



Oregon

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Medical Board

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Approved by the Board on July 1, 2021.

OREGON MEDICAL BOARD

Meeting of the Workgroup on Sexual Misconduct • April 8, 2021

The Oregon Medical Board (“OMB” or “Board”) held a special meeting of the Workgroup on Sexual Misconduct on Thursday, April 8, 2021 via videoconference.

Chair Patti Louie, PhD, called the meeting to order at 4:00_{PM}.

A quorum was present, consisting of the following members:

Erin Cramer, PA-C, Stayton	Jill Shaw, DO, Portland
Ali Mageehon, PhD, Public Member, Coos Bay	Patti Louie, PhD, Public Member, Portland
Chere Pereira, Public Member, Corvallis	David Farris, MD, Oregon Medical Board Medical Director

Staff, consultants, and legal counsel present:

Nicole Krishnaswami, JD, Executive Director	Gretchen Kingham, Executive Assistant
Elizabeth Ross, JD, Legislative & Policy Analyst	Christopher Sears, Legal Extern

PUBLIC SESSION

Welcome and Introductions

LOUIE

Dr. Louie, PhD, called roll, discussed ground rules for the meeting, provided an overview of the agenda, and invited members of the public to participate by providing comment during agenda item discussion and during the public comment period.

Sexual Misconduct Workgroup Meeting Minutes

LOUIE

Dr. Louie, PhD, reviewed the March 11, 2021, minutes. The Workgroup recommended the minutes be approved at the July 2021 Board meeting.

OAR 847-010-0130: Medical Chaperones

PEREIRA

The Workgroup reviewed a memo on medical assistant training and certification programs. Ms. Pereira noted that there are several certification paths, of which the majority would cover relevant training to serve as a medical chaperone.

Dr. Mageehon asked if the Board needed to require medical assistants to take medical chaperone specific training. Mr. Cramer felt that a certified medical assistant is trained to reasonably perform as a chaperone. However, often they are not focusing on chaperone duties because they are assisting with the procedure or making the patient more comfortable. Medical assistants will need to be made aware that they have a chaperone role as well. Dr. Shaw believes that good educational communication from the Board will be very helpful in this situation. Ms. Krishnaswami noted that not all medical assistants are certified and that the onus must be on the physician, as the Board does not regulate medical assistants.

The Workgroup discussed rewording the draft to clarify that the rule regulates OMB licensees, not the chaperones. Further discussion is needed on whether a certified medical assistant would need additional medical chaperone training.

The Workgroup recommended moving the revised proposed rule to the July Board meeting for a First Review.

Educational Outreach and Publications

SHAW

The Workgroup recommended Board staff disseminate educational information via the OMB Website and the creation of a printed and electronic brochure.

Ms. Krishnaswami noted that the Board may have the authority to require postings and may have the budget to provide printed materials to licensees. These issues will be further discussed at the Administrative Affairs Committee.

Health Professional Regulatory Boards (HPRB) Meeting

Mageehon

The Workgroup reviewed the HPRB memo from Elizabeth Ross, Legislative and Policy Analyst.

The HPRB boards were asked if they would like to jointly send a letter to Oregon law enforcement agencies to ensure clear and timely channels for sharing investigation information between law enforcement agencies and the relevant board. Several Health Professional Regulatory Boards expressed interest in partnering to send the letter. Oregon Medical Board staff will draft a letter for the Health Professional Regulatory Boards to review at their next meeting in May 2021.

Closing the Workgroup**LOUIE**

Dr. Louie summarized the Workgroup's most significant recommendations and actions, which include:

- Rulemaking to require medical chaperones during sensitive exams;
- Rulemaking to require enrollment in the National Practitioner Data Bank's Continuous Query program for licensees who have been alleged to have engaged in sexual misconduct;
- Additional resources on the OMB website for the public; and
- Development of educational materials.

Additionally, the Workgroup:

- Opened new lines of communication among other health professional regulatory boards and law enforcement;
- Set an expectation of using the term "sexual misconduct" in Board Orders and Complaint & Notices; and
- Welcomed a dialogue with the public about the Board's work and processes.

Public Comment**LOUIE**

layesha Smith, Matasaru Law, Senior Associate, was in attendance but had no comments.

Meeting adjourned at 4:36^{PM}