

DUTY TO REPORT PROHIBITED or UNPROFESSIONAL CONDUCT

Licensees who have reasonable cause to believe that another licensee has engaged in prohibited or unprofessional conduct must report the conduct to the licensee's board.

As the result of the passage of House Bill 2059 in the 2009 session of the Oregon State Legislature, licensees of certain state licensing boards and four boards overseen by the Oregon Health Licensing Agency (OHLA) must report **unprofessional or prohibited conduct of other licensees**.

The reporting law, codified in Oregon Revised Statutes (ORS) 676.150, applies to licensees of 19 licensing boards and four additional boards overseen by OHLA.

What Is Prohibited Conduct?

"Prohibited conduct" means conduct by a licensee that:

- (A) Constitutes a criminal act against a patient or client; or
- (B) Constitutes a criminal act that creates a risk of harm to a patient or client.

Unprofessional Conduct

"Unprofessional conduct" means conduct unbecoming a licensee or detrimental to the best interests of the public, including conduct contrary to recognized standards of ethics of the licensee's profession or conduct that endangers the health, safety or welfare of a patient or client.

Must Report Within 10 Days

Licensees must report no later than 10 working days after learning of the prohibited / unprofessional conduct.

A licensee who is convicted of a misdemeanor or felony or who is arrested for a felony crime must self-report the conviction or arrest to the licensee's board within 10 days after the conviction or arrest.

Failure to Report, Discipline

A licensee who fails to report prohibited or unprofessional conduct or the licensee's conviction or arrest is subject to discipline by the board responsible for the licensee.

A licensee who fails to report prohibited conduct commits a Class A violation.

Immunity from Civil Liability

A licensee who reports to a board in good faith as required is immune from civil liability for making the report.

A board and the members, employees and contractors of the board are immune from civil liability for actions taken in good faith as a result of a report.

The obligations imposed by this section are in addition to and not in lieu of other obligations to report unprofessional conduct as provided by statute.

Board Must Investigate

The board responsible for a licensee who is reported to have engaged in prohibited or unprofessional conduct must investigate in accordance with the board's rules.

If the board has reasonable cause to believe that the licensee has engaged in prohibited conduct, the board must present the facts to an appropriate law enforcement agency without undue delay.

"Without undue delay" means no later than 10 working days after the board finds reasonable cause to

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believe that the licensee engaged in prohibited conduct.