

Chapter 677

1987 REPLACEMENT PART

Regulation of Medicine, Podiatry and Related Medical Services

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OCCUPATIONS AND PROFESSIONS

PHYSICIANS AND PODIATRISTS

(General Provisions)

677.010 Definitions. As used in this chapter, subject to the exemptions in ORS 677 060 and unless the context requires otherwise

(1) "Approved internship" means the first year of post-graduate training served in a hospital that is approved by the board or by the approving agency of the American Medical Association or the American Osteopathic Association

(2) "Board" means the Board of Medical Examiners for the State of Oregon

(3) "Diagnose" means to examine another person in any manner to determine the source or nature of a disease or other physical or mental condition, or to hold oneself out or represent that a person is so examining another person. It is not necessary that the examination be made in the presence of such other person, it may be made on information supplied either directly or indirectly by such other person

(4) "Dispense" means the preparation and delivery of a prescription drug, pursuant to a lawful order of a practitioner, in a suitable container appropriately labeled for subsequent administration to or use by a patient or other individual entitled to receive the prescription drug

(5) "Dispensing physician" means a physician who purchases prescription drugs for the purpose of dispensing them to patients or other individuals entitled to receive the prescription drug and who dispenses them accordingly

(6) "Drug" means all medicines and preparations for internal or external use of humans, intended to be used for the cure, mitigation or prevention of diseases or abnormalities of humans, which are recognized in any published United States Pharmacopoeia or National Formulary, or otherwise established as a drug

(7) "Extern" means a regularly enrolled student in an established school of medicine that is recognized as of good standing by the board, the American Medical Association or the American Osteopathic Association, who has had two full terms of instruction of eight months or more each therein and who is employed by a legally incorporated hospital in this state recognized as standard by the board

(8) "False testimony" means testimony given by a person before a court or administrative

agency or body, which the person knows to be false or should have known to be false

(9) "Fellow" means an individual who has not qualified under ORS 677 100 (1) and (2) and who is pursuing some special line of study as part of a supervised program of a school of medicine, a hospital approved for internship or residency training, or an institution for medical research or education that provides for a period of study under the supervision of a responsible member of that hospital or institution, such school, hospital or institution having been approved by the board

(10) "Intern" means an individual who has entered into a hospital or hospitals for the first year of post-graduate training

(11) "License" means permission to practice, whether by license, registration or certification

(12) "Licensee" means an individual holding a valid license issued by the board

(13) "Physician" means any person who holds a degree of Doctor of Medicine or Doctor of Osteopathy

(14) "Podiatrist" means a podiatric physician and surgeon licensed under ORS 677 805 to 677 880 to treat ailments of the human foot

(15) "Preceptee" means an individual enrolled in an approved school of medicine who enters a special training program, approved by the board, and under the supervision of a person licensed to practice medicine in this state

(16) "Prescribe" means to direct, order or designate the use of or manner of using by spoken or written words or other means

(17) "Resident" means an individual who, after the first year of post-graduate training, in order to qualify for some particular specialty in the field of medicine, pursues a special line of study as part of a supervised program of a hospital approved by the board

(18) "School of medicine" means a school that grants to its graduates a degree of Doctor of Medicine or Doctor of Osteopathy and is approved by the American Medical Association or the American Osteopathic Association, or any other such school approved by the board [Amended by 1961 c 400 §1, 1967 c 470 §3, 1979 c 778 §1, 1981 c 220 §2, 1983 c 486 §2, 1985 c 322 §9]

677 012 [1971 c 649 §2, renumbered 677 495]

677.015 Statement of purpose. Recognizing that to practice medicine is not a natural right of any person but is a privilege granted by legislative authority, it is necessary in the interests of the health, safety and welfare of the people of this state to provide for the granting of that

privilege and the regulation of its use, to the end that the public is protected from the practice of medicine by unauthorized or unqualified persons and from unprofessional conduct by persons licensed to practice under this chapter [1967 c 470 §2]

677 020 [Repealed by 1967 c 470 §68]

677 030 [Amended by 1957 c 681 §1, 1967 c 470 §8, renumbered 677 085]

677 040 [Amended by 1967 c 470 §59, renumbered 677 325]

677 050 [Amended by 1967 c 470 §7, renumbered 677 080]

677 055 [1971 c 649 §4, renumbered 677 505]

677.060 Persons and practices not within scope of chapter. This chapter does not affect or prevent the following

(1) The practice of medicine or podiatry in this state by any commissioned medical or podiatric officer serving in the Armed Forces of the United States or Public Health Service, or any medical or podiatric officer on duty with the United States Veterans' Administration, while any such medical or podiatric officer is engaged in the performance of the actual duties prescribed by the laws and regulations of the United States

(2) The practice of medicine by anyone licensed to practice in a neighboring state, who resides near the boundary of this state, and whose practice extends into this state, but who does not maintain an office or appoint a place to meet patients or receive calls within this state

(3) The meeting in this state of any licensed practitioner of medicine of any other state or country with a licensed practitioner of medicine in this state, for consultation

(4) The furnishing of medical or surgical assistance in cases of emergency requiring immediate attention

(5) The domestic administration of family remedies

(6) The practice of dentistry, optometry, chiropractic, naturopathy or cosmetic therapy, by any person authorized by this state Nothing in ORS 677 085 (5) prevents the use of the words "Doctor" or "Specialist," or any abbreviation or combination thereof, or any letters or words of similar import by any person duly licensed to practice optometry within Oregon

(7) The practice of the religion of persons who endeavor to prevent or cure disease or suffering by prayer or other spiritual means in accordance with the tenets of any church Nothing in this chapter interferes in any manner with the

individual's right to select the practitioner or mode of treatment of an individual's choice, or interferes with the right of the person so employed to give the treatment so chosen, provided that sanitary laws and rules are complied with

(8) The sale of lenses, artificial eyes, limbs or surgical instruments or other apparatus or appliances of a similar character

(9) The sale of drugs, medicines and chemicals by licensed pharmacists in accordance with the laws of this state

(10) Professional or domestic nursing

(11) The sale by duly licensed vendors or manufacturers of proprietary medicine, ointments, salves or cosmetics in the original packages bearing duly certified and accepted trademarks, or the sale of mineral waters or mineral substances in their native state or condition or dissolved in pure water

(12) The sale, rent or use for hire of any device or appliance, the sale of which is not prohibited by the laws of Oregon or the United States

(13) The practice of physiotherapy, electrotherapy or hydrotherapy carried on under the direction of a duly licensed practitioner of medicine, naturopathy or chiropractic, or any other method of practice

(14) The practice or use of massage, Swedish movement, physical culture, or other natural methods requiring use of the hands

(15) The examination of any person by a law enforcement officer to determine if that person is in violation of a statute or city ordinance

(16) The practice of medicine by a duly qualified intern [Amended by 1953 c 159 §6, 1955 c 157 §1, 1961 c 400 §2, 1967 c 470 §4, 1975 c 776 §4, 1983 c 486 §3]

Note The amendments to 677 060 by section 10, chapter 726, Oregon Laws 1987, take effect July 1, 1989 See section 12, chapter 726, Oregon Laws 1987 The text is set forth for the user's convenience

677 060 This chapter does not affect or prevent the following

(1) The practice of medicine or podiatry in this state by any commissioned medical or podiatric officer serving in the Armed Forces of the United States or Public Health Service, or any medical or podiatric officer on duty with the United States Veterans' Administration, while any such medical or podiatric officer is engaged in the performance of the actual duties prescribed by the laws and regulations of the United States

(2) The practice of medicine by anyone licensed to practice in a neighboring state who resides near the boundary of this state, and whose practice extends into this state but

who does not maintain an office or appoint a place to meet patients or receive calls within this state

(3) The meeting in this state of any licensed practitioner of medicine of any other state or country with a licensed practitioner of medicine in this state, for consultation

(4) The furnishing of medical or surgical assistance in cases of emergency requiring immediate attention

(5) The domestic administration of family remedies

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(7) The practice of the religion of persons who endeavor to prevent or cure disease or suffering by prayer or other spiritual means in accordance with the tenets of any church Nothing in this chapter interferes in any manner with the individual's right to select the practitioner or mode of treatment of an individual's choice, or interferes with the right of the person so employed to give the treatment so chosen, provided that sanitary laws and rules are complied with

(8) The sale of lenses artificial eyes limbs or surgical instruments or other apparatus or appliances of a similar character

(9) The sale of drugs, medicines and chemicals by licensed pharmacists in accordance with the laws of this state

(10) Professional or domestic nursing

(11) The sale by duly licensed vendors or manufacturers of proprietary medicine, ointments, salves or cosmetics in the original packages bearing duly certified and accepted trademarks, or the sale of mineral waters or mineral substances in their native state or condition or dissolved in pure water

(12) The sale, rent or use for hire of any device or appliance, the sale of which is not prohibited by the laws of Oregon or the United States

(13) The practice of physiotherapy, electrotherapy or hydrotherapy carried on by a duly licensed practitioner of medicine, naturopathy or chiropractic, or by ancillary personnel certified by the State Board of Chiropractic Examiners, pursuant to ORS 684.155 (1)(c)(A) to provide physiotherapy, electrotherapy or hydrotherapy and working under the direction of a chiropractic physician

(14) The practice or use of massage, Swedish movement, physical culture, or other natural methods requiring use of the hands

(15) The examination of any person by a law enforcement officer to determine if that person is in violation of a statute or city ordinance

(16) The practice of medicine by a duly qualified intern

677.065 [1971 c 649 §3, 1979 c 778 §2 1981 c 220 §3, 1981 c 693 §28, renumbered 677.515]

677.070 Chapter not applicable to regulation of other healing arts. This chapter is designed solely for the regulation of the practice of medicine or podiatry and does not apply to the regulation of the other healing arts or the correc-

tive art of optometry, and chapter 470, Oregon Laws 1967, shall not change or limit the rights of persons lawfully practicing such healing arts or the corrective art of optometry with respect to the practice of their professions as presently authorized [Amended by 1967 c 470 §5, 1983 c 486 §4]

677.075 Effect of 1967 Act. (1) Chapter 470, Oregon Laws 1967, is not intended to be retroactive, and nothing in such Act affects the validity or authorizes cancellation of a license issued before June 23, 1967, to any practitioner of medicine and surgery or osteopathy and surgery, on account of anything that occurred before June 23, 1967 However, this section does not prevent the revocation of any such license on any ground which was a cause for revocation before June 23, 1967

(2) The repeal of ORS chapter 681 (1961 Replacement Part) by chapter 470, Oregon Laws 1967, does not affect the validity of any license issued under ORS chapter 681 before June 23, 1967 After June 22, 1967, such licenses are subject in all respects to this chapter [Formerly 677.340]

677.080 Prohibited acts. No person shall

(1) Knowingly make any false statement or representation on a matter, or wilfully conceal any fact material to the right of the person to practice medicine or to obtain a license under this chapter

(2) Sell or fraudulently obtain or furnish any medical and surgical diploma, license, record or registration, or aid or abet in the same.

(3) Impersonate anyone to whom a license has been granted by the board

(4) Except as provided in ORS 677.060, practice medicine in this state without a license required by this chapter [Formerly 677.050, 1983 c 486 §5]

677.085 What constitutes practice of medicine. A person is practicing medicine if the person does one or more of the following

(1) Advertise, hold out to the public or represent in any manner that the person is authorized to practice medicine in this state

(2) For compensation directly or indirectly received or to be received, offer or undertake to prescribe, give or administer any drug or medicine for the use of any other person

(3) Offer or undertake to perform any surgical operation upon any person

(4) Offer or undertake to diagnose, cure or treat in any manner, or by any means, methods, devices or instrumentalities, any disease, illness,

pain, wound, fracture, infirmity, deformity, defect or abnormal physical or mental condition of any person

(5) Except as provided in ORS 677 060, append the letters "M D" or "D O" to the name of the person, or use the words "Doctor," "Physician," "Surgeon," "Professor," "Healer" or "Specialist," or any abbreviation or combination thereof, or any letters or words of similar import in connection with the name of the person, or any trade name in which the person is interested, in the conduct of any occupation or profession pertaining to the diagnosis or treatment of human diseases or conditions mentioned in this section

(6) Act as the representative or agent of any person in doing any of the things mentioned in subsections (1) to (5) of this section [Formerly 677 030]

677.087 Physicians and podiatrists required to perform agreed upon surgery personally. (1) Any physician or podiatrist having agreed with a patient to perform any surgical operation or procedure, shall perform the surgery personally or, prior to surgery, shall inform the patient that the physician or podiatrist will not be performing the surgery

(2) This section shall not apply when the physician or podiatrist, because of an emergency, cannot personally notify the patient that the physician or podiatrist will not be performing the surgery [1977 c 520 §2, 1983 c 486 §6]

677.089 Physicians dispensing prescription drugs to do so personally; records; required labeling information. (1) Prescription drugs dispensed by a physician shall be personally dispensed by the physician. Nonjudgmental dispensing functions may be delegated to staff assistants when the accuracy and completeness of the prescription is verified by the physician

(2) The dispensing physician shall maintain records of receipt and distribution of prescription drugs. These records shall be readily accessible and subject to inspection by the board

(3) The dispensing physician shall label prescription drugs with the following information

- (a) Name of patient,
- (b) The name and address of the dispensing physician,
- (c) Date of dispensing,
- (d) The name of the drug but if the dispensed drug does not have a brand name, the prescription label shall indicate the generic name of the drug dispensed along with the name of the drug

distributor or manufacturer, its quantity per unit and the directions for its use stated in the prescription. However, if the drug is a compound, the quantity per unit need not be stated,

(e) Cautionary statements, if any, as required by law, and

(f) When applicable and as determined by the State Board of Pharmacy, an expiration date after which the patient should not use the drug

(4) Prescription drugs shall be dispensed in containers complying with the federal Poison Prevention Packaging Act unless the patient requests a noncomplying container [1985 c 322 §11]

Note 677 089 was enacted into law by the Legislative Assembly and was added to and made a part of ORS chapter 677 but was not made a part of any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation

677 090 [1971 c 649 §6, renumbered 677 520]

677.095 Duty of care. A physician or podiatrist licensed to practice medicine or podiatry by the Board of Medical Examiners for the State of Oregon has the duty to use that degree of care, skill and diligence which is used by ordinarily careful physicians or podiatrists in the same or similar circumstances in the community of the physician or podiatrist or a similar community [1975 c 796 §10d, 1983 c 486 §7]

Note 677 095 and 677 097 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 677 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation

677.097 Procedure to obtain informed consent of patient. (1) In order to obtain the informed consent of a patient, a physician or podiatrist shall explain the following

- (a) In general terms the procedure or treatment to be undertaken,
- (b) That there may be alternative procedures or methods of treatment, if any, and
- (c) That there are risks, if any, to the procedure or treatment

(2) After giving the explanation specified in subsection (1) of this section, the physician or podiatrist shall ask the patient if the patient wants a more detailed explanation. If the patient requests further explanation, the physician or podiatrist shall disclose in substantial detail the procedure, the viable alternatives and the material risks unless to do so would be materially detrimental to the patient. In determining that further explanation would be materially detrimental the physician or podiatrist shall give due consideration to the standards of practice of

reasonable medical or podiatric practitioners in the same or a similar community under the same or similar circumstances [1977 c 657 §1, 1983 c 486 §8]

Note See note under 677 095

677.098 Diethylstilbestrol prescribed or administered only after written informed consent of patient. No person shall prescribe or knowingly administer a drug containing diethylstilbestrol without first obtaining the written informed consent of the patient in accordance with ORS 677 097 (1) The fact that written informed consent was obtained from that patient shall be documented in the patient's medical record and a copy of the informed consent form shall be given to the patient [1979 c 268 §2]

677.099 Notice of participation or non-participation in Medicare assignment program. (1) A physician currently a participating physician in the Medicare assignment program under 42 U S C 1395 (b)(3)(B) II shall post a notice reading

(Physician's name) is participating in the Medicare Assignment Program The physician will not charge you fees above the Medicare determined annual deductible and the per visit co-payment Ask your physician for more information concerning your fees

(2) A physician not currently a participating physician in the Medicare assignment program under 42 U S C 1395 (b)(3)(B) II shall post a notice reading

(Physician's name) is not participating in the Medicare Assignment Program and may legally charge you fees in addition to the Medicare determined annual deductible and per visit co-payment Ask your physician for more information concerning your fees

(3) The Board of Medical Examiners for the State of Oregon shall establish by rule the dimension and design for the printing and posting of the sign so as to assure that it can be seen and read by Medicare beneficiaries

(4) If the physician has reasonable cause to believe that the patient cannot read the sign or cannot comprehend its content, the physician shall endeavor to explain the meaning of the notice [1987 c 379 §§2, 3, 4, 5]

(Licensing)

677.100 Qualifications of applicant for license. (1) An applicant for a license to practice

medicine in this state, except as otherwise provided in subsection (2) of this section, must possess the following qualifications

(a) Have attended and graduated from a school of medicine

(b) Have satisfactorily completed an approved internship

(c) Have complied with each rule of the board which applies to all similar applicants for a license to practice medicine in this state

(d) Have provided evidence sufficient to prove to the satisfaction of the board that the applicant is of good moral character For purposes of this section, the lack of good moral character may be established by reference to acts or conduct that reflect moral turpitude or to acts or conduct which would cause a reasonable person to have substantial doubts about the individual's honesty, fairness and respect for the rights of others and for the laws of the state and the nation The acts or conduct in question must be rationally connected to the applicant's fitness to practice medicine

(2) If an applicant establishes that the applicant is of good moral character and has qualifications which the board determines are the equivalent of the qualifications required by paragraphs (a) to (c) of subsection (1) of this section, the applicant satisfies the requirements of subsection (1) of this section

(3) An applicant for a license to practice medicine must make written application to the board showing compliance with this section, ORS 677 110, 677 120 and 677 145 and the rules of the board, and containing such further information as the rules of the board may require [Amended by 1957 c 681 §11, 1967 c 470 §9, 1973 c 31 §1, 1983 c 486 §9, 1985 c 322 §3]

677 105 [1961 c 400 §4, repealed by 1967 c 470 §68]

677.110 Scope and administration of examination. (1) Applicants who satisfy the requirements of ORS 677 100 and pay the examination fee required by ORS 677 145 shall be admitted to an examination in subjects covered in schools of medicine that grant degrees of Doctor of Medicine or Doctor of Osteopathy The examination shall be sufficient to test the applicant's fitness to practice medicine The examination shall be by written or printed questions and answers, and shall be conducted in such a manner as to conceal the identity of the applicant until all examinations have been scored In all such examinations an average score of not less than 75 with a score of not less than 70 in each subject is required for passing However, the board may

require the applicant to take the Federation Licensing Examination, also known as FLEX. Any applicant taking the FLEX examination shall be scored in accordance with the rules of FLEX. In such FLEX examination, a weighted average score or component scores not less than 75 is required for passing.

(2) If an applicant fails the examination, the board may permit the applicant to take a subsequent examination, if the applicant has otherwise complied with the law and the rules of the board.

(3) After any applicant satisfactorily passes the examination in the required subjects, and otherwise complies with the law and the rules of the board, the board shall grant a license to the applicant to practice medicine in Oregon [Amended by 1953 c 159 §6, 1957 c 681 §2, 1967 c 470 §10, 1975 c 776 §5, 1985 c 322 §8]

677.120 Reciprocity. (1) A physician and surgeon who lawfully has been issued a license to practice in another state or territory of the United States or the District of Columbia, the qualifications and licensing examinations of which are substantially similar to those of the State of Oregon, may be licensed by the board to practice medicine in this state without taking an examination, except when an examination is required under subsection (3) of this section.

(2) The board may, at its discretion, accept a certificate issued by the National Board of Medical Examiners of the United States chartered under the laws of the District of Columbia or the National Board of Examiners for Osteopathic Physicians and Surgeons or the Medical Council of Canada in lieu of its own examination.

(3) The person described in subsection (1) of this section, whose application is based on a license issued in another state or territory or the District of Columbia, or by certification of the National Board of Medical Examiners of the United States or the National Board of Examiners for Osteopathic Physicians and Surgeons or the Medical Council of Canada, five years or more prior to the filing of an application with the board or who has ceased the practice of medicine for 12 or more consecutive months, may be required at the discretion of the board to take an examination [Amended by 1957 c 681 §3, 1967 c 470 §16, 1973 c 31 §2, 1983 c 486 §10, 1987 c 377 §1]

677.125 Reciprocal agreements. The board may enter into agreements with medical or osteopathic examining boards of other states and territories of the United States, and the District of Columbia, having qualifications and standards at least as high as those of this state, providing for reciprocal licensing in this state, without further

examination, of persons who have been licensed upon written examination in the other state or territory. Approval of these agreements by any other officer or agency of this state is not required [1967 c 470 §18]

677.130 [Amended by 1967 c 470 §19, renumbered 677.145]

677.132 Limited license. (1) When a need exists, the board may issue a limited license for an annual period to an applicant who possesses the qualifications prescribed by the rules of the board if such applicant graduated from a school of medicine or school of podiatry which at the time of the applicant's graduation was approved by the board pursuant to ORS 677.100 or 677.820. The board shall supervise the activities of the holder of a limited license and impose such restrictions as it finds necessary. Each person holding a limited license must obtain a license under ORS 677.100 to 677.120 or 677.820 to 677.840 at the earliest time possible. After such time the board may refuse to renew a limited license at the end of any annual period if it determines that the holder thereof is not pursuing diligently an attempt to become qualified for a license under ORS 677.100 to 677.120 or 677.820 to 677.840.

(2) The board by rule shall prescribe the types of and limitations upon licenses issued under this section, which shall include but not be limited to the following:

- (a) Limited license, institutional practice.
- (b) Limited license, public health.
- (c) Limited license, fellow
- (d) Limited license, resident
- (e) Limited license, special

(3) A person licensed under this section is subject to all the provisions of this chapter and to all the rules of the board, has the same duties and responsibilities and is subject to the same penalties and sanctions as any other person licensed under this chapter [1967 c 470 §12, 1973 c 31 §3, 1983 c 486 §11]

677.134 Limited license, institutional practice or public health. (1) A limited license, institutional practice, permits the holder of the license to engage in the performance of the duties of a member of the medical staff, under the supervision of the chief medical officer, at a mental hospital operated by the State of Oregon or any political subdivision therein.

(2) Without prior approval by the board, the holder of a limited license, institutional practice, practicing at a mental hospital operated by the

State of Oregon or any political subdivision therein may transfer to another such institution upon giving written notice to the board not later than the fifth day before the effective date of such transfer. The holder of such a license may not transfer to a hospital not operated by the State of Oregon or any political subdivision therein except upon prior issuance by the board of a new limited license.

(3) A limited license, public health, permits the holder of the license to perform the duties of a health officer at a local health department, or to perform public health work as an employe of the Health Division [1967 c 470 §13, 1975 c 776 §6, 1983 c 486 §12]

677.136 General limitations. ORS 677 134 does not permit the holder of a limited license, institutional practice, to engage in the practice of medicine other than specifically authorized by such license or the holder of a limited license, public health, to engage in the private practice of medicine [1967 c 470 §14]

677.138 Limited license, special. (1) An applicant for a license to practice medicine or podiatry in this state, basing the application on ORS 677 120, 677 825 or 677 830, who possesses all of the qualifications required by the board of such a licensee to practice medicine or podiatry in this state, may be issued a limited license, special, if the applicant meets all of the following conditions

- (a) The applicant has been granted permission by the board to file an application for a limited license, special
- (b) The applicant has completed an application under ORS 677 120, 677 825 or 677 830 to the satisfaction of the board
- (c) The board has determined by its investigation that the applicant possesses all of the qualifications required by the board of such applicant for a license to practice medicine or podiatry
- (d) The applicant has paid the fee required by ORS 677 145

(2) A limited license, special, entitles the holder to practice medicine or podiatry in this state only until the adjournment of the next regular board meeting specified in the license. However, the board may, in its discretion, and upon written request of the holder of the license, extend the limited license to the adjournment of the board meeting next following the board meeting specified in the license [1967 c 470 §15, 1983 c 486 §13]

677 140 [Amended by 1957 c 681 §4, repealed by 1967 c 470 §68]

677.145 Fees; how determined. The nonrefundable fees for licensing Doctors of Medicine and Doctors of Osteopathy to practice medicine in this state shall be for the following

- (1) Application for licensure
 - (a) First application to take an examination to practice
 - (b) Any subsequent application for the examination provided for under paragraph (a) of this subsection
 - (c) Application for a license based upon a certificate of successful examination issued by the National Board of Medical Examiners of the United States or the National Board of Examiners for Osteopathic Physicians and Surgeons or the Medical Council of Canada

- (d) Application for a license by reciprocity
- (2) Limited license
 - (a) The fee for a limited license for institution, public health and student health shall be the same as the registration fee for physicians actively practicing or residing within the state, or both

- (b) For a limited license, special, resident or fellow

- (3) Registration fee
 - (a) For one engaged in active practice, or residing in Oregon, or both, except those exempt under ORS 677 060

- (b) For one not engaged in active practice or not residing in Oregon, or both

(4) Subject to the review of the Executive Department and the prior approval of the appropriate legislative review agency, the fees and charges established under this section shall not exceed the cost of administering the regulatory program of the board pertaining to the purpose for which the fee or charge is established, as authorized by the Legislative Assembly for the board's budget, as modified by the Emergency Board or future sessions of the Legislative Assembly [Formerly 677 130, 1975 c 776 §11, 1979 c 292 §1, 1983 c 486 §14]

677.150 Registration of licensees. (1) Every person licensed to practice medicine in this state shall register with the board and pay a registration fee to the board for each renewal period

(2) The application shall be made upon a form, mailed to each holder of a license by the board not later than October 15 of each renewal period

(3) The application for registration shall be filed with the board not later than December 1 of each renewal period

(4) The board in its discretion may waive the payment of the registration fee for good and sufficient reason

(5) The board shall mail to the persons who have complied with this section a certificate of registration which shall remain in effect until midnight ending December 31 of the next renewal period

(6) Such certificate shall be displayed in a prominent place in the office [Amended by 1953 c 159 §6, 1959 c 154 §1, 1967 c 470 §21, 1983 c 486 §15]

677.160 Failure to apply for registration, expenditure and collection of fees and penalties. (1) If any person licensed to practice medicine in this state fails to comply with ORS 677 150 (3) the board, not later than December 10 of that year, shall mail a notice of delinquency to the person's last-known address. If such person fails to apply for registration and accompany the application with the required registration fees before midnight ending December 31 of the renewal period, the license of such person is automatically suspended as of midnight ending December 31

(2) In addition to any other penalties provided for by law, the board may require that a licensee whose license has been automatically suspended pay a penalty before issuing a registration certificate

(3) All moneys received by the board from fees or penalties shall be expended in carrying out this chapter, except as otherwise provided by law, and the board may collect such fees or penalties by law [Amended by 1967 c 470 §22, 1983 c 486 §16, 1987 c 377 §2]

677.170 Duty of licensee upon changing location; commencing practice between registration dates; inactive registration.

(1) Any person licensed to practice medicine or podiatry in this state and registered under ORS 677 150 or 677 850 who changes location during the period between any two registration dates shall notify the board of the change before practicing in the new location.

(2) Any physician who is newly licensed by this board to practice medicine in the state during the period between any two registration dates shall immediately register and pay the registration fee for that year as provided in ORS 677 145

(3) Any physician licensed to practice medicine in this state and registered under ORS 677 150 who changes location of practice to some

other state or country, shall be listed by the board as inactive. The absence from this state of a physician licensed by the board does not affect the validity of the license of the physician or registration if the physician notifies the board of such absence from the state and pays the inactive registration fee prescribed by ORS 677 145 during such absence. Before resuming practice in this state, the licensee shall notify the board of such intention to resume active practice in this state and obtain a certificate of active registration for the renewal period the licensee returns. The fee shall be the active registration fee less any inactive registration fee previously paid for that renewal period. The licensee shall file an affidavit with the board describing activities during the period of inactive registration. If, in the judgment of the board, the conduct of the licensee has been such, during the period of inactive registration, that the licensee would have been denied a license if applying for an initial license to practice medicine in this state, the board shall deny active registration. [Amended by 1953 c 159 §6, 1967 c 470 §23, 1975 c 776 §7, 1983 c 486 §17]

677.175 Retirement; cessation; surrender of license. (1) A person licensed to practice medicine or podiatry in this state may retire from practice by notifying the board in writing of such intention to retire. Upon receipt of this notice the board shall record the fact that the person is retired and excuse such person from further payment of registration fees. During the period of retirement no such person may practice medicine or podiatry. If a retired licensee desires to return to practice, the licensee shall apply to the board in writing for active registration. The board shall take action on the application as if the licensee were listed by the board as inactive and applying for active registration under ORS 677 170 or 677 850

(2) If a person licensed to practice medicine or podiatry in this state ceases to practice for a period of 12 or more consecutive months, the board in its discretion may require the person to prove to its satisfaction that the licensee has maintained competence to practice medicine or podiatry

(3) If a person surrenders a license to practice medicine or podiatry in this state, the status of the person becomes that of an individual who never has held a license to practice medicine or podiatry in this state [1967 c 470 §25, 1983 c 486 §18]

677.180 Publication of list of registered persons. After each registration period, the board shall compile a list of actively registered persons to whom the certificates referred to in

ORS 677 150 have been issued The names registered under ORS 677 170 or 677 175 after the list has been compiled under this section shall be reported quarterly to any person upon request [Amended by 1967 c 470 §26, 1983 c 486 §19]

677.184 License to show degree held; display of license, use of degree on stationery and in displays. (1) On each license issued by it, the board shall enter after the name of the person holding the license the degree to which the person is entitled by reason of the diploma of graduation from a school of medicine which, at the time of the graduation of such person, was approved by the board for purposes of ORS 677 100

(2) The license shall be displayed in a prominent place in each licensee's office

(3) In every letter, business card, advertisement, prescription blank, sign, public listing or display in connection with the profession of the person, each person licensed to practice medicine in this state shall designate the degree appearing on the license of the person pursuant to subsection (1) of this section Action taken by the board under ORS 677 190 for failure to comply with this subsection does not relieve a person from criminal prosecution for violation of ORS 676 100 to 676 120 [1967 c 470 §28, 1983 c 486 §20]

677.188 Definitions for ORS 677.190.

As used in ORS 677 190, unless the context requires otherwise

(1) "Fraud or misrepresentation" means the intentional misrepresentation or misstatement of a material fact, concealment of or failure to make known any material fact, or any other means by which misinformation or a false impression knowingly is given

(2) "Fraudulent claim" means a claim submitted to any patient, insurance or indemnity association, company or individual for the purpose of gaining compensation, which the person making the claim knows to be false

(3) "Manifestly incurable condition, sickness, disease or injury" means one that is declared to be incurable by competent physicians and surgeons or by other recognized authority

(4) "Unprofessional or dishonorable conduct" means conduct unbecoming a person licensed to practice medicine or podiatry, or detrimental to the best interests of the public, and includes

(a) Any conduct or practice contrary to recognized standards of ethics of the medical or podiatric profession or any conduct or practice which does or might constitute a danger to the health or safety of a patient or the public or any

conduct, practice or condition which does or might impair a physician's or podiatrist's ability safely and skillfully to practice medicine or podiatry,

(b) Wilful performance of any surgical or medical treatment which is contrary to acceptable medical standards, and

(c) Wilful and repeated ordering or performance of unnecessary laboratory tests or radiologic studies, administration of unnecessary treatment; employment of outmoded, unproved or unscientific treatments, failure to obtain consultations when failing to do so is not consistent with the standard of care, or otherwise utilizing medical service for diagnosis or treatment which is or may be considered inappropriate or unnecessary [1967 c 470 §29, 1969 c 684 §14, 1975 c 796 §1, 1983 c 486 §21, 1987 c 377 §3]

677.190 Grounds for suspending, revoking or refusing to grant license, registration or certification. The board may refuse to grant, or may suspend or revoke a license to practice medicine or podiatry in this state, or may refuse to grant, or may suspend or revoke the registration or certification of any other person registered, certified or otherwise controlled by the board for any of the following reasons

(1) Unprofessional or dishonorable conduct

(2) Employing any person to solicit patients for the licensee

(3) Representing to a patient that a manifestly incurable condition of sickness, disease or injury can be cured

(4) Obtaining any fee by fraud or misrepresentation

(5) Wilfully or negligently divulging a professional secret

(6) Conviction of any offense punishable by incarceration in a Department of Corrections institution or in a federal prison, subject to ORS 670 280 A copy of the record of conviction, certified to by the clerk of the court entering the conviction, shall be conclusive evidence

(7) Habitual or excessive use of intoxicants, drugs or controlled substances

(8) Fraud or misrepresentation in applying for or procuring a license to practice in this state, or in connection with applying for or procuring registration

(9) Making false or misleading statements regarding skill or the efficacy or value of the medicine, treatment or remedy prescribed or administered by the licensee or at the direction of

the licensee in the treatment of any disease or other condition of the human body or mind

(10) Impersonating another person licensed to practice medicine or podiatry or permitting or allowing any person to use the license or certificate of registration

(11) Aiding or abetting the practice of medicine or podiatry by a person not licensed by the board

(12) Using the name of the licensee under the designation "doctor," "Dr.," "D O" or "M D.," "D P M.," "Acupuncturist," "E M T II, III or IV," "P A" or any similar designation with reference to the commercial exploitation of any goods, wares or merchandise

(13) Insanity or mental disease as evidenced by an adjudication or by voluntary commitment to an institution for treatment of a mental disease, or as determined by an examination conducted by three impartial psychiatrists retained by the board

(14) Gross negligence or repeated negligence in the practice of medicine or podiatry

(15) Manifest incapacity to practice medicine or podiatry

(16) The suspension or revocation by another state of a license to practice medicine or podiatry, based upon acts by the licensee similar to acts described in this section. A certified copy of the record of suspension or revocation of the state making such suspension or revocation is conclusive evidence thereof

(17) Failing to designate the degree appearing on the license under circumstances described in ORS 677 184 (3)

(18) Wilfully violating any provision of this chapter or any rule adopted by the board

(19) Failing to report the change of the location of practice of the licensee as required by ORS 677 170

(20) Adjudication of or admission to a hospital for mental illness or imprisonment as provided in ORS 677 225

(21) Making a fraudulent claim

(22)(a) Performing psychosurgery

(b) For purposes of this subsection and ORS 426 385, "psychosurgery" means any operation designed to produce an irreversible lesion or destroy brain tissue for the primary purpose of altering the thoughts, emotions or behavior of a human being "Psychosurgery" does not include procedures which may produce an irreversible lesion or destroy brain tissues when undertaken

to cure well-defined disease states such as brain tumor, epileptic foci and certain chronic pain syndromes

(23) Refusing an invitation for an informal interview with the board requested under ORS 677 415

(24) Violation of Federal Controlled Substance Act

(25) Prescribing controlled substances without a legitimate medical purpose and without following accepted procedures for examination of patients and record keeping [Amended by 1957 c 681 §5, 1961 c 400 §5, 1967 c 470 §30, 1969 c 684 §15, 1973 c 616 §16 1975 c 776 §8, 1975 c 796 §2a, 1979 c 744 §50, 1981 c 372 §4, 1983 c 470 §4, 1983 c 486 §22, 1987 c 320 §244]

677.200 Disciplinary procedure.

Except as provided in ORS 677 205 (1)(a) and 677 202, any proceeding for suspension or revocation of a license to practice medicine in this state shall be substantially in accord with the following procedure

(1) A written complaint of some person, not excluding members or employes of the board, shall be verified and filed with the board

(2) A hearing shall be given to the accused in accordance with ORS 183 310 to 183 550 as a contested case

(3) The hearing may be before the board or may be before three or more members or a qualified hearing officer designated by the chairman of the board to take testimony and conduct the hearing. If the hearing is before one or more members of the board or a hearing officer designated by the chairman, a transcript of the testimony taken, together with any exhibits produced, shall be furnished to the board. The accused or the attorney of the accused, or both, may be present at the meeting at which the transcript is considered by the board and may be given an opportunity to argue and sum up the accused's position before the board [Amended by 1957 c 681 §6, 1961 c 400 §6, 1967 c 470 §31, 1971 c 734 §118, 1983 c 486 §23]

677 202 When procedure inapplicable.

ORS 677 200 (1) and (2) do not apply in cases wherein

(1) The board has refused to accept an application for licensing or has denied licensing to a person applying for a license to practice medicine or podiatry in this state

(2) The license of a person to practice medicine or podiatry in this state has been suspended automatically as provided in ORS 677 160, 677 170, 677 225 or 677 850 [1967 c 470 §33, 1983 c 486 §24]

677.205 Grounds for discipline; action by board. (1) The board may discipline as provided in this section any person licensed, registered or certified to practice medicine or podiatry in this state who has

(a) Admitted the facts of a complaint filed in accordance with ORS 677 200 (1) alleging facts which establish that such person is guilty of violation of one or more of the grounds for suspension or revocation of a license as set forth in ORS 677 190,

(b) Been found guilty in accordance with ORS 677 200 of violation of one or more of the grounds for suspension or revocation of a license as set forth in ORS 677 190, or

(c) Had an automatic license suspension as provided in ORS 677 225

(2) In disciplining a licensee as authorized by subsection (1) of this section, the board may use any or all of the following methods

(a) Suspend judgment

(b) Place the licensee on probation

(c) Suspend the license of the licensee to practice medicine or podiatry in this state

(d) Revoke the license of the licensee to practice medicine or podiatry in this state

(e) Place limitations on the license of the licensee to practice medicine or podiatry in this state

(f) Take such other disciplinary action as the board in its discretion finds proper, including assessment of the costs of the disciplinary proceedings or assessment of a fine not to exceed \$5,000, or both

(3) In addition to the action authorized by subsection (2) of this section, the board may temporarily suspend a license without a hearing, simultaneously with the commencement of proceedings under ORS 677 200 if the board finds that evidence in its possession indicates that a continuation in practice of the licensee constitutes an immediate danger to the public

(4) If the board places any licensee on probation as set forth in paragraph (b) of subsection (2) of this section, the board may determine, and may at any time modify, the conditions of the probation and may include among them any reasonable condition for the purpose of protection of the public and for the purpose of the rehabilitation of the probationer or both Upon expiration of the term of probation, further proceedings shall be abated if the licensee has complied with the terms of the probation

(5) If a license to practice medicine or podiatry in this state is suspended, the holder of the license may not practice during the term of suspension Upon the expiration of the term of suspension, the license shall be reinstated by the board if the conditions for which the license was suspended no longer exist

(6) The board shall enter each case of disciplinary action on its records [1957 c 681 §8, 1967 c 470 §34 1975 c 796 §3, 1983 c 486 §25]

677 208 Hearing; judicial review. (1) Where the board proposes to refuse to issue a license, or refuses to restore an inactive registrant to an active registration, or proposes to revoke or suspend a license, opportunity for hearing shall be accorded as provided in ORS 183 310 to 183 550

(2) Judicial review of orders under subsection (1) of this section shall be in accordance with ORS 183 310 to 183 550

(3) If the final order of the court on review reverses the board's order of suspension or revocation, the board shall issue the license and reinstate appellant not later than the 30th day after the decision of the court [1971 c 734 §120, 1975 c 776 §9]

677 210 [Amended by 1967 c 470 §35 repealed by 1971 c 734 §21]

677 215 [1967 c 470 §37, repealed by 1971 c 734 §21]

677.220 Issuance or restoration of license after denial or revocation. Whenever a license to practice medicine or podiatry in this state is denied or revoked for any cause, the board may, in its discretion, after the lapse of two years from the date of such revocation, upon written application by the person formerly licensed and after a hearing, issue or restore the license to practice medicine or podiatry in this state [Amended by 1967 c 470 §38, 1983 c 486 §26]

677.225 Automatic suspension of license for mental illness or imprisonment; termination of suspension. (1) A person's license to practice medicine or podiatry in this state is suspended automatically if

(a) The licensee is adjudged to be mentally ill or admitted on a voluntary basis to any hospital which treats or cares for the mentally ill, except for treatment as an outpatient, for X-ray examination or therapy or if the licensee's residence in the hospital does not exceed 25 consecutive days, or

(b) After August 9, 1961, the licensee is an inmate in a penal institution

(2)(a) The clerk of the court making the order of commitment under paragraph (a) of subsection

(1) of this section shall cause to be mailed to the board, as soon as possible, a certified copy of the court order adjudging the person to be mentally ill. No fees are chargeable by the clerk for performing the duties prescribed by this paragraph.

(b) The administrator of the hospital to which a person licensed to practice medicine or podiatry in this state has voluntarily applied for admission shall cause to be mailed to the board as soon as possible, a certified copy of the record of the voluntary admission of such person. Upon receipt of the copy of the record of voluntary admission by the board, the board shall give notice of the suspension resulting under paragraph (a) of subsection (1) of this section to the appropriate county clerk as in the case of a suspension of a license by the board.

(c) Written evidence received from the supervisory authority of a penal institution that the person is an inmate therein is prima facie evidence of incarceration for the purpose of paragraph (b) of subsection (1) of this section.

(3) A suspension under this section may be terminated by the board when

(a) The board receives competent evidence that the former practitioner is not mentally ill, or

(b) The board receives competent evidence that the former practitioner is no longer incarcerated, and

(c) The board is satisfied, with due regard for the public interest, that the former practitioner's privilege to practice may be restored [1955 c 317 §1, 1961 c 257 §1, 1967 c 470 §39, 1983 c 486 §27, 1983 c 740 §250]

677.228 Automatic suspension of license for failure to pay registration fee or report change of location; reinstatement.

(1) A person's license to practice medicine in this state is suspended automatically if the licensee fails to

(a) Pay the registration fee before January 1 for each renewal period, as required by ORS 677 160, or

(b) Notify the board of a change of location, as required by ORS 677 170, not later than the 30th day after such change.

(2) A person whose license has been suspended under paragraph (a) of subsection (1) of this section is reinstated automatically when the licensee pays the registration fee plus all penalties then due.

(3) A person whose license has been suspended under paragraph (b) of subsection (1) of this section is reinstated automatically if the board receives notification of the current and

correct address of the licensee as required by ORS 677 160 not later than the 10th day after such automatic suspension takes effect. Otherwise the suspension continues until terminated by the board [1967 c 470 §41, 1983 c 486 §28].

677 230 [Repealed by 1967 c 470 §42 (677 235 enacted in lieu of 677 230)]

677 232 [1971 c 649 §8, 1979 c 292 §2, renumbered 677 525]

(Board of Medical Examiners)

677.235 Board of Medical Examiners; membership; terms; vacancies; confirmation. (1) The Board of Medical Examiners for the State of Oregon consists of nine members appointed by the Governor. Six of the members shall be appointed from among persons having the degree of Doctor of Medicine, and two from among persons having the degree of Doctor of Osteopathy. In addition to the eight named persons described, there shall be appointed one public member representing health consumers. All persons appointed must have been residents of this state for at least seven years. The physician members must have been in the active practice of their profession for at least five years immediately preceding their appointment. Neither the public member nor any person within the immediate family of the public member shall be employed as a health professional or in any health-related industry. The public member shall participate at all times the board or any committee or part thereof sits in an investigative capacity.

(2) Not later than February 1 of each year, the Oregon Medical Association shall nominate three qualified physicians for each physician member of the board whose term expires in that year, and shall certify its nominees to the Governor. Not later than the 30th day before the expiration of the term of each osteopathic member of the board, the Osteopathic Physicians and Surgeons of Oregon, Inc shall nominate three physicians possessing the degree of Doctor of Osteopathy and shall certify its nominees to the Governor. The Governor shall consider these nominees in selecting successors to retiring board members.

(3) Each member of the board shall serve for a term of four years beginning on March 1 of the year the member is appointed and ending February 28 of the fourth year thereafter. If a vacancy occurs on the board, another member possessing the same professional degree 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.

(4) All appointments of members of the board by the Governor are subject to confirmation by the Senate in the manner provided in ORS 171 562 and 171 565 [1967 c 470 §43 (enacted in lieu of 677 230) 1971 c 650 §26 1973 c 792 §33 1979 c 388 §1, 1983 c 486 §28a, 1985 c 322 §4]

677.240 Oaths, officers and meetings of board. (1) The members of the board, before entering upon their duties as members, shall take and subscribe an oath to support the Constitution and laws of the State of Oregon and of the United States, and to perform well and faithfully and without partiality the duties of such office according to the best of their knowledge and ability. The oaths shall be filed and preserved of record in the office of the board.

(2) The board shall elect annually from among its members a chairman, vice-chairman and secretary-treasurer.

(3) The board shall hold meetings at Portland, Oregon, at such times and places as shall be determined by the board.

(4) The chairman, vice-chairman or secretary-treasurer may call a special meeting of the board upon at least 10 days' notice in writing to each member, to be held at any place designated by such officer.

(5) The board shall hold meetings for examination of applicants for licenses at least twice each year at Portland, Oregon, on such dates as the board considers advisable. Special meetings for the examination of applicants for licenses may be called in the same manner as other special meetings of the board. [Amended by 1967 c 470 §47]

677.250 Records to be kept. The board shall keep a record of all the proceedings thereof, and also a record of all applicants for a license, together with their ages, the time such applicants have spent in the study and practice of medicine, the name and location of all institutions granting to applicants degrees in medicine and such other information as the board may deem advisable. The record also shall show whether such applicants were rejected or licensed under this chapter. The record is prima facie evidence of all the matters therein recorded, and failure of a person's name to appear in the record is prima facie evidence that such person does not have a license to practice medicine in this state. [Amended by 1967 c 470 §48]

677 255 [1971 c 649 §5 renumbered 677 530]

677 257 [1981 c 327 §2 renumbered 677 750]

677 259 [1973 c 451 §2, 1975 c 442 §1, 1983 c 486 §29, renumbered 677 755]

677 260 [Repealed by 1967 c 470 §49 (677 265 enacted in lieu of 677 260)]

677 261 [1975 c 442 §5, 1983 c 486 §30, renumbered 677 760]

677 262 [1975 c 442 §3, 1983 c 486 §66, renumbered 677 765]

677.263 [1975 c 442 §4, 1979 c 292 §3, 1983 c 486 §31 renumbered 677 770]

677.265 Powers of board generally. In addition to any other powers granted by this chapter, the board may:

(1) Promulgate necessary and proper rules

(a) Establishing standards and tests to determine the moral, intellectual, educational, scientific, technical and professional qualifications required of applicants for licenses to practice medicine or podiatry in this state

(b) Enforcing the provisions of this chapter and exercising general supervision over the practice of medicine and podiatry within this state

(2) Issue, deny, suspend and revoke licenses and limited licenses, assess costs of proceedings and place persons on probation as provided in this chapter

(3) Use the gratuitous services and facilities of private organizations to receive the assistance and recommendations of such organizations in administering this chapter

(4) Make its personnel and facilities available to other regulatory agencies of this state, or other bodies interested in the development and improvement of the practice of medicine or podiatry in this state, upon such terms and conditions for reimbursement as are agreed to by the board and the other agency or body

(5) Appoint examiners, who need not be members of the board, and employ or contract with the American Public Health Association or the National Board of Medical Examiners or other organizations, agencies and persons to prepare examination questions and score examination papers

(6) Determine the schools, colleges, universities, institutions and training acceptable in connection with licensing under this chapter. All residency, internship and other training programs carried on in this state by any hospital, institution or medical facility shall be subject to approval by the board. The board shall accept the approval by the American Osteopathic Association or the American Medical Association

(7) Prescribe the time, place, method, manner, scope and subjects of examinations under this chapter

(8) Prescribe all forms that it considers appropriate for the purposes of this chapter, and require the submission of photographs, fingerprints and relevant personal history data by applicants for licenses to practice medicine or podiatry in this state

(9) Administer oaths, issue notices and subpoenas in the name of the board, enforce subpoenas in the manner authorized by ORS 183 440, hold hearings and perform such other acts as are reasonably necessary to carry out its duties under this chapter [1967 c 470 §50 (enacted in lieu of 677 260), 1975 c 776 §10, 1983 c 486 §34]

677.270 Proceedings upon refusal to testify or failure to obey rule, order or subpoena of board. If any licensee fails to comply with any lawful rule or order of the board, or fails to obey any subpoena issued by the board, or refuses to testify concerning any matter on which the licensee may lawfully be interrogated by the board, the board may apply to any circuit court of this state, or the judge thereof, to compel obedience. The court or judge, upon such application, shall institute proceedings for contempt [Amended by 1967 c 470 §51, 1983 c 486 §35]

677.275 Executive secretaries; hearing officers. The board may appoint

(1) One or more executive secretaries, who need not be members of the board, and fix their compensation. Each executive secretary shall be under the supervision and control of the board, and may discharge the duties of the secretary-treasurer as provided in the rules of the board

(2) One or more hearing officers, who need not be members of the board, and fix their compensation. Each hearing officer is vested with the full authority of the board to schedule and conduct hearings on behalf and in the name of the board on all matters referred by the board, including proceedings for placing licensees on probation and for suspension and revocation of licenses, and shall cause to be prepared and furnished to the board, for decision thereon by the board, the complete written transcript of the record of the hearing. This transcript shall contain all evidence introduced at the hearing and all pleas, motions and objections, and all rulings of the hearing officer. Each hearing officer may administer oaths and issue summonses, notices and subpoenas, but may not place any licensee on probation or issue, refuse, suspend or revoke a license [1967 c 470 §53, 1983 c 486 §36]

677.280 Employment of personnel; compensation and expenses of board members. (1) Subject to any applicable provisions of the State Personnel Relations Law, the board

may employ inspectors, special agents and investigators for the purpose of enforcing the laws relating to the practice of medicine and securing evidence of violations thereof, and necessary clerical assistants, and may fix the compensation therefor and incur necessary other expenses

(2) The board members are entitled to compensation and expenses as provided in ORS 292 495 [Amended by 1967 c 470 §54, 1969 c 314 §78]

677.290 Disposition of receipts; medical library. (1) All moneys received by the board under ORS 677 010 to 677 990 shall be paid into the General Fund in the State Treasury and placed to the credit of the Board of Medical Examiners Account which is established. Such moneys are appropriated continuously and shall be used only for the administration and enforcement of ORS 677 010 to 677.990

(2) Each year \$10 shall be paid to the Oregon Health Sciences University for each actively registered physician under ORS 677 145 which amount is continuously appropriated to the Oregon Health Sciences University to be used in maintaining a circulating library of medical and surgical books and publications for the use of practitioners of medicine in this state, and when not so in use to be kept at the library of the School of Medicine and accessible to its students. The balance of the money received by the board is appropriated continuously and shall be used only for the administration and enforcement of ORS 677 010 to 677 990, but any part of the balance may, upon the order of the board, be paid into the circulating library fund [Amended by 1953 c 159 §6, 1967 c 470 §55, 1967 c 637 §§29, 29a, 1973 c 427 §15, 1975 c 693 §18, 1979 c 27 §1, 1983 c 486 §37]

677 300 Disposition of fines. All fines imposed under this chapter shall be paid into the treasury of the county in which the suits, actions or proceedings have been commenced. All moneys thus paid into the treasury, over and above the amount necessary to reimburse the county for any expense incurred by the county, in any suit, action or proceedings brought under this chapter shall be paid into the General Fund in the State Treasury and placed to the credit of the Board of Medical Examiners Account before January 1 of each year and shall be used only for the administration and enforcement of ORS 677 010 to 677 990 [Amended by 1967 c 470 §56, 1973 c 427 §16, 1983 c 486 §38]

677.305 Petty cash fund. The board may maintain a petty cash fund in compliance with ORS 293 180 in the amount of \$3,000 [1955 c 282 §1, 1967 c 470 §57, 1983 c 486 §39]

677.310 Secretary-treasurer's bond. The secretary-treasurer of the board shall give a

bond in a sum to be fixed by the board running to the State of Oregon conditioned upon the faithful discharge of the duties of the secretary-treasurer, and the proper accounting for and paying over all moneys coming into the possession of the secretary-treasurer as treasurer for the board. The bond is subject to approval by the board. The premium of the bond shall be paid from any moneys available for the expenses of the board. [Amended by 1967 c 470 §58]

(Enforcement)

677.320 Investigation of complaints and suspected violations. (1) Upon the complaint of any citizen of this state, or upon its own initiative, the board may investigate any alleged violation of ORS chapter 677. If, after the investigation, the board has reason to believe that any person is subject to prosecution criminally for the violation of this chapter, it shall lay the facts before the proper district attorney.

(2) In the conduct of investigations, the board may

(a) Take evidence,

(b) Take the depositions of witnesses, including the person charged, in the manner provided by law in civil cases,

(c) Compel the appearance of witnesses, including the person charged, before it in person the same as in civil cases,

(d) Require answers to interrogatories, and

(e) Compel the production of books, papers, accounts, documents and testimony pertaining to the matter under investigation or the hearing.

(3) In exercising its authority under subsection (2) of this section, the board may issue subpoenas over the signature of the executive secretary and the seal of the board in the name of the State of Oregon. [Amended by 1983 c 486 §40]

677.325 Enjoining unlicensed practice of medicine. The board may maintain a suit for an injunction against any person violating ORS 677 080 (4). Any person who has been so enjoined may be punished for contempt by the court issuing the injunction. An injunction may be issued without proof of actual damage sustained by any person. An injunction shall not relieve a person from criminal prosecution for violation of ORS 677 080 (4). [Formerly 677 040]

677.330 Duty of district attorney and Attorney General; jurisdiction of prosecutions. (1) The district attorney of each county shall prosecute any violation of this chapter occurring in the county. The board shall be repre-

mented by the Attorney General acting under ORS 180 140. Each district attorney shall bring to the attention of the grand jury of the county any acts complained of by the board as a violation of the provisions of this chapter.

(2) Upon any appeal to the Court of Appeals of this state in any of the proceedings referred to in subsection (1) of this section, the Attorney General shall assist the district attorney in the trial of the cause in the Court of Appeals.

(3) Justices' courts, district courts and the circuit courts have concurrent jurisdiction of prosecutions for the violation of this chapter. [Amended by 1967 c 470 §60, 1979 c 562 §30]

677.335 Official actions of board and personnel; privileges and immunities; scope of immunity of complainant. (1) Members of the board, members of its administrative and investigative staff, its attorneys acting as prosecutors or counsel shall have the same privilege and immunities from civil and criminal proceedings arising by reason of official actions as prosecuting and judicial officers of the state.

(2) No person who has made a complaint as to the conduct of a licensee of the board or who has given information or testimony relative to a proposed or pending proceeding for misconduct against the licensee of the board, shall be answerable for any such act in any proceeding except for perjury committed by the person. [1975 c 776 §2]

677 340 [Amended by 1967 c 470 §6, renumbered 677 075]

(Artificial Insemination)

677.355 "Artificial insemination" defined. As used in ORS 109 239 to 109 247, 677 355 to 677 370 and 677 990 (3), "artificial insemination" means introduction of semen into a woman's vagina, cervical canal or uterus through the use of instruments or other artificial means. [1977 c 686 §1]

Note. ORS 677 355 to 677 370 and 677 990 (3) were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 677 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

677.360 Who may select donors and perform procedure. Only physicians licensed under this chapter and persons under their supervision may select artificial insemination donors and perform artificial insemination. [1977 c 686 §2]

677.365 Consent required; filing with State Registrar of Vital Statistics; notice to

physician. (1) Artificial insemination shall not be performed upon a woman without her prior written request and consent and, if she is married, the prior written request and consent of her husband

(2) Whenever a child is born who may have been conceived by the use of semen of a donor who is not the woman's husband, a copy of the request and consent required under subsection (1) of this section shall be filed by the physician who performs the artificial insemination with the State Registrar of Vital Statistics. The state registrar shall prescribe the form of reporting

(3) The information filed under subsection (2) of this section shall be sealed by the state registrar and may be opened only upon an order of a court of competent jurisdiction

(4) If the physician who performs the artificial insemination does not deliver the child conceived as a result of the use of semen of a donor who is not the woman's husband, it is the duty of the woman and the husband who consented pursuant to subsection (1) of this section to give that physician notice of the child's birth. The physician who performs the artificial insemination shall be relieved of all liability for non-compliance with subsection (2) of this section if the noncompliance results from lack of notice to the physician about the birth [1977 c 686 §3]

677.370 Who may be donor. No semen shall be donated for use in artificial insemination by any person who

(1) Has any disease or defect known by him to be transmissible by genes, or

(2) Knows or has reason to know he has a venereal disease [1977 c 686 §4]

(Competency to Practice Medicine or Podiatry)

677.410 Voluntary limitation of license; removal of limitation. A licensee may request in writing to the board a limitation of license to practice medicine or podiatry, respectively. The board may grant such request for limitation and shall have authority, if it deems appropriate, to attach conditions to the license of the licensee within the provisions of ORS 677 205 and 677 410 to 677 425. Removal of a voluntary limitation on licensure to practice medicine or podiatry shall be determined by the board [1975 c 796 §5, 1981 c 339 §1, 1983 c 486 §41]

677.415 Investigation of incompetence; reports to board; informal interview. (1) The board on its own motion may investigate any evidence which appears to show

that a licensee licensed by the board is or may be medically incompetent or is or may be guilty of unprofessional or dishonorable conduct or is or may be mentally or physically unable safely to engage in the practice of medicine or podiatry

(2) Any health care facility licensed under ORS 441 015 to 441 087 and 441 820, any licensee licensed by the board, the Oregon Medical Association, Inc, or any component society thereof, the Osteopathic Physicians and Surgeons of Oregon, Inc or the Oregon Podiatric Medical Association shall, and any other person may, report to the board any information such licensee, association, society or person may have which appears to show that a licensee is or may be medically incompetent or is or may be guilty of unprofessional or dishonorable conduct or is or may be mentally or physically unable safely to engage in the practice of medicine or podiatry

(3) If in the opinion of the board it appears such information provided to it under provisions of this section is or may be true, the board may request an informal interview with the licensee [1975 c 796 §6, 1977 c 448 §11, 1981 c 339 §2, 1983 c 486 §42, 1985 c 322 §5]

677.420 Competency examination; investigation; consent by licensee; assistance. (1) Notwithstanding any other provisions of this chapter, the board may at any time direct and order a mental, physical or medical competency examination or any combination thereof, and make such investigation, including the taking of depositions or otherwise in order to fully inform itself with respect to the performance or conduct of a licensee

(2) If the board has reasonable cause to believe that any licensee is or may be unable to practice medicine or podiatry with reasonable skill and safety to patients, the board shall cause a competency examination of such licensee for purposes of determining the fitness of the licensee to practice medicine or podiatry with reasonable skill and safety to patients

(3) Any licensee by practicing or by filing a registration to practice medicine or podiatry shall be deemed to have given consent to submit to mental or physical examination when so directed by the board and, further, to have waived all objection to the admissibility of information derived from such mental or physical or medical competency examination on the grounds of privileged communication

(4) The board may request the Oregon Medical Association, Inc, Oregon Osteopathic Association or the Oregon Podiatry Association or any of them to assist the board in preparing for or

conducting any medical competency examination as the board may deem appropriate [1975 c 796 §7, 1981 c 339 §3, 1983 c 486 §43]

677.425 Confidential information; immunity. (1) Any information provided to the board pursuant to ORS 677 200, 677 205, 677 410 to 677 425 or 677 860 is confidential and shall not be subject to public disclosure, nor shall it be admissible as evidence in any judicial proceeding

(2) Any person who reports or provides information to the board under ORS 677 205, 677 410 to 677 425 and 677 860 and who provides information in good faith shall not be subject to an action for civil damages as a result thereof [1975 c 796 §8 1983 c 486 §44]

677 435 [1977 c 448 §§2, 3, 4, 1981 c 339 §4, repealed by 1987 c 774 §61]

677.450 Release of certain information to health care facilities. The board may release information received under ORS 441 820 concerning the revocation or restriction of a physician's or podiatrist's activities at a health care facility to any other health care facility licensed under ORS 441 015 to 441 087, 441 525 to 441 595, 441 815, 441 820, 441 990, 442 320, 442 340 to 442 350 and 442 400 to 442 450 at which that physician or podiatrist holds or has applied for staff privileges or other right to practice medicine or podiatry at the facility [1977 c 448 §5, 1981 c 339 §5]

(Miscellaneous)

677.490 Fees when patient served or referred to diabetes self-management program. (1) If a physician refers a patient to diabetes self-management education services provided at a different time and place from other health services provided to the patient by the physician, the referring physician is entitled to receive no more than the total salary and benefits to personnel providing the services plus the cost of materials and services directly related to the services, if any of these costs are paid by the physician, or

(2) If the referring physician personally provides the diabetes self-management education services, the physician is entitled to receive no more than the usual and customary charges for routine office visits of comparable duration [1987 c 720 §6]

Note 677 490 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 677 or any series therein by legislative action See Preface to Oregon Revised Statutes for further explanation

PHYSICIANS' ASSISTANTS

677.495 Definitions for ORS 677.495 to 677.550. As used in ORS 677 495 to 677 550, unless the context requires otherwise

(1) "Committee" means the Physician's Assistant Committee created in ORS 677 540

(2) "Medically disadvantaged area" means such an area of the state designated by the Director of Human Resources to be in need of primary health care providers

(3) "Physician's assistant" means a person who is registered as a physician's assistant in accordance with ORS 677 505 to 677 530

(4) "Supervision" means the routine direction and regular review by the supervising physician, as determined to be appropriate by the board, of the medical services provided by the physician's assistant The practice description shall provide for the maintenance of direct, verbal communication either in person or by means described in ORS 677 515 (4)(b) but the description shall not require the physical presence at all times of the supervising physician [Formerly 677 012, 1983 c 486 §45, 1987 c 660 §24]

677.500 Policy It is the intent of the Legislative Assembly in requiring the certification of physicians' assistants that there be reasonable utilization of the physician's assistant by the supervising physician [1981 c 220 §9]

677.505 Application of provisions governing physicians' assistants to other health professions. (1) ORS 677 495 and 677 505 to 677 530 are not intended to alter or affect ORS chapter 678, regarding the practice of nursing, ORS chapter 679, regarding the practice of dentistry, ORS 680 010 to 680 170, regarding the practice of dental hygienists and auxiliaries, or ORS chapter 683, regarding the practice of optometry

(2) ORS 677 495 and 677 505 to 677 530 do not require an employe of a person licensed to practice medicine under this chapter, or of a medical clinic or hospital to be registered under ORS 677 495 and 677 505 to 677 530, unless the employe is employed as a physician's assistant in which case the employe shall be registered under ORS 677 495 and 677 505 to 677 530 [Formerly 677 055]

677.510 Approval of board required before using services of physician's assistant; term of approval; request for hearing; supervision; emergency drug dispensing authority. (1) A person licensed to practice medicine under this chapter shall not use

the services of a physician's assistant without the prior approval of the board. The application shall state the name of the physician's assistant, describe the manner and extent to which the physician's assistant's services would be used and supervised, state the education, training and experience of the physician's assistant and provide such other information in such a form as the board may require.

(2) The board may approve or reject an application, or it may modify the proposed use of the services of the assistant and approve the application as modified. Approval shall be valid for no more than one year but may be renewed annually. When it appears to the board that the services of a physician's assistant are being used in a manner inconsistent with the approval granted, the board may withdraw its approval. If a hearing is requested by the physician or the physician's assistant upon the rejection of an application, or upon the withdrawal of an approval, a hearing shall be conducted in accordance with ORS 677.200.

(3) A supervising physician may have a different specialty from the physician's assistant. A physician's assistant may have two supervising physicians. A supervising physician may have two physician's assistants. A physician's assistant may render services in an emergency room, a nursing home or a corrections institution, if the site is included in the practice description.

(4) A certified physician's assistant may make application to the board for emergency drug dispensing authority. The board shall consider the criteria adopted by the committee under ORS 677.545 (4) in reviewing the application. Such emergency dispensing shall be of drugs prepared by a licensed pharmacist. [1971 c 649 §7, 1981 c 220 §10]

677.515 Medical services rendered by physician's assistant. (1) This chapter does not prohibit a person from rendering medical services

(a) If the person has satisfactorily completed a training program, approved by the board, for physicians' assistants,

(b) If the services are rendered under the supervision and control of a person licensed under this chapter to practice medicine and the use of the assistant's services has been approved by the board as provided by ORS 677.510, and

(c) If the person is registered as a physician's assistant as provided by ORS 677.495 and 677.505 to 677.530

(2) This chapter does not prohibit a student enrolled in an approved program for training

physicians' assistants from rendering medical services if the services are rendered in the course of the program

(3) Notwithstanding subsections (1) and (2) of this section, the degree of independent judgment that the physician's assistant may exercise shall be determined by the supervising physician and the physician's assistant in accordance with a practice description approved by the board

(4) A physician's assistant may provide medical services to ambulatory patients in a medical care setting where the supervising physician does not regularly practice only if the following conditions exist

(a) The medical care setting is located in a medically disadvantaged area,

(b) Direct communication either in person or by telephone, radio, radiotelephone, television or similar means is maintained, and

(c) The medical services provided by the physician's assistant are reviewed by the supervising physician on a regularly scheduled basis as determined by the board

(5) A supervising physician, upon the approval of the board and in accordance with the rules established by the board, may delegate to the physician's assistant the authority to administer and dispense limited emergency medications and to prescribe medications pursuant to this section and ORS 475.005, 677.010, 677.500, 677.510 and 677.535 to 677.550. Neither the board nor the committee shall limit the privilege of administering, dispensing and prescribing to medically disadvantaged areas. All prescriptions written pursuant to this subsection shall bear the name, office address and telephone number of the supervising physician

(6) Nothing in this chapter is intended to require or prohibit a physician's assistant from practicing in a hospital licensed pursuant to ORS 442.015

(7) Prescriptions for medications prescribed by a physician's assistant in accordance with this section and ORS 475.005, 677.010, 677.500, 677.510 and 677.535 to 677.550 and dispensed by a registered pharmacist may be filled by the pharmacist according to the terms of the prescription, and the filling of such a prescription shall not constitute evidence of negligence on the part of the pharmacist if the prescription was dispensed within the reasonable and prudent practice of pharmacy. [Formerly 677.065, 1985 c 747 §52]

677.520 Performance of medical services by unregistered physician's assistant

prohibited. Performance of any medical services by a physician's assistant after the termination of registration by the board, after expiration of temporary registration or in the absence of renewal of registration constitutes the unauthorized practice of medicine and subjects the assistant to the penalties provided by ORS 677 990 [Formerly 677 090, 1983 c 486 §67]

677.525 Fees; how determined. (1) Every physician's assistant shall pay to the board nonrefundable fees for the following purposes

- (a) Initial application as a physician's assistant
- (b) Registration or renewal of registration as a physician's assistant
- (c) Application for physician's assistant change of practice
- (d) Application for reinstatement of registration a penalty fee in addition to payment of all registration fees due

(2) Subject to the review of the Executive Department and the prior approval of the appropriate legislative review agency, the fees and charges established under this section shall not exceed the cost of administering the regulatory program of the board pertaining to the purpose for which the fee or charge is established, as authorized by the Legislative Assembly for the board's budget, as modified by the Emergency Board or future sessions of the Legislative Assembly [Formerly 677 232, 1983 c 486 §48]

677.530 Rulemaking authority of board regarding registration of physicians' assistants. The board may adopt regulations regarding the registration of physicians' assistants and the medical services that assistants may perform, including but not limited to

- (1) The educational and other qualifications of such assistants,
- (2) A required training program for applicants,
- (3) Procedure applicable to applications for examination and registration,
- (4) Tests or examinations given applicants by the board,
- (5) Registration of qualified applicants, temporary registration and renewal of registration,
- (6) Medical services registrants may be authorized to perform,
- (7) Supervision of services of registrants, and
- (8) Termination of registration of registrants [Formerly 677 255]

677.532 Registration and reregistration; suspension; reinstatement requirements; fees. (1) Any person who is newly approved by the board for registration as a physician's assistant during the period between any two registration dates shall immediately register and pay the registration fee for that period before beginning practice

(2) A physician's assistant shall reregister with the board by February 1 of each renewal period and pay the registration fee

(3) Upon failure to comply with subsection (1) or (2) of this section, the registration shall be automatically suspended. Any applicant who wishes registration reinstatement after suspension must meet the current initial application requirements and qualifications, pay the required reinstatement fee and registration fees and may be required to appear for reexamination or personal interview, or both [1983 c 486 §47]

677.535 Limited certification. The board may grant limited certification to a physician's assistant if

- (1) The applicant meets the qualifications of the board, the application file is complete and no derogatory information has been submitted but board approval is pending, or
- (2) The physician's assistant is changing employment [1981 c 220 §8, 1983 c 486 §48a]

677.540 Physician's Assistant Committee; appointment; term. (1) There is created a Physician's Assistant Committee which shall consist of five members. Members of the committee shall be appointed as follows

- (a) The board shall appoint one of its members and one physician. One of the two must supervise a physician's assistant
 - (b) The Oregon Society of Physician Assistants shall appoint two physicians' assistants
 - (c) The State Board of Pharmacy shall appoint one pharmacist
- (2) The term of each member of the committee shall be for three years. A member shall serve until a successor is appointed. If a vacancy occurs, it shall be filled for the unexpired term by a person with the same qualifications as the retiring member

(3) If any vacancy under subsection (1) of this section is not filled within 45 days, the Governor shall make the necessary appointment from the category which is vacant

(4) The committee shall elect its own chairperson with such powers and duties as the committee shall fix

(5) A quorum of the committee shall be three members. The committee shall hold a meeting at least once quarterly and at such other times the committee considers advisable to review requests for prescription and dispensing privileges and to review applications for certification or renewal.

(6) The chairperson may call a special meeting of the Physician's Assistant Committee upon at least 10 days' notice in writing to each member, to be held at any place designated by the chairperson.

(7) The committee members are entitled to compensation and expenses as provided in ORS 292.495 [1981 c 220 §5].

677.545 Duties of committee. The Physician's Assistant Committee shall

(1) Review all applications for physicians' assistants' certification and for renewal thereof.

(2) Review applications of physicians' assistants for dispensing privileges.

(3) Recommend approval or disapproval of applications submitted under subsection (1) or (2) of this section to the board.

(4) Recommend criteria to be used in granting dispensing privileges under ORS 677.515.

(5) Recommend the formulary for prescriptive privileges which may include all or parts of Schedules III, IIIN, IV and V controlled substances and the procedures for physicians' assistants and supervising physicians to follow in exercising the prescriptive privileges.

(6) Recommend the approval, disapproval or modification of the application for prescriptive privileges for any physician's assistant [1981 c 220 §7].

677.550 Designation by board of different medically disadvantaged areas. If it appears to the board that an area would be better served by applying different criteria than applied by the Director of Human Resources to determine a medically disadvantaged area, the board may designate areas different than those designated by the director as medically disadvantaged areas [1981 c 220 §6, 1987 c 660 §25].

EMERGENCY MEDICAL TECHNICIANS

677.610 Definitions for ORS 677.610 to 677.700. As used in ORS 677.610 to 677.700, 677.990 (2), 823.020, 823.130 to 823.150, 823.170, 823.210 and 823.220, unless the context requires otherwise:

(1) "Advanced emergency care" means the performance of acts or procedures under emer-

gency conditions in the observation, care and counsel of the ill, injured or infirm, in the administration of medication or treatments as prescribed by a licensed physician, insofar as any of these acts require substantial specialized judgment and skill and insofar as the proper performance of any of these acts is based upon knowledge and application of the principles of biological, physical and social science as required by a completed course utilizing an approved curriculum in professional emergency care. However, "advanced emergency care" does not include acts of medical diagnosis or prescription of therapeutic or corrective measures.

(2) "Board" means the Board of Medical Examiners for the State of Oregon.

(3) "Emergency medical technician II" means a person who

(a) Has successfully completed an emergency medical technician I training course, or its equivalent as required by ORS 823.020 to 823.240,

(b) Has successfully completed an emergency medical technician II course or its equivalent approved by the board, and

(c) Has been examined and certified as an emergency medical technician II by an authorized representative of the board to perform emergency care procedures under written or oral authorization of a physician as approved by the board.

(4) "Emergency medical technician III" means a person who

(a) Has completed all the requirements for certification as an emergency medical technician II,

(b) Has successfully completed an emergency medical technician III course or its equivalent approved by the board, and

(c) Has been examined and certified as an emergency medical technician III by an authorized representative of the board to perform emergency care procedures under written or oral authorization of a physician as approved by the board.

(5) "Emergency medical technician IV" or "paramedic" means a person who

(a) Has completed all the requirements for certification as an emergency medical technician III,

(b) Has successfully completed an emergency medical technician IV course or its equivalent approved by the board, and

(c) Has been examined and certified as an emergency medical technician IV by an author-

ized representative of the board to perform emergency care procedures under written or oral authorization of a physician as approved by the board [1975 c 695 §2, 1977 c 581 §3, 1983 c 486 §49]

677.620 Advisory committee; members; compensation. (1) The Board of Medical Examiners for the State of Oregon shall appoint an advisory committee composed of eight members who shall advise the board on educational requirements, standards for advanced emergency medical technician training and any other matters relating to emergency medical technicians II, III, and IV

(2) Of the members of the advisory committee

(a) Two shall be physicians licensed under this chapter whose practice consists of routinely treating emergencies such as trauma and cardiovascular injuries

(b) Five shall be Oregon certified emergency medical technicians II, III or IV who have been residents of this state for at least two years and who have been certified as emergency medical technicians for not less than two years.

(c) One person whose occupation does not fall in categories described in paragraphs (a) and (b) of this subsection

(3) Each congressional district shall be represented by at least one member who resides in the district at the time of appointment

(4) The members of the advisory committee are entitled to compensation and expenses as provided in ORS 292 495 [1975 c 695 §11]

677 630 [1975 c 695 §15, repealed by 1983 c 486 §68]

677.640 Schedule of educational requirements; standards for certification.

(1) The board shall adopt a schedule of minimum educational requirements in advanced emergency care at the emergency medical technician II, III and IV levels

(2) The board shall adopt standards for advanced certification of emergency medical technicians [1975 c 695 §12, 1983 c 486 §50]

677.650 Requirements for certification; application. (1) No emergency medical technician shall be certified to render advanced emergency care in this state unless the person

(a) Is 18 years of age or older, and

(b) Is a graduate of an approved advanced course in emergency care

(2) A person desiring to render advanced emergency care in this state shall make a written application to the board for certification to ren-

der such services The application shall be on a form prescribed by the board and accompanied by the required fees pursuant to ORS 677 670 [1975 c 695 §13, 1983 c 486 §51]

677.660 [1975 c 695 §10, repealed by 1983 c 486 §68]

677.670 Fees for registration and reregistration; how determined; suspension of registration; reinstatement; continuing education requirements; exemptions. (1) A nonrefundable initial application fee shall be submitted with the initial application In addition, a nonrefundable examination fee shall be submitted for the following purposes

(a) Emergency medical technician II written examination, and if used, the cost for administering a practical examination

(b) Emergency medical technician III written examination

(c) Emergency medical technician III practical examination and, if used, the actual fee charged by the National Registry of Emergency Medical Technicians

(d) Emergency medical technician IV written examination and, if used, the actual fee charged by the National Registry of Emergency Medical Technicians

(e) Emergency medical technician IV practical examination

(f) An emergency medical technician II, III or IV written examination retake fee

(g) An emergency medical technician III or IV practical examination retake fee for complete retake of the examination plus, if used, the actual fee charged by the National Registry of Emergency Medical Technicians, or a fee for each individual station retake

(2) Every emergency medical technician certified under ORS 677 610 to 677 700 shall reregister on July 1 of each odd-numbered year by paying a nonrefundable fee If such fee is not paid or the requirements of subsection (3) of this section not met by July 1 of such year, the certificate shall be automatically suspended as of July 1 of that year Certification shall be reissued only upon application made within one year from the date of suspension and upon payment of the reregistration fees and the additional nonrefundable restoration fee and upon satisfaction of the requirements provided in subsection (3) of this section If reinstatement of certification is requested after the year period of suspension, the applicant shall be considered as a new applicant and required to pay all fees, fines, and successfully complete required written or practical examinations, or both

(3) Each person holding a certificate under ORS 677 610 to 677 700 shall submit, at the time of application for renewal of this certificate, evidence satisfactory to the board of successful completion of approved programs of continuing education in emergency care, completed within the renewal period

(4) The board may exempt any person holding a certificate under ORS 677 610 to 677 700 from the requirements of subsections (2) and (3) of this section upon an application showing evidence satisfactory to the board that the person was unable to comply with the requirements because of physical or mental condition or because of other unusual or extenuating circumstances. However, no person shall be exempted from the requirements of subsection (2) of this section more than once in any five-year period

(5) The board shall prescribe criteria and approve programs of continuing education in emergency care to meet the requirements of this section

(6) Any person seeking approval of a program of continuing education in emergency care, to be offered to assist persons holding certificates under ORS 677 610 to 677 700 to comply with the requirements of subsections (2) and (3) of this section, shall submit proof to the board, at such times as the board may require, copies of courses of study to be offered and proof of such other qualifications as the board may require. Approval granted to any program of continuing education shall be reviewed periodically and approval may be withdrawn from any program that fails to meet the requirements of the board

(7) Any program of continuing education in emergency care approved under this section shall consist of study covering new, or review or specialty subjects, in the field of emergency care

(8) Subject to the review of the Executive Department and the prior approval of the appropriate legislative review agency, the fees and charges established under this section shall not exceed the cost of administering the regulatory program of the board pertaining to the purpose for which the fee or charge is established, as authorized by the Legislative Assembly for the board's budget, as modified by the Emergency Board or future sessions of the Legislative Assembly [1975 c 695 §14, 1979 c 292 §4, 1983 c 486 §52]

677.675 Requirements regarding use of titles and disclosure of qualifications.

(1) No emergency medical technician II, III or IV shall use any title or abbreviation thereof without the designation "emergency medical technician" indicating the level of certification by the board

and shall not mislead the public as to their qualifications

(2) The term "paramedic" may only be used as an explanatory term of the certified "emergency medical technician IV" [1983 c 486 §55]

677.680 Grounds for refusal to grant certificate or suspension, or revocation thereof. The board may refuse to grant, or may suspend or revoke, a certificate under ORS 677 610 to 677 670 for any of the following reasons

(1) The use of fraud or deception in securing a certificate

(2) Failure to complete satisfactorily an approved course

(3) The impersonation of another emergency medical technician

(4) Rendering emergency care under an assumed name

(5) Conviction of any criminal offense, subject to ORS 670 280. A copy of the record of conviction, certified to by the clerk of the court entering the conviction, shall be conclusive evidence of the conviction

(6) Any reason that renders the applicant unfit to perform the duties of an emergency medical technician at the II, III or IV level

(7) Unprofessional conduct

(8) Obtaining a fee by fraud or misrepresentation

(9) Habitual or excessive use of intoxicants or drugs

(10) The presence of a mental disorder that demonstrably affects a technician's performance, as certified by the two psychiatrists retained by the board

(11) Suspension or revocation of an emergency medical technician certificate issued by another state:

(a) For a reason which would permit the board to suspend or revoke a certificate issued under ORS 677 610 to 677 670, and

(b) Evidenced by a certified copy of the order of suspension or revocation

(12) An act which would justify suspension or revocation of an emergency medical technician I certificate under ORS 823 160

(13) Gross negligence in rendering emergency medical assistance

(14) Repeated negligence in rendering emergency medical assistance

(15) Rendering emergency care at a higher level than certified, after January 1, 1984

(16) Rendering emergency care without being certified except as provided in ORS 30 800 [1975 c 695 §16, 1979 c 165 §1, 1983 c 486 §53]

677.690 Hearings. When the board refuses to issue or renew a certificate, or proposes to revoke or suspend a certificate, opportunity for hearing in a contested case shall be accorded as provided in ORS 183 310 to 183 550 [1975 c 695 §17, 1983 c 486 §56]

677.700 Prosecutions; jurisdiction. (1) District attorneys shall prosecute all persons charged with violation of any of the provisions of ORS 677 610 to 677 700, 677 990 (2), 823 020, 823 130 to 823 150, 823 170, 823 210 and 823 220. The board shall aid district attorneys in enforcement of ORS 677.610 to 677 700, 677 990 (2), 823 020, 823 130 to 823 150, 823 170, 823 210 and 823 220

(2) Municipal courts and circuit courts have concurrent jurisdiction for the prosecution of offenses under ORS 677 610 to 677 700, 677 990 (2), 823 020, 823 130 to 823 150, 823 170, 823 210 and 823 220 [1975 c 695 §18, 1983 c 486 §57]

ACUPUNCTURISTS

677.750 When person entitled to treatment by acupuncturist. (1) A person shall be entitled to treatment by an acupuncturist

(a) If the person has been referred to the acupuncturist by a person licensed to practice medicine, or

(b) If the person has not been referred but has consented to release of and the acupuncturist has received that person's medical history along with a diagnosis by any licensed practitioner of the healing arts

(2) The board shall adopt rules governing when an acupuncturist may treat under subsection (1) of this section a person who has not been referred to the acupuncturist [Formerly 677 257]

677.755 Requirements for the performance of acupuncture. (1) The performance of acupuncture for the purposes of demonstration, therapy, or the induction of analgesia by a person who is not a physician licensed under this chapter is not a violation of this chapter if the acupuncture is performed by a person registered by the board and in accordance with ORS 677 750 and the rules of the board

(2) The Board of Medical Examiners for the State of Oregon shall examine the qualifications of an applicant and determine who shall be

authorized to perform acupuncture under subsection (1) of this section

(3) As used in this section, "acupuncture" means the selective stimulation of the body's neurological and defense mechanisms by the insertion of needles in an effort to correct neuromuscular and organic disorders or to induce analgesia [Formerly 677 259]

677.760 Regulation of acupuncture. The board may adopt rules regarding the registration of acupuncturists and the acupuncture services which the acupuncturist may perform, including but not limited to

(1) The educational and other qualifications of such acupuncturists,

(2) A required training program for applicants,

(3) Procedure applicable to applications for examination and registration,

(4) Tests or examinations given applicants by the board,

(5) Registration of qualified applicants, temporary registration and renewal of registration,

(6) Supervision of services of acupuncturists, and

(7) Termination of registration of acupuncturists [Formerly 677 261]

677.765 Unauthorized practice by acupuncturist. Performance of acupuncture by an acupuncturist after the termination of registration by the board, after expiration of temporary registration or in the absence of renewal of registration constitutes the unauthorized practice of medicine and subjects the acupuncturist to the penalties provided by ORS 677 990 [Formerly 677 262]

677.770 Fees; how determined. Every acupuncturist shall pay to the board nonrefundable fees for the following

(1) An initial application for examination as an acupuncturist

(2) Initial registration or renewal of registration as an acupuncturist

(3) An application for reexamination as an acupuncturist

(4) An application for reinstatement of registration, a penalty fee in addition to payment of all registration fees due

(5) Subject to the review of the Executive Department and the prior approval of the appropriate legislative review agency, the fees and charges established under this section shall not exceed the cost of administering the regulatory

program of the board pertaining to the purpose for which the fee or charge is established, as authorized by the Legislative Assembly for the board's budget, as modified by the Emergency Board or future sessions of the Legislative Assembly [Formerly 677 263]

677.775 Registration and reregistration; suspension; reinstatement. (1) Any person who is newly approved to practice acupuncture during the period between any two registration dates shall immediately register and pay the registration fee for that period before beginning such practice

(2) Every person registered to practice acupuncture shall reregister by July 1 of each renewal period and pay the registration fee

(3) Upon failure to comply with subsection (1) or (2) of this section, the registration shall be automatically suspended. Any applicant who wishes registration reinstatement after suspension must meet the current initial application requirements and qualifications, pay the required reinstatement fee and registration fees and may be required to appear for reexamination or personal interview, or both [1983 c 486 §33]

PODIATRY

(General Provisions)

677.805 Definitions for ORS 677.805 to 677.880. As used in ORS 677 805 to 677 880

(1) "Board" means the Board of Medical Examiners for the State of Oregon

(2) "Council" means the Advisory Council on Podiatry

(3) "Podiatrist" means a podiatric physician and surgeon whose practice is limited to treating ailments of the human foot

(4) "Podiatry" means the diagnosis or the medical, physical or surgical treatment of ailments of the human foot, except treatment involving the use of a general or spinal anesthetic unless the treatment is performed in a hospital certified in the manner described in ORS 441 055 (2) or in an ambulatory surgical center certified by the Health Division and is under the supervision of or in collaboration with a physician licensed to practice medicine by the Board of Medical Examiners for the State of Oregon. "Podiatry" does not include the administration of general or spinal anesthetics or the amputation of the entire foot [Formerly 682 010]

Note 677 805 to 677 880 were enacted into law by the Legislative Assembly but were not added to or made a part of

ORS chapter 677 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation

677.810 License required to practice; podiatry (1) No person shall practice podiatry without first obtaining from the board a license authorizing the practice of podiatry in this state, except as otherwise provided in ORS 677 805 to 677 880

(2) It shall be deemed prima facie evidence of practicing podiatry within the meaning of ORS 677 805 to 677 880 if any person uses the name or title podiatrist, podiatric physician and surgeon, chiropodist, D S C , D P M , D P , foot expert, foot specialist, foot correctionist, or any other word, abbreviation or title indicating that the person was or is qualified and licensed to practice podiatry [Formerly 682 020]

677.815 Application of ORS 677.805 to 677.880. (1) ORS 677 805 to 677 880 does not prevent

(a) Any person, firm or corporation from manufacturing, selling, fitting or adjusting any shoe or appliance designed and intended to equalize pressure on different parts of the foot

(b) The sale by licensed druggists of plasters, salves and lotions for the relief and cure of corns, warts, callosities and bunions

(2) ORS 677 805 to 677 880 shall not be construed to apply to or interfere with

(a) The practice of any person whose religion treats or administers to the sick or suffering by purely spiritual means, nor with any individual's selection of any such person

(b) Physicians licensed by the Board of Medical Examiners for the State of Oregon, nor to surgeons of the United States Army, Navy and United States Public Health Service, when in actual performance of their official duties [Formerly 682 030, 1987 c 158 §140]

(Licensing)

677.820 Qualifications of applicants. All applicants for a license to practice podiatry under ORS 677 805 to 677 880 shall

(1) Have attained the age of 18 years

(2) Be of good moral character

(3) Have graduated from a podiatry school or college which, at the time of graduation of such applicants, was approved by the board

(4) Have satisfactorily completed one year of post-graduate training served in a hospital that is approved by the board or by the accrediting body

of the American Podiatric Medical Association [Formerly 682 040, 1985 c 322 §6]

677.825 Examination of applicants; issuing license; fees; reexamination. Any person desiring a license to practice podiatry shall be examined by the board in subjects which the board may deem advisable. If the applicant possesses the qualifications required by ORS 677 820 and passes the examination prescribed, the applicant shall be issued a license by the board to practice podiatry in this state. Each applicant shall submit an application for examination and the required examination fee to the board. Any applicant failing in the examination, and being refused a license, is entitled to a reexamination upon the payment of an additional examination fee [Formerly 682 050, 1985 c 322 §7]

677.830 Reciprocal licensing; use of national board examination. (1) Notwithstanding the provisions of ORS 677 825, the board may issue a license to practice podiatry without a written examination of the applicant if the applicant has a license to practice podiatry issued by a licensing agency of another state or territory of the United States and the applicant complies with the other provisions of ORS 677 805 to 677 880. Such a license shall not be issued unless the requirements, including the examination for such license are substantially similar to the requirements of this state for a license to practice podiatry. The board shall adopt rules governing the issuance of licenses to persons applying under this section. The license may be evidenced by a certificate of the board indorsed on the license issued by the other state or territory, or by issuance of a license as otherwise provided by ORS 677 805 to 677 880.

(2) The board may accept a certificate of successful examination issued by the National Board of Podiatry Examiners in lieu of a written examination given by the board.

(3) The board may require an applicant under subsection (1) or (2) of this section to take an oral examination conducted by one or more members of the board [Formerly 682 055]

677.835 Time and place of examinations. Examinations to procure a license to practice podiatry in this state shall be held annually and at such other times and places as the board shall fix [Formerly 682 060]

677.840 Fees; how determined. The following schedule establishes the examination and license fee purposes for podiatrists. Actual fees shall be established by the board and approved by the Budget Division of the Executive Department. The nonrefundable fees shall be for the following purposes

(1) Initial application for licensure
(2) Any subsequent application for reexamination

(3) Initial registration upon issuance of a license to practice podiatry

(4) Subject to the review of the Executive Department and the prior approval of the appropriate legislative review agency, the fees and charges established under ORS 677 850 and this section shall not exceed the cost of administering the regulatory program of the board pertaining to the purpose for which the fee or charge is established, as authorized by the Legislative Assembly for the board's budget, as modified by the Emergency Board or future sessions of the Legislative Assembly [Formerly 682 065]

677.845 Display of licenses. Licenses granted under ORS 677 805 to 677 880 shall be conspicuously displayed at the office or other place of practice of the licensee [Formerly 682 080]

677.850 Renewal of license; fee. Every licensed podiatrist shall reregister on July 1 of each renewal period by paying to the board a nonrefundable fee. If such fee is not paid by July 1 of each renewal period, the license shall be considered suspended as of July 1 of that period. The license shall be reissued only upon application made within three years from the date of suspension and upon payment of the license renewal fees plus a nonrefundable restoration fee. If reinstatement of such license is requested after the three-year period of suspension, the applicant shall pay all fees and fines required and meet the requirements of initial applicants which may include taking the Oregon state podiatry written examination [Formerly 682 090]

(Administration)

677.855 Advisory Council on Podiatry; members; confirmation; terms of office. (1) An advisory council to consist of five persons and to be known as the Advisory Council on Podiatry hereby is created to advise the board in carrying out the purposes and enforcing the provisions of ORS 677 805 to 677 880. Members of the council shall be appointed for three-year terms, but none shall serve more than three consecutive terms without the lapse of at least one term.

(2) Of the members of the council to be appointed by the Governor

(a) Three shall be podiatrists who have been residents of this state for at least two years and have held licenses as podiatrists for no less than two years

(b) One shall be appointed from among members of the general public

(3) The board shall appoint as the fifth member of the council a member of the board who is also a physician

(4) If a vacancy occurs, the Governor or the board shall appoint a member, as appropriate, to serve for the unexpired term

(5) All appointments of members of the council by the Governor are subject to confirmation by the Senate pursuant to section 4, Article III of the Oregon Constitution

(6) Not later than February 1 of each year, the Oregon Podiatry Association shall nominate three qualified podiatrists for appointment to the vacancy under paragraph (a) of subsection (2) of this section of the member of the council whose term expires in that year, and shall certify its nominees to the Governor. The Governor may make the appointment from among the nominees whose names were submitted by the Oregon Podiatry Association

(7) Members are entitled to compensation and expenses as provided in ORS 292 495

(8) The board may delegate to the council any of its duties under ORS 677 805 to 677 880 [Formerly 682 150]

677.860 Powers of the Board of Medical Examiners. (1) The board has the power to make and enforce reasonable rules for the procedure of the board, for the conduct of examinations, and for the practice of podiatry consistent with the provisions of this chapter

(2) Upon its own motion or upon any complaint, the board may initiate and conduct investigations of and hearings on all matters relating to the practice of podiatry, the discipline of licensees and to the enforcement of any provisions of ORS 677 805 to 677 880

(3) In the conduct of investigations, the board may conduct investigations pursuant to ORS 677 270 and 677 320

(4) The board, pursuant to ORS 677 188 to 677 225, 677 270, 677 320, 677 325, 677 330, 677 335 and 677 425, may refuse to grant or reregister and may suspend or revoke any license issued under ORS 677 805 to 677 880. For the purposes of this subsection only, a license to practice podiatry shall be treated as a license to practice medicine [Formerly 682 160]

677.865 Compensation and expenses of members. Members are entitled to compensa-

tion and expenses as provided in ORS 292 495 [Formerly 682 170]

677.870 Disposition of moneys received under ORS 677.805 to 677.880.

All moneys received by the board under ORS 677 805 to 677 880 shall be paid into the General Fund in the State Treasury and placed to the credit of the Board of Medical Examiners Account and such moneys hereby are appropriated continuously and shall be used only for the administration and enforcement of ORS 677 805 to 677 880 [Formerly 682 191]

(Enforcement)

677.875 Enforcement. All sheriffs, constables and district attorneys within this state shall cooperate with the board in carrying out the provisions of ORS 677 805 to 677 880 and in prosecuting persons practicing podiatry within this state who are not licensed as provided in ORS 677 805 to 677 880 and shall prosecute all other violations of ORS 677 805 to 677 880 [Formerly 682 200]

677.880 Jurisdiction. Circuit courts, justice courts, municipal courts acting as justice courts and district courts have jurisdiction in matters pertaining to the violation of ORS 677 810 [Formerly 682 210]

PENALTIES

677.990 Penalties. (1) Violation of any provision of this chapter is a misdemeanor. In any prosecution for such violation it shall be sufficient to sustain a conviction to show a single act of conduct in violation of any of the provisions of this chapter and it shall not be necessary to show a general course of such conduct

(2) Violation of any provision of ORS 677 610 to 677 700, 823 020, 823 130 to 823 150, 823 170, 823 210 and 823 220 is a Class A misdemeanor

(3) A person who violates the provisions of ORS 677 360 to 677 370 commits a Class C misdemeanor

(4) Any person who knowingly violates any of the provisions of ORS 677 810 shall, upon conviction, be fined an amount not exceeding \$300, or be imprisoned in the county jail for a period not to exceed one year [Amended by 1967 c 470 §61 (2) enacted as 1975 c 695 §19, (3) enacted as 1977 c 686 §8 (4) formerly 682 990]

Note See note under 677 355