

Enrolled Senate Bill 905

Sponsored by Senators MONNES ANDERSON, KRUSE; Senators BATES, KNOPP, SHIELDS, THOMSEN, Representatives GREENLICK, KENY-GUYER, LIVELY, MCLANE, NOSSE

CHAPTER

AN ACT

Relating to the Oregon Medical Board; creating new provisions; amending ORS 677.235 and 677.515; and repealing ORS 677.540 and 677.545.

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

SECTION 1. ORS 677.235 is amended to read:

677.235. (1) The Oregon Medical Board consists of [12] **13** members appointed by the Governor and subject to confirmation by the Senate in the manner provided in ORS 171.562 and 171.565. All members of the board must be residents of this state. Of the members of the board:

- (a) Seven must have the degree of Doctor of Medicine;
- (b) Two must have the degree of Doctor of Osteopathy;
- (c) One must have the degree of Doctor of Podiatric Medicine;

(d) One must be a physician assistant licensed under ORS 677.512 or a retired physician assistant; and

[(d)] **(e)** Two must be members of the public representing health consumers and who are not:

- (A) Otherwise eligible for appointment to the board; or
- (B) A spouse, domestic partner, child, parent or sibling of an individual having the degree of Doctor of Medicine, Doctor of Osteopathy or Doctor of Podiatric Medicine **or of a physician assistant licensed under ORS 677.512 or a retired physician assistant.**

(2)(a)(A) Board members required to possess the degree of Doctor of Medicine may be selected by the Governor from a list of three to five candidates for each member [of the board] described in subsection (1)(a) of this section whose term expires in that year, submitted by the Oregon Medical Association not later than February 1.

(B) Board members required to possess the degree of Doctor of Osteopathy may be selected by the Governor from a list of three to five candidates for each [vacancy] **member described in subsection (1)(b) of this section whose term expires in that year**, submitted by the Osteopathic Physicians and Surgeons of Oregon, Inc., not later than February 1 [of each odd-numbered year].

(C) The board member required to possess the degree of Doctor of Podiatric Medicine may be selected by the Governor from a list of three to five candidates **for the member described in subsection (1)(c) of this section whose term expires in that year**, submitted by the Oregon Podiatric Medical Association not later than February 1 [of each fourth year].

(D) The board member required to be a physician assistant licensed under ORS 677.512 or a retired physician assistant may be selected by the Governor from a list of three to five candidates for the member described in subsection (1)(d) of this section whose term expires

in that year, submitted by the Oregon Society of Physician Assistants not later than February 1.

(b) The physician members **and the physician assistant member** must have been in the active practice of their profession for at least five years immediately preceding their appointment.

(c) Neither the public members nor any person who is a spouse, domestic partner, child, parent or sibling of a public member may be employed as a health professional.

(d)(A) In selecting the members of the board, the Governor shall strive to balance the representation on the board according to geographic areas of this state and ethnic group.

(B) Of the seven members who hold the degree of Doctor of Medicine, there shall be at least one member appointed from each federal congressional district.

(3)(a) The term of office of each board member is three years, but a member serves at the pleasure of the Governor. The terms must be staggered so that no more than *[four]* **five** terms end each year. A term begins on March 1 of the year the member is appointed and ends on the last day of February of the third year thereafter. A member may not serve more than two consecutive terms.

(b) If a vacancy occurs on the board, another qualifying member possessing the same professional degree, **license or retired status** or fulfilling the same public capacity as the person whose position has been vacated shall be appointed as provided in this section to fill the unexpired term.

(c) A board member shall be removed immediately from the board if, during the member's term, the member:

(A) Is not a resident of this state;

(B) Has been absent from three consecutive board meetings, unless at least one absence is excused; or

(C) Is not a current licensee or a retired licensee whose license was in good standing at the time of retirement, if the board member was appointed to serve on the board as a licensee.

(4) Members of the board are entitled to compensation and expenses as provided in ORS 292.495. The board may provide by rule for compensation to board members for the performance of official duties at a rate that is greater than the rate provided in ORS 292.495.

SECTION 2. The Governor shall appoint a physician assistant licensed under ORS 677.512 or a retired physician assistant as required under section 1 (1)(d) of this 2015 Act to the Oregon Medical Board for a term beginning March 1, 2016.

SECTION 3. ORS 677.540 and 677.545 are repealed.

SECTION 4. ORS 677.515 is amended to read:

677.515. (1) A physician assistant licensed under ORS 677.512 may provide any medical service, including prescribing and administering controlled substances in schedules II through V under the federal Controlled Substances Act:

(a) That is delegated by the physician assistant's supervising physician or supervising physician organization;

(b) That is within the scope of practice of the physician assistant;

(c) That is within the scope of practice of the supervising physician or supervising physician organization;

(d) That is provided under the supervision of the supervising physician or supervising physician organization;

(e) That is generally described in and in compliance with the practice agreement; and

(f) For which the physician assistant has obtained informed consent as provided in ORS 677.097, if informed consent is required.

(2) This chapter does not prohibit a student enrolled in a program for educating physician assistants approved by the board from rendering medical services if the services are rendered in the course of the program.

(3) The degree of independent judgment that a physician assistant may exercise shall be determined by the supervising physician, or supervising physician organization, and the physician assistant in accordance with the practice agreement.

(4) A supervising physician, upon the approval of the board and in accordance with the rules established by the board, may delegate to the physician assistant the authority to administer and prescribe medications pursuant to this section and ORS 677.535 to 677.545. The board [*and the Physician Assistant Committee*] may not limit the privilege of administering, dispensing and prescribing to population groups federally designated as underserved, or to geographic areas of the state that are federally designated health professional shortage areas, federally designated medically underserved areas or areas designated as medically disadvantaged and in need of primary health care providers by the Director of the Oregon Health Authority or the Office of Rural Health. All prescriptions written pursuant to this subsection must bear the name, office address and telephone number of the supervising physician.

(5) This chapter does not require or prohibit a physician assistant from practicing in a hospital licensed pursuant to ORS 441.015 to 441.089.

(6) Prescriptions for medications prescribed by a physician assistant in accordance with this section and ORS 475.005, 677.010, 677.500, 677.510 and 677.535 to 677.545 and dispensed by a licensed pharmacist may be filled by the pharmacist according to the terms of the prescription, and the filling of such a prescription does not constitute evidence of negligence on the part of the pharmacist if the prescription was dispensed within the reasonable and prudent practice of pharmacy.

Passed by Senate April 16, 2015

.....
Lori L. Brocker, Secretary of Senate

.....
Peter Courtney, President of Senate

Passed by House June 3, 2015

.....
Tina Kotek, Speaker of House

Received by Governor:

.....M.,....., 2015

Approved:

.....M.,....., 2015

.....
Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2015

.....
Jeanne P. Atkins, Secretary of State