercise, on and after the operative date specified in subsection (1) of
15 this section, all the duties, functions and powers conferred on the
16 board by this 2009 Act.

17 **SECTION 17.** This 2009 Act being necessary for the immediate
18 preservation of the public peace, health and safety, an emergency is
19 declared to exist, and this 2009 Act takes effect on its passage.

20

