PUBLIC PACKET

OREGON BOARD OF DENTISTRY

BOARD MEETING
FEBRUARY 15, 2013

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APPROVAL OF MINUTES

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OREGON BOARD OF DENTISTRY
MINUTES
December 14, 2012

MEMBERS PRESENT:	Patricia Parker, D.M.D., President Jonna E. Hongo, D.M.D., Vice-President Brandon Schwindt, D.M.D. Alton Harvey, Sr. Julie Ann Smith, D.D.S., M.D. Darren Huddleston, D.M.D. Jill Mason, M.P.H., R.D.H. Norman Magnuson, D.D.S. Mary Davidson, M.P.H., R.D.H.
STAFF PRESENT:	Patrick D. Braatz, Executive Director Paul Kleinstub, D.D.S., M.S., Dental Director/Chief Investigator Daryll Ross, Investigator (portion of meeting) Harvey Wayson, Investigator (portion of meeting) Michelle Lawrence, D.M.D., Consultant (portion of meeting) Lisa Warwick, Office Specialist (portion of meeting) Stephen Prisby, Office Manager (portion of meeting)
ALSO PRESENT:	Lori Lindley, Sr. Assistant Attorney General
VISITORS PRESENT:	Gail Aamodt, R.D.H., Pacific University; Kathy Moore, R.D.H., Pacific University; Beryl Fletcher, ODA; William Saiget, D.M.D., Interdent; Steven E Timm, D.M.D., ODA; Lynn Ironside, R.D.H., ODHA; Heidi Jo Grubbs, R.D.H., ODHA; Dana Shipley, R.D.H.; ODHA; Lisa Rowley, R.D.H., Pacific University; Frances Sunseri, D.M.D., AGD; Tina Clarke, R.D.H., ODHA.

Call to Order: The meeting was called to order by the President at 7:30 a.m. at the Board office; 1600 SW 4th Ave., Suite 770, Portland, Oregon.

NEW BUSINESS

MINUTES

Ms. Mason moved and Dr. Magnuson seconded that the minutes of the October 5, 2012 Board meeting be approved as amended. The motion passed with Dr. Hongo, Dr. Schwindt, Mr. Harvey, Dr. Smith, Dr. Huddleston, Ms. Mason, Dr. Magnuson and Ms. Davidson voting aye.

Dr. Magnuson moved and Ms. Davidson seconded that the minutes of the November 2, 2012 Special Teleconference Board meeting be approved as presented. The motion passed with Dr. Hongo, Dr. Schwindt, Mr. Harvey, Dr. Smith, Dr. Huddleston, Ms. Mason, Dr. Magnuson and Ms. Davidson voting aye.

ASSOCIATION REPORTS

Oregon Dental Association
Dr. Timms announced that as of Wednesday, December 19, 2012 the ODA will have a new executive director, John Brethouer who is from Lawrence, Kansas. He will be job shadowing Bill Zepp who will be working with ODA on special projects until the end of June.

Oregon Dental Hygienists' Association
Ms. Ironside stated that the ODHA had no official report and then introduced Tina Clarke, ODHA's new president for 2013.

Oregon Dental Assistants Association
No one present.

COMMITTEE AND LIAISON REPORTS

WREB Liaison Report
Dr. Magnuson reported that at the November meeting it was stated that the Perio component optional in some national exams – some pulling it out of normal cycle. WREB had decided to keep it in as part of the clinical exam. There was discussion among the Board to require a Perio component for examination and it was pointed out that under current statute we did not have authority to do that. There was some discussion regarding looking at the possibility of seeking legislative change as the board felt Perio was an important element in dentistry.

AADB Liaison Report
Ms. Mason had nothing to report.
Dr. Parker stated that Dr. Mark Christianson spoke about the revision of written exam scheduled to happen in 2013. Information is available on the ADA website.
Dr. Powellman spoke about the portfolio exam debate and emphasized that the ADA supports each state board having its own requirements for examination and that portfolio exams were meant to be in addition to, not a replacement of current exams.
Dr. Parker discussed the teeth whitening case and the decision against the North Carolina Dental Board stating it couldn't regulate whitening although statute clearly says they do have the authority. Feeling that the FTC has overstepped its boundary, an appeal has been filed. The FTC is attempting the argument that the Dental Board isn't a state agency therefore they can't regulate whitening activities. There was also a panel regarding Botulinum Type A and dermal fillers. Many states allow the use without additional regulations and many states allow with additional regulations.
She also added that there was a presentation regarding prescription drug monitoring programs and their growing availability. Mr. Braatz stated that Oregon does have a prescription drug monitoring program and only 13% of licensees use it. There are some possible statutory changes coming that would allow someone, such as an office manager, to pull up records in advance so the information is available in the patient record as time of appointment. Currently only the physician can access the database and it makes it rather cumbersome.

ADEX Liaison Report
Dr. Hongo attended the ADEX dental examination committee meeting which had a 36 point agenda covered in two days. Dr. Hongo stated that she covered the meeting highlights in her printed report that had been handed out.

Dr. Parker stated she attended the quality assurance committee meeting where communication

between state boards, the ADA, and educators had been encouraged. Dr. Parker added she is also the new district two dental representative.

Ms. Mason stated that she attended the dental hygiene exam committee meeting which was mostly working with the SRTA people who had just came on board.

NERB Liaison Report
Dr. Hongo stated that the next meeting would be held in January and that she will make a full report at the next board meeting.

Dental Hygiene Committee Meeting Report
Ms. Mason stated that the dental hygiene committee met November 30 at the Board offices. There were a few items that the hygiene committee wanted to bring to the Board. The first was the Jurisprudence Examination, with the recommendation to have the Board appoint a task force to review and amend the exam which seems to be a trouble spot for many applicants. The second item was the Nitrous Oxide Application, which the hygiene committee felt was too confusing as it made it sound as if someone needed to be working in a practice at the time of application.

Ms. Mason moved and Ms. Davidson seconded to create a taskforce to review and possibly revise the Jurisprudence Exam. The motion passed with Dr. Hongo, Dr. Schwindt, Mr. Harvey, Dr. Smith, Dr. Huddleston, Ms. Mason, Dr. Magnuson and Ms. Davidson voting aye.

Ms. Mason moved and Dr. Schwindt seconded to send the Nitrous Oxide Application to the Anesthesia Committee for review. The motion passed with Dr. Hongo, Dr. Schwindt, Mr. Harvey, Dr. Smith, Dr. Huddleston, Ms. Mason, Dr. Magnuson and Ms. Davidson voting aye.

Committee Meeting Dates
Mr. Braatz stated that the Anesthesia Committee would be meeting December 18th at 7 p.m.

EXECUTIVE DIRECTOR'S REPORT

Budget Status Report
Mr. Braatz attached the latest budget report for the 2011-2013 Biennium for the Board's review. He stated that this report, which is from July 1, 2011 through October 31, 2012, shows revenue of $1,733,866.90 and expenditures of $1,455,657.74 and that revenue continues to be on target and the expenditures to date are actually below what was budgeted.

OBD 2013-2015 Governors Recommended Budget
Mr. Braatz attached the 2013 – 2015 Governor's Recommended Budget. The Governor made the following proposed cuts to the OBD Agency Budget Request. The OBD Agency Budget Request was $2,667,844.00 and the Governor's Recommended Budget is $2,614,968.00 a reduction of $52,876.00. The following are the reductions:

- Reduction in the base budget of $5,450.00
- Reduction in Non-Pics Personal Services $1.00.00
- Reduction in Standard Inflation Supplies and Services $13,380.00
- Reduction Statewide Administrative Savings $4,316.00
- Reduction PERS Taxation Policy $3,303.00

- Reduction PERS Adjustments $26,426.00

Customer Service Survey Report
Mr. Braatz attached a chart showing the OBD State Legislatively Mandated Customer Service Survey Results from July 1, 2012 through September 30, 2012. The results of the survey show that the OBD continues to receive positive comments from the majority of those that return the surveys and he added that the booklet containing the written comments that are on the survey forms, which staff has reviewed, are available on the table for Board members to review.

Board and Staff Speaking Engagements
Friday, October 26, 2012 - Dental Director/Chief Investigator Dr. Paul Kleinstub and Licensing Manager Teresa Haynes made a presentation to the Oregon Dental Hygienists' Association Fall Conference in Salem.

Tuesday, November 6, 2012 - Licensing Manager Teresa Haynes and Mr. Braatz made a presentation to the graduating Dental Hygiene students at Carrington College in Portland.

Tuesday, November 13, 2012 - Dental Director/Chief Investigator Dr. Paul Kleinstub and Mr. Braatz made a presentation as a part of the DBIC Risk Management Program to the Washington County Dental Society in Beaverton.

Friday, December 7, 2012 - Mr. Braatz made a presentation as a part of the DBIC Risk Management Program to the MYP Dental Society in Salem.

HPSP Satisfaction Report
Please find the 3rd Annual HPSP Satisfaction Report. Mr. Braatz indicated that he and Mr. Wayson would be happy to answer any questions that anyone might have regarding this report.

Prescription Drug Dispensing in Oregon Report
Mr. Braatz presented the first report on the Prescription Drug Monitoring Program in Oregon.

Newsletter
We have started work on the next issue and have a targeted published date at the end of January.

UNFINISHED BUSINESS

CORRESPONDENCE

The Board received a letter from Molly Nadler, Executive Director, AADB
Ms. Nadler sent a letter thanking Mr. Braatz for being the moderator at the Open Forum during the 2012 AADB Annual Meeting.

The Board received a letter from B. Gail Demko, D.D.S., President, AADSM & Samuel Fleishman, M.D. President AASM
The AADSM and AASM sent a letter to the Board discussing their joint policy statement regarding the scope of practice of physician and dentist in the diagnosis and long term treatment management of patients with Obstructive Sleep Apnea (OSA).

OTHER BUSINESS

ADA Updates Dental Radiograph Recommendation
Dr. Parker commented that it seems like an addendum to the current FDA guidelines clarifies in a roundabout way that for recall patients a dentist should be able to justify the need for radiographs on a diagnostic basis versus having a routine set on how often radiographs are taken. It was also noted that for new patients there is no change of requiring radiographs.

RPS Rules – Request to testify
Mr. Braatz asked the board to testify on behalf of the board at the RPS rules hearing regarding the need for mobile/handheld radiology equipment for dentists and dental hygienist. He stated that this equipment is valuable in offsite areas for diagnostic care. He added that he agreed that RPS needed rules and standards but to limit the use based on if a patient can move or not is incorrect. Ms. Mason moved and Dr. Magnuson second that Mr. Braatz be allowed to testify on behalf of the Board. The motion passed with Dr. Hongo, Dr. Schwindt, Mr. Harvey, Dr. Smith, Dr. Huddleston, Ms. Mason, Dr. Magnuson and Ms. Davidson voting aye.

Denturist Board HB2145
Mr. Braatz stated that HB 2145 allows denturists to expand their practice to make whitening trays, mouth guards, and sleep apnea appliances. Recently some comments made in a denturist newsletter indicated some improper use and the OBD is now getting feedback from the dental community regarding this. Mr. Braatz stated that he has spoken with the executive director of the Board of Denture Technology and will also be sending a letter clarifying that the OBD was not opposed to the bill because it was clear they would just be making appliances and nothing more.

Articles and News of Interest (no action necessary)
☐No Articles of Interest

EXECUTIVE SESSION: The Board entered into Executive Session pursuant to ORS 192.606 (1)(f), (h) and (k); ORS 676.165; ORS 676.175 (1), and ORS 679.320 to review records exempt from public disclosure, to review confidential investigatory materials and investigatory information, and to consult with counsel.

PERSONAL APPEARANCES AND COMPLIANCE ISSUES
Licensees appeared pursuant to their Consent Orders in case number **2008-0013.**

LICENSING ISSUES

OPEN SESSION: The Board returned to Open Session.

CONSENT AGENDA

2013-0055, 2013-0065, 2013-0057, 2013-0073, 2013-0052 and **2013-0047** Dr. Hongo moved and Mr. Harvey seconded that the above referenced cases be closed with No Further Action per the staff recommendations. The motion passed with Dr. Hongo, Dr. Schwindt, Mr. Harvey, Dr. Smith, Dr. Huddleston, Ms. Mason, Dr. Magnuson and Ms. Davidson voting aye.

COMPLETED CASES

2010-0054, 2013-0067, 2012-0070, 2011-0061, 2011-0121, 2012-0040, 2012-0075, 2012-0227, 2012-0068, 2009-0066, and 2011-0215 Dr. Hongo and Mr. Harvey seconded that the above referenced cases be closed with a finding of No Violation of the Dental Practice Act or No Further Action per the Board recommendations. The motion passed with Dr. Hongo, Dr. Schwindt, Mr. Harvey, Dr. Smith, Dr. Huddleston, Ms. Mason, Dr. Magnuson and Ms. Davidson voting aye. Dr. Schwindt recused himself from Case no. 2012-0075.

BOULOURI, ALIREZEA F., D.M.D., 2012-0224

Dr. Smith moved and Dr. Hongo seconded that the Board issue a Notice of Proposed Disciplinary Action and offer the Licensee a Consent Order in which the Licensee would agree to be reprimanded and to be prohibited from placing posterior mandibular dental implants until the completion of five Board approved cases performed under direct supervision under a Board approved mentorship program and five additional Board approved cases performed under indirect supervision under a Board approved mentorship program. The motion passed with Dr. Hongo, Dr. Schwindt, Mr. Harvey, Dr. Smith, Dr. Huddleston, Ms. Mason, Dr. Magnuson and Ms. Davidson voting aye.

BOUNEFF, ANTHONY B., D.M.D., 2012-0146

Ms. Davidson moved and Dr. Hongo seconded that the Board issue a Notice of Proposed Disciplinary Action and offer the Licensee a Consent Order in which the Licensee would agree to be reprimanded and pay a $1,000.00 civil penalty. The motion passed with Dr. Hongo, Dr. Schwindt, Mr. Harvey, Dr. Huddleston, Ms. Mason, Dr. Magnuson and Ms. Davidson voting aye. Dr. Smith recused herself.

BURNS, TIMOTHY W., D.D.S., 2012-0167 & 2012-0083

Mr. Harvey moved and Ms. Davidson seconded that the Board issue a Notice of Proposed Disciplinary Action and offer the Licensee a Consent Order incorporating a reprimand, a restitution payment of $2,236.00 to patient SZ, and require that the Licensee apply, within 30 days of the effective date of this Order, through the Oregon Academy of General Dentistry (OAGD) for entry into the Board's Mentor Program, a collaborative effort between the Board and the OAGD to improve the level of clinical skills of licensees identified by the Board as requiring additional exposure to dental instruction, with special emphasis on pediatric patients. The motion passed with Dr. Hongo, Dr. Schwindt, Mr. Harvey, Dr. Smith, Dr. Huddleston, Ms. Mason, Dr. Magnuson and Ms. Davidson voting aye.

2012-0063

Dr. Huddleston moved and Dr. Schwindt seconded that the Board close the matter with a Letter of Concern addressing the issue of ensuring that services provided by dental assistants be limited to those permitted by the Dental Practice Act. The motion passed with Dr. Hongo, Dr. Schwindt, Mr. Harvey, Dr. Smith, Dr. Huddleston, Ms. Mason, Dr. Magnuson and Ms. Davidson voting aye.

2013-0026

Dr. Schwindt moved and Dr. Smith seconded that the Board close the matter with a STRONGLY worded Letter of Concern addressing the issue of ensuring that no person is allowed to perform any services that they are not licensed or certified to provide. The motion passed with Dr. Hongo, Dr. Schwindt, Mr. Harvey, Dr. Smith, Ms. Mason, Dr. Magnuson and Ms. Davidson voting aye. Dr. Huddleston recused himself.

HENDY, JOHN A., D.D.S., 2011-0091
Dr. Hongo moved and Dr. Magnuson seconded that the Board Issue a Notice of Proposed Disciplinary Action and offer the Licensee a Consent Order in which the licensee would agree to be reprimanded and pay a civil penalty in the amount of $2500.00 per Board protocols. The motion passed with Dr. Hongo, Dr. Schwindt, Mr. Harvey, Dr. Smith, Dr. Huddleston, Ms. Mason, Dr. Magnuson and Ms. Davidson voting aye.

2013-0032
Dr. Smith moved and Mr. Harvey seconded that the Board close the matter with a Letter of Concern reminding the Licensee that when the Licensee authorizes another to disseminate information about the Licensee's professional services to the public, the Licensee is responsible for the content of that information. The motion passed with Dr. Hongo, Dr. Schwindt, Mr. Harvey, Dr. Smith, Dr. Huddleston, Ms. Mason, Dr. Magnuson and Ms. Davidson voting aye.

MARTEL, KEITH G., D.D.S., 2011-0074
Ms. Mason moved and Dr. Magnuson seconded that the Board issue a Notice of Proposed Disciplinary Action and offer the Licensee a Consent Order in which the licensee would agree to be reprimanded and pay a civil penalty in the amount of $5000.00 per Board protocols. The motion passed with Dr. Hongo, Dr. Schwindt, Mr. Harvey, Dr. Smith, Dr. Huddleston, Ms. Mason, Dr. Magnuson and Ms. Davidson voting aye.

SMITH, LYNN E., D.M.D., 2012-0145
Dr. Magnuson moved and Ms. Davidson seconded that the Board issue an Amended Notice of Proposed Disciplinary Action in case 2010-0079 to include allegations for both case 2012-0145 & case 2010-0079 and offer the Licensee an Amended Consent Order incorporating the release from the provision of his Consent Order, dated June 17, 2011, "to be assessed for competency in the D-PREP program and then follow and successfully complete the recommendations of the assessment" and require that the Licensee, within 30 days of the effective date of this Order, apply through the Oregon Academy of General Dentistry (OAGD) for entry into the Board's Mentor Program, a collaborative effort between the Board and the OAGD to improve the level of clinical skills of licensees identified by the Board as requiring additional exposure to dental instruction. The motion passed with Dr. Hongo, Dr. Schwindt, Mr. Harvey, Dr. Smith, Dr. Huddleston, Ms. Mason, Dr. Magnuson and Ms. Davidson voting aye.

PREVIOUS CASES REQUIRING BOARD ACTION

BARRY, ANNE G., D.M.D. & KECK-ERICKSON, NICHOLE L., D.M.D., 2012-0158
Ms. Davidson moved and Mr. Harvey seconded that the Board deny Licensees' requests to substitute pro bono community service for discipline and a reprimand. The motion passed with Dr. Schwindt, Mr. Harvey, Dr. Smith, Ms. Mason, Dr. Magnuson and Ms. Davidson voting aye. Dr. Huddleston and Dr. Hongo recused themselves.

BELL, THOMAS M., D.D.S. & DODDS, JACQUE J., R.D.H., 2011-0117
Dr. Huddleston moved and Mr. Harvey seconded the Board offer Licensee a Consent Order incorporating a reprimand and 90 hours of community service to be completed within 18 months of the effective date of the Order. The motion passed with Dr. Hongo, Dr. Schwindt, Mr. Harvey, Dr. Smith, Dr. Huddleston, Ms. Mason, Dr. Magnuson and Ms. Davidson voting aye.

ERICKSON, IAN M., D.M.D., LINSTROM, JOHN R., D.D.S. & SCHWARZER, PETER, D.M.D., 2012-0149
Mr. Harvey moved and Dr. Smith seconded that the Board deny Licensee's request to substitute pro bono community service for discipline and a reprimand. The motion passed with Dr. Schwindt, Mr. Harvey, Dr. Smith, Ms. Mason, Dr. Magnuson and Ms. Davidson voting aye. Dr. Huddleston and Dr. Hongo recused themselves.

GRUBBS, HEIDI J., R.D.H., 2011-0044
Dr. Smith moved and Dr. Magnuson seconded that the Board offer Licensee an Interim Consent Order by which Licensee would agree not to practice dental hygiene pending further order of the Board. If Licensee did not agree to the Interim Consent Order within 15 days of receipt, issue a Notice of Proposed Disciplinary Action and offer Licensee a Consent Order incorporating a reprimand, a $1,000.00 civil penalty, 50 hours of community service, and the Board's protocols to support recovery and protect the public. The motion passed with Dr. Hongo, Dr. Schwindt, Mr. Harvey, Dr. Smith, Dr. Huddleston, Ms. Mason, Dr. Magnuson and Ms. Davidson voting aye.

CRISCIONE, MICHAEL J., D.M.D., 2010-0001
Dr. Schwindt moved and Dr. Schwindt seconded the Board offer Licensee an Amended Consent Order incorporating Board approved continuing education in medical assessment, oral pathology, and record keeping, and completion of the Board's Mentor Program with focus on endodontics, and crown and bridge and addressing matters of radiology and diagnosis and treatment planning. The motion passed with Dr. Hongo, Dr. Schwindt, Mr. Harvey, Dr. Smith, Dr. Huddleston, Ms. Mason, Dr. Magnuson and Ms. Davidson voting aye.

KIM, KATHY S., D.D.S., 2012-0148
Ms. Mason moved and Dr. Smith seconded the Board offer License a Consent Order incorporating a reprimand, a civil penalty of $1,000.00, and 30 hours of community service to be completed within six months. The motion passed with Dr. Hongo, Dr. Schwindt, Mr. Harvey, Dr. Smith, Dr. Huddleston, Ms. Mason, Dr. Magnuson and Ms. Davidson voting aye.

2008-0146
Dr. Magnuson moved and Ms. Davidson seconded that the Board grant Licensee's request and release licensee from the requirements of the Voluntary Diversion Agreement, dated 10/20/08, and from enrollment in HPSP. The motion passed with Dr. Hongo, Dr. Schwindt, Mr. Harvey, Dr. Smith, Dr. Huddleston, Ms. Mason, Dr. Magnuson and Ms. Davidson voting aye.

MASAITIS, ANITIAT M., D.M.D., 2012-0067
Ms. Davidson moved and Dr. Hongo seconded the Board grant Licensee's request and reinstate her Oregon dental license. The motion passed with Dr. Hongo, Dr. Schwindt, Mr. Harvey, Dr. Smith, Dr. Huddleston, Ms. Mason, Dr. Magnuson and Ms. Davidson voting aye.

2013-0045
Mr. Harvey moved and Ms Davidson seconded that the Board retract its motion of October 5, 2012 to close this matter and instruct staff to investigate this matter further. The motion passed with Dr. Hongo, Dr. Schwindt, Mr. Harvey, Dr. Smith, Dr. Huddleston, Ms. Mason, Dr. Magnuson and Ms. Davidson voting aye.

LICENSURE AND EXAMINATION

Approval of Local Anesthesia Course

Ms. Mason moved and Dr. Schwindt seconded that the Local Anesthesia Course be approved as provided. The motion passed with Dr. Hongo, Dr. Schwindt, Mr. Harvey, Dr. Smith, Dr. Huddleston, Ms. Mason, Dr. Magnuson and Ms. Davidson voting aye.

Ratification of Licenses Issued

Dr. Magnuson moved and Dr. Smith seconded that licenses issued be ratified as published. The motion passed with Dr. Hongo, Dr. Schwindt, Mr. Harvey, Dr. Smith, Dr. Huddleston, Ms. Mason, Dr. Magnuson and Ms. Davidson voting aye.

Dental Hygiene

H6368	KRISTINE REE CALLAGHAN, R.D.H.	9/26/2012
H6369	LYNN M MANLEY, R.D.H.	10/2/2012
H6370	DONNA L HAMILTON, R.D.H.	10/2/2012
H6371	CASSANDRA J BUTTON, R.D.H.	10/2/2012
H6372	CHALENE D CARSON, R.D.H.	10/2/2012
H6373	CHEYENNE N BURNETT, R.D.H.	10/2/2012
H6374	KATIE L FAULKNER, R.D.H.	10/2/2012
H6375	ROSA HERRERA, R.D.H.	10/9/2012
H6376	KATHLEEN S RUSSELL, R.D.H.	10/9/2012
H6377	TRACY CAMPOS, R.D.H.	10/9/2012
H6378	CLAUDIA Y CARRILLO, R.D.H.	10/9/2012
H6379	JENNIFER M BLATTER, R.D.H.	10/9/2012
H6380	JESSICA H MATEO-DE-ACOSTA, R.D.H.	10/9/2012
H6381	AMANDA A GRAY, R.D.H.	10/10/2012
H6382	LYNDELL H WINTERS, R.D.H.	10/10/2012
H6383	HENRIETTA E MARTIN, R.D.H.	10/10/2012
H6384	PATRICIA K GOLDMAN, R.D.H.	10/10/2012
H6385	TERESA L MONGER, R.D.H.	10/15/2012
H6386	EUN JEONG ASBURY, R.D.H.	10/15/2012
H6387	HILLARY D GARNER, R.D.H.	10/15/2012
H6388	SARAH A LARRABEE, R.D.H.	10/23/2012
H6389	KIMBERLY R COOK, R.D.H.	10/23/2012
H6390	TRACY A MONTMENY, R.D.H.	10/23/2012
H6391	ELAINE M PETRO, R.D.H.	10/23/2012
H6392	SAVANNAH H ROSE, R.D.H.	10/26/2012
H6393	ERICA R HOCHHALTER, R.D.H.	10/26/2012
H6394	KELSEY M ALTRINGER, R.D.H.	10/26/2012
H6395	TAREN KATRINA LARSEN, R.D.H.	10/26/2012
H6396	GENEVIEVE E WARNER, R.D.H.	10/26/2012
H6397	KANDICE A JOHNS, R.D.H.	10/31/2012

H6398	DEBRA L GRUZENSKY, R.D.H.	10/31/2012
H6399	CAROL B LINCER, R.D.H.	10/31/2012
H6400	ASHLEY E JACOBS, R.D.H.	11/1/2012
H6401	ROXANE J TUNTLAND, R.D.H.	11/1/2012
H6402	MELISSA E RICH, R.D.H.	11/8/2012
H6403	MOSTAFA ALAOUI, R.D.H.	11/9/2012
H6404	DANEY SPRIET, R.D.H.	11/13/2012
H6405	KAYLEIGH A TROMBLY, R.D.H.	11/19/2012

Dentists

D9795	BRADLEY S MORTENSON, D.M.D.	10/2/2012
D9796	CHRISTOPHER W KYLES, D.M.D.	10/2/2012
D9797	WILLIAM B FUGERE, D.M.D.	10/2/2012
D9798	JAMES A BELL, D.M.D.	10/2/2012
D9799	CHRISTIAN B KECHT, D.D.S.	10/2/2012
D9801	DANIEL J POELMAN, D.D.S.	10/9/2012
D9802	PAUL PANTLEO, D.D.S.	10/9/2012
D9803	TAEYOUNG KIM, D.D.S.	10/15/2012
D9804	JEAN A LEWIS, D.M.D.	10/23/2012
D9805	ADAM P CRAMER, D.D.S.	10/23/2012
D9806	ALEXANDER K JHANG, D.D.S.	10/23/2012
D9807	JUSTIN HOLLAR, D.M.D.	10/26/2012
D9808	SCOTT J ANDREWS, D.M.D.	10/26/2012
D9809	HOLLY A THOMPSON, D.D.S.	10/26/2012
D9810	MATTHEW E LESH, D.M.D.	10/31/2012
D9811	MICHAEL C HAYMORE, D.D.S.	10/31/2012
D9812	JAMES D DINGER, D.M.D.	11/7/2012
D9813	ALEXIS R COSTON, D.D.S.	11/7/2012
D9814	STEVEN A NELSON, D.D.S.	11/8/2012
D9815	SHIRLEY G CHEUNG, D.M.D.	11/8/2012
D9816	KAUSHALI PATEL, D.M.D.	11/9/2012
D9817	JORDAN M BINIKER, D.D.S.	11/13/2012
D9818	BRETT B HULET, D.D.S.	11/19/2012
D9819	MELISA T SUSANTO, D.D.S.	11/29/2012
D9820	MONI AHMADIAN, D.M.D.	11/29/2012
DF0026	MANOEL ROBERTO MACEDO	10/9/2012

Pediatric Dentistry

D9800	PATRICIA A PEIRANO FRANKLIN	10/9/2012

Announcement

No announcements

ADJOURNMENT

The meeting was adjourned at 12:25 p.m. Dr. Parker stated that the next Board meeting would take place February 15, 2013.

Approved by the Board February 15, 2013.

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Patricia A. Parker, D.M.D.
President

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OREGON BOARD OF DENTISTRY
MINUTES
January 7, 2013 Special Teleconference Meeting

MEMBERS PRESENT VIA TELECONFERENCE:

Patricia Parker, D.M.D., President
Jonna E. Hongo, D.M.D., Vice-President
Brandon Schwindt, D.M.D.
Alton Harvey, Sr.
Julie Ann Smith, D.D.S., M.D.
Jill Mason, M.P.H., R.D.H.
Norman Magnuson, D.D.S.
Mary Davidson, M.P.H., R.D.H.
Darren Huddleston, D.M.D. (joined at 12:10 p.m.)

STAFF PRESENT AT BOARD OFFICE:

Patrick D. Braatz, Executive Director
Stephen Prisby, Office Manager
Lisa Warwick, Office Specialist

Call to Order: The meeting was called to order by the President at 12:00 p.m. at the Board office; 1600 SW 4th Ave., Suite 770, Portland, Oregon.

COMMITTEE AND LIAISON REPORTS

Anesthesia Committee Meeting Report
Dr. Smith stated that the Anesthesia Committee met December 18, 2012 and discussed a number of items. It recommended that the Board send all, except 818-026-0020 which would have allowed multiple patients to be sedated under one anesthesia holder, forward to the Rules Oversight Committee Meeting.

818-026-0020 Presumption of Degree of Central Nervous System Depression
Dr. Hongo moved and Dr. Schwindt seconded that the Board send 818-026-0020 to the Rules Oversight Committee as presented. The motion passed with Dr. Hongo, Dr. Schwindt, Mr. Harvey, Dr. Smith, Ms. Mason, Dr. Magnuson and Ms. Davidson voting aye.

818-026-0000 Proposed Rules
Dr. Hongo moved and Dr. Schwindt seconded that the Board send 818-026-0000 to the Rules Oversight Committee as presented. The motion passed with Dr. Hongo, Dr. Schwindt, Mr. Harvey, Dr. Smith, Ms. Mason, Dr. Magnuson and Ms. Davidson voting aye.

818-026-0060 Moderate Sedation Permit
Dr. Hongo moved and Mr. Harvey seconded that the Board send 818-026-0060 to the Rules Oversight Committee as presented. The motion passed with Dr. Hongo, Dr. Schwindt, Mr. Harvey, Dr. Smith, Ms. Mason, Dr. Magnuson and Ms. Davidson voting aye.

818-026-0070 General Anesthesia Permit
Dr. Schwindt moved and Dr. Hongo seconded that the Board send 818-026-0070 to the Rules Oversight Committee as presented. The motion passed with Dr. Hongo, Dr. Schwindt, Mr. Harvey, Dr. Smith, Dr. Huddleston, Ms. Mason, Dr. Magnuson and Ms. Davidson voting aye.

818-026-0065 Deep Sedation Permit
Dr. Hongo moved and Dr. Schwindt seconded that the Board send 818-026-0065 to the Rules Oversight Committee as presented. The motion passed with Dr. Hongo, Dr. Schwindt, Mr. Harvey, Dr. Smith, Dr. Huddleston, Ms. Mason, Dr. Magnuson and Ms. Davidson voting aye.

818-026-0020 Presumption of Degree of Central Nervous System Depression
Dr. Smith stated that the committee discussed allowing anesthesia permit holders to have more than one patient under anesthesia at a time but ultimately the committee decided to leave the rule as it is.

Nitrous Oxide Permit Application Form
Dr. Magnuson moved and Dr. Hongo seconded that the Board approve the verbiage addition as proposed by Board staff. The motion passed with Dr. Hongo, Dr. Schwindt, Mr. Harvey, Dr. Smith, Dr. Huddleston, Ms. Mason, Dr. Magnuson and Ms. Davidson voting aye.

Health Care Provider CPR cards
Dr. Smith stated that there was a brief discussion of the possibility of allowing anesthesia permit holders who require higher level CPR cards to administer lower level anesthesia if their higher level permit cards expire and they hold the lower level CPR required for the lower level permit. The Committee felt that providers should keep their anesthesia permits current to set standards and that if something was expired they needed to renew it, not be able to administer at a lower level.

OTHER BUSINESS

AADB & AADA Annual Meeting Attendance Approval
Dr. Magnuson moved and Mr. Harvey seconded that the Board send Mr. Braatz to attend the AADB & AADA Mid-Year Meetings in April. The motion passed with Dr. Hongo, Dr. Schwindt, Mr. Harvey, Dr. Smith, Dr. Huddleston, Ms. Mason, Dr. Magnuson and Ms. Davidson voting aye.

ADJOURNMENT

The meeting was adjourned at 12:17 p.m. Dr. Parker stated that the next Board meeting would take place on February 15, 2013.

Approved by the Board February 15, 2013.

_____
Patricia A. Parker, D.M.D.
President

DRAFT

ASSOCIATION REPORTS

Nothing to report under this tab

COMMITTEE REPORTS

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Draft 1

Rules Oversight Committee Meeting
Minutes
January 22, 2013

MEMBERS PRESENT:	Brandon Schwindt, D.M.D., Chair Jill Mason, M.P.H., R.D.H. Alton Harvey, Sr. Jill Price, D.M.D., ODA Lynn Ironside, R.D.H., ODHA Bonnie Marshall, C.D.A., E.F.D.A., E.F.O.D.A., M.A.D.A.A., ODAA
STAFF PRESENT:	Patrick D. Braatz, Executive Director Paul Kleinstub, D.D.S., M.S., Dental Director/Chief Investigator Teresa Haynes, Examination and Licensing Manager
OTHERS PRESENT:	Mary Davidson, M.P.H., R.D.H., Board Member; Julie Ann Smith, D.D.S., M.D., Board Member; Norman Magnuson, D.D.S., Board Member; Jonna Hongo, D.M.D., Board Member; Beryl Fletcher, ODA; Gary Allen, D.M.D., Advantage Dental; April Love, D.D.S.; Gail Aamodt, R.D.H., Pacific University; Kathy Moore, R.D.H., Pacific University; Frances Sunseri, D.M.D., OAGD; James Tyack, D.M.D., Health Evidence Review Committee (HERC); Daren Goin, D.M.D., ODA; Raye Ann Yapp, R.D.H., Mt. Hood Community College.

Call to Order: The meeting was called to order by the Committee Chair at 7:00 p.m. at the Board office; 1600 SW 4th Ave., Suite 770, Portland, Oregon.

MINUTES

Ms. Mason moved and Mr. Harvey seconded that the minutes of the July 25, 2012 Committee meeting be approved as amended. The motion passed with Dr. Schwindt, Ms. Mason, Mr. Harvey, Dr. Price, Ms. Ironside and Ms. Marshall voting aye.

818-001-0002 Definitions

Ms. Ironside moved and Ms. Mason seconded that the Committee recommend the Board send 818-001-0002 forward to a public rule hearing as amended. The motion passed with Dr. Schwindt, Ms. Mason, Mr. Harvey, Dr. Price, Ms. Ironside and Ms. Marshall voting aye.

> ***818-001-0002 Definitions*** *As used in OAR Chapter 818:*
>
> ***(13) For purposes of ORS 679.020(4)(h) the term "dentist of record" means a dentist that either authorized treatment for, supervised treatment of or provided treatment for the patient in clinical settings of the institution described in ORS 679.020(3).***

818-012-0005 Scope of Practice

Ms. Mason moved and Mr. Harvey seconded that the Committee recommend the Board send 818-012-0005 forward to a public rule hearing as amended. The motion passed with Dr. Schwindt, Ms. Mason, Mr. Harvey, Dr. Price, Ms. Ironside and Ms. Marshall voting aye.

818-012-0005
Scope of Practice

~~(1) The Board determines that the practice of dentistry includes the following procedures which the Board finds are included in the curricula of dental schools accredited by the American Dental Association, Commission on Dental Accreditation, post-graduate training programs or continuing education courses:~~
~~(a) Rhinoplasty;~~
~~(b) Blepharoplasty;~~
~~(c) Rhydidectomy;~~
~~(e) Submental liposuction;~~
~~(f) Laser resurfacing;~~
~~(g) Browlift, either open or endoscopic technique;~~
~~(h) Platysmal muscle plication;~~
~~(i) Dermabrasion;~~
~~(j) Otoplasty;~~
~~(k) Lip augmentation;~~
~~(l) Hair transplantation, not as an isolated procedure for male pattern baldness; and~~
~~(m) Harvesting bone extra orally for dental procedures, including oral and maxillofacial procedures.~~

*(~~2~~**1**) No ~~licensee~~ **dentist** may perform any of the procedures listed **below***
(a) Rhinoplasty;
(b) Blepharoplasty;
(c) Rhydidectomy;
(e) Submental liposuction;
(f) Laser resurfacing;
(g) Browlift, either open or endoscopic technique;
(h) Platysmal muscle plication;
(i) Dermabrasion;
(j) Otoplasty;
(k) Lip augmentation;
(l) Hair transplantation, not as an isolated procedure for male pattern baldness; and
(m) Harvesting bone extra orally for dental procedures, including oral and maxillofacial procedures.

unless the dentist:

*(~~a~~**A**) Has successfully completed a residency in Oral and Maxillofacial Surgery accredited by the American Dental Association, Commission on Dental Accreditation (CODA); and*
*(~~b~~**B**) Has successfully completed a clinical fellowship, of at least one continuous year in duration, in esthetic (cosmetic) surgery recognized by the American Association of Oral and Maxillofacial Surgeons or by the American Dental Association Commission on Dental Accreditation; or*
*(~~c~~**C**) Holds privileges either:*
*(~~A~~**1**) Issued by a credentialing committee of a hospital accredited by the Joint Commission on Accreditation of Healthcare Organizations (JCAHO) to perform these procedures in a hospital setting; or*
*(~~B~~**2**) Issued by a credentialing committee for an ambulatory surgical center licensed by the State of Oregon and accredited by either the JCAHO or the American Association for Ambulatory Health Care (AAAHC).*

(2) A dentist may utilize Botulinum Toxin Type A to treat a condition that can be treated within the scope of the practice of dentistry after completing a minimum of 16 hours in courses approved by American Dental Association Continuing Education Recognition Program (ADA CERP) or the Academy of General Dentistry (AGD) .

818-026-0000 Purpose

Ms. Mason moved and Mr. Harvey seconded that the Committee recommend the Board send 818-026-0000 forward to a public rule hearing as presented. The motion passed with Dr. Schwindt, Ms. Mason, Mr. Harvey, Dr. Price, Ms. Ironside and Ms. Marshall voting aye.

818-026-0000
Purpose
(1) These rules apply to the administration of substances that produce general anesthesia, deep sedation, moderate sedation, minimal sedation or nitrous oxide sedation in patients being treated by licensees ~~***in facilities not accredited by the Joint Commission on Accreditation of Health Care Organizations (JCAHO/TJC), the Accreditation Association for Ambulatory Health Care (AAAHC), the American Association for Accreditation of Ambulatory Surgical Facilities (AAAASF), the American Osteopathic Association (AOA) or their successor organizations***~~*. These regulations are not intended to prohibit training programs for licensees or to prevent persons from taking necessary action in case of an emergency.*
(2) Nothing in this Division relieves a licensee from the standards imposed by ORS 679.140(1)(e) and 679.140(4).

818-026-0020 Presumption of Degree of Central Nervous System Depression

Ms. Mason moved and Ms. Ironside seconded that the Committee recommend the Board send 818-026-0020 forward to a public rule hearing as amended. The motion passed with Dr. Schwindt, Ms. Mason, Mr. Harvey, Dr. Price, Ms. Ironside and Ms. Marshall voting aye.

818-026-0020
Presumption of Degree of Central Nervous System Depression
(1) In any hearing where a question exists as to the degree of central nervous system depression a licensee has induced (i.e., general anesthesia, deep sedation, moderate sedation, minimal sedation or nitrous oxide sedation), the Board may base its findings on, among other things, the types, dosages and routes of administration of drugs administered to the patient and what result can reasonably be expected from those drugs in those dosages and routes administered in a patient of that physical and psychological status.
(2) The following drugs are conclusively presumed to produce general anesthesia and may only be used by a licensee holding a General Anesthesia Permit:
(a) Ultra short acting barbiturates including, but not limited to, sodium methohexital, thiopental, thiamylal;
(b) Alkylphenols -- propofol (Diprivan) including precursors or derivatives;
(c) Neuroleptic agents;
(d) Dissociative agents -- ketamine;

(e) Etomidate;
(f) Rapidly acting steroid preparations; and
(g) Volatile inhalational agents.
(3) No permit holder shall have more than one person under any form of sedation or general anesthesia at the same time exclusive of recovery.

(4) A licensee that does not hold a Moderate, Deep Sedation or General Anesthesia Permit may not administer, for purpose of anxiolysis or sedation, Benzodiazepines or narcotics in children under 6 years of age.

818-026-0060 Moderate Sedation Permit

Dr. Price moved and Mr. Harvey seconded that the Committee recommend the Board send 818-026-0060 forward to a public rule hearing as amended. The motion passed with Dr. Schwindt, Ms. Mason, Mr. Harvey, Dr. Price, Ms. Ironside and Ms. Marshall voting aye.

818-026-0060
Moderate Sedation Permit
(h) Sphygmomanometer, precordial/pretracheal stethoscope ~~or~~ ,capnograph, pulse oximeter, oral and nasopharyngeal airways, larynageal mask airways, intravenous fluid administration equipment, automated external defibrillator (AED); and

(7) The patient shall be monitored as follows:
*(a) Patients must have continuous monitoring using pulse oximetry **and End-tidal CO2**. The patient's blood pressure, heart rate, and respiration shall be recorded at regular intervals but at least every 15 minutes, and these recordings shall be documented in the patient record. The record must also include documentation of preoperative and postoperative vital signs, all medications administered with dosages, time intervals and route of administration. If this information cannot be obtained, the reasons shall be documented in the patient's record. A patient under moderate sedation shall be continuously monitored;*

818-026-0065 Deep Sedation Permit

Ms. Mason moved and Mr. Harvey seconded that the Committee recommend the Board send 818-026-0065(3) forward to a public rule hearing as amended. The motion passed with Dr. Schwindt, Ms. Mason, Mr. Harvey, Dr. Price, Ms. Ironside and Ms. Marshall voting aye.

818-026-0065
Deep Sedation

Deep sedation, moderate sedation, minimal sedation, and nitrous oxide sedation.
*(3) No permit holder shall have more than one person under deep sedation, ~~or conscious sedation~~ **moderate sedation, minimal sedation, or nitrous oxide sedation** at the same time.*

818-026-0065(2)(h) & (7)(a) Deep Sedation Permit

Ms. Mason moved and Ms. Ironside seconded that the Committee recommend the Board send 818-026-0065(2)(h) & (7)(a) forward to a public rule hearing as amended. The motion passed

with Dr. Schwindt, Ms. Mason, Mr. Harvey, Dr. Price, Ms. Ironside and Ms. Marshall voting aye.

818-026-0065
Deep Sedation

(2) (h) Sphygmomanometer, precordial/pretracheal stethoscope ***~~or~~*** ***,****capnograph, pulse oximeter, electrocardiograph monitor (ECG), automated external defibrillator (AED), oral and nasopharyngeal airways, laryngeal mask airways, intravenous fluid administration equipment; and*

(7) The patient shall be monitored as follows:
*(a) Patients must have continuous monitoring using pulse oximetry****, electrocardiograph monitor (ECG) and End-tidal C02 Monitors****. The patient's heart rhythm shall be continuously monitored and the patient's blood pressure, heart rate, and respiration shall be recorded at regular intervals but at least every 5 minutes, and these recordings shall be documented in the patient record. The record must also include documentation of preoperative and postoperative vital signs, all medications administered with dosages, time intervals and route of administration. If this information cannot be obtained, the reasons shall be documented in the patient's record. A patient under deep sedation shall be continuously monitored;*

818-026-0070 General Anesthesia Permit
Ms. Mason moved and Mr. Harvey seconded that the Committee recommend the Board send 818-026-0070 forward to a public rule hearing as presented. The motion passed with Dr. Schwindt, Ms. Mason, Mr. Harvey, Dr. Price, Ms. Ironside and Ms. Marshall voting aye.

818-026-0070
General Anesthesia Permit
General anesthesia, deep sedation, moderate sedation, minimal sedation and nitrous oxide sedation.

(2)(h) Sphygmomanometer, precordial/pretracheal stethoscope ***~~or~~*** ***,****capnograph, pulse oximeter, electrocardiograph monitor (ECG), automated external defibrillator (AED), oral and nasopharyngeal airways, laryngeal mask airways, intravenous fluid administration equipment; and*

(7) The patient shall be monitored as follows:
(a) Patients must have continuous monitoring of their heart rate, heart rhythm, oxygen saturation levels and respiration ***using pulse oximetry, electrocardiograph monitor (ECG) and End-tidal CO2 Monitors.*** *The patient's blood pressure, heart rate and oxygen saturation shall be assessed every five minutes, and shall be contemporaneously documented in the patient record. The record must also include documentation of preoperative and postoperative vital signs, all medications administered with dosages, time intervals and route of administration. The person administering the anesthesia and the person monitoring the patient may not leave the patient while the patient is under deep sedation or general anesthesia;*

818-035-0030 Additional Functions of Dental Hygienists
Ms. Mason moved and Ms. Ironside seconded that the Committee recommend the Board send 818-035-0030 forward to a public rule hearing as presented. The motion passed with Ms.

Mason, Mr. Harvey, Ms. Ironside and Ms. Marshall voting aye. Dr. Schwindt and Dr. Price voted nay.

818-035-0030
Additional Functions of Dental Hygienists
(1) In addition to functions set forth in ORS 679.010, a dental hygienist may perform the following functions under the general supervision of a licensed dentist:
(a) Make preliminary intra-oral and extra-oral examinations and record findings;
(b) Place periodontal dressings;
(c) Remove periodontal dressings or direct a dental assistant to remove periodontal dressings;
(d) Perform all functions delegable to dental assistants and expanded function dental assistants providing that the dental hygienist is appropriately trained;
(e) Administer and dispense ***silver nitrate solution,*** *antimicrobial solutions or other antimicrobial agents in the performance of dental hygiene functions.*
(f) Prescribe fluoride, fluoride varnish, antimicrobial solutions for mouth rinsing or other non-systemic antimicrobial agents.
(g) Use high-speed handpieces to polish restorations.
(h) Apply temporary soft relines to complete dentures for the purpose of tissue conditioning.
(i) Perform all aspects of teeth whitening procedures.
(2) A dental hygienist may perform the following functions at the locations and for the persons described in ORS 680.205(1) and (2) without the supervision of a dentist:
(a) Determine the need for and appropriateness of sealants or fluoride; and
(b) Apply sealants or fluoride.

818-042-0040 Prohibited Acts
Ms. Mason moved and Mr. Harvey seconded that the Committee recommend the Board send 818-042-0040 forward to a public rule hearing as presented. The motion passed with Ms. Mason, Mr. Harvey, and Ms. Ironside voting aye. Dr. Schwindt, Dr. Price and Ms. Marshall voted nay.

818-042-0040
Prohibited Acts
No licensee may authorize any dental assistant to perform the following acts:
(1) Diagnose or plan treatment.
(2) Cut hard or soft tissue.
(3) Any Expanded Function duty (818-042-0070 and 818-042-0090) or Expanded Orthodontic Function duty (818-042-0100) without holding the appropriate certification.
(4) Correct or attempt to correct the malposition or malocclusion of teeth except as provided by OAR 818-042-0100.
(5) Adjust or attempt to adjust any orthodontic wire, fixed or removable appliance or other structure while it is in the patient's mouth.
(6) Administer or dispense any drug except ***silver nitrate solution,*** *fluoride, topical anesthetic, desensitizing agents or drugs administered pursuant to OAR 818-026-0060(11), 818-026-0065(11), 818-026-0070(11) and as provided in 818-042-0070 and 818-042-0115.*
(7) Prescribe any drug.
(8) Place periodontal packs.
(9) Start nitrous oxide.

(10) Remove stains or deposits except as provided in OAR 818-042-0070.
(11) Use ultrasonic equipment intra-orally except as provided in OAR 818-042-0100.
(12) Use a high-speed handpiece or any device that is operated by a high-speed handpiece intra-orally.
(13) Use lasers, except laser-curing lights.
(14) Use air abrasion or air polishing.
(15) Remove teeth or parts of tooth structure.
(16) Cement or bond any fixed prosthetic or orthodontic appliance including bands, brackets, retainers, tooth moving devices, or orthopedic appliances except as provided in 818-042-0100.
(17) Condense and carve permanent restorative material except as provided in OAR 818-042-0095.
(18) Place any type of cord subgingivally.
(19) Take jaw registrations or oral impressions for supplying artificial teeth as substitutes for natural teeth, except diagnostic or opposing models or for the fabrication of temporary or provisional restorations or appliances.
(20) Apply denture relines except as provided in OAR 818-042-0090(2).
(21) Expose radiographs without holding a current Certificate of Radiologic Proficiency issued by the Board (818-042-0050 and 818-042-0060) except while taking a course of instruction approved by the Oregon Health Authority, Oregon Public Health Division, Office of Environmental Public Health, Radiation Protection Services, or the Oregon Board of Dentistry.
(22) Use the behavior management techniques known as Hand Over Mouth (HOM) or Hand Over Mouth Airway Restriction (HOMAR) on any patient.
(23) Perform periodontal probing.
(24) Place or remove healing caps or healing abutments, except under direct supervision.
(25) Place implant impression copings, except under direct supervision.
(26) Any act in violation of Board statute or rules.

818-042-0110 Certification – Expanded Functions Orthodontic Assistant

Ms. Mason moved and Ms. Ironside seconded that the Committee recommend the Board send 818-042-0110 forward to a public rule hearing as presented. The motion passed with Dr. Schwindt, Ms. Mason, Mr. Harvey, Dr. Price, Ms. Ironside and Ms. Marshall voting aye.

818-042-0110
Certification — Expanded Function Orthodontic Assistant
The Board may certify a dental assistant as an expanded function orthodontic assistant
(1) By credential in accordance with OAR 818-042-0120, or
(2) Completion of an application, payment of fee and satisfactory evidence of;
(a) Completion of a course of instruction in a program in dental assisting accredited by the American Dental Association Commission on Dental Accreditation; ***or***
*(b) Passage of the Basic, CDA or COA examination, and Expanded Function Orthodontic Assistant examination, or equivalent successor examinations, administered by the Dental Assisting National Board, Inc. (DANB), or any other testing entity authorized by the Board; and certification by a licensed dentist that the applicant has successfully removed cement from bands using an ultrasonic or hand scaler, or a slow speed hand piece, on six (6) patients and recemented loose orthodontic bands****, fit and adjust headgear, remove fixed orthodontic appliances and take impressions*** *for four (4) patients.*

818-001-0087 Fees

Ms. Mason moved and Mr. Harvey seconded that the Committee recommend the Board send 818-001-0087 forward to a public rule hearing as amended. The motion passed with Dr. Schwindt, Ms. Mason, Mr. Harvey, Dr. Price, Ms. Ironside and Ms. Marshall voting aye.

818-001-0087
Fees
(1) The Board adopts the following fees:
(B) Dental Specialty:
~~***(i) $750 at the time of application; and***~~
~~***(ii) If only one candidate applies for the exam, an additional $1,250 due ten days prior to the scheduled exam date;***~~
~~***(iii) If two candidates apply for the exam, an additional $250 (per candidate) due ten days prior to the scheduled exam date;***~~
~~***(iv) If three or more candidates apply for the exam, no additional fee will be required.***~~
(i) If only one candidate applies for the exam, a fee of $2,000.00 will be required at the time of application; and
(ii) If two candidates apply for the exam, a fee of $1,000.00 will be required at the time of application; and
(iii) If three or more candidates apply for the exam, a fee of $750.00 will be required at the time of application.

818-035-0066 Additional Populations for Expanded Practice Dental Hygiene Permit Holders - HPSA Discussion

Ms. Mason moved and Ms. Ironside seconded that the Committee recommend the Board send 818-035-0066 forward to a public rule hearing as amended. The motion passed with Dr. Schwindt, Ms. Mason, Mr. Harvey, Dr. Price, Ms. Ironside and Ms. Marshall voting aye.

818-035-0066
Additional Populations for Expanded Practice Dental Hygiene Permit Holders

A dental hygienist with an Expanded Practice Permit may practice without supervision at locations and on persons as described in ORS 680.205 (1)(a) through (e) and on the following additional populations: Low-income persons, as defined by earning up to 200% of the Federal Poverty Level~~.~~ ***or on specific population groups designed by the Dental Health Professional Shortage Areas (DHPSA) that lack access to care and that are underserved.***

Rules Review (ORS183.405) 818-035-0072 Restorative Functions of Dental Hygienists

Mr. Braatz stated that ORS 183.405 requires the Board to review all rules 5 years after passing them and that 818-035-0072 was approved in April of 2007 and was in need of the required review.

Pursuant to ORS 183.405 the Committee completed the review of OAR 818-035-0072.

RULE REVIEW

Rule number: OAR 818-035-0072

Date adopted: 5/1/2007

Date review due: 1/22/2013

Advisory committee used? _X_ yes ____ no

If yes, identify members. Members must be provided a copy of this completed form.

All Members of the OBD Rules Oversight Committee for the 2012-2013 Board Year.

1. Did the rule achieve its intended effect? _X__yes ____ no

   a. What was the intended effect?

   To allow dental hygienists to perform restorative functions.

   b. How did the rule succeed or fail in achieving this effect?

   It allows dental hygienists to perform restorative functions.

2. Was the fiscal impact statement ___ underestimated or ___ overestimated or _X_ just about right or ___ unknown? (Check one)

   a. What was the estimated fiscal impact?

      Minimal

   b. What was the actual fiscal impact?

      Unable to determine

   c. If the answer to question 2 is unknown, briefly explain why.

3. Have subsequent changes in the law required the rule to be repealed or amended?
   ___ yes _X_ no

   If yes, explain.

4. Is the rule still needed? _X_ yes ___ no

   Explain.

   Without the rule dental hygienists would not be able to perform restorative functions.

Rules Review (ORS 183.405) 818-042-0095 Restorative Functions of Dental Assistants

Mr. Braatz stated that ORS 183.405 requires the Board to review all rules 5 years after passing them and that 818-042-0095 was approved in November of 2007 and was in need of the required review.

Pursuant to ORS 183.405 the Committee completed the review of OAR 818-042-0095.

RULE REVIEW

Rule number: OAR 818-042-0095

Date adopted: 5/1/2007

Date review due: 1/22/2013

Advisory committee used? _X___ yes ____ no

If yes, identify members. Members must be provided a copy of this completed form.

All Members of the OBD Rules Oversight Committee for the 2012-2013 Board Year.

1. Did the rule achieve its intended effect? _X___yes ____ no

   a. What was the intended effect?

   To allow dental assistants to perform restorative functions.

   b. How did the rule succeed or fail in achieving this effect?

   It allows dental assistants to perform restorative functions.

2. Was the fiscal impact statement ___ underestimated or ___ overestimated or _X_ just about right or ___ unknown? (Check one)

   a. What was the estimated fiscal impact?

      Minimal

   b. What was the actual fiscal impact?

      Unable to determine

   c. If the answer to question 2 is unknown, briefly explain why.

3. Have subsequent changes in the law required the rule to be repealed or amended?
   ___ yes _X_ no

   If yes, explain.

4. Is the rule still needed? _X_ yes ___ no

   Explain.

   Without the rule dental assistants would not be able to perform restorative functions.

Review Correspondence from Dr. Krump

Dr. Krump sent a letter to the Board addressing a concern with dental implants and the lack of record retention for them. The Board reviewed Dr. Krump's letter at the December 14, 2012 Board meeting and agreed that there should be some kind of clarification in the maintenance of records

for implant patients. They referred the letter to the Rules Oversight Committee for clarification or creation of a rule regarding this.

The Committee reviewed Dr. Krump's letter and directed Board staff to bring back, to a future Rule Oversight Committee meeting, language that would require a dentist to provide to the patient, at the time of treatment, information regarding the type of implant, manufacturer, etc…

The meeting was adjourned at 9:13 p.m.

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REVISED

Oregon Board of Dentistry
Committee and Liaison Assignments
May 2012 - April 2013

STANDING COMMITTEES

Communications

Purpose: To enhance communications to all constituencies

Committee:

Jonna Hongo, D.M.D., Chair
Darren Huddleston, D.M.D.
Alton Harvey, Sr.
Barry Taylor, D.M.D., ODA Rep.
Kelli Swanson-Jaeks, R.D.H., M.A., ODHA Rep.
Linda Kihs, CDA, EFDA, MADAA, ODAA Rep.

Subcommittees:

- Newsletter – Jonna Hongo, D.M.D., Editor

Dental Hygiene

Purpose: To review issues related to Dental Hygiene

Committee:

Jill Mason, M.P.H., R.D.H., E.P.P., Chair
Brandon Schwindt, D.M.D.
Mary Davidson, M.P.H., R.D.H.,E.P.P.
David J. Dowsett, D.M.D., ODA Rep.
Kristen L. Simmons, R.D.H., B.S., ODHA Rep.
Mary Harrison, CDA, EFDA, EFODA, ODAA Rep.

Enforcement and Discipline

Purpose: To improve the discipline process

Committee:

Darren Huddleston, D.M.D. - Chair
Jill Mason, M.P.H., R.D.H., E.P.P.
New Public Member

Subcommittees:

Evaluators

- Jonna Hongo, D.M.D., Senior Evaluator
- Brandon Schwindt, D.M.D., Evaluator

Licensing, Standards and Competency

Purpose: To improve licensing programs and assure competency of licensees and applicants

Committee:

Norman Magnuson, D.D.S., Chair
Julie Ann Smith, D.D.S., M.D.
Mary Davidson, M.P.H., R.D.H., E.P.P.
Daren L. Goin, D.M.D., ODA Rep.
Lisa J. Rowley, R.D.H. ODHA Rep.
Mary Harrison, CDA, EFDA, EFODA, ODAA Rep.

Rules Oversight

Purpose: To review and refine OBD rules

Committee:

Brandon Schwindt, D.M.D., Chair
Alton Harvey, Sr.
Jill Mason, M.P.H., R.D.H., E.P.P.
Jill M. Price, D.M.D., ODA Rep.
Lynn Ironside, R.D.H., ODHA Rep.
Bonnie Marshall, CDA, EFDA, EFODA, MADAA, ODAA Rep.

LIAISONS

American Assoc. of Dental Administrators (AADA) — Patrick D. Braatz, Executive Director
American Assoc. of Dental Boards (AADB)

- Administrator Liaison – Patrick D. Braatz, Executive Director
- Board Attorneys' Roundtable – Lori Lindley, SAAG - Board Counsel
- Dental Liaison – Patricia Parker, D.M.D.
- Hygiene Liaison – Jill Mason, M.P.H., R.D.H., E.P.P.

ADEX

- House of Delegates – Patricia Parker, D.M.D.
- Exam Committee – Jonna Hongo, D.M.D.
- Dental Hygiene Committee – Jill Mason, M.P.H., R.D.H., E.P.P.
- District 2 Dental Hygiene Representative - Mary Davidson, M.P.H., R.D.H., E.P.P.

North East Regional Board (NERB) Steering Committee

- Mary Davidson, M.P.H., R.D.H., E.P.P,
- Jonna Hongo, D.M.D.
- Patricia Parker, D.M.D.

Oregon Dental Association – Patricia Parker, D.M.D,
Oregon Dental Hygienists' Association – Jill Mason, M.P.H., R.D.H, E.P.P.
Western Regional Exam Board (WREB)

- Dental Exam Review Committee – Norman Magnuson, D.D.S.
- Hygiene Exam Review Committee - Mary Davidson, M.P.H., R.D.H., E.P.P.

OTHER

Administrative Workgroup
Purpose: To update Board and agency policies and guidelines. Consult with Executive Director on administrative issues. Conduct evaluation of Executive Director.
Committee:

Patricia Parker, D.M.D, Chair
Mary Davidson, M.P.H., R.D.H., E.P.P.
Alton Harvey, Sr.

Subcommittee:

Budget/Legislative – *(President, Vice President, Immediate Past President)*

- Patricia Parker, D.M.D.
- Jonna Hongo, D.M.D.
- Mary Davidson, M.P.H., R.D.H., E.P.P.

Anesthesia
Purpose: To review and make recommendations on the Board's rules regulating the administration of sedation in dental offices.
Committee:

Julie Ann Smith, D.D.S, M.D., Chair
Brandon Schwindt, D.M.D.
Rodney Nichols, D.M.D.
Daniel Rawley, D.D.S.
Henry Windell, D.M.D.
Mark Mutschler, D.D.S.
Jay Wylam, D.M.D.
Richard Park, D.M.D.

EXECUTIVE DIRECTORS REPORT

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EXECUTIVE DIRECTOR'S REPORT
February 15, 2013

OBD Budget Status Report

Attached is the latest budget report for the 2011-2013 Biennium. This report, which is from July 1, 2011 through December 31, 2012, shows revenue of $1,792,021.11 and expenditures of $1,603,749.22. Revenues continue to be on target and the expenditures to date are actually below what was budgeted. We have just begun the 2013 Online Dental Renewals which is the last large revenue stream that we will have during the 2011 – 2013 Biennium. I would say the Budget appears to be performing as expected. If Board members have questions on this budget report format, please feel free to ask me. **Attachment #1**

Customer Service Survey

Attached is a chart which shows the OBD State Legislatively Mandated Customer Service Survey Results from July 1, 2012 through December 31, 2012.

The results of the survey show that the OBD continues to receive positive comments from the majority of those that return the surveys. The booklet containing the written comments that are on the survey forms, which staff has reviewed, are available on the table for Board members to review. **Attachment #2**

Board and Staff Speaking Engagements

I made a presentation on "Corporate Dentistry" to the Northeast Regional Boards of Dental Examiners, Inc. Public Advocacy Committee on Saturday, January 12, 2013 in Orlando Florida.

Dr. Paul Kleinstub Dental Director/Chief Investigator made a presentation on the "Dental Practice Act/Jurisprudence Examination" to the Senior Dental Students at OHSU School of Dentistry on Wednesday, January 16, 2013, in Portland.

I made a presentation on "Record Keeping" to Advantage Dental on Friday, January 18, 2013 in Redmond.

Dental Director/Chief Investigator Dr. Paul Kleinstub, and I made a presentation on the "Board of Dentistry" to the Senior Dental Students at OHSU School of Dentistry on Wednesday, January 23, 2013, in Portland.

2013 Dental Renewal

On January 23, 2013 the OBD mailed 1815 postcards informing dentists whose Oregon License will expire March 31, 2013 that the on-line renewal was available. As of 2/5/13, 441 dentists have renewed their license

EPP Report

I will have available at the Board Meeting a handout of the current status of RDH EPP's in Oregon as it will have been a little over a year that the Board implemented the changes as a result of SB 738.

OBD 2013 - 2015 Governor's Recommended Budget

Attached please find the 2013 – 2015 Governor's Balanced Budget. OBD Board President Patricia Parker and I will be appearing before the Oregon Legislature's Education Subcommittee of the Joint Ways and Means Committee on Monday, February 11, 2013 at 8:30 am for the OBD Budget Hearing. I will report on the Legislative Hearing at the meeting. If Board Members have questions about the OBD Budget I will be happy to answer them. **Attachment # 3**

Legislative Update

Attached please find a list of the Oregon Legislative Bills that the OBD is currently tracking that will have a direct impact in the Board or impact on the Board as a state agency.
Attachment # 4

Board Member Appointments

Board Member Jonna Hongo, D.M.D term expired on April 1, 2012. Mr. David Smyth's Term as a public Member expired on April 1, 2012 and Mr. Smyth subsequently resigned from the Board in September of 2012. Darren Huddleston, D.M.D. term will expire on March 31, 2013 and he will have served two terms. Jill Mason, M.P.H., R.D.H., E.P.P term will expire on March 31, 2013 and she will have served two terms. I will update the Board on the status of Board Member Appointments as related to me by the Governor's Appointments Office.

Oregon Dental Conference

The ODC will be held at the Oregon Convention Center in Portland, April 4-6, 2013. The OBD will once again have a presence at the ODC. We will have a table outside the Exhibit Hall and we will be presenting as a part of the DBIC Risk Management Seminar on Thursday, April 4, 2013, as well as two other courses entitled "Record Keeping from the Board's Perspective" and "Ask the Board."

We have submitted all Board members' names to the ODA, so those of you that have not registered will have name badges that allow you access to the Exhibit Hall. I am encouraging that Board members be available at the table and if possible, attend the course entitled "Ask the Board."

Smoking Cessation Prescriptions

Board Member Jill Mason, M.P.H., R.D.H., E.P.P. has asked that the Board would look at the Board's previous policy on Smoking Cessation Prescriptions and I have included her e-mail for review and a starting point for the Board to have a discussion on this issue. **Attachment # 5**

CAFR Gold Star Award 2012

The State Controller's Office has once again issued the OBD a FY 2012 Gold Star Certificate signifying that the OBD has provided accurate and complete fiscal year end information in a timely manner. **Attachment # 6**

Governor's State of the State Address

I wanted to share with you the written copy of the Governor's State of the State Address.
Attachment # 7

HPSP Satisfaction Survey

Attached please find the most recent satisfaction survey for the HPSP Program.
Attachment # 8

Affirmative Action Report

Attached please find the most current Affirmative Action Report. The plan has been accepted and approved by the Governor's Affirmative Action Office.
Attachment # 9

Newsletter

We have sent the newsletter to production and expect proofs back very shortly.

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BOARD OF DENTISTRY
Fund 3400 BOARD OF DENTISTRY
For the Month of DECEMBER 2012

REVENUES

Budget Obj	Budget Obj Title	Monthly Activity	Biennium to Date Activity	Financial Plan	Unobligated Plan	Monthly Avg to Date	Monthly Avg to Spend
0205	OTHER BUSINESS LICENSES	10,766.00	1,654,251.06	2,327,200.00	672,948.94	91,902.84	112,158.16
0210	OTHER NONBUSINESS LICENSES AND FEES	750.00	13,200.00	40,000.00	26,800.00	733.33	4,466.67
0410	CHARGES FOR SERVICES	0.00	0.00	5,000.00	5,000.00	0.00	833.33
0505	FINES AND FORFEITS	10,000.00	100,758.14	50,000.00	-50,758.14	5,597.67	-8,459.69
0605	INTEREST AND INVESTMENTS	312.49	5,855.65	10,000.00	4,144.35	325.31	690.73
0975	OTHER REVENUE	877.60	17,956.26	25,000.00	7,043.74	997.57	1,173.96
		22,706.09	***1,792,021.11***	***2,457,200.00***	***665,178.89***	***99,556.73***	***110,863.15***

TRANSFER OUT

Budget Obj	Budget Obj Title	Monthly Activity	Biennium to Date Activity	Financial Plan	Unobligated Plan	Monthly Avg to Date	Monthly Avg to Spend
2100	TRANSFER OUT TO DEPT OF HUMAN SERVICES	0.00	0.00	0.00	0.00	0.00	0.00
2443	TRANSFER OUT TO OREGON HEALTH AUTHORITY	0.00	102,255.00	208,000.00	105,745.00	5,680.83	17,624.17
		0.00	***102,255.00***	***208,000.00***	***105,745.00***	***5,680.83***	***17,624.17***

PERSONAL SERVICES

Budget Obj	Budget Obj Title	Monthly Activity	Biennium to Date Activity	Financial Plan	Unobligated Plan	Monthly Avg to Date	Monthly Avg to Spend
3110	CLASS/UNCLASS SALARY & PER DIEM	35,774.93	626,861.33	855,336.00	228,474.67	34,825.63	38,079.11
3160	TEMPORARY APPOINTMENTS	0.00	14,107.23	3,717.00	-10,390.23	783.74	-1,731.71
3170	OVERTIME PAYMENTS	279.65	10,807.24	3,575.00	-7,232.24	600.40	-1,205.37
3210	ERB ASSESSMENT	8.50	142.80	287.00	144.20	7.93	24.03
3220	PUBLIC EMPLOYES' RETIREMENT SYSTEM	4,695.25	88,445.96	123,464.00	35,018.04	4,913.66	5,836.34
3221	PENSION BOND CONTRIBUTION	1,928.12	35,789.67	49,432.00	13,642.33	1,988.32	2,273.72
3230	SOCIAL SECURITY TAX	2,743.33	49,536.75	71,160.00	21,623.25	2,752.04	3,603.88
3250	WORKERS' COMPENSATION ASSESSMENT	14.74	284.00	413.00	129.00	15.78	21.50
3260	MASS TRANSIT	199.69	3,629.00	5,581.00	1,952.00	201.61	325.33
3270	FLEXIBLE BENEFITS	8,328.14	138,578.33	201,638.00	63,059.67	7,698.80	10,509.95
		53,972.35	***968,182.31***	***1,314,603.00***	***346,420.69***	***53,787.91***	***57,736.78***

SERVICES and SUPPLIES

Budget Obj	Budget Obj Title	Monthly Activity	Biennium to Date Activity	Financial Plan	Unobligated Plan	Monthly Avg to Date	Monthly Avg to Spend
4100	INSTATE TRAVEL	1,948.56	36,713.12	46,655.00	9,941.88	2,039.62	1,656.98

Budget Obj	Budget Obj Title	Monthly Activity	Biennium to Date Activity	Financial Plan	Unobligated Plan	Monthly Avg to Date	Monthly Avg to Spend
4125	OUT-OF-STATE TRAVEL	-328.71	20,141.22	24,672.00	4,530.78	1,118.96	755.13
4150	EMPLOYEE TRAINING	0.00	6,255.00	6,617.00	362.00	347.50	60.33
4175	OFFICE EXPENSES	-422.48	55,054.73	78,445.00	23,390.27	3,058.60	3,898.38
4200	TELECOMM/TECH SVC AND SUPPLIES	924.02	17,933.96	25,757.00	7,823.04	996.33	1,303.84
4225	STATE GOVERNMENT SERVICE CHARGES	26.95	64,990.34	78,170.00	13,179.66	3,610.57	2,196.61
4250	DATA PROCESSING	155.00	3,175.50	5,400.00	2,224.50	176.42	370.75
4275	PUBLICITY & PUBLICATIONS	0.00	10,819.68	13,084.00	2,264.32	601.09	377.39
4300	PROFESSIONAL SERVICES	1,673.48	64,535.53	79,219.00	14,683.47	3,585.31	2,447.25
4315	IT PROFESSIONAL SERVICES	0.00	12,700.00	50,000.00	37,300.00	705.56	6,216.67
4325	ATTORNEY GENERAL LEGAL FEES	3,829.28	118,913.46	188,592.00	69,678.54	6,606.30	11,613.09
4375	EMPLOYEE RECRUITMENT AND	0.00	0.00	621.00	621.00	0.00	103.50
4400	DUES AND SUBSCRIPTIONS	162.90	9,578.80	8,276.00	-1,302.80	532.16	-217.13
4425	FACILITIES RENT & TAXES	5,732.09	103,309.35	139,571.00	36,261.65	5,739.41	6,043.61
4475	FACILITIES MAINTENANCE	790.00	790.00	514.00	-276.00	43.89	-46.00
4575	AGENCY PROGRAM RELATED SVCS & SUPP	1,185.00	80,925.50	164,976.00	84,050.50	4,495.86	14,008.42
4650	OTHER SERVICES AND SUPPLIES	363.02	28,020.53	40,300.00	12,279.47	1,556.70	2,046.58
4700	EXPENDABLE PROPERTY $250-$5000	1,457.16	1,457.16	5,140.00	3,682.84	80.95	613.81
4715	IT EXPENDABLE PROPERTY	0.00	253.03	5,140.00	4,886.97	14.06	814.50
		17,496.27	***635,566.91***	***961,149.00***	***325,582.09***	***35,309.27***	***54,263.68***

SPECIAL PAYMENTS

Budget Obj	Budget Obj Title	Monthly Activity	Biennium to Date Activity	Financial Plan	Unobligated Plan	Monthly Avg to Date	Monthly Avg to Spend
6100	DISTRIBUTION TO DEPT OF HUMAN	0.00	0.00	0.00	0.00	0.00	0.00
6443	DIST TO OREGON HEALTH AUTHORITY	62,918.00	129,584.00	226,292.00	96,708.00	7,199.11	16,118.00
		62,918.00	***129,584.00***	***226,292.00***	***96,708.00***	***7,199.11***	***16,118.00***

SUMMARY TOTALS

3400		
BOARD OF DENTISTRY		
	Month Activity	Biennium Activity
REVENUES	REVENUE	22,706.09	1,792,021.11
	Total	22,706.09	1,792,021.11
EXPENDITURES	PERSONAL SERVICES	53,972.35	968,182.31
	SERVICES AND SUPPLIES	17,496.27	635,566.91
	Total	71,468.62	1,603,749.22
TRANSFER OUT	TRANSFER OUT	0.00	102,255.00
	Total	0.00	102,255.00
SPECIAL PAYMENTS	SPECIAL PAYMENTS	62,918.00	129,584.00

Attachment # 1

	3400	
	BOARD OF DENTISTRY	
	Month Activity	Biennium Activity
Total	62,918.00	129,584.00

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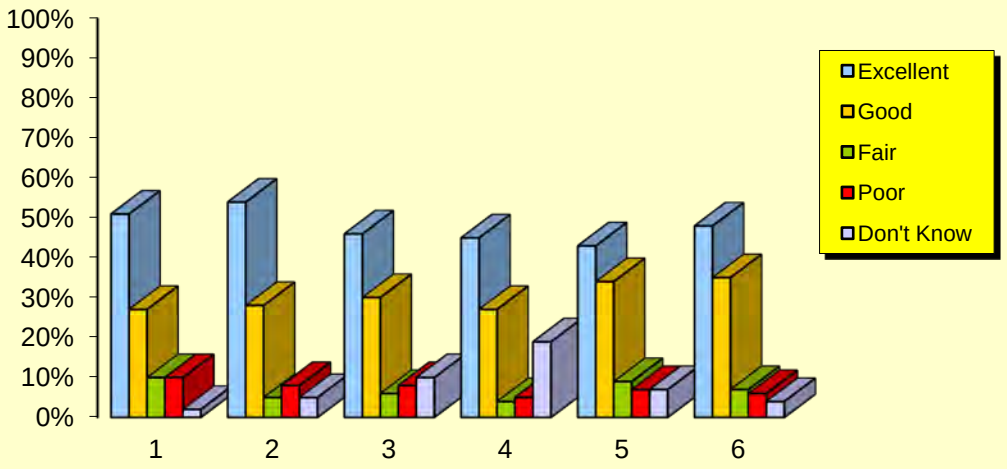
Oregon Board of Dentistry

Customer Service Survey

July 1, 2012 December 31, 2012



1 How do you rate the timeliness of the services provided by the OBD?
E= 51% G= 27% F= 10% P= 10% DK= 2%

2 How do you rate the ability of the OBD to provide services correctly the first time?
E= 54% G= 28% F= 5% P= 8% DK= 5%

3 How do you rate the helpfulness of the OBD?
E= 46% G= 30% F= 6% P= 8% DK= 10%

4 How do you rate the knowledge and expertise of the OBD?
E= 45% G= 27% F= 4% P= 5% DK= 19%

5 How do you rate the availability of information at the OBD?
E= 43% G= 34% F= 9% P= 7% DK= 7%

6 How do you rate the overall quality of services provided by the OBD?
E= 48% G= 35% F= 7% P= 6% DK= 4%

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OREGON BOARD OF DENTISTRY

2013 - 2015
GOVERNOR'S BALANCED BUDGET

Attachment # 3

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CERTIFICATION

ORIGINAL

I hereby certify that the accompanying summary and detailed statements are true and correct to the best of my knowledge and belief and that the accuracy of all numerical information has been verified.

OREGON BOARD of DENTISTRY

AGENCY NAME

1600 SW 4th Ave, Suite 770, Portland, OR 97201

AGENCY ADDRESS

Patricia Parker, DMD

SIGNATURE

President

TITLE

Notice: Requests of those agencies headed by a board or commission must be approved by those bodies of official action and signed by the board or commission chairperson. The requests of other agencies must be approved and signed by the agency director or administrator._____ Agency Request

X Governor's Recommended

_____ Legislatively Adopted

Budget Page _____

BUDGET NARRATIVE

76th OREGON LEGISLATIVE ASSEMBLY – 2011 Regular Session
BUDGET REPORT AND MEASURE SUMMARY

JOINT COMMITTEE ON WAYS AND MEANS

MEASURE: **HB 5017**

Carrier – House: **Rep. Komp**
Carrier – Senate: **Sen. Girod**

Action: Do Pass

Vote: 19 – 4 – 2
House – Yeas: Beyer, Buckley, Cowan, Komp, Kotek, McLane, Nathanson, Nolan, Richardson, G. Smith, Whisnant
– Nays: Garrard, Thatcher
– Exc: Freeman

Senate – Yeas: Devlin, Edwards, Girod, Johnson, Monroe, Nelson, Verger, Winters
– Nays: Thomsen, Whitsett
– Exc: Bates

Prepared By: D.J. Vogt, Department of Administrative Services

Reviewed By: Matt Stayner, Legislative Fiscal Office

Meeting Date: May 6, 2011

Agency	Budget Page	LFO Analysis Page	Biennium
Board of Dentistry	H-11	192	2011-13

_ Agency Request X Governor's Recommended _____ Legislatively Adopted

BUDGET NARRATIVE

Budget Summary*

	2009-11 Legislatively Approved Budget (1)	2011-13 Current Service Level	2011-13 Governor's Budget	2011-13 Committee Recommendation	Committee Change from 2009-11 Leg Approved	
					$ change	% change
Other Funds	$ 2,295,770	$ 2,391,834	$ 2,509,517	$ 2,509,517	$ 213,747	9.3%

Position Summary

Authorized positions	7	7	7	7	-
Full-time equivalent positions (FTE)	7.00	7.00	7.00	7.00	-

(1) Includes adjustments through March 2011
* Excludes Capital Construction expenditures

Summary of Revenue Changes

The Oregon Board of Dentistry is funded entirely by fees paid for professional licenses and applications by dentists and dental hygienists. The Subcommittee approved an increase to the license fees for dentists and dental hygienists for the 2011-13 biennium. The intent of the license fee increase is to cover the costs of participating in the Health Professionals Services Program (HPSP). Without the fee increase, the Board would not be able to participate in the HPSP. Both dentists' and dental hygienists' license fees will increase by $35. This budget will leave a projected ending cash balance of approximately $317,145 or two and a half months of operating expenses.

Summary of Education Subcommittee Action

The Board of Dentistry regulates dentists and dental hygienists. The Subcommittee approved a budget for the Board of Dentistry of $2,509,517 Other Funds and 7.00 full-time equivalents. This is a 9.3 percent increase from the 2009-11 Legislatively Approved Budget.

The Subcommittee approved Package 086 and Package 087, which eliminate inflation and decrease projected personal services costs by 5.5 percent.

BUDGET NARRATIVE

The Sub[illegible]mittee approved Package 100, Health Professionals Servic[illegible]gram (HPSP), at a cost of $226,292 Other Funds. The pac[illegible]unds the increa[illegible] cost of participating in the HPSP. The Board will raise reve[illegible]e to fund this package by increasing dental and dental hygie[illegible]cense fees by $35.

Summary of Performance Measure Action

See attached Legislatively Adopted 2011-13 Key Performance Measures form.

BUDGET NARRATIVE

DET)F JOINT COMMITTEE ON WAYS AND MEANS ACTION HI 7

Board of Dentistry
D.J. Vogt -- (503) 378-3117

DESCRIPTION	GENERAL FUND	LOTTERY FUNDS	OTHER FUNDS LIMITED	OTHER FUNDS NONLIMITED	FEDERAL FUNDS LIMITED	FEDERAL FUNDS NONLIMITED	TOTAL ALL FUNDS	POS	FTE
2009-11 Legislatively Approved Budget at March 2011 *	$0	$0	$2,295,770	$0	$0	$0	$2,295,770	7	7.00
2011-13 ORBITS printed Current Service Level (CSL)*	$0	$0	$2,391,834	$0	$0	$0	$2,391,834	7	7.00
2011-13 Governor's Recommended Budget *	$0	$0	$2,509,517	$0	$0	$0	$2,509,517	7	7.00
SUBCOMMITTEE ADJUSTMENTS (from GRB)									
No changes									
SUBCOMMITTEE RECOMMENDATION *	$0	$0	$2,509,517	$0	$0	$0	$2,509,517	7	7.00
% Change from 2009-11 Leg Approved Budget	0.0%	0.0%	9.3%	0.0%	0.0%	0.0%	9.3%	0.0%	0.0%
% Change from 2011-13 Current Service Level	0.0%	0.0%	4.9%	0.0%	0.0%	0.0%	4.9%	0.0%	0.0%
% Change from 2011-13 Governor's Recommended Budget	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%

* Excludes Capital Construction Expenditures

_ Agency Request X Governor's Recommended _____ Legislatively Adopted

BUDGET NARRATIVE

Legislatively Adopted 2011-20_ Key Performance Measures

Agency: DENTISTRY, BOARD of

Mission: To assure that the citizens of Oregon receive the highest possible quality of oral health care.

Legislatively Adopted KPMs	Customer Service Category	Agency Request	Most Current Result	Target 2012	Target 2013
1 - Continuing Education Compliance - Percent of Licensees in compliance with continuing education requirements.		Approved KPM	100.00	100.00	100.00
2 - Time to Investigate Complaints - Average time from receipt of new complaints to completed investigation.		Approved KPM	4.90	3.50	3.50
3 - Days to Complete License Paperwork - Average number of working days from receipt of completed paperwork to issuance of license.		Approved KPM	7.00	7.00	7.00
4 - CUSTOMER SATISFACTION WITH AGENCY SERVICES - Percent of customers rating their satisfaction with the agency's customer service as "good" or "excellent": overall, timeliness, accuracy, helpfulness, expertise, availability of information.	Timeliness	Approved KPM	86.00	85.00	85.00
4 - CUSTOMER SATISFACTION WITH AGENCY SERVICES - Percent of customers rating their satisfaction with the agency's customer service as "good" or "excellent": overall, timeliness, accuracy, helpfulness, expertise, availability of information.	Accuracy	Approved KPM	87.00	85.00	85.00
4 - CUSTOMER SATISFACTION WITH AGENCY SERVICES - Percent of customers rating their satisfaction with the agency's customer service as "good" or "excellent": overall, timeliness, accuracy, helpfulness, expertise, availability of information.	Helpfulness	Approved KPM	83.00	85.00	85.00
4 - CUSTOMER SATISFACTION WITH AGENCY SERVICES - Percent of customers rating their satisfaction with the agency's customer service as "good" or "excellent": overall, timeliness, accuracy, helpfulness, expertise, availability of information.	Expertise	Approved KPM	82.00	85.00	85.00
4 - CUSTOMER SATISFACTION WITH AGENCY SERVICES - Percent of customers rating their satisfaction with the agency's customer service as "good" or "excellent": overall, timeliness, accuracy, helpfulness, expertise, availability of information.	Availability of Information	Approved KPM	84.00	85.00	85.00

_ Agency Request X Governor's Recommended _____ Legislatively Adopted Budget Page 5

Agency: DENTISTRY, BOARD of

BUDGET NARRATIVE

Mission: To [illegible] that the citizens of Oregon receive the highest possible quality of oral health ca[illegible]

Legislatively Adopted KPMs	Customer Service Category	Agency Request	Most Current Result	Target 2012	Target 2013
4 - CUSTOMER SATISFACTION WITH AGENCY SERVICES - Percent of customers rating their satisfaction with the agency's customer service as "good" or "excellent": overall, timeliness, accuracy, helpfulness, expertise, availability of information.	Overall	Approved KPM	88.00	85.00	85.00
5 - Board Best Practices - Percent of total best practices met by the Board.		Approved KPM	100.00	100.00	100.00

LFO Recommendation:

The LFO recommends the adoption of the key performance measures as presented.

Sub-Committee Action:

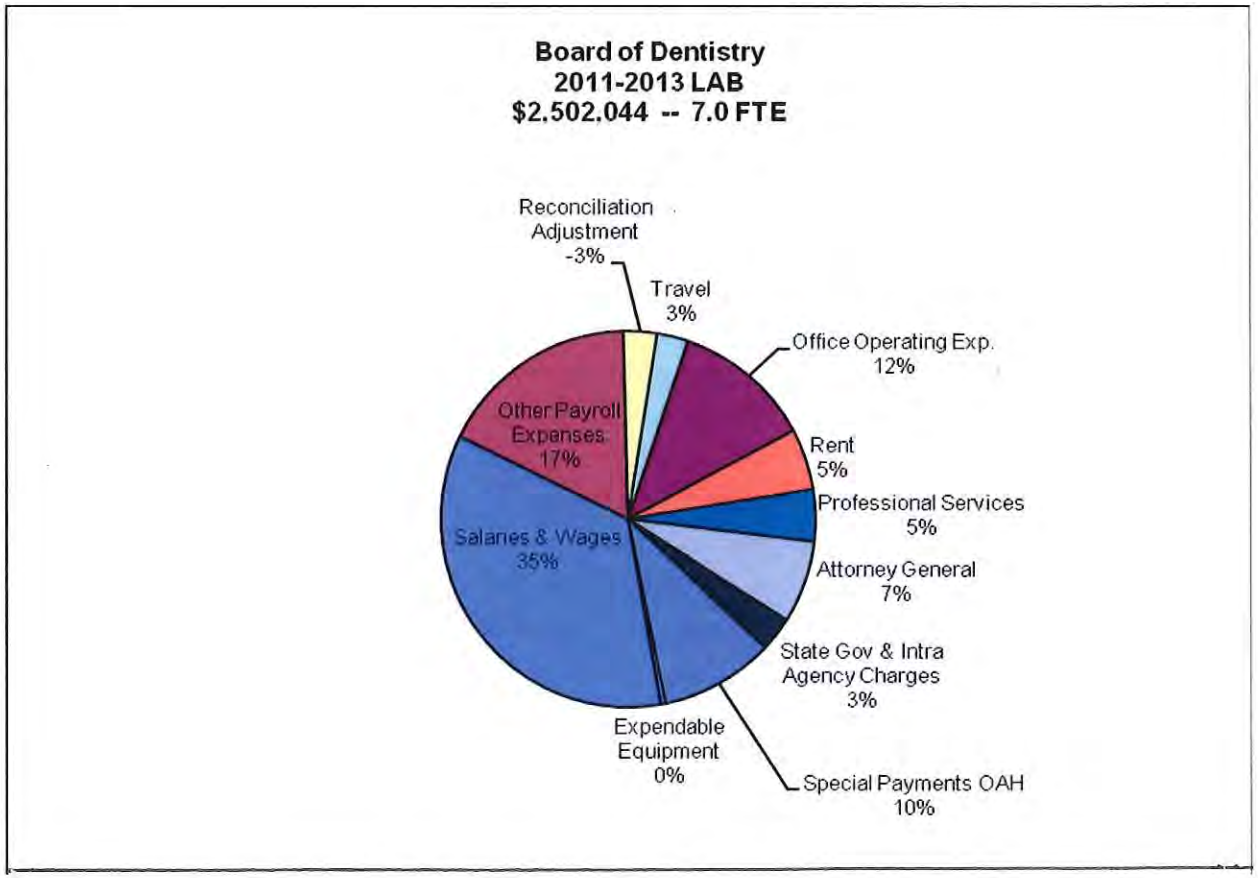
The Subcommittee on Education approved the key performance measures as recommended by the LFO

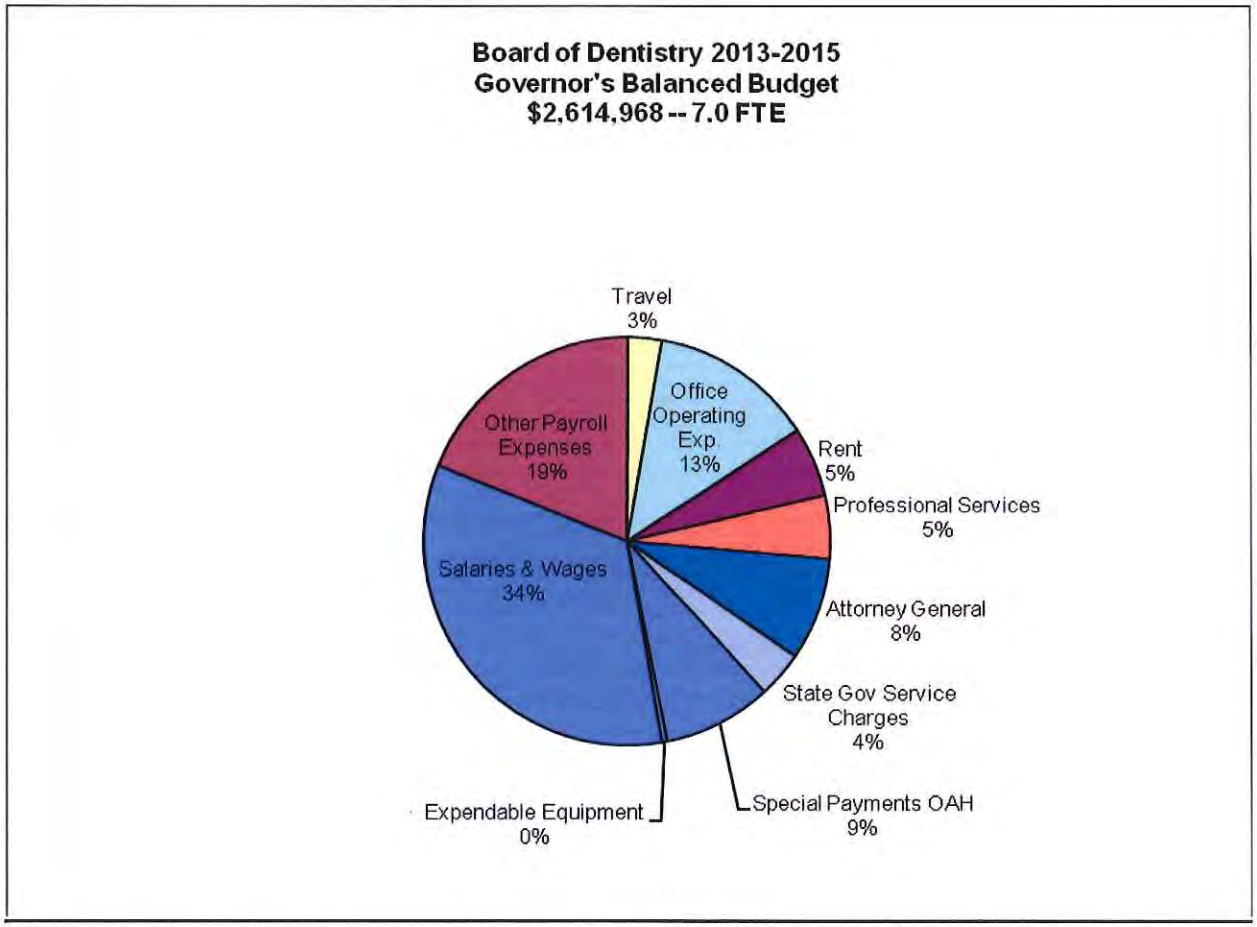
Agency Request X Governor's Recommended _____ Legislatively Adopted

Budget Page 6

BUDGET SUMMARY GRAPHICS

The Board of Dentistry's funding is 100% Other Funds generated primarily from fees paid by licensees and applicants for licenses and permits. A small portion (less than nine percent) of the Board's revenue is from miscellaneous revenues generated from the sale of documents and records, late fees and civil penalties. The agency budget is allocated as one program unit.




Board of Dentistry 2013-2015
Governor's Balanced Budget
$2,614,968 -- 7.0 FTE
Travel 3%
Office Operating Exp. 13%
Rent 5%
Professional Services 5%
Attorney General 8%
State Gov Service Charges 4%
Special Payments OAH 9%
Expendable Equipment 0%
Salaries & Wages 34%
Other Payroll Expenses 19%

MISSION STATEMENT AND STATUTORY AUTHORITY

The mission of the Oregon Board of Dentistry is to assure that the citizens of the state receive the highest possible quality of oral health care.

The authority and responsibilities of the Board are contained in Oregon Revised Statutes Chapter 679 (Dentists), Chapter 680.010 to 680.205 (Dental Hygienists), and Oregon Administrative Rules, Chapter 818. These statutes charge the Board of Dentistry with the responsibility to regulate the practice of dentistry and dental hygiene by enforcing the standards of practice established in statute and rule. The statutes define the practice of dentistry and dental hygiene and require that any person practicing either of those professions do so only while holding a license duly issued by the Board. The statutes require that the Board examine and license dentists, dental instructors and dental hygienists; establish and enforce regulations regarding sedation in dental offices; investigate complaints regarding the practice of dentistry and dental hygiene; discipline licensees found to have violated the provisions of the Dental Practice Act; regulate and monitor continuing education requirements for licensees; and establish training, examination and certification standards for dental auxiliaries.

OTHER STATUTORY MANDATES:

ORS 676.160 – Complaint investigations.

These statutes require that upon receipt of a complaint filed by any person against a licensee or applicant the Board shall (1) assign an investigator, (2) the investigator shall collect evidence and interview witnesses; (3) the investigator shall prepare a report that describes the evidence gathered, results of witness interviews and any other information considered in preparing the report and (4) the investigator shall make a report to the Board within 120 days of receipt of the complaint. This statute also declares that investigatory information gathered by the agency is exempt from public disclosure.

ORS 676.345 – Registration program for health care professionals claiming liability limitation

This statute requires several health licensing Boards, including the Board of Dentistry, to maintain a registration program for health practitioners who provide health care services without compensation and who wish to be subject to the liability limitation provided by ORS 676.340.

SB 786 (Oregon Law, Chapter 973, 2001) –Cultural diversity in regulated health professions

This law, effective January 1, 2002 requires that health-licensing boards establish programs to increase the representation of people of color and bilingual people on the boards and in the professions that they represent. Programs are required to promote the education, recruitment and professional practice of members of these targeted populations. The law also requires that each health professional regulatory board maintain records of the racial and ethnic makeup of applicants and professionals regulated by the board. This information is to be reported to the Legislative Assembly biennially.

AGENCY PLANS

The Agency Strategic Plan was adopted in 1999 and updated in 2007 to assess progress toward goals and to adjust goals to reflect current and projected needs. The Board of Dentistry's short and long-range plan is directed by its mandate to protect the health, safety and welfare of Oregonians and by its mission to assure that citizens receive the highest possible quality oral health care. The Board strives to ensure that its activities fulfill its mission within the resources allocated by the Legislature and effectively provides appropriate public protection.

Oregon Benchmarks

The Board of Dentistry has no Primary Links to the Oregon Benchmarks; however, Board activities support the following Benchmarks as secondary links:

#29 Skills Training: Percentage of Oregonians in the labor force who received at least 20 hours of skills training in the past year.
Licensees of the Board are required to complete continuing education requirements biennially in order to renew their professional licenses (40 hours for dentists; 36 hours for dental hygienists holding Limited Access Permits; and 24 hours for all other dental hygienists). In addition to this mandatory requirement, most licensees voluntarily participate in study clubs and take courses that enhance their professional skills. Many continuing education courses are available via the Internet and are an effective means of receiving training.

#30 Volunteerism: Percentage of Oregonians who volunteer at least 50 hours of their time per year to civic, community or nonprofit activities.
The Board supports volunteerism by encouraging uncompensated dental and dental hygiene care provided through various non-profit and community based clinics. In cases where unacceptable patient care is not an issue, the Board frequently requires uncompensated services as a part of settlement agreements in disciplinary cases. During 2007-2009 Oregonians received over 130 hours of dental or dental hygiene care through these Board actions. Feedback from practitioners has been positive and many continue their volunteer relationship with the dental clinic after the Board's requirements have been fulfilled.

In January of 2005 in cooperation with the Oregon Dental Association and Dentists Benefits Insurance Company the Board created a Volunteer Dentist/Dental Hygiene license designation program. As of August 1, 2008 18 dentists and one dental hygienist who currently have a volunteer dentist licensee designation

A dentist who maintains an Oregon license but is retired from active practice may obtain liability insurance through the Department of Administrative Services in order to provide uncompensated dental services through nonprofit corporations offering community services and dental services to low-income patients. (ORS 679.510).

The Board maintains a registry of dentists and dental hygienists who provide dental and dental hygiene services without compensation in accordance with ORS 676.340. By registering with the Board annually, licensees providing uncompensated health care are not liable for any injury, death or other loss arising out of the provision of the services unless the injury, death or other loss results from the gross negligence of the practitioner.
Every member of the Board (six dentists, two dental hygienists and one public member) are volunteers and collectively donate hundreds of hours of time to Board work, through Board meetings, committee meetings, Legislative appearances, public appearances and speaking engagements, serving as examiners for regional clinical dental and dental hygiene examinations, and representing the State of Oregon at national meetings germane to the licensure, examination and regulation of the two professions under its jurisdiction..

#44 Adult Non-smokers: Percentage of Oregonians, 18 and older, who smoke cigarettes.
#52 Substance Use During Pregnancy: Percentage of pregnant women who abstain from using: a. alcohol; b. tobacco.

The Board recognizes that tobacco use prevention and cessation are an important part of oral health and directly related to the prevention of other health conditions. In 1988, the Board issued its position statement on the health hazards associated with tobacco and determined that the prescribing of drugs such as Nicorette, Nicoderm, and Zyban were within the scope of practice of dentistry. The Board supports and encourages dental professionals to educate their patients on the dangers of tobacco use. The Board of Dentistry maintains a smoke-free workplace and all meetings of the Board are smoke free in accordance with Oregon Public Meetings Law and agency policy.

#50 Child Abuse or Neglect: Number of children, per 1,000 persons under 18, who are: a. neglected/abused; b. at a substantial risk of being neglected/abused.

Under ORS 419B.005, dentists are required to report suspected incidents of child abuse or neglect. The Board regularly publishes in its newsletter information on the requirement to report, symptoms and physical indications of abuse, and contact numbers for reporting in various areas of the state.

2011-2017 SIX-YEAR PLAN

The Board of Dentistry's strategic plan was originally completed in 1999 and was reviewed in October of 2007 for progress towards meeting established goals, adjusting goals to reflect current or projected needs and to re-assess priorities. The Board of Dentistry's long- and short-range plan is directed by both its mission to assure that Oregonians receive high quality dental care and by its statutory mandate to protect the health, safety and welfare of the citizens of Oregon. The Board strives to ensure that its goals and objectives are realistic and within the resources allocated by the Legislature.

Goal 1: Assure that licensees are qualified and competent to practice safely.
Benchmark/High-Level Outcome
Agency mission.

Intermediate Outcomes:

- Licenses will only be granted to applicants possessing the appropriate requirements for education and examination.
- Examinations for licensure will be valid and reliable.
- National FBI Criminal Background checks will be conducted for all applicants by submitting fingerprints to the Oregon State Police and inquiries of the National Practitioners Data Bank and the Healthcare Integrity and Protection Data Bank.
- All licensees will complete required hours of verifiable continuing education related to clinical patient care.
- Licensees with performance or substance abuse issues will be remediated and monitored during their recovery and remediation process.
- Licensees under disciplinary sanction will be actively monitored to ensure compliance with terms of probation, and to restore them to active, useful service to Oregon's citizens whenever appropriate.
- Maintain a network of consultants and evaluation/treatment facilities capable of meeting the need and scope of expertise required to assist the Board in its mission to rehabilitate licensees in need of assistance.

Performance Measures:

1. Licenses will be issued or renewed within 7 business days of receipt of completed paperwork.
2. 100% of all applicants will have background checks.
3. Compliance with continuing education requirements will be audited for 15% of all licensees each year.
4. 100% of licensees who are under consent orders for substance abuse issues will appear before the Board at least annually.
5. 85% of licensees on monitoring status will complete the terms of disciplinary sanctions within original time frames established in their order.

Goal 2: Promote access to oral care.

Benchmark/High-Level Outcome

Benchmark #30; Agency mission.

Intermediate Outcomes:

- Promote volunteerism.
- Review scopes of practice of dental hygienists and dental assistants to provide broader scope where appropriate.
- Provide for reasonable access to education and testing in rural areas; i.e. long distance learning.
- Support increased funding for education of dental, dental hygiene and dental assisting.
- Partner with communities of interest to provide incentives to enter dental health care careers.
- Participate in workforce studies to determine the extent of the workforce problems and identify possible solutions.
- Support community prevention activities; i.e. Early Childhood Caries Prevention Project, and statewide fluoridation effort

Performance Measures:

1. At least 90% of licenses disciplined for continuing education noncompliance or practicing without a license will be required to provide volunteer dental services.
2. Encourage Dentists and Dental Hygienists to join the Boards Volunteer License Designation Program.
3. Dental Hygiene and Dental Assisting rules will be reviewed each annually.

Goal 3: Standards of practice, statutes and regulations will be realistic, understandable and applied appropriately

Benchmark/High-Level Outcome

Benchmark #29 and #30, Agency Mission, Legislative mandate

Intermediate Outcomes:

- Investigate allegations of unprofessional conduct, unacceptable patient care or other violations of the Dental Practice Act in a fair, prompt, objective and thorough manner.
- Take an active stance in preventing practice problems that endanger patients through educational outreach.
- Where unacceptable care is identified, Board emphasis will be on remediation through education and restitution to patients when appropriate.
- Participate in the Statewide HPSP diversion program for licensees with substance abuse disorders.
- Disciplinary issues will be mediated and resolved through mutual agreements to the greatest extent possible.
- Review all statutes and rules at least annually for consistency and cohesion.

Performance Measures:

1. Investigations will be completed within six months from date of receipt.
2. At least 95% of disciplinary actions will be settled through negotiated consent agreements rather than Contested Case Hearing.
3. The percent of licensees who are disciplined will decrease each biennium.

Goal 4: Communicate timely and useful information regarding the Board's mission, services, policies and standards of practice to the public and licensees.

Benchmark/High-Level Outcome

Agency Mission, Strategic Plan

Intermediate Outcomes

- Improve public awareness of the Board as a resource for, and provider of, information and services.
- Provide appropriate information regarding licensees to the extent allowed by law.
- Continue to make the Board's website a useful resource for citizens and licensees.
- Review of all potential partnerships during the planning of all board initiatives to maximize synergy and resources.

- Communicate regularly with licensees, educators, professional associations and interested community organizations regarding Board policies and expectations

Performance Measures

1. The number of pages viewed ("hits") on the Board's website.
2. Feed back provided from the Customer Services Survey posted on the website.
3. Produce and distribute two newsletters per year, mailed to all licensees, other state dental boards and professional associations, and post on the website.
4. Number of presentations made by staff and Board members to dental, dental hygiene and dental assisting students; licensees and professional organizations.

PARTNERSHIPS

- **Professional Organizations**: Oregon Dental Association, Oregon Dental Hygienists' Association, Oregon Dental Assistants Association, Oregon Academy of General Dentistry, and various dental specialty organizations.
- **Education System**: Oregon Health and Science University, School of Dentistry; Community College Dental Hygiene and Dental Assisting programs; Oregon Department of Education, licensed trade schools and independent educators.
- **Health care regulatory agencies and public health organizations**: Board of Pharmacy, Board of Nursing, Board of Medical Examiners, Board of Denture Technology, dental licensing boards in other states, other health licensing boards, Department of Human Services, Health Services; Oregon Medical Assistance Programs, and local community health programs.
- **Law Enforcement Agencies**: U.S. Drug Enforcement Agency, Federal Bureau of Investigation, Oregon Department of Justice, Medicaid Fraud; local police agencies, etc.
- **Malpractice carriers**; i.e. Dental Benefits Insurance Company, etc.
- **National Dental Organizations**: American Dental Association (ADA) and American Association of Dental Boards (AADB). The ADA accredits dental schools and dental hygiene and dental assisting programs, and conducts regular evaluations of programs to assure compliance with national education standards. The ADA also conducts the written dental and dental hygiene examinations (National Board Examinations) that are recognized by all states for initial licensure. AADB is comprised of state dental boards, dental educators, board administrators and board attorneys. Its focus is on licensing standards for dentists and dental hygienists. The association appoints members to the American Dental Association Council on Dental Education, Commission on Dental Accreditation (CODA) which is responsible for the evaluation and accreditation of dental education programs; and to the Joint Commission on National Dental Examinations which conducts standardized written dental and dental hygiene examinations that are recognized by all fifty states for licensure. This organization maintains a clearinghouse of disciplinary actions issued by State dental boards and disseminates a monthly report to all member agencies.

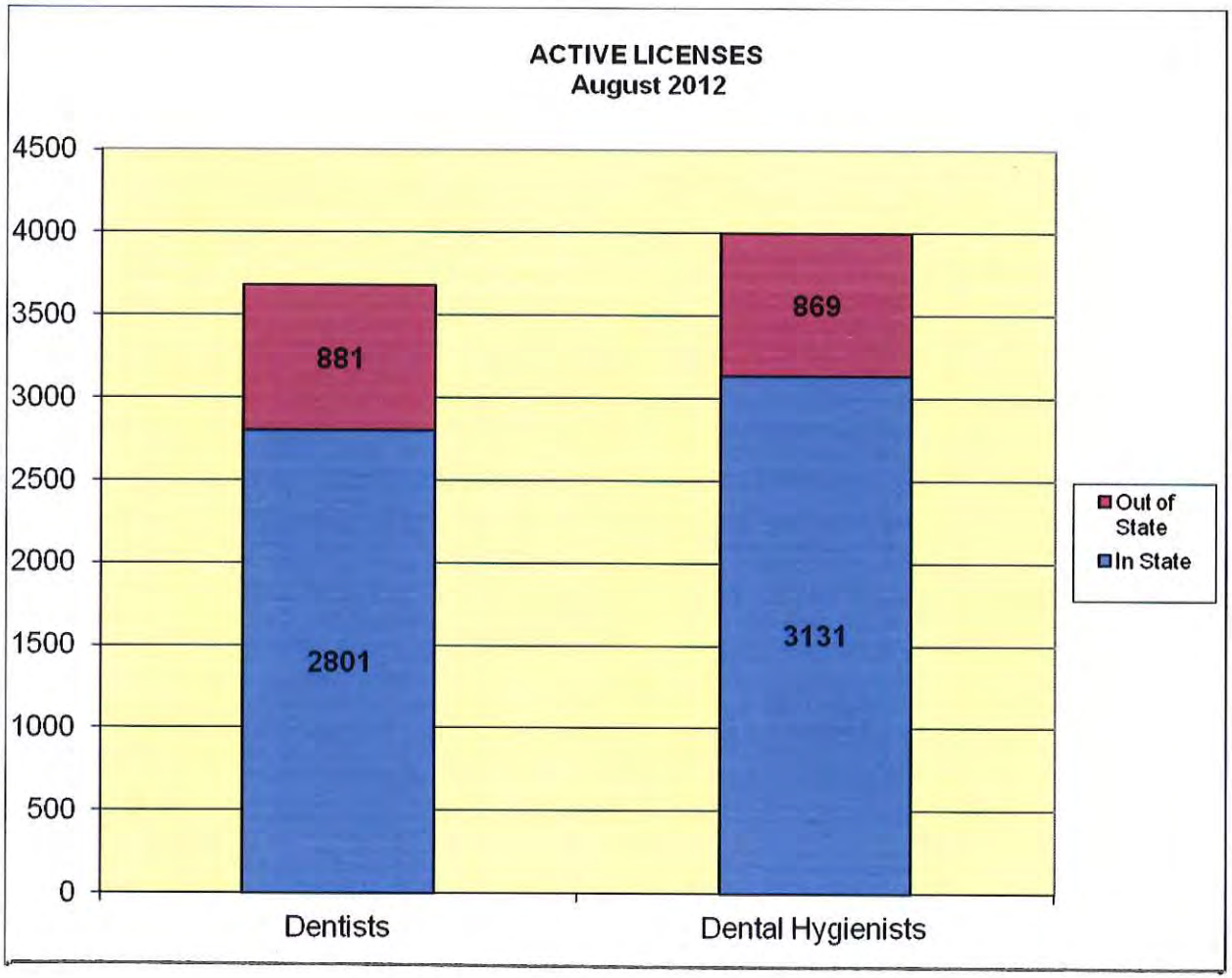
- **Dental Testing Agencies:** Western Regional Examining Board, American Board of Dental Examiners, Central Regional Dental Testing Service, Northeast Regional Boards of Dental Examiners, Southern Regional Testing Boards, Council of Interstate Testing Agencies, and the Dental Assisting National Board. These organizations conduct examinations for dentists, dental hygienists and dental assistants and are recognized by the Oregon Board for initial qualification for licensure (dentists and dental hygienists), or certification (dental assistants). The Board holds membership in the Western Regional Examining Board and American Board of Dental Examiners.
- **Federal Reporting Agencies**: National Practitioner Data Bank (NPDB) and Healthcare Integrity and Protection Data Bank (HIPDB). The Board is required by Federal law to report disciplinary actions to these two data banks. These national databases facilitate background checks and help licensing boards evaluate the qualifications of practitioners to practice safely. Checks of records of applicants for licensure, or of current licensees applying for renewal, can reveal information that has not been self-reported and which warrants attention by the Board.
- **Treatment facilities and providers** (particularly those with experience in treating health professionals). Twelve-step and other self-help programs, diversion programs of other health licensing Boards. The Board works closely with professionals who specialize in the evaluation, treatment and recovery of people with substance abuse issues.

2013-15 TWO-YEAR PLAN

AGENCY PROGRAMS

The Board of Dentistry is charged with the regulation of the practice of dentistry and dental hygiene by setting standards for entry to practice, examination of applicants, issuance and renewal of licenses, and enforcing the standards of practice. The Board also is required by law to establish standards for the administration of anesthesia in dental offices. The Board determines dental procedures that may be delegated to dental assistants and establishes standards for training and certification of dental assistants.

As of August 1, 2012, there were 3,682 dentists, and 4,000 dental hygienists holding Oregon licenses. Dentists who wish to utilize other than local anesthesia may apply for one of four levels of anesthesia permit. The type of permit issued is based on the level of consciousness induced. Dental Hygienists may obtain a permit to administer nitrous oxide. 2,038 dentists hold anesthesia permits, and 2,675 dental hygienists hold a nitrous oxide anesthesia permit. Approximately 4,000 dental assistants are employed by dentists to assist in providing dental services. A high percentage of these dental assistants hold certificates issued by the Board to perform advanced procedures (Expanded Function Dental Assistant) or to take x-rays (Certificate of Radiologic Proficiency).


ACTIVE LICENSES
August 2012
4500
4000
3500
3000
2500
2000
1500
1000
500
0
881
2801
869
3131
Dentists
Dental Hygienists
Out of State
In State

BUDGET NARRATIVE

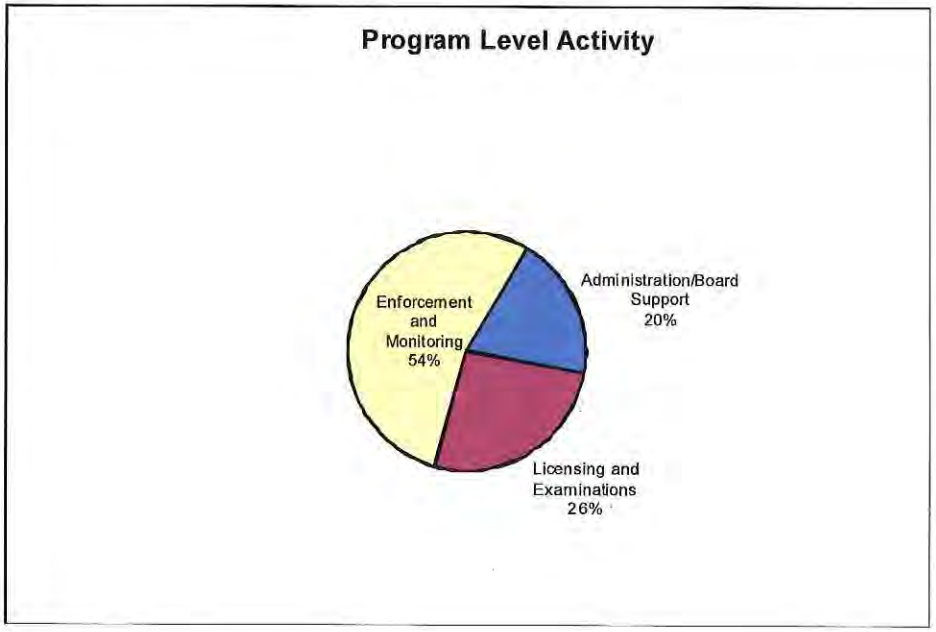
The Board operates in an atmosphere of constant change, rapidly developing technology, changing treatment modalities, demographic and geographic disparities in access to dental care, growing public demand for a greater diversity of provider groups, and constantly shifting societal norms and values.

Agency operations are supported solely from license application, renewal, exam and permit fees plus revenues generated from fines imposed for late renewals, civil penalties assessed, and miscellaneous receipts from the sale of mailing lists and copies of public records.

The Board is composed of ten members appointed by the Governor and confirmed by the Senate for four-year terms. There are six dentists, one of whom must be a dental specialist, two dental hygienists and two public members.

There are 7.0 FTE staff who carry out the day-to-day functions of the agency. In addition, the Board contracts with numerous dental professionals to provide expertise in specific dental specialty areas.

Primary program activities are Licensing and Examination, Enforcement and Monitoring, and Administration. Estimated program level activity for the seven staff members is quantified in the chart below:



Licensing and Examination

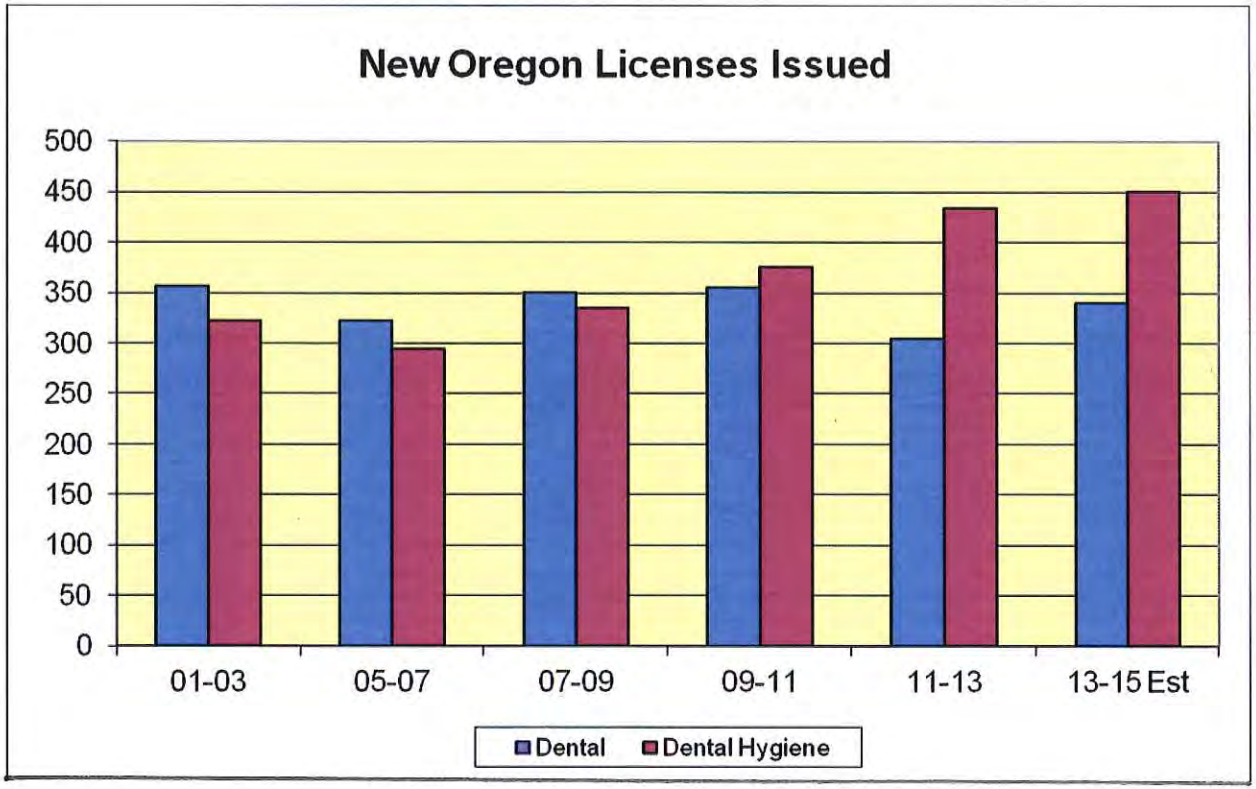
This activity includes licensure of dentists, dental specialists, dental instructors and dental hygienists, administers sixteen to twenty specialty examinations per year, biennial renewal of licenses, and issuance and renewal of various permits and certificates (anesthesia permits, Limited Access Dental Hygiene Permits, and certification of dental assistants to take radiographs and to perform expanded functions). The Board receives and reviews license applications to assure that applicants have the required education, have passed the National Board written examinations and have passed a clinical examination recognized by the Board. A thorough background check is conducted on each applicant for a new license and, where a past history is revealed, an investigation is conducted and results are presented to the Board for determination. Staff also administers a Jurisprudence Examination for each new applicant and conducts random audits of 15% of license renewals annually for compliance with continuing education requirements.

Customers of this activity are dentists, dental hygienists, dental assistants, those who employ them and, ultimately, the public.

The table below shows the historical and projected workload for the agency in this activity.

Licensing and Examination Workload	2001-03 Actual	2003-05 Actual	2005-07 Actual	2007-09 Actual	2009-11 Actual	2011-13 Est.
Licenses Issued:						
Dental	357	322	350	355	305	340
Dental Hygiene	322	294	335	375	434	450
Total New Licenses Issued:	679	616	685	731	739	790
Licenses Renewed:						
Dental	3121	3254	3300	3325	3389	3400
Dental Hygiene	2911	3180	3265	3386	3613	3700
Total Licenses Renewed:	6032	6434	6595	6712	7002	7100
Specialty Examinations Conducted	10	9	5	3	3	3
Candidates Examined	11	7	5	3	5	3
Anesthesia Permits Issued/Renewed	4012	3795	3969	3,750	4359	4400
Dental Assistants Certified	1751	2095	2260	2,449	2638	2650
Dental Assisting Instructor Permits Issued/Renewed	86	102	124	106	110	125
Expanded Practice Permit Dental Hygienist Issued/Renewed	30	59	67	84	171	300

The graphic below shows the historical growth in the number of dental and dental and dental hygiene licenses issued. (The '13-15 estimated is based on actual FY '11 new licenses issued.)



Enforcement and Monitoring

The Dental Practice Act (ORS 679 and 680.010 through 680.205) and the Board's Administrative Rules (OAR 818) establish the grounds and methods of discipline that may be imposed on licensees who violate the act. The statutes and rules of the Board define unprofessional conduct, unacceptable patient care, establish standards for record keeping and infection control guidelines, and define appropriate management and record keeping for controlled substances. The Board is required by ORS 676.165 to conduct investigations of any complaint received regarding licensees or applicants. In addition, the Dental Practice Act allows the Board to open investigations on its own motion. Cases opened by the Board might be based on information the Board receives ancillary to another case, from reports submitted by insurance companies regarding malpractice claims, criminal convictions, or based on disciplinary actions taken by other state dental boards or by other licensing boards since several of the Boards licensees have dual licenses; i.e. physician/dentist or dental hygienist/denturist.

Staff investigators conduct investigations by interviewing the complainant, the patient, the respondent (licensee), subsequent treating dentists, or any other witness germane to the case. Investigators review patient records, consult with outside experts contracted by the Board for this purpose, review insurance claims, and any other material or witnesses necessary to determine the facts of the case. Investigative findings are presented to a sub-committee of the Board comprised of two dentists (Evaluators) who review the cases in-depth with the staff investigators. The recommendation of the Evaluators, as well as the recommendation made by staff, is presented to the full Board for final action. The Board's findings fall into one of four categories: No Violation, No Further Action, Letter of Concern or Discipline. "No Further Action" reflects a case where an investigation was not completed for some reason – the Board did not have jurisdiction of the issue submitted, the complainant withdrew the complaint and the Board was satisfied with the reasons, or the licensee is no longer under the Board's jurisdiction. A "Letter of Concern" is issued when the Board determines that the licensee violated some aspect of the Dental Practice Act, but the matter warrants a warning rather than formal disciplinary action. All investigative findings are confidential and may not be revealed to any member of the public. Formal disciplinary actions are public record and, upon request, the Board provides copies of Notice of Proposed Disciplinary Action and any final Orders. Disciplinary actions are reported as required by Federal Law to both the National Practitioners' Data Bank (NPDB) and the Healthcare Integrity and Protection Data Bank (HIPDB).

Disposition of Cases 2009 - 2011

No Further Action	25%
No Violation	36%
Letter of Concern	28%
Discipline	11%
Total Cases	441
Total Respondents Involved	500

The Board may impose disciplinary action ranging from a reprimand to suspension or revocation of a license. It may also place a licensee on probation, order a licensee to obtain substance abuse treatment, impose a civil penalty or any other discipline the Board deems appropriate. The Board's goal is remediation rather than punishment – and where appropriate, the Board requires additional education and skill building to improve clinical skills. As part of settlement agreements the Board frequently requires the dentist to make restitution to the patient and to complete un-remunerated community service. Most disciplinary actions imposed by the Board are entered into by mutual agreement between the Board and the licensee through a negotiated Consent Order. Those that cannot be settled by consent agreement are referred to the Hearing Officer Panel for conduct of a Contested Case Hearing. Staff investigators and expert witnesses appear at these hearings to testify to the facts of the Board's case. The Board is represented by the Department of Justice in these cases.

Monitoring involves tracking licensees who are under disciplinary sanction for compliance with the terms of their Board order. This involves tracking disciplinary actions, requirements and timelines, routine communication with the licensee, working with treatment providers to assure compliance, scheduling appearances before the Board for those licensees required to make regular personal appearances. At any given time, the staff compliance officer is monitoring approximately 50 licensees. Many licensees placed in the monitoring caseload are typically monitored for a minimum of five years since these cases involve drug and alcohol abuse or sexual boundary issues.

Enforcement and Monitoring Workload

	2001-03 Actual	2003-05 Actual	2005-07 Actual	2007-09 Actual	2009-2011 Actual	2011-2013 Estimated
Investigations Opened	550	471	564	571	499	525
Cases Completed and Closed	568	501	569	523	435	500
Cases Resulting in Disciplinary Action *	108	58	63	73	50	75

* There may be more than one Respondent per case.

Customers of this activity are the public, insurance companies, law enforcement agencies, other health care licensing boards, and the dental community.

Administration

Administrative activities include support of Board and committee meetings, implementation of Board policy; assuring that agency operations are conducted in compliance with all State laws and regulations, program evaluation, coordination and supervision of agency operations, and personnel recruitment and supervision. It also includes coordination with the Department of Justice on various Board legal issues, development and implementation of administrative rules, policies and procedures; development of legislative concepts, tracking of legislation that impacts agency operations and preparation and presentation of testimony at Legislative hearings. Administrative staff are responsible for budget planning, development, and monitoring; management of agency equipment, supplies and information systems. On behalf of the Board, the Executive Director provides public information, outreach and education (production of the Newsletter, maintenance of website, public appearances and presentations, etc.); responds to inquires by the media, represents the Board on various statewide taskforces such as Department of Human Services Oral Health Advisory Board. The Executive Director acts a liaison for the Board and maintains effective relationships with all communities of interest whether local, statewide or national. Customers are the Board, the dental community, the Legislature, and the public.

ENVIRONMENTAL FACTORS INFLUENCING THE BOARD

Societal Factors

The public has a greater understanding and desire to be protected from potentially hazardous substances and are exposed to vast amounts of information about either the potential benefits or hazards of products utilized in dentistry and other aspects of everyday life. Information can be very convincing yet has no valid basis in scientific studies. The Board is faced with issues such as the safety of dental amalgams, the efficacy of fluoride to prevent caries, and questions regarding the appropriate frequency of having dental radiographs taken. As new technology and procedures are developed; i.e. tooth whitening/bleaching, or brush biopsy for screening for oral cancers, both potential clients and dental providers seek Board's position or response.

Greater awareness of the health effects of certain behaviors, such as use of tobacco, alcohol, the role of diet, and the need for good basic hygiene has contributed to a generally healthier population with increased life expectancy and improved oral health. As the population is aging, it is also becoming more racially and ethnically diverse. Demographic changes are expected to alter disease patterns as well as cultural attitudes and expectations. Today's dental workforce is not representative of the ethnic and racial makeup of the population. The dental workforce needs to be educationally and culturally prepared to deal with the diverse population it serves.

The public has a high expectation for excellent service and high-quality care without complication or pain, and treatment modalities that will last longer than dentistry can reasonably provide. Patients complain about crowns that fail after ten years, dentures that break or don't fit twenty years after they were first placed, unexpected post-treatment complications beyond the control of the doctor such as dry sockets, failure of root canal treatment, and development of periodontal disease without accepting responsibility for appropriate home dental hygiene. Many patients expect dental treatment to be pain free and do not anticipate that there may be pain in the course of post surgical recovery. The Board also receives

complaints because the treatment recommended by their dentist, and to which the patient agreed, was not fully covered by individual dental insurance coverage, and submit complaints regarding perceived "bad manners" on the part of front office staff. Patients need to be educated regarding all aspects of the proposed treatment, including potential complications and any alternatives to the treatment recommended by the practitioners. Patients also should be fully informed about their own insurance coverage and not rely on the dental office to only provide treatment that is covered. Dentists need to take time to carefully discuss with patients the proposed treatment plan, alternative treatments, risks involved in the treatment plan and answer all questions the patient may have.

Dental professionals, as well as the rest of the population, want to be able to move from state to state with their professional license and not have to re-take examinations designed for those just entering practice. In addition, more and more people either change professions or want to have the flexibility. The Board has several licensees who hold dual licenses or professional degrees. For instance, since the Board began gathering this information in mid 2001, it has found that approximately 23 dentists are also licensed physicians; seven dentists are pharmacists, five are Registered Nurses, one is a Physical Therapist, two are Massage Therapists and two have a J.D. degree. Five dental hygiemists are also licensed denturists. With multiple licensees who hold dual licenses, it is necessary for regulatory Boards to be aware of disciplinary actions taken against all current or previous licenses and to have the jurisdiction to take appropriate action.

Regulatory Mandates

As new Federal and State laws are passed that impact either the dental profession or the Board, limited resources of the Board are stretched ever thinner. Implementation of the Healthcare Integrity and Protection Data Bank, essentially a duplicate reporting requirement of the National Practitioner's Data Bank, during 1999-2001 biennium; and in 2001-2003 implementation of the Health Insurance Portability and Accountability Act (HIPAA), require Board and staff time, analysis, and production of information to practitioners on the regulatory impact of these regulations.

Passage of SB 786 in 2001, requiring twenty Oregon Health Related Licensing Boards to gather and compile information regarding the ethnic and racial background of licensees and applicants resulted in the Board having to create a survey document, include it with application and renewal packets, modify its data base to record the information, to input this additional information and to generate reports.

HB 2469 passed by the 2001 Legislature requires that the Board accept Licensure by Credential for dentists and dental hygiemists licensed in other states. Although the Board was moving in this direction to implement staged changes over time, the legislative action required broader implementation than the Board initially envisioned and virtually "opened the gates" for those who wanted to cross state borders, or retire to Oregon and continue their chosen profession after careers in the military, Public Health Service or in another state. While this statutory change is beneficial to Oregonians, and enhances mobility for practitioners, it created a not un-anticipated workload increase.

Demographics

Demographic Trends -- The demographics of the population is changing. People are living longer and retaining good oral health. The number of Oregonians aged 65 and older is over 438,000 and this population is expected to increase by 100% by the year 2025. In 1974 approximately 45% of adults between the ages of 65 and 74 were edentulous (had no teeth). In 1994, just 28% of Americans in this age group were edentulous. (American Dental Association, *Future of Dentistry—Executive Summary, 2002).* This aging of the population increases the numbers of people with disabilities, and special needs that may not be very mobile or may be residents of long-term care facilities. Dental professionals must be equipped to manage the oral health effects of co-morbidities and medications, and will be required to interact more often with other health care providers, social service agencies and institutionalized patients.

The general population of Oregon, and the U.S., is growing at a faster rate than the supply of dentists. According to the Dental Workforce Model, an entity-based projection model developed to simulate the demographic trends among all U.S. dentists through the year 2020, the number of active private practitioners is expected to increase 10.5% through the first 20 years of the 21st century, much slower than the last 20 years. During that same time, the U.S. Population is expected to increase 17.4%. (*Source: Journal of the American Dental Association, Vol. 130, December 1999, p. 1745.*)

The number of dental school graduates has declined steadily in the past 20 years -- from a high of 5,756 in 1982 to a low of 3,778 in 1993. Since 1993, dental graduates have increased steadily to 4,041 in 1999. (ADA, *Surveys of Predoctoral Dental Education).* Dentists who graduated in the mid-eighties will be looking to retire in the next ten years. There will not be enough dentists to replace those who are retiring. In 2002, 33% of Oregon licensed dentists are over the age of 55, and another 30% are between the ages of 35 and 45. On the other hand, the number of dental hygiene graduates has increased – from 3,904 nationally in 1989 to 5,281 in 1999. Only 10% of Oregon licensed dental hygienists are over the age of 55. 36% are between the ages of 45 and 55, and 54% is under the age of 45. The ability of a dentist to expand his or her service capacity will lie in part on the ability to delegate tasks to dental hygienists and dental assistants. (ADA, *Future of Dentistry*, 2002)

Diversity in the Workforce – As stated above, by the year 2020, the population of the United States is expected to increase by more than 10%. During this period it is anticipated that 55% of the growth in U.S. population will be due to immigrants and their descendants. Growth will be greatest among Hispanics and African Americans. Since 1990, however, there has been a 23% decline in dental school enrollment of Hispanics, African Americans and Native American students. Consequently, at the very time the U.S. is becoming more diverse, the future supply of dentists is becoming less representative of the population it serves. (ADA, *Future of Dentistry*, 2002, page 37) A rapidly changing race/ethnic profile will require a dental workforce that is confident and culturally competent to address both routine and uncommon oral problems.

Economic and Internal Issues

The Board enjoys excellent collaborative relationships with the professional associations and the School of Dentistry, and close interaction with other health licensing boards on issues of mutual concern. These partnerships allow the Board to leverage its limited resources in its mission to protect the

public and enhance communications with licensees and consumers. The Board relies heavily on volunteers from the dental professions to assist the board by serving on committees to review various issues and make recommendations to the Board. The Board also relies heavily on the dental profession to provide expert consultation services and conduct of its specialty examinations at rates of reimbursement that are far below standard rates for those services. The Board is expected to be immediately responsive to patient complaints about dental care received, provide access to information that is by law required to be held confidential, and to assure that over 7,700 licensees are ethical and competent to practice and maintain that competency during the course of their careers. At a time when thousands of Oregonians are without jobs and without insurance coverage, there is tremendous pressure on State government to be responsive to emergent needs. However, State agencies, regardless of funding source, are urged to cut back and to be conservative in seeking any increases in fees, or enhancements to programs. This is a dilemma for all branches of government that must be dealt with in collaborative ways that can affect the best result for the lowest cost.

AGENCY INITIATIVES

Agency plans for accomplishment of its goals for 2013-2015 include:

- Continue to promote and encourage participation in the Statewide HPSP diversion program for licensees with substance abuse addictions.
- Continue to promote and encourage participation in the volunteer Dentist/Dental Hygienist program to increase access to quality dental care.
- Continue to us OBD/OAGD Mentoring Program as one avenue to resolve disciplinary cases.
- Review Specialty Examination process to assure exams are valid and reliable.
- Utilize the website, newsletter and personal presentations to communicate Board policies and expectations.
- Refine On-line renewal process.
- Fully implement use of electronic forms of Payments.
- Continue to collect data on the ethnic and racial makeup of licensees and work with policy makers, educators, and students to encourage a representative diversity in the dental workforce.
- Refine participation in the Health Care Workforce Initiative project to address the issues of health care workforce shortages and access to care.
- Continue the implementation of more electronic media for communication and Board functions.

CRITERIA FOR 2013-2015 BUDGET DEVELOPMENT

In developing the 2013-2015 Agency Budget Request, the following criteria were used:

- Does requested budget allow the Board to meet its basic Legislative mandates of licensure and enforcement?
- Can the requested budget be achieved with existing staffing and funding levels?
- Does the requested budget help achieve the Board's goals and move the Board toward achievement of its long-term goals?
- What additional resources are needed to meet the Board's long-term goals?
- Would the dental community, which pays for the Board's activities, and the Legislature, support proposed, enhanced activities of the Board?

PERFORMANCE MEASUREMENT CRITERIA

In accordance with HB 3358 passed in the 2001 legislative session, agency Goals, Key Performance Measures and targets have been submitted to the Oregon Progress Board. The Board of Dentistry's "Links to Oregon Benchmarks" form is found on the following page. The agency's goals, objectives, outcomes and measures are more fully discussed under the 2013-2019 Six-Year Plan earlier in this document.

TECHNOLOGY INITIATIVES

The Board has no major technology initiatives (defined as equal to or exceeding $500,000), however, the agency makes every effort to manage its technology resources efficiently and effectively to serve its customers and expand public access.

During the 1997-99 biemium the Board's licensing and investigative database was rewritten to take advantage of the more sophisticated software available and to be compatible with its desktop Windows operating system. The Board's dial-up Internet access, e-mail services and website hosting is provided through Oregon Video and Online Services (VOS), a part of the Department of Administrative Services. As of August 1, 2004 the Board is connected to the State Wide Area Network..

The Board's database is under continuous review and revision as program needs are identified and resources allow. During 2003-2005, the database has been modified to accommodate the requirements of collecting information regarding race and ethnicity from licensees and applicants, and to include information about other licenses held by licensees of the Board; i.e. medical, denturist, pharmacist, etc. Various statistical reports have been modified to provide better information for program assessment and planning purposes. Also under development is a database that will provide the public with internet access to all public disciplinary information. Within allotted resources, the Board will continue to develop and improve its database applications and add a proactive tracking and monitoring program that will effectively allow compliance monitoring of licensees on disciplinary status. The agency will also explore opportunities to enhance its website and to provide interactive services including electronic submission of license renewals, as these services become available through the Oregon Center for Electronic Commerce and Government.

The Board's business technology plan was developed in consultation with the Department of Administrative Services, IRM Division, and submitted as part of its 2009-2011 budget. No major changes have been made to this plan for the 2013-2015 budget period. The plan includes maintaining the Board's technology (both software and hardware) at a level that allows it to accomplish its business needs and mission in an efficient and effective manner by replacing outdated equipment and upgrading as needed. The Board has fully implement the Licensee Look-up Program that will allow the public to access any and all public information regarding licensees, specifically those that have had disciplinary action taken and allow them to have access to all official orders, including the ability to make copies of such orders on demand.

Chapter 803 (2007 Laws) which was 2007 Senate Bill 337 requires the Board to place as a part of the Licensee Look-up Program any malpractice claims that result in a judicial finding or admission of liability or a money judgment, award or settlement that involves a patient and was filed in a court of appropriate jurisdiction after July 17, 2007. It also requires the Board to make available if asked any notice of malpractice claim. The Board is currently updating the Licensee Look-up system to comply with this new law.

In January of 2008 the Board underwent the process to move from a paper agenda book to an electronic notebook. The conversion was completed on February 29, 2008. It is expected that this electronic notebook will save actual costs in materials, postage and staff time and provide Board Members with better enhanced quality of documents in the as a part of the investigative process.

OTHER CONSIDERATIONS

Impact of Ballot Measure 30 -- Unfunded Mandates
Article XI, Section 15, Oregon Constitution
The Board of Dentistry has neither introduced any legislation, nor has it passed any rules, requiring other state agencies or local governments to establish new program or increase services within existing programs that might constitute unfunded mandates.

Dispute Resolution

The Board has adopted by reference the Attorney General's Model Rules on the use of collaborative dispute resolution in rulemaking (OAR 137-001-0009) and the Attorney General's Model Rule on the use of collaborative dispute resolution in contested case hearings (OAR 137-003-0565). In compliance with ORS 36.242(4), the Board also has adopted the combined rules on Confidentiality and Inadmissibility of Mediation Communications developed by the Department of Justice and the Department of Administrative Services.

Inmate Work Opportunities
Ballot Measure 17 (1994)
Oregon Corrections Enterprises (OCE), an inmate work program within the Department of Corrections is the agency's vendor of choice for purchase of office furniture. OCE has been utilized since 1997 for distribution of mass mailings such as notices of rulemaking, license renewal notifications and Newsletters when DOC can meet the project and time requirements of the job.

Agency Management Report

KPMs For Reporting Year 2012

Finalize Date: 7/1/2012

Agency: DENTISTRY, BOARD of

	Green = Target to -5%	Yellow = Target -6% to -15%	Red = Target > -15%	Pending	Exception Can not calculate status (zero entered for either Actual or Target)
Summary Stats:	80.00%	0.00%	20.00%	0.00%	0.00%

Detailed Report:

KPMs	Actual	Target	Status	Most Recent Year	Management Comments
1 - Continuing Education Compliance - Percent of Licensees in compliance with continuing education requirements.	100	100	Green	2012	The OBD audits 15% of all license renewals each year to see that licensees are in compliance with the Continuing Education Rules, those audts have shown a high compliance rate.
2 - Time to Investigate Complaints - Average time from receipt of new complaints to completed investigation.	7.00	3.50	Red	2012	The OBD over the last three years has consistently been below the target set for the average number of days to complete an investigation and prepare a report for the Board, unfortunately this year the trend has changed.
3 - Days to Complete License Paperwork - Average number of working days from receipt of completed paperwork to issuance of license.	7	7	Green	2012	The OBD has strived to complete all renewal and application paperwork in 7 days or less.
4 - CUSTOMER SATISFACTION WITH AGENCY SERVICES - Percent of customers rating their satisfaction with the agency's customer service as "good" or "excellent": overall, timeliness, accuracy, helpfulness, expertise, availability of information.	87	85	Green	2012	The OBD continues to have a over 80% positive rating from the cusotmers who complete the Customer Service Survey.

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Agency Management Report

KPMs For Reporting Year 2012

Finalize Date: 7/1/2012

KPMs	Actual	Target	Status	Most Recent Year	Management Comments
5 - Board Best Practices - Percent of total best practices met by the Board.	100	100	Green	2012	The OBD continues to complete the Board Best Practices Evaluation and had a 100% compliance.

This report provides high-level performance information which may not be sufficient to fully explain the complexities associated with some of the reported measurement results. Please reference the agency's most recent Annual Performance Progress Report to better understand a measure's intent, performance history, factors impacting performance and data gather and calculation methodology.

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Legislatively Approved 2011-2013 Key Performance Measures

Agency: DENTISTRY, BOARD of

Mission: To assure that the citizens of Oregon receive the highest possible quality of oral health care.

Legislatively Proposed KPMs	Customer Service Category	Agency Request	Most Current Result	Target 2012	Target 2013
1 - Continuing Education Compliance - Percent of Licensees in compliance with continuing education requirements.		Approved KPM	100.00	100.00	100.00
2 - Time to Investigate Complaints - Average time from receipt of new complaints to completed investigation.		Approved KPM	7.00	3.50	3.50
3 - Days to Complete License Paperwork - Average number of working days from receipt of completed paperwork to issuance of license.		Approved KPM	7.00	7.00	7.00
4 - CUSTOMER SATISFACTION WITH AGENCY SERVICES - Percent of customers rating their satisfaction with the agency's customer service as "good" or "excellent": overall, timeliness, accuracy, helpfulness, expertise, availability of information.		Approved KPM	83.00	85.00	85.00
4 - CUSTOMER SATISFACTION WITH AGENCY SERVICES - Percent of customers rating their satisfaction with the agency's customer service as "good" or "excellent": overall, timeliness, accuracy, helpfulness, expertise, availability of information.	Accuracy	Approved KPM	83.00	85.00	85.00
4 - CUSTOMER SATISFACTION WITH AGENCY SERVICES - Percent of customers rating their satisfaction with the agency's customer service as "good" or "excellent": overall, timeliness, accuracy, helpfulness, expertise, availability of information.	Availability of Information	Approved KPM	83.00	85.00	85.00
4 - CUSTOMER SATISFACTION WITH AGENCY SERVICES - Percent of customers rating their satisfaction with the agency's customer service as "good" or "excellent": overall, timeliness, accuracy, helpfulness, expertise, availability of information.	Expertise	Approved KPM	79.00	85.00	85.00
4 - CUSTOMER SATISFACTION WITH AGENCY SERVICES - Percent of customers rating their satisfaction with the agency's customer service as "good" or "excellent": overall, timeliness, accuracy, helpfulness, expertise, availability of information.	Helpfulness	Approved KPM	82.00	85.00	85.00

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BUDGET NARRATIVE

Agency: .NTISTRY, BOARD of

Mission: To assure that the citizens of Oregon receive the highest possible quality of oral health care.

Legislatively Proposed KPMs	Customer Service Category	Agency Request	Most Current Result	Target 2012	Target 2013
4 - CUSTOMER SATISFACTION WITH AGENCY SERVICES - Percent of customers rating their satisfaction with the agency's customer service as "good" or "excellent": overall, timeliness, accuracy, helpfulness, expertise, availability of information.	Overall	Approved KPM	87.00	85.00	85.00
4 - CUSTOMER SATISFACTION WITH AGENCY SERVICES - Percent of customers rating their satisfaction with the agency's customer service as "good" or "excellent": overall, timeliness, accuracy, helpfulness, expertise, availability of information.	Timeliness	Approved KPM	81.00	85.00	85.00
5 - Board Best Practices - Percent of total best practices met by the Board.		Approved KPM	100.00	100.00	100.00

LFO Recommendation:

The LFO recommends the adoption of the key performance measures as presented.

Sub-Committee Action:

The Subcommittee on Education approved the key performance measures as recommended by the LFO

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DENTISTRY, BOARD of

Annual Performance Progress Report (APPR) for Fiscal Year (2011-2012)

Original Submission Date: 2012

Finalize Date: 7/1/2012

2011-2012 KPM #	2011-2012 Approved Key Performance Measures (KPMs)
1	Continuing Education Compliance - Percent of Licensees in compliance with continuing education requirements.
2	Time to Investigate Complaints - Average time from receipt of new complaints to completed investigation.
3	Days to Complete License Paperwork - Average number of working days from receipt of completed paperwork to issuance of license.
4	CUSTOMER SATISFACTION WITH AGENCY SERVICES - Percent of customers rating their satisfaction with the agency's customer service as "good" or "excellent": overall, timeliness, accuracy, helpfulness, expertise, availability of information.
5	Board Best Practices - Percent of total best practices met by the Board.

BUDGET NARRATIVE

New Delete	Proposed Key Performance Measures (KPM's) for Biennium 2013-2015
	Title: NONE **Rationale:**

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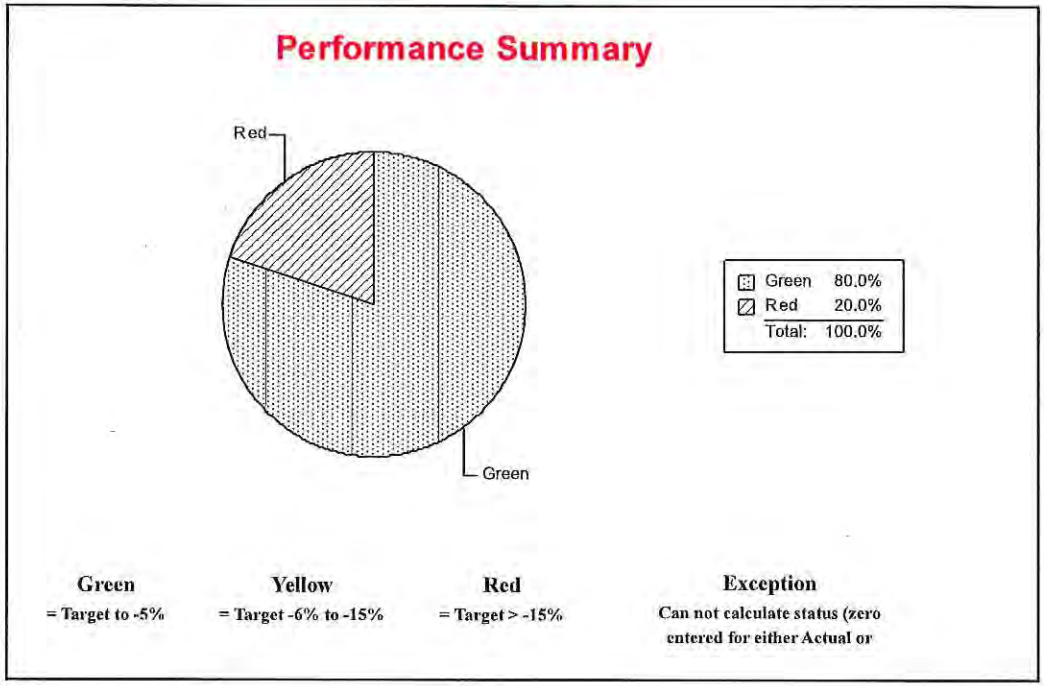
BUDGET NARRATIVE

DENTISTRY, BOARD of	I. EXECUTIVE SUMMARY
Agency Mission: To assure that the citizens of Oregon receive the highest possible quality of oral health care.	

Contact: Patrick D Braatz, Executive Director	**Contact Phone:** 971-673-3200
Alternate:	**Alternate Phone:**



1. SCOPE OF REPORT

The Board of Dentistry is charged with the regulation of the practice of dentistry and dental hygiene by setting standards for entry to practice, examination of applicants, issuance and renewal of licenses, and enforcing the standards of practice. The Board also is required by law to establish standards for the administration of anesthesia in dental offices. The Board determines dental procedures that may be delegated to dental assistants and establishes standards for training and certification of dental assistants. As of August 1, 2012, there were 3,682 dentists, and 4,000 dental hygienists holding Oregon licenses. The Board operates in an atmosphere of constant change, rapidly developing technology, changing treatment modalities, demographic and geographic disparities in access to dental care, growing public demand for a greater diversity of provider groups, and constantly shifting societal norms and values. Agency operations are

supported solely from license application, renewal, exam and permit fees, plus revenues generated from fines imposed for late renewals, civil penalties assessed, and miscellaneous receipts from the sale of mailing lists and copies of public records. The Board is composed of ten members appointed by the Governor and confirmed by the Senate for four-year terms. There are six dentists, one of whom must be a dental specialist, two dental hygienists and two public members. 7.0 FTE staff that carry out the day-to-day functions of the agency. In addition, the Board contracts with numerous dental professionals to provide expertise in specific dental specialty areas. Primary program activities are Licensing and Examination, Enforcement and Monitoring, and Administration.

2. THE OREGON CONTEXT

The Oregon Board of Dentistry has no Primary Links to the Oregon Benchmarks; however, Board activities support the following benchmarks as secondary links. #29 Skills Training: Percentage of Oregonians in the labor force who received at least 20 hours of skills training in the past year. #30 Volunteerism: Percentage of Oregonians who volunteer at least 50 hours of their time per year to civic, community or nonprofit activities. #44 Adult Non-smokers: Percentage of Oregonians, 18 and older who smoke cigarettes. #52 Substance Use During Pregnancy: Percentage of pregnant women who abstain from using: a. alcohol; b. tobacco. #50 Child Abuse or Neglect: Number of children, per 1,000 persons under 18, who are: a. neglected/abused; b. at a substantial risk of being neglected/abused.

3. PERFORMANCE SUMMARY

All but one current Performance Measures Targets are being met.

4. CHALLENGES

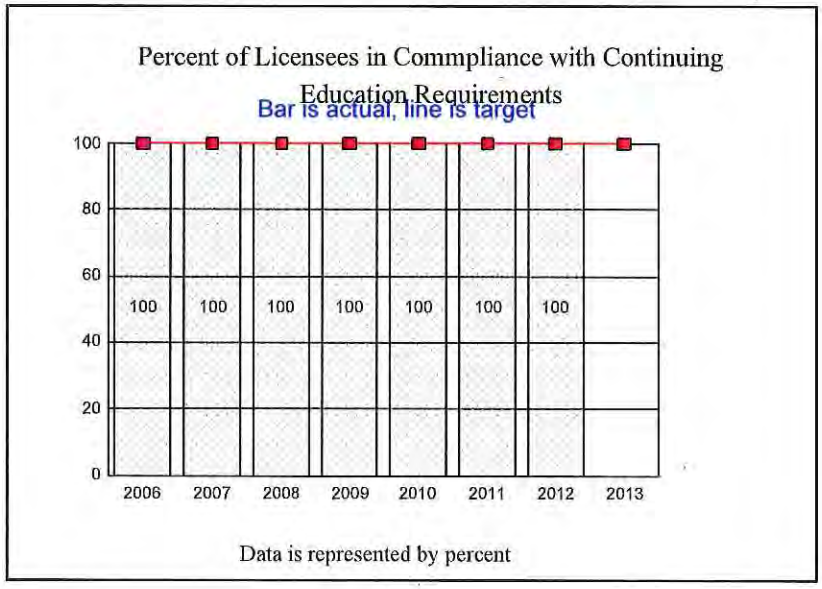
As with all state agencies, those that are funded by Other Funds continue to be challenged by adhering to all revenue and expenditure guidelines outlined by the Governor and the Legislature, although no direct taxpayer dollars fund the Oregon Board of Dentistry.

5. RESOURCES AND EFFICIENCY

The Oregon Board of Dentistry 2011-2013 Legislatively Adopted Revenue Budget is $2,249,200 and the Expenditure Budget is $2,264,053

DENTISTRY, BOARD of	II. KEY MEASURE ANALYSIS

KPM #1	Continuing Education Compliance - Percent of Licensees in compliance with continuing education requirements.	2001
Goal	Public Protection - Protect the public by assuring that all licensees are competent to practice safely and ethically.	
Oregon Context	The Oregon Board of Dentistry has no primary links to the Oregon Benchmarks.	
Data Source	Agency records from continuing education audit logs.	
Owner	Oregon Board of Dentistry, Patrick D. Braatz, Executive Director (971) 673-3200	



1. OUR STRATEGY

The Boards strategy is that Licensees should keep current on practice issues. One way to do this is to take continuing education courses on a biennial basis. To determine if the licensees are in compliance is to audit approximately 15% of all licensees to establish a baseline.

DENTISTRY, BOARD of	II. KEY MEASURE ANALYSIS

2. ABOUT THE TARGETS

A target of 100% compliance seems to be an appropriate level for all licenses.

3. HOW WE ARE DOING

The profession is complying with the requirements to complete continuing education as a prerequisite to renewing their license.

4. HOW WE COMPARE

There are no outside comparisons of similar jurisdictions to use.

5. FACTORS AFFECTING RESULTS

There are no specific factors affecting the results

6. WHAT NEEDS TO BE DONE

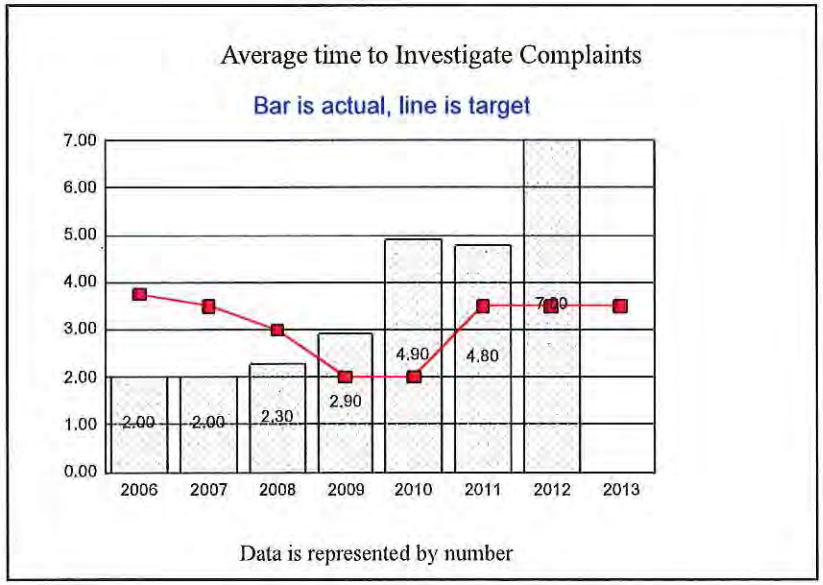
Nothing needs to be done at this time.

7. ABOUT THE DATA

The reporting cycle is the Oregon fiscal year. The Board audits 15% of all licensees that are eligible for renewal, based on those that are audited and renew. We compare the Continuing Education Log that they are required to submit to see if they have met the requirements of the Law and Administrative Rules; if they are not in compliance, they are turned over for investigation of a possible violation of the Oregon Dental Practice Act.

DENTISTRY, BOARD of	II. KEY MEASURE ANALYSIS

KPM #2	Time to Investigate Complaints - Average time from receipt of new complaints to completed investigation.	2000
Goal	Public Protection - Protect the public by assuring that all licensees are competent to practice safely and ethically.	
Oregon Context	The Oregon Board of Dentistry has no primary links to the Oregon Benchmarks.	
Data Source	Database - investigative files.	
Owner	Oregon Board of Dentistry, Patrick D. Braatz, Executive Director, (971) 673-3200	



1. OUR STRATEGY

The Boards strategy is that the investigation of complaints should take place in a timely fashion. By establishing the average time from the receipt of a new complaint until the investigation is completed is a way of measuring the timeliness of the Boards workload.

DENTISTRY, BOARD of	II. KEY MEASURE ANALYSIS

2. ABOUT THE TARGETS

The targets provide for a realistic time frame to complete investigations based on the complexity of the issues and the staff available to conduct the investigation. The targets appear to be reasonable and in the past have shownhow a gradual decline in the number of average months to complete an investigation since this Performance Measure was established, until 2010.

3. HOW WE ARE DOING

The Board has seen a significant increase in the kind of complaints and the complexity of the complaints during the current economic downturn, these complaints are requiring a full investigation and the end result is that they are monetary in nature and thus not truly wihtin the jurisidiction of the Board..

4. HOW WE COMPARE

There are no outside comparisons of similar jurisdictions to use.

5. FACTORS AFFECTING RESULTS

The current economic downturn and the loss of a consulttant investigator for over 6 months have cause the time to complete investigations to rise.

6. WHAT NEEDS TO BE DONE

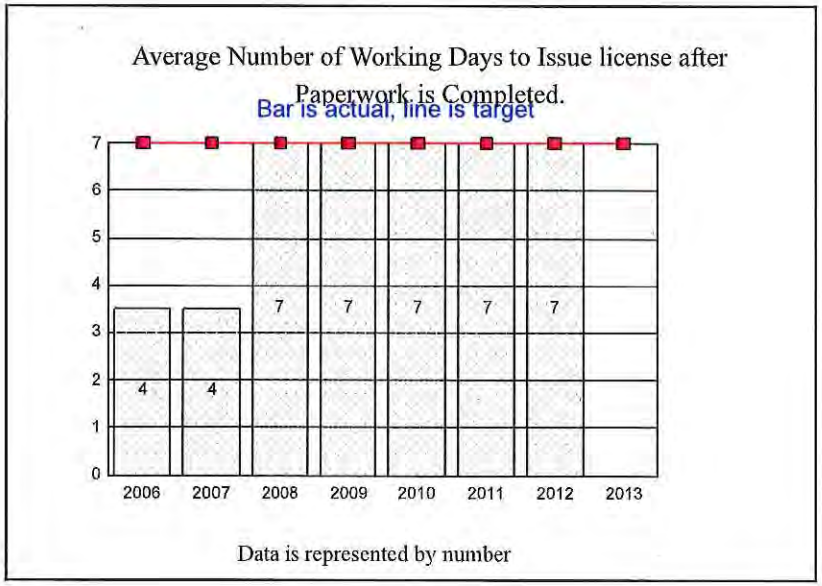
The enforcement staff is working at an increased pace to try to eliminate the time it takes to investigate compalints.

7. ABOUT THE DATA

The reporting cycle is the Oregon fiscal year, and is generated from the computerized database that is used to track all complaints.

DENTISTRY, BOARD of	II. KEY MEASURE ANALYSIS

KPM #3	Days to Complete License Paperwork - Average number of working days from receipt of completed paperwork to issuance of license.	2003
Goal	Public Protection - Protect the public by assuring that all licensees are competent to practice safely and ethically.	
Oregon Context	The Oregon Board of Dentistry has no primary links ot the Oregon Benchmarks	
Data Source	Database- licensing information	
Owner	Oregon Board of Dentistry, Patrick D. Braatz, Executive Director, (971) 673-3200	



1. OUR STRATEGY

The Boards strategy is that the processing of completed paperwork for the issuance of a license, either new or a renewal, should take place in a reasonable period of time to assure public protection and to assure that those desiring to work in Oregon can do so in a timely fashion.

DENTISTRY, BOARD of	II. KEY MEASURE ANALYSIS

2. ABOUT THE TARGETS

The targets provide for a realistic time frame to issue a license or to renew a license when all paperwork has been completed in accordance with all of the Boards rules and regulations.

3. HOW WE ARE DOING

The targets as established have been met or been exceeded.

4. HOW WE COMPARE

There are no outside comparisons of similar jurisdictions to use.

5. FACTORS AFFECTING RESULTS

There are no specific factors affecting the results.

6. WHAT NEEDS TO BE DONE

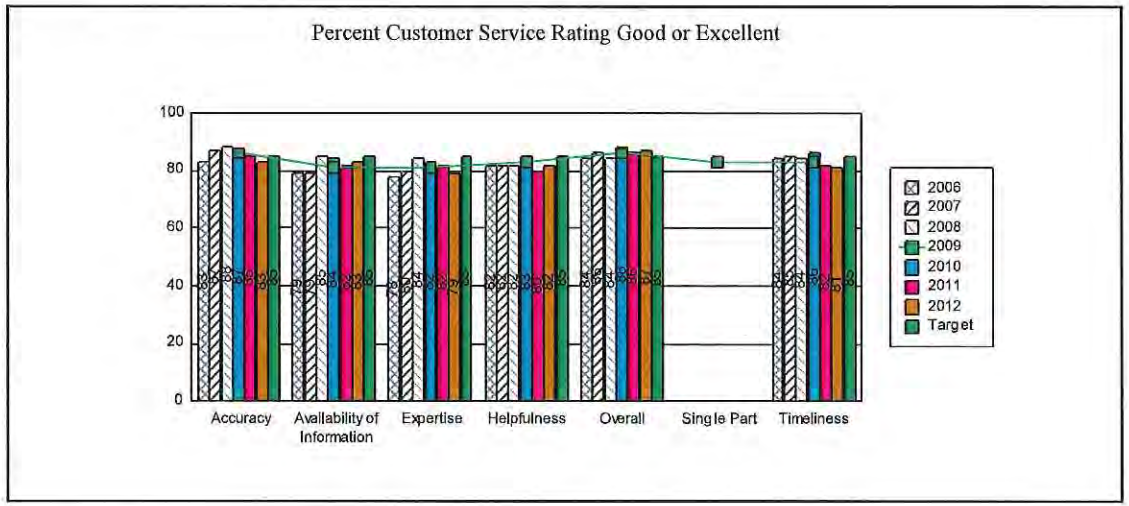
Nothing needs to be done at this time.

7. ABOUT THE DATA

The reporting cycle is the Oregon fiscal year, and is generated from the computerized database that is used to track all application and renewal files.

DENTISTRY, BOARD of	II. KEY MEASURE ANALYSIS

KPM #4	CUSTOMER SATISFACTION WITH AGENCY SERVICES - Percent of customers rating their satisfaction with the agency's customer service as "good" or "excellent": overall, timeliness, accuracy, helpfulness, expertise, availability of information.	2006
Goal	Agency Overall Satisfaction Percent of customers rating their overall satisfaction with the agency above average or excellent and Customer Satisfaction Percent of customers rating satisfaction with agency services above average or excellent for: A: Timeliness; B: Accuracy; C; Helpfulness; D: Expertise; E: Information Availability	
Oregon Context	The Oregon Board of Dentistry has no primary links to the Oregon Benchmarks.	
Data Source	Customer Service Surveys completed and returned July 1, 2011 through June 30, 2012.	
Owner	Oregon Board of Dentistry, Patrick D. Braatz, Executive Director, (971) 673-3200	



1. OUR STRATEGY

In compliance with the Oregon Legislatures directive, the Board conducted a Customer Service Survey as one tool to determine the customer satisfaction with the accuracy of carrying out the Mission of the Board

_ Agency Request X Governor's Recommended _____ Legislatively Adopted Budget Page 45

DENTISTRY, BOARD of	II. KEY MEASURE ANALYSIS

2. ABOUT THE TARGETS

The Targets provide a realistic and attainable goal for overall positive ratings for customer service.

3. HOW WE ARE DOING

Those completing the survey rated the Board as having an 87% overall satisfaction level and approximately 10% gave an unsatisfactory response.

4. HOW WE COMPARE

There are no outside comparisions of similar jurisdictions to use.

5. FACTORS AFFECTING RESULTS

There are no specific factors affecting the results.

6. WHAT NEEDS TO BE DONE

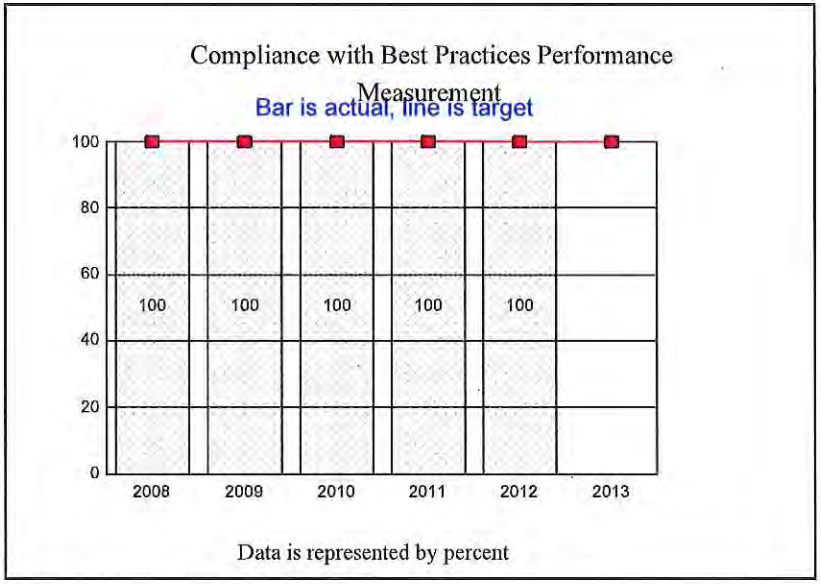
Nothing needs to be done at this time.

7. ABOUT THE DATA

The reporting cycle is the Oregon fiscal year, and is generated from the computerized database that is used to track all application and renewal files.

DENTISTRY, BOARD of	II. KEY MEASURE ANALYSIS

KPM #5	Board Best Practices - Percent of total best practices met by the Board.	2007
Goal	To have 100% compliance with the Best Practice Perfromance Measures for Governing Boards and Commissions	
Oregon Context	The Oregon Board of Dentistry has no primary links to Oregon Benchmarks.	
Data Source	Evaluation completed by the Oregon Board of Dentistry Members at July 30, 2010 Board Meeting.	
Owner	Oregon Board of Dentistry, Patrick D. Braatz, Executive Director (971) 673-3200	



1. OUR STRATEGY

The Board's strategy is to be in 100% compliance with Best Practices Performance Measurements for Governing Boards and Commissions.

DENTISTRY, BOARD of	II. KEY MEASURE ANALYSIS

2. ABOUT THE TARGETS

A target of 100% compliance seems to be an appropriate level for the Board.

3. HOW WE ARE DOING

The Board is in compliance with the Best Practices Perfromance Measurement for Governing Boards and Commissions.

4. HOW WE COMPARE

The Agency continues to perform at a 100% rating.

5. FACTORS AFFECTING RESULTS

There are no specific factors affecting the results.

6. WHAT NEEDS TO BE DONE

Nothing needs to be done at this time.

7. ABOUT THE DATA

The Board Members completed the Self Assessment Best Practices list during the July 30, 2010 Board Meeting.

BUDGET NARRATIVE

DENTISTRY, BOARD of	III. USING PERFORMANCE DATA
Agency Mission: To assure that the citizens of Oregon receive the highest possible quality of oral health care.	

Contact: Patrick D Braatz, Executive Director	**Contact Phone:** 971-673-3200
Alternate:	**Alternate Phone:**

The following questions indicate how performance measures and data are used for management and accountability purposes.	
1. INCLUSIVITY	* **Staff :** Review of current performance measures on an annual basis. * **Elected Officials:** Approving an making changes to legislatively approved performance measures. * **Stakeholders:** Reviewing letters, telephone calls and e-mails regarding the Board's performance measures. * **Citizens:** Reviewing letters, telephone calls and e-mails regarding the Board's performance measures.
2 MANAGING FOR RESULTS	All data collected on performance measures is reviewed and presented to the Board and Staff. All appropriate changes are made regarding continued compliance with performance measures.
3 STAFF TRAINING	Staff has been informed of all comments provided to the Executive Director regarding performance measures.
4 COMMUNICATING RESULTS	* **Staff :** At staff meetings and through e-mails and memos on customer satisfaction. * **Elected Officials:** Use of Web-site, testimony before Legislatiure and responding to direct inquiries. * **Stakeholders:** Use of Web-stie, presentations and responding to direct inquiries. * **Citizens:** Use of Web-site, presentations and responding to direct inquiries.

BUDGET NARRATIVE

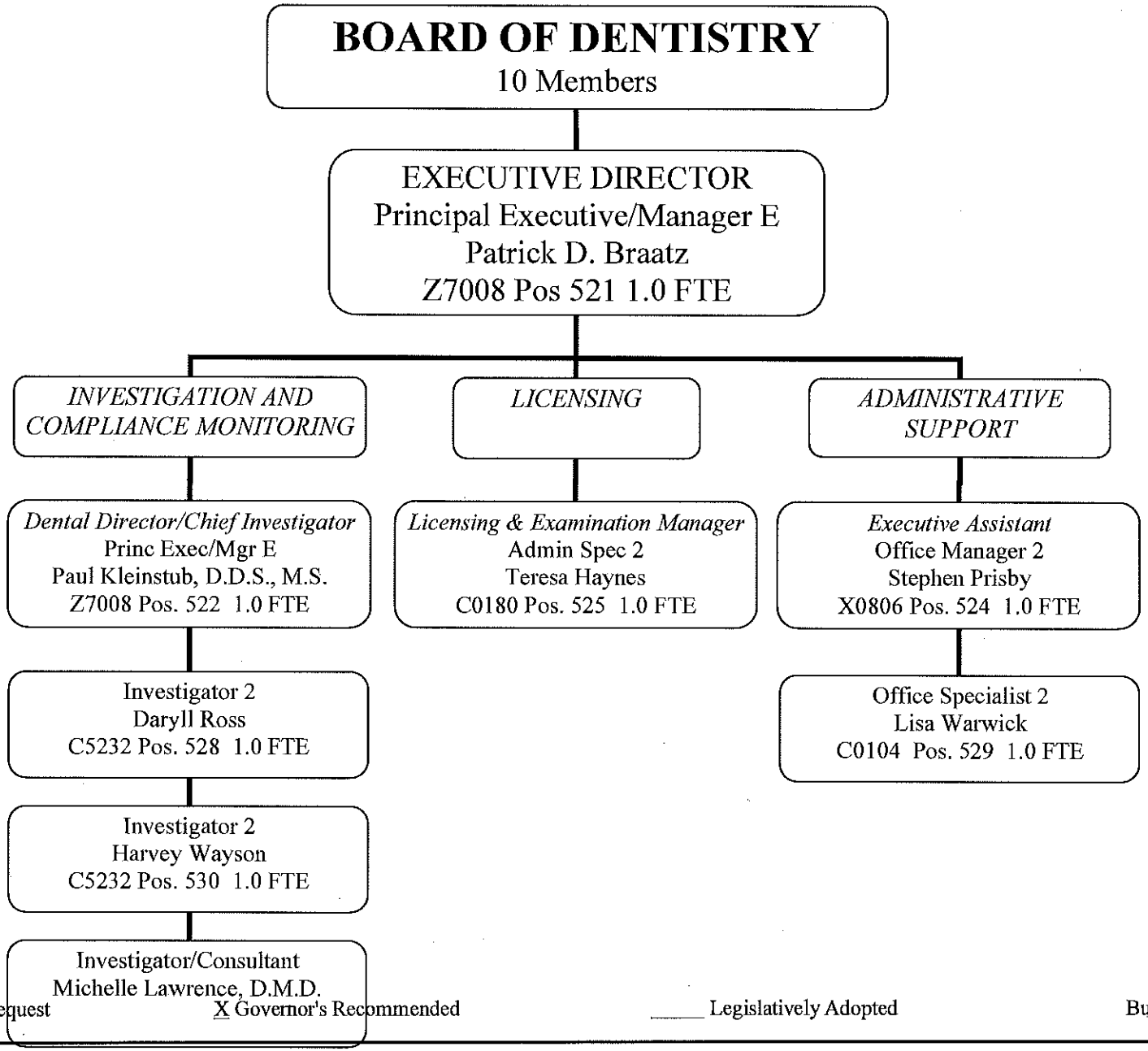
HOUSE BILL 3[illegible] REDUCTIONS

ACTIVITY OR PROGRAM	DESCRIBE REDUCTION	AMOUNT AND FUND TYPE	RANK AND JUSTIFICATION
(WHICH PROGRAM OR ACTIVITY WILL NOT BE UNDERTAKEN)	(DESCRIBE THE EFFECTS OF THIS REDUCTION. INCLUDE POSITIONS AND FTE IN 2013-15 AND 2053-17)	(GF, LF, OF, FF. IDENTIFY REVENUE SOURCE FOR OF, FF)	(RANK THE ACTIVITIES OR PROGRAMS NOT UNDERTAKEN IN ORDER OF LOWEST COST FOR BENEFIT OBTAINED)
Eliminate funding for temporary clerical services.	TEMPORARY CLERICAL SERVICES ARE USED TO ASSIST THE AGENCY WITH MAJOR PROJECTS SUCH AS PURGING AND ARCHIVING RECORDS, ASSISTING WITH HEAVY WORKLOAD PERIODS DURING LICENSE RENEWALS, AND AS FILL IN FOR STAFF ON MEDICAL/FAMILY LEAVE. ELIMINATION OF THIS ITEM WOULD DELAY PROJECTS, INCREASE THE AMOUNT OF TIME TO RENEW LICENSES AND INCREASE STRESS ON EXISTING STAFF. *NO POSITIONS WOULD BE REDUCED.*	$3,500 OF LICENSE APPLICATION AND RENEWAL FEES	RANK #1
Reduce expenses for production and distribution of Newsletters.	NEWSLETTERS ARE MAILED TWICE EACH YEAR TO ALL ACTIVE LICENSEES AND THOSE WHO HAVE RETIRED BUT CAN REACTIVATE FOR A PERIOD OF FOUR YEARS. NEWSLETTERS PROVIDE LICENSEES WITH INFORMATION ABOUT BOARD POLICIES, RULE AND STATUTORY CHANGES THAT ALL LICENSEES SHOULD BE AWARE OF. EXPENSES COULD BE REDUCED BY LIMITING THE NUMBER OF COPIES MAILED, BY REDUCING THE QUALITY OF THE PAPER USED, ELIMINATING COLOR AND MAILING AT A LOWER POSTAGE RATE. *NO POSITIONS WOULD BE REDUCED.*	$15,000 OF LICENSE APPLICATION AND RENEWAL FEES	RANK #2
Reduce expenses for dental specialty examinations.	THESE EXAMINATIONS ARE SELF-FUNDED. EXPENSES ARE INCURRED FOR RENTAL OF CLINIC SPACE AT THE SCHOOL OF DENTISTRY AND TO PAY FOR CONTRACTED SERVICES OF LICENSED SPECIALISTS TO CONDUCT THE EXAMINATIONS. EXPENSES MAY BE ABLE TO BE REDUCED BY SEEKING THESE SERVICES AT NO COST. THIS OPTION IS CONSIDERED BECAUSE ELIMINATION OF SPECIALTY EXAMINATIONS WOULD REDUCE THE NUMBER OF DENTISTS WITH SPECIALIZED SKILLS WHO WISH TO COME TO OREGON TO PRACTICE BUT DO NOT QUALIFY FOR LICENSURE BY CREDENTIAL. (IN 2011-2013) THIS IS ESTIMATED TO BE ABOUT 10 DENTISTS). *NO POSITIONS WOULD BE REDUCED.*	$10,000 OF LICENSE APPLICATION AND RENEWAL FEES	RANK #3
Eliminate contract dental consultants	THE BOARD'S INVESTIGATIVE WORKLOAD HAS INCREASED ALMOST 25% FROM WHAT IT WAS SIX YEARS AGO. OVER 75% OF BOARD CASES INVOLVE CLINICAL DENTISTRY AND REQUIRE THE EXPERTISE OF A TRAINED DENTIST TO ANALYZE THE COMPLEX ISSUES INVOLVED. THERE IS ONLY ONE DENTIST ON STAFF, ADDITIONAL DENTAL EXPERTISE IS CONTRACTED. THE BOARD'S GOAL IS TO INVESTIGATE CASES IN A FAIR, OBJECTIVE, THOROUGH AND TIMELY MANNER. IT CURRENTLY TAKES ABOUT 2.5 MONTHS TO COMPLETE AN INVESTIGATION. ELIMINATION OF CONTRACTED DENTAL CONSULTANTS WOULD HAMPER THE BOARD'S ABILITY TO CONTINUE AT THE CURRENT LEVEL AND IS CONTRARY TO THE BOARD'S GOAL OF IMPROVING THE TIME IT TAKES TO RESOLVE CASES AND BE RESPONSIVE TO THE PUBLIC'S CONCERNS. *NO POSITIONS WOULD BE REDUCED.*	$105,000 OF LICENSE APPLICATION AND RENEWAL FEES	RANK #4
Reduce Office Supplies	REDUCE THE PURCHASE OF ALL OFFICE SUPPLIES BY 20%. *NO POSITIONS WOULD BE REDUCED*	$18,000 OF LICENSE, APPLICATION	RANK #5

		AND RENEWAL FEES	
Reduce Attorney General Support	THIS REDUCTION WOULD INCREASE THE BOARD'S RISK OF NOT BEING RESPONSIVE TO LEGAL ISSUES, NOT SEEKING APPROPRIATE INTERPRETATION OF STATUTES AND RULES, AND WOULD AFFECT PROSECUTION OF CONTESTED CASES HEARINGS. REDUCED ATTORNEY TIME FOR THE AGENCY WOULD LIMIT THE BOARD'S ABILITY TO SEEK PREVENTIVE LEGAL ADVICE THUS RAISING THE RISK OF INCREASED LEGAL ISSUES AT A LATER TIME. *NO POSITIONS WOULD BE REDUCED.*	$50,000 OF LICENSE APPLICATION AND RENEWAL FEES	RANK #6
Reduce travel expenses by 33%.	BOARD MEMBERS INCUR TRAVEL EXPENSES TO ATTEND BOARD MEETINGS AND COMMITTEE MEETINGS, RULEMAKING HEARINGS, AND LEGISLATIVE SESSIONS THROUGHOUT THE BIENNIUM. FOUR MEMBERS LIVE OVER 300 MILES AWAY FROM THE BOARD OFFICE AND THREE LIVE 80-100 MILES AWAY. STAFF INCUR TRAVEL EXPENSES IN THE INVESTIGATION OF CASES, CONDUCTING OFFICE INSPECTIONS, GIVING PRESENTATIONS TO DENTAL STUDENTS AND PROFESSIONAL ORGANIZATIONS, AND ATTENDING INTER-AGENCY MEETINGS AND TRAINING SESSIONS. BOARD MEMBERS AND THE EXECUTIVE DIRECTOR ATTEND MEETINGS OF NATIONAL AND REGIONAL IMPORTANCE THAT AFFECT THE PRACTICE OF DENTISTRY, DENTAL AND DENTAL HYGIENE EDUCATION, LICENSURE AND ENFORCEMENT, AND ISSUES SUCH AS CONTINUING COMPETENCY AND BEST PRACTICES FOR DEALING WITH THE ADDICTED PROFESSIONAL. REDUCING TRAVEL WOULD LIMIT THE ABILITY OF BOARD AND STAFF TO MAINTAIN OPEN AND CLEAR COMMUNICATIONS WITH THE PROFESSION, EDUCATION PROGRAMS, OTHER STATE AGENCIES, AND TO PARTICIPATE IN THE POLICY SETTING ON A NATIONAL LEVEL. *NO POSITIONS WOULD BE REDUCED.*	$23,000 OF LICENSE APPLICATION AND RENEWAL FEES	RANK #7

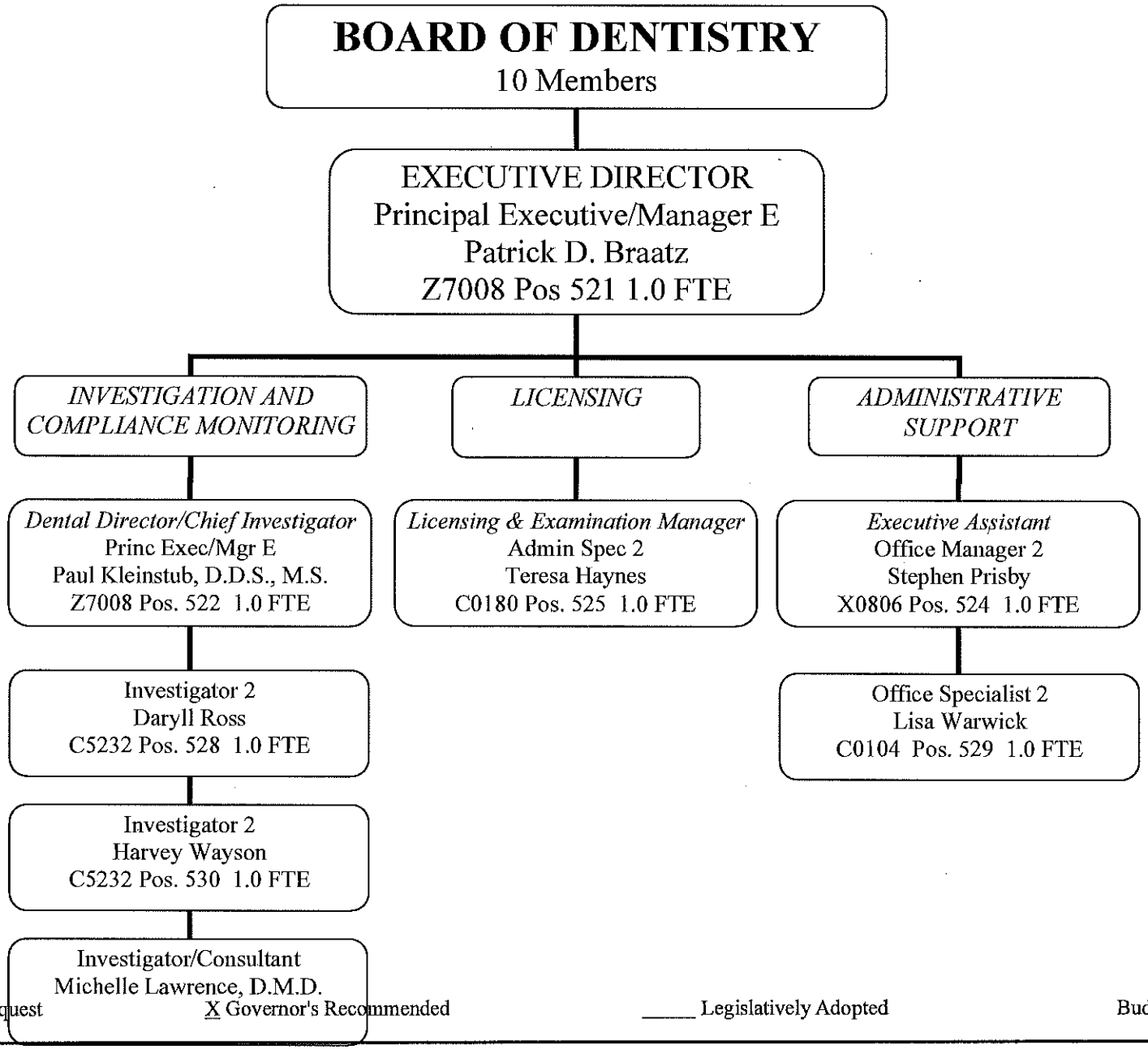
OREGON BOARD OF DENTISTRY

2013-2015



OREGON BOARD OF DENTISTRY

2011-2013



Summary of 2013-15 Biennium Budget

Oregon Board of Dentistry
Oregon Board of Dentistry
2013-15 Biennium

Governor's Budget
Cross Reference Number: 83400-000-00-00-00000

Description	Positions	Full-Time Equivalent (FTE)	ALL FUNDS	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds
2011-13 Leg Adopted Budget	7	7.00	2,502,044	-	-	2,502,044	-	-	-
2011-13 Emergency Boards	-	-	-	-	-	-	-	-	-
2011-13 Leg Approved Budget	**7**	**7.00**	**2,502,044**	**-**	**-**	**2,502,044**	**-**	**-**	**-**
2013-15 Base Budget Adjustments									
Net Cost of Position Actions									
Administrative Biennialized E-Board, Phase-Out	-	-	83,374	-	-	83,374	-	-	-
Estimated Cost of Merit Increase			-	-	-	-	-	-	-
Base Debt Service Adjustment			-	-	-	-	-	-	-
Base Nonlimited Adjustment			-	-	-	-	-	-	-
Capital Construction			-	-	-	-	-	-	-
Subtotal 2013-15 Base Budget	**7**	**7.00**	**2,585,418**	**-**	**-**	**2,585,418**	**-**	**-**	**-**
Essential Packages									
010 - Non-PICS Pers Svc/Vacancy Factor									
Non-PICS Personal Service Increase/(Decrease)	-	-	6,134	-	-	6,134	-	-	-
Subtotal	**-**	**-**	**6,134**	**-**	**-**	**6,134**	**-**	**-**	**-**
020 - Phase In / Out Pgm & One-time Cost									
021 - Phase-in	-	-	-	-	-	-	-	-	-
022 - Phase-out Pgm & One-time Costs	-	-	-	-	-	-	-	-	-
Subtotal	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**
030 - Inflation & Price List Adjustments									
Cost of Goods & Services Increase/(Decrease)	-	-	44,396	-	-	44,396	-	-	-
State Gov"t & Services Charges Increase/(Decrease)			13,065	-	-	13,065	-	-	-
Subtotal	**-**	**-**	**57,461**	**-**	**-**	**57,461**	**-**	**-**	**-**

Summary of 2013-15 Biennium Budget

Oregon Board of Dentistry
Oregon Board of Dentistry
2013-15 Biennium

Governor's Budget
Cross Reference Number: 83400-000-00-00-00000

Description	Positions	Full-Time Equivalent (FTE)	ALL FUNDS	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds
040 - Mandated Caseload									
040 - Mandated Caseload	-	-	-	-	-	-	-	-	-
050 - Fundshifts and Revenue Reductions									
050 - Fundshifts	-	-	-	-	-	-	-	-	-
060 - Technical Adjustments									
060 - Technical Adjustments	-	-	-	-	-	-	-	-	-
Subtotal: 2013-15 Current Service Level	**7**	**7.00**	**2,649,013**	**-**	**-**	**2,649,013**	**-**	**-**	**-**

Summary of 2013-15 Biennium Budget

Oregon Board of Dentistry
Oregon Board of Dentistry
2013-15 Biennium

Governor's Budget
Cross Reference Number: 83400-000-00-00-00000

Description	Positions	Full-Time Equivalent (FTE)	ALL FUNDS	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds
Subtotal: 2013-15 Current Service Level	**7**	**7.00**	**2,649,013**	**-**	**-**	**2,649,013**	**-**	**-**	**-**
070 - Revenue Reductions/Shortfall									
070 - Revenue Shortfalls	-	-	-	-	-	-	-	-	-
Modified 2013-15 Current Service Level	**7**	**7.00**	**2,649,013**	**-**	**-**	**2,649,013**	**-**	**-**	**-**
080 - E-Boards									
081 - May 2012 E-Board	-	-	-	-	-	-	-	-	-
082 - September 2012 E-Board	-	-	-	-	-	-	-	-	-
083 - December 2012 E-Board	-	-	-	-	-	-	-	-	-
Subtotal Emergency Board Packages	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**
Policy Packages									
090 - Analyst Adjustments	-	-	-	-	-	-	-	-	-
091 - Statewide Administrative Savings	-	-	(4,316)	-	-	(4,316)	-	-	-
092 - PERS Taxation Policy	-	-	(3,303)	-	-	(3,303)	-	-	-
093 - Other PERS Adjustments	-	-	(26,426)	-	-	(26,426)	-	-	-
Subtotal Policy Packages	**-**	**-**	**(34,045)**	**-**	**-**	**(34,045)**	**-**	**-**	**-**
Total 2013-15 Governor's Budget	**7**	**7.00**	**2,614,968**	**-**	**-**	**2,614,968**	**-**	**-**	**-**
Percentage Change From 2011-13 Leg Approved Budget	-	-	4.50%	-	-	4.50%	-	-	-
Percentage Change From 2013-15 Current Service Level	-	-	-1.30%	-	-	-1.30%	-	-	-

Summary of 2013-15 Biennium Budget

Oregon Board of Dentistry
Board of Dentistry
2013-15 Biennium

Governor's Budget
Cross Reference Number: 83400-001-00-00-00000

Description	Positions	Full-Time Equivalent (FTE)	ALL FUNDS	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds
2011-13 Leg Adopted Budget	7	7.00	2,502,044	-	-	2,502,044	-	-	-
2011-13 Emergency Boards	-	-	-	-	-	-	-	-	-
2011-13 Leg Approved Budget	**7**	**7.00**	**2,502,044**	**-**	**-**	**2,502,044**	**-**	**-**	**-**
2013-15 Base Budget Adjustments									
Net Cost of Position Actions									
Administrative Biennialized E-Board, Phase-Out	-	-	83,374	-	-	83,374	-	-	-
Estimated Cost of Merit Increase			-	-	-	-	-	-	-
Base Debt Service Adjustment			-	-	-	-	-	-	-
Base Nonlimited Adjustment			-	-	-	-	-	-	-
Capital Construction			-	-	-	-	-	-	-
Subtotal 2013-15 Base Budget	**7**	**7.00**	**2,585,418**	**-**	**-**	**2,585,418**	**-**	**-**	**-**
Essential Packages									
010 - Non-PICS Pers Svc/Vacancy Factor									
Non-PICS Personal Service Increase/(Decrease)	-	-	6,134	-	-	6,134	-	-	-
Subtotal	**-**	**-**	**6,134**	**-**	**-**	**6,134**	**-**	**-**	**-**
020 - Phase In / Out Pgm & One-time Cost									
021 - Phase-in	-	-	-	-	-	-	-	-	-
022 - Phase-out Pgm & One-time Costs	-	-	-	-	-	-	-	-	-
Subtotal	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**
030 - Inflation & Price List Adjustments									
Cost of Goods & Services Increase/(Decrease)	-	-	44,396	-	-	44,396	-	-	-
State Gov"t & Services Charges Increase/(Decrease)			13,065	-	-	13,065	-	-	-
Subtotal	**-**	**-**	**57,461**	**-**	**-**	**57,461**	**-**	**-**	**-**

Summary of 2013-15 Biennium Budget

Oregon Board of Dentistry
Board of Dentistry
2013-15 Biennium

Governor's Budget
Cross Reference Number: 83400-001-00-00-00000

Description	Positions	Full-Time Equivalent (FTE)	ALL FUNDS	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds
040 - Mandated Caseload									
040 - Mandated Caseload	-	-	-	-	-	-	-	-	-
050 - Fundshifts and Revenue Reductions									
050 - Fundshifts	-	-	-	-	-	-	-	-	-
060 - Technical Adjustments									
060 - Technical Adjustments	-	-	-	-	-	-	-	-	-
Subtotal: 2013-15 Current Service Level	**7**	**7.00**	**2,649,013**	**-**	**-**	**2,649,013**	**-**	**-**	**-**

Summary of 2013-15 Biennium Budget

Oregon Board of Dentistry
Board of Dentistry
2013-15 Biennium

Governor's Budget
Cross Reference Number: 83400-001-00-00-00000

Description	Positions	Full-Time Equivalent (FTE)	ALL FUNDS	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds
Subtotal: 2013-15 Current Service Level	**7**	**7.00**	**2,649,013**	**-**	**-**	**2,649,013**	**-**	**-**	**-**
070 - Revenue Reductions/Shortfall									
070 - Revenue Shortfalls	-	-	-	-	-	-	-	-	-
Modified 2013-15 Current Service Level	**7**	**7.00**	**2,649,013**	**-**	**-**	**2,649,013**	**-**	**-**	**-**
080 - E-Boards									
081 - May 2012 E-Board	-	-	-	-	-	-	-	-	-
082 - September 2012 E-Board	-	-	-	-	-	-	-	-	-
083 - December 2012 E-Board	-	-	-	-	-	-	-	-	-
Subtotal Emergency Board Packages	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**
Policy Packages									
090 - Analyst Adjustments	-	-	-	-	-	-	-	-	-
091 - Statewide Administrative Savings	-	-	(4,316)	-	-	(4,316)	-	-	-
092 - PERS Taxation Policy	-	-	(3,303)	-	-	(3,303)	-	-	-
093 - Other PERS Adjustments	-	-	(26,426)	-	-	(26,426)	-	-	-
Subtotal Policy Packages	**-**	**-**	**(34,045)**	**-**	**-**	**(34,045)**	**-**	**-**	**-**
Total 2013-15 Governor's Budget	**7**	**7.00**	**2,614,968**	**-**	**-**	**2,614,968**	**-**	**-**	**-**
Percentage Change From 2011-13 Leg Approved Budget	-	-	4.50%	-	-	4.50%	-	-	-
Percentage Change From 2013-15 Current Service Level	-	-	-1.30%	-	-	-1.30%	-	-	-

Oregon Board of Dentistry — *Agency Number: 83400*

Agencywide Appropriated Fund Group
2013-15 Biennium

Version: Y - 01 - Governor's Budget

Description	2009-11 Actuals	2011-13 Leg Adopted Budget	2011-13 Leg Approved Budget	2013-15 Agency Request Budget	2013-15 Governor's Budget	2013-15 Leg Adopted Budget
LIMITED BUDGET (Excluding Packages)						
Other Funds	2,159,597	2,502,044	2,502,044	2,590,868	2,585,418	-
AUTHORIZED POSITIONS	7	7	7	7	7	-
AUTHORIZED FTE	7.00	7.00	7.00	7.00	7.00	-
LIMITED BUDGET (Essential Packages)						
010-NON-PICS PSNL SVC / VACANCY FACTOR						
Other Funds	-	-	-	6,135	6,134	-
031-STANDARD INFLATION						
Other Funds	-	-	-	70,841	57,461	-
TOTAL LIMITED BUDGET (Essential Packages)						
Other Funds	-	-	-	76,976	63,595	-
LIMITED BUDGET (Current Service Level)						
Other Funds	2,159,597	2,502,044	2,502,044	2,667,844	2,649,013	-
AUTHORIZED POSITIONS	7	7	7	7	7	-
AUTHORIZED FTE	7.00	7.00	7.00	7.00	7.00	-
LIMITED BUDGET (Policy Packages)						
091-STATEWIDE ADMINISTRATIVE SAVINGS- RANK 0 - 001-00-00-00000						
Other Funds	-	-	-	-	(4,316)	-
092-PERS TAXATION POLICY- RANK 0 - 001-00-00-00000						
Other Funds	-	-	-	-	(3,303)	-
093-OTHER PERS ADJUSTMENTS- RANK 0 - 001-00-00-00000						
Other Funds	-	-	-	-	(26,426)	-
TOTAL LIMITED BUDGET (Policy Packages)						
Other Funds	-	-	-	-	(34,045)	-

Oregon Board of Dentistry — *Agency Number: 83400*

Agencywide Appropriated Fund Group — **Version: Y - 01 - Governor's Budget**
2013-15 Biennium

Description	2009-11 Actuals	2011-13 Leg Adopted Budget	2011-13 Leg Approved Budget	2013-15 Agency Request Budget	2013-15 Governor's Budget	2013-15 Leg Adopted Budget
TOTAL LIMITED BUDGET (Including Packages)						
Other Funds	2,159,597	2,502,044	2,502,044	2,667,844	2,614,968	-
AUTHORIZED POSITIONS	7	7	7	7	7	-
AUTHORIZED FTE	7.00	7.00	7.00	7.00	7.00	-
OPERATING BUDGET (Excluding Packages)						
Other Funds	2,159,597	2,502,044	2,502,044	2,590,868	2,585,418	-
AUTHORIZED POSITIONS	7	7	7	7	7	-
AUTHORIZED FTE	7.00	7.00	7.00	7.00	7.00	-
OPERATING BUDGET (Essential Packages)						
010-NON-PICS PSNL SVC / VACANCY FACTOR						
Other Funds	-	-	-	6,135	6,134	-
031-STANDARD INFLATION						
Other Funds	-	-	-	70,841	57,461	-
TOTAL OPERATING BUDGET (Essential Packages)						
Other Funds	-	-	-	76,976	63,595	-
OPERATING BUDGET (Current Service Level)						
Other Funds	2,159,597	2,502,044	2,502,044	2,667,844	2,649,013	-
AUTHORIZED POSITIONS	7	7	7	7	7	-
AUTHORIZED FTE	7.00	7.00	7.00	7.00	7.00	-
OPERATING BUDGET (Policy Packages)						
091-STATEWIDE ADMINISTRATIVE SAVINGS- RANK 0 - 001-00-00-00000						
Other Funds	-	-	-	-	(4,316)	-
092-PERS TAXATION POLICY- RANK 0 - 001-00-00-00000						
Other Funds	-	-	-	-	(3,303)	-

Oregon Board of Dentistry **Agency Number: 83400**

Agencywide Appropriated Fund Group **Version: Y - 01 - Governor's Budget**
2013-15 Biennium

Description	2009-11 Actuals	2011-13 Leg Adopted Budget	2011-13 Leg Approved Budget	2013-15 Agency Request Budget	2013-15 Governor's Budget	2013-15 Leg Adopted Budget
093-OTHER PERS ADJUSTMENTS- RANK 0 - 001-00-00-00000						
Other Funds	-	-	-	-	(26,426)	-
TOTAL OPERATING BUDGET (Policy Packages)						
Other Funds	-	-	-	-	(34,045)	-
TOTAL OPERATING BUDGET (Including Packages)						
Other Funds	2,159,597	2,502,044	2,502,044	2,667,844	2,614,968	-
AUTHORIZED POSITIONS	7	7	7	7	7	-
AUTHORIZED FTE	7.00	7.00	7.00	7.00	7.00	-
TOTAL BUDGET (Excluding Packages)						
Other Funds	2,159,597	2,502,044	2,502,044	2,590,868	2,585,418	-
AUTHORIZED POSITIONS	7	7	7	7	7	-
AUTHORIZED FTE	7.00	7.00	7.00	7.00	7.00	-
TOTAL BUDGET (Essential Packages)						
010-NON-PICS PSNL SVC / VACANCY FACTOR						
Other Funds	-	-	-	6,135	6,134	-
031-STANDARD INFLATION						
Other Funds	-	-	-	70,841	57,461	-
TOTAL BUDGET (Essential Packages)						
Other Funds	-	-	-	76,976	63,595	-
TOTAL BUDGET (Current Service Level)						
Other Funds	2,159,597	2,502,044	2,502,044	2,667,844	2,649,013	-
AUTHORIZED POSITIONS	7	7	7	7	7	-
AUTHORIZED FTE	7.00	7.00	7.00	7.00	7.00	-
TOTAL BUDGET (Policy Packages)						

Oregon Board of Dentistry **Agency Number: 83400**

Agencywide Appropriated Fund Group **Version: Y - 01 - Governor's Budget**
2013-15 Biennium

Description	2009-11 Actuals	2011-13 Leg Adopted Budget	2011-13 Leg Approved Budget	2013-15 Agency Request Budget	2013-15 Governor's Budget	2013-15 Leg Adopted Budget
091-STATEWIDE ADMINISTRATIVE SAVINGS- RANK 0 - 001-00-00-00000						
Other Funds	-	-	-	-	(4,316)	-
092-PERS TAXATION POLICY- RANK 0 - 001-00-00-00000						
Other Funds	-	-	-	-	(3,303)	-
093-OTHER PERS ADJUSTMENTS- RANK 0 - 001-00-00-00000						
Other Funds	-	-	-	-	(26,426)	-
TOTAL BUDGET (Policy Packages)						
Other Funds	-	-	-	-	(34,045)	-
TOTAL BUDGET (Including Packages)						
Other Funds	2,159,597	2,502,044	2,502,044	2,667,844	2,614,968	-
AUTHORIZED POSITIONS	7	7	7	7	7	-
AUTHORIZED FTE	7.00	7.00	7.00	7.00	7.00	-

Oregon Board of Dentistry *Agency Number: 83400*

Agencywide Program Unit Summary **Version: Y - 01 - Governor's Budget**
2013-15 Biennium

Summary Cross Reference Number	*Cross Reference Description*	*2009-11 Actuals*	*2011-13 Leg Adopted Budget*	*2011-13 Leg Approved Budget*	*2013-15 Agency Request Budget*	*2013-15 Governor's Budget*	*2013-15 Leg Adopted Budget*
001-00-00-00000	**Board of Dentistry**						
	Other Funds	2,159,597	2,502,044	2,502,044	2,667,844	2,614,968	-
TOTAL AGENCY							
	Other Funds	2,159,597	2,502,044	2,502,044	2,667,844	2,614,968	-

REVENUES

Source of Funds
The Board of Dentistry is funded solely by Other Funds received from license and application fees, renewal fees, permit fees, civil penalties and from the sale of labels, lists and public documents as allowed by law and interest on investments. All fees received are deposited in the State Treasury and are dedicated to the administration costs of the Board and the enforcement of ORS Chapter 679 and ORS Chapter 680.010 to 680.205. License and permit fees comprise 95% of all revenue collected by the Board.

Fee Policy
Fees charged by the Board are set in a manner that is fair and reasonable to sufficiently fund agency operations. Fees are designed so that revenues collected will not exceed the cost of administering the Board's programs and are established only after consultation with licensees, their professional associations and are subject to prior approval of the Department of Administrative Services and subsequently authorized by the Legislative Assembly. Fees were raised in 2011 to cover the cost of participating in the Health Professionals' Services Program (HPSP) as the Legislature no longer allows Health Professional Regulatory Boards from having independent programs.

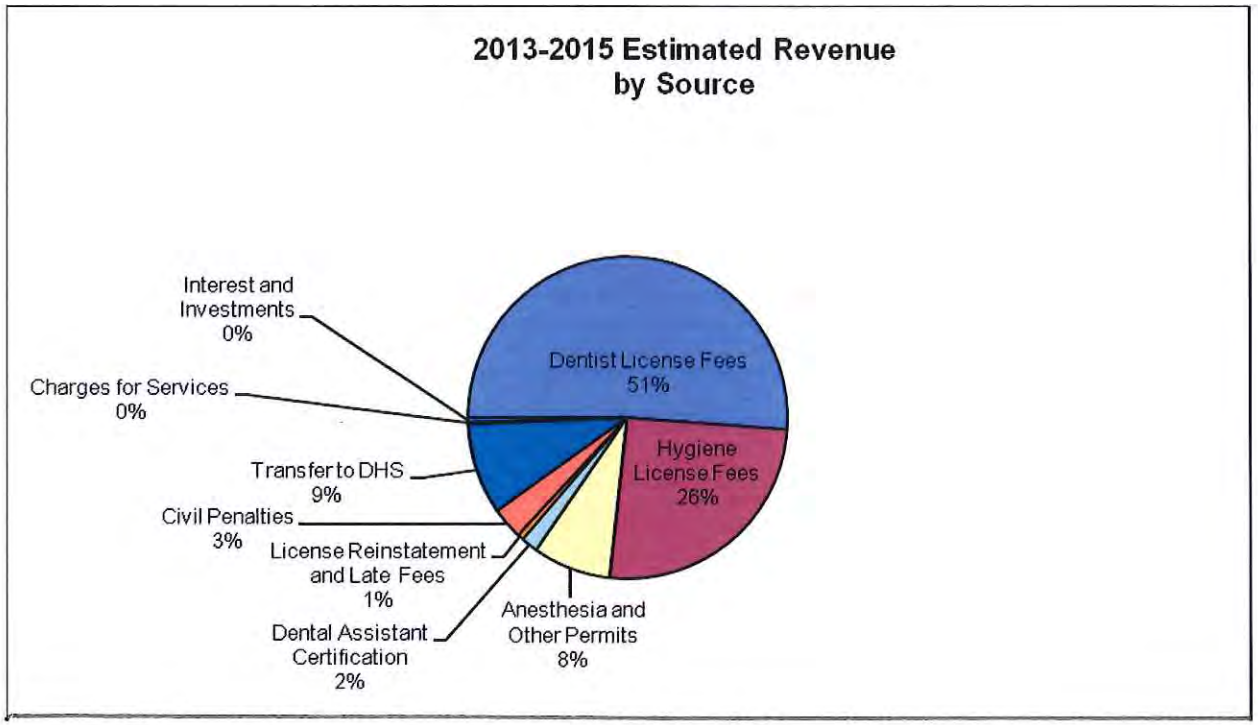
Basis for 2013-2015 Estimates
Revenue projections are based on the estimated number of application fees, license renewals, and anesthesia permits. Data used includes historical information on new licenses issued, the number of current active licenses and the average number of retirements and resignations per year.

Fees are primarily paid by dentists and dental hygienists already licensed or applying for a new license.

2013-2015 Estimated Revenue is based on the following numbers and rates:

	Rate	Number	Total	Total*
Application Fees:				
Dental – by examination or faculty license	$345.00	300	$103,500.00	No Change
Dental – by credential	$790.00	75	$59,250.00	No Change
Dental Hygiene – by examination	$180.00	315	$56,700.00	No Change
Dental Hygiene – by credential	$790.00	70	$55,300.00	No Change
License Fees (biennial/new and renewal):				
Dental	$315.00	3,700	$1,165,500.00	No Change
Dental Hygiene	$155.00	3,800	$589,000.00	No Change
Anesthesia Permits:				
Nitrous Oxide	$ 40.00	3,846	$153,840.00	No Change
Minimal Sedation	$ 75.00	115	$8,625.00	No Change
Moderate Sedation	$ 75.00	176	$ 13,200.00	No Change
Deep Sedation	$ 75.00	86	$6,450.00	No Change
General Anesthesia	$140.00	92	$ 12,880.00	No Change
			$2,457,200.00	No Change

The revenue sources in the table above represent 95% of estimated revenue for 2013-2015. The remaining 5% is derived from delinquent fees, charges for services such as public records requests, data processing information, verification of licensure, dental assistant certification and civil penalties and interest on investments. Sources and percent of total revenue are depicted in the chart on the next page.


2013-2015 Estimated Revenue
by Source
Interest and Investments 0%
Charges for Services 0%
Transfer to DHS 9%
Civil Penalties 3%
License Reinstatement and Late Fees 1%
Dental Assistant Certification 2%
Anesthesia and Other Permits 8%
Hygiene License Fees 26%
Dentist License Fees 51%

DETAIL OF LOTTERY FUNDS, OTHER FUNDS, AND FEDERAL FUNDS REVENUE

Oregon Board of Dentistry
2013-15 Biennium

Agency Number: 83400
Cross Reference Number: 83400-001-00-00-00000

Source	2009-11 Actuals	2011-13 Leg Adopted Budget	2011-13 Leg Approved Budget	2013-15 Agency Request Budget	2013-15 Governor's Budget	2013-15 Leg Adopted Budget
Other Funds						
Business Lic and Fees	2,027,688	2,327,200	2,327,200	2,405,500	2,405,500	-
Non-business Lic. and Fees	16,850	40,000	40,000	40,000	40,000	-
Charges for Services	-	5,000	5,000	5,000	5,000	-
Fines and Forfeitures	38,500	50,000	50,000	75,000	75,000	-
Interest Income	9,985	10,000	10,000	10,000	10,000	-
Other Revenues	25,301	25,000	25,000	25,305	25,305	-
Tsfr To Oregon Health Authority	(173,139)	(208,000)	(208,000)	(215,500)	(215,500)	-
Total Other Funds	**$1,945,185**	**$2,249,200**	**$2,249,200**	**$2,345,305**	**$2,345,305**	**-**

Oregon Board of Dentistry — **Agency Number: 83400**

Agencywide Revenues and Disbursements Summary — **Version: Y-01-Governor's Budget**

2013-15 Biennium

Description	2009-11 Actuals	2011-13 Leg Adopted Budget	2011-13 Leg Approved Budget	2013-15 Agency Request Budget	2013-15 Governor's Budget	2013-15 Leg Adopted Budget
BEGINNING BALANCE						
0025 Beginning Balance						
Other Funds	803,486	577,462	577,462	324,618	324,618	-
0030 Beginning Balance Adjustment						
Other Funds	-	-	-	11,612	11,612	-
TOTAL BEGINNING BALANCE						
Other Funds	803,486	577,462	577,462	336,230	336,230	-
REVENUE CATEGORIES						
LICENSES AND FEES						
0205 Business Lic and Fees						
Other Funds	2,027,688	2,327,200	2,327,200	2,405,500	2,405,500	-
0210 Non-business Lic. and Fees						
Other Funds	16,850	40,000	40,000	40,000	40,000	-
TOTAL LICENSES AND FEES						
Other Funds	2,044,538	2,367,200	2,367,200	2,445,500	2,445,500	-
CHARGES FOR SERVICES						
0410 Charges for Services						
Other Funds	-	5,000	5,000	5,000	5,000	-
FINES, RENTS AND ROYALTIES						
0505 Fines and Forfeitures						
Other Funds	38,500	50,000	50,000	75,000	75,000	-

Oregon Board of Dentistry — **Agency Number: 83400**

Agencywide Revenues and Disbursements Summary — **Version: Y-01-Governor's Budget**

2013-15 Biennium

Description	2009-11 Actuals	2011-13 Leg Adopted Budget	2011-13 Leg Approved Budget	2013-15 Agency Request Budget	2013-15 Governor's Budget	2013-15 Leg Adopted Budget
INTEREST EARNINGS						
0605 Interest Income						
Other Funds	9,985	10,000	10,000	10,000	10,000	-
OTHER						
0975 Other Revenues						
Other Funds	25,301	25,000	25,000	25,305	25,305	-
TOTAL REVENUES						
Other Funds	2,118,324	2,457,200	2,457,200	2,560,805	2,560,805	-
TRANSFERS OUT						
2443 Tsfr To Oregon Health Authority						
Other Funds	(173,139)	(208,000)	(208,000)	(215,500)	(215,500)	-
AVAILABLE REVENUES						
Other Funds	2,748,671	2,826,662	2,826,662	2,681,535	2,681,535	-
EXPENDITURES						
Other Funds	2,159,597	2,502,044	2,502,044	2,667,844	2,614,968	-
ENDING BALANCE						
Other Funds	589,074	324,618	324,618	13,691	66,567	-

BUDGET NARRATIVE

PROGRAM UNITS

For budget purposes, the Board of Dentistry is one operational unit and all major issues have been presented in the Agency Plans portion of this Budget Request.

The Agency Budget Request is based on revenue from existing fees and available cash balance. The Current Service Level budget was developed in accordance with Department of Administrative Services guidelines. Personal Services costs are automatically generated by State's computerized budget system (ORBITS) based on the salary level of incumbents. Services and Supplies line items have been calculated based on the standard inflation factor of 2.4% provided by DAS, or approved by DAS as an exception to the standard inflation rate (Attorney General, rent, State Government Service Charges).

ESSENTIAL PACKAGES

Essential Packages make budget adjustments.

Package 010: Non-PICS Personal Services

Package 010 calculates limitation needs for salary and per diem and pension bond related expenses that are not calculated by PICS (inflation factor on temporary appointments, mass transit tax and social security and new payments toward pension bonds). The total amount of this package is $6,135.00.

Package 020: One-time and Phased in Costs

None

Package 022: Phase-out Program & One-time costs

None

Package 031: Standard Inflation and Price Line Adjustments

Services and Supplies line items are projected at the standard inflation rate of 2.4% with some exceptions. Facilities Rental and Taxes increase has been calculated at the 4.3% allowed based on the current rental lease. Attorney General expenses have been increased by 11%. All exceptions have been reviewed and approved by the Department of Administrative Services prior to inclusion in the Board's Current Service Level Budget. These exceptions are discussed below. Total amount of this package is $57,461.00

- **State-Government Service Charges**
  This item is increased by $73,274 primarily due the changes in the Department of Administrative Services. The table below shows the Board's expenses for the items included in this category.

State Gov. Svc. Charges	2009-2011	2011-2013	2013 - 2015
Central Government	5,004	5,522	$6,271
DAS – Chief Operating Office			$1,849
DAS – Chief Financial Office			$5,000
DAS -Chief Human Resources Office			$1,765
DAS - Chief Information Office			$1,430
DAS – E-Government			$142
DAS - Procurement			$924
DAS – Shared Service			$50,574
Risk Mgmt/Property/Liability/Workers Comp	3,687	3,625	$3,686
DAS Service Charges	35,780	19,344	-0-
DAS User Fees (est.)	4,219	2,323	-0-
DAS State Data Center Charges		22,560	$740
DAS – Telecom Network			$12,662
DAS – Telecom Voice			$12,629
DAS –EHRS - PPDB			$11,172
DAS – EHRS - ILearn			$3,345
DAS – EGS Service Charges			$3,166
Secretary of State Administrative Rules	2,823	3,289	$1,960
Secretary of State Audits			$2,229
Secretary of State/Archives	1,501	1,806	$2,091
State Library/Law	496	533	$442
State Library	961	1,030	$630
Minorities, Women & ESB	250	232	$383
OAH Administrative Hearing Charges		9,418	19,700
	54,836	69,791	$143,065

Package 032: Above Standard Inflation
None

Package 060: Technical Adjustments:
An adjustment of $3,924.00 was made regarding the HPSP Program..

Package 086 Eliminate Inflation:
None

Package 087 Personal Service Adjustments:
None

Package 091 Statewide Administrative Savings:
The Governor's budget requires increased efficiency in the operation of state government, calls for additional savings in administrative expenditures, and allows for the reinvestment of some of the savings realized through efficiencies into agency programs or to other initiatives that will further improve the administrative operations of state government an decrease adjustment of $4,316.00 was made.

Package 092 PERS Taxation Policy:
A decrease adjustment of $3,303.00 was made.

Package 0937 Other PERS Adjustments:
A decrease adjustment of $26,426.00 was made

POLICY OPTION PACKAGES:
None

ESSENTIAL AND POLICY PACKAGE FISCAL IMPACT SUMMARY

Oregon Board of Dentistry
Pkg: 010 - Non-PICS Psnl Svc / Vacancy Factor

Cross Reference Name: Board of Dentistry
Cross Reference Number: 83400-001-00-00-00000

Description	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	All Funds
Personal Services							
Temporary Appointments	-	-	89	-	-	-	89
Overtime Payments	-	-	86	-	-	-	86
Public Employees' Retire Cont	-	-	16	-	-	-	16
Pension Obligation Bond	-	-	6,094	-	-	-	6,094
Social Security Taxes	-	-	14	-	-	-	14
Mass Transit Tax	-	-	(165)	-	-	-	(165)
Total Personal Services	**-**	**-**	**$6,134**	**-**	**-**	**-**	**$6,134**
Total Expenditures							
Total Expenditures	-	-	6,134	-	-	-	6,134
Total Expenditures	**-**	**-**	**$6,134**	**-**	**-**	**-**	**$6,134**
Ending Balance							
Ending Balance	-	-	(6,134)	-	-	-	(6,134)
Total Ending Balance	**-**	**-**	**($6,134)**	**-**	**-**	**-**	**($6,134)**

ESSENTIAL AND POLICY PACKAGE FISCAL IMPACT SUMMARY

Oregon Board of Dentistry
Pkg: 031 - Standard Inflation

Cross Reference Name: Board of Dentistry
Cross Reference Number: 83400-001-00-00-00000

Description	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	All Funds
Services & Supplies							
Instate Travel	-	-	1,120	-	-	-	1,120
Out of State Travel	-	-	592	-	-	-	592
Employee Training	-	-	159	-	-	-	159
Office Expenses	-	-	1,653	-	-	-	1,653
Telecommunications	-	-	(3,275)	-	-	-	(3,275)
State Gov. Service Charges	-	-	13,065	-	-	-	13,065
Data Processing	-	-	825	-	-	-	825
Publicity and Publications	-	-	314	-	-	-	314
Professional Services	-	-	400	-	-	-	400
IT Professional Services	-	-	784	-	-	-	784
Attorney General	-	-	28,100	-	-	-	28,100
Employee Recruitment and Develop	-	-	15	-	-	-	15
Dues and Subscriptions	-	-	151	-	-	-	151
Facilities Rental and Taxes	-	-	8,374	-	-	-	8,374
Facilities Maintenance	-	-	12	-	-	-	12
Agency Program Related S and S	-	-	3,959	-	-	-	3,959
Other Services and Supplies	-	-	967	-	-	-	967
Expendable Prop 250 - 5000	-	-	123	-	-	-	123
IT Expendable Property	-	-	123	-	-	-	123
Total Services & Supplies	-	-	**$57,461**	-	-	-	**$57,461**

ESSENTIAL AND POLICY PACKAGE FISCAL IMPACT SUMMARY

Oregon Board of Dentistry
Pkg: 031 - Standard Inflation

Cross Reference Name: Board of Dentistry
Cross Reference Number: 83400-001-00-00-00000

Description	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	All Funds
Total Expenditures							
Total Expenditures	-	-	57,461	-	-	-	57,461
Total Expenditures	**-**	**-**	**$57,461**	**-**	**-**	**-**	**$57,461**
Ending Balance							
Ending Balance	-	-	(57,461)	-	-	-	(57,461)
Total Ending Balance	**-**	**-**	**($57,461)**	**-**	**-**	**-**	**($57,461)**

ESSENTIAL AND POLICY PACKAGE FISCAL IMPACT SUMMARY

Oregon Board of Dentistry
Pkg: 060 - Technical Adjustments

Cross Reference Name: Board of Dentistry
Cross Reference Number: 83400-001-00-00-00000

Description	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	All Funds
Services & Supplies							
Office Expenses	-	-	11,585	-	-	-	11,585
Data Processing	-	-	5,400	-	-	-	5,400
Professional Services	-	-	(39,000)	-	-	-	(39,000)
IT Professional Services	-	-	22,015	-	-	-	22,015
Agency Program Related S and S	-	-	(3,924)	-	-	-	(3,924)
Total Services & Supplies	-	-	**($3,924)**	-	-	-	**($3,924)**
Special Payments							
Spc Pmt to Oregon Health Authority	-	-	3,924	-	-	-	3,924
Total Special Payments	-	-	**$3,924**	-	-	-	**$3,924**
Total Expenditures							
Total Expenditures	-	-	-	-	-	-	-
Total Expenditures	-	-	-	-	-	-	-
Ending Balance							
Ending Balance	-	-	-	-	-	-	-
Total Ending Balance	-	-	-	-	-	-	-

ESSENTIAL AND POLICY PACKAGE FISCAL IMPACT SUMMARY

Oregon Board of Dentistry
Pkg: 091 - Statewide Administrative Savings

Cross Reference Name: Board of Dentistry
Cross Reference Number: 83400-001-00-00-00000

Description	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	All Funds
Personal Services							
Undistributed (P.S.)	-	-	(2,496)	-	-	-	(2,496)
Total Personal Services	**-**	**-**	**($2,496)**	**-**	**-**	**-**	**($2,496)**
Services & Supplies							
Undistributed (S.S.)	-	-	(1,820)	-	-	-	(1,820)
Total Services & Supplies	**-**	**-**	**($1,820)**	**-**	**-**	**-**	**($1,820)**
Total Expenditures							
Total Expenditures	-	-	(4,316)	-	-	-	(4,316)
Total Expenditures	**-**	**-**	**($4,316)**	**-**	**-**	**-**	**($4,316)**
Ending Balance							
Ending Balance	-	-	4,316	-	-	-	4,316
Total Ending Balance	**-**	**-**	**$4,316**	**-**	**-**	**-**	**$4,316**

ESSENTIAL AND POLICY PACKAGE FISCAL IMPACT SUMMARY

Oregon Board of Dentistry
Pkg: 092 - PERS Taxation Policy

Cross Reference Name: Board of Dentistry
Cross Reference Number: 83400-001-00-00-00000

Description	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	All Funds
Personal Services							
PERS Policy Adjustment	-	-	(3,303)	-	-	-	(3,303)
Total Personal Services	**-**	**-**	**($3,303)**	**-**	**-**	**-**	**($3,303)**
Total Expenditures							
Total Expenditures	-	-	(3,303)	-	-	-	(3,303)
Total Expenditures	**-**	**-**	**($3,303)**	**-**	**-**	**-**	**($3,303)**
Ending Balance							
Ending Balance	-	-	3,303	-	-	-	3,303
Total Ending Balance	**-**	**-**	**$3,303**	**-**	**-**	**-**	**$3,303**

ESSENTIAL AND POLICY PACKAGE FISCAL IMPACT SUMMARY

Oregon Board of Dentistry
Pkg: 093 - Other PERS Adjustments

Cross Reference Name: Board of Dentistry
Cross Reference Number: 83400-001-00-00-00000

Description	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	All Funds
Personal Services							
PERS Policy Adjustment	-	-	(26,426)	-	-	-	(26,426)
Total Personal Services	**-**	**-**	**($26,426)**	**-**	**-**	**-**	**($26,426)**
Total Expenditures							
Total Expenditures	-	-	(26,426)	-	-	-	(26,426)
Total Expenditures	**-**	**-**	**($26,426)**	**-**	**-**	**-**	**($26,426)**
Ending Balance							
Ending Balance	-	-	26,426	-	-	-	26,426
Total Ending Balance	**-**	**-**	**$26,426**	**-**	**-**	**-**	**$26,426**

DETAIL OF LOTTERY FUNDS, OTHER FUNDS, AND FEDERAL FUNDS REVENUE

Oregon Board of Dentistry
2013-15 Biennium

Agency Number: 83400
Cross Reference Number: 83400-000-00-00-00000

Source	2009-11 Actuals	2011-13 Leg Adopted Budget	2011-13 Leg Approved Budget	2013-15 Agency Request Budget	2013-15 Governor's Budget	2013-15 Leg Adopted Budget
Other Funds						
Business Lic and Fees	2,027,688	2,327,200	2,327,200	2,405,500	2,405,500	-
Non-business Lic. and Fees	16,850	40,000	40,000	40,000	40,000	-
Charges for Services	-	5,000	5,000	5,000	5,000	-
Fines and Forfeitures	38,500	50,000	50,000	75,000	75,000	-
Interest Income	9,985	10,000	10,000	10,000	10,000	-
Other Revenues	25,301	25,000	25,000	25,305	25,305	-
Tsfr To Oregon Health Authority	(173,139)	(208,000)	(208,000)	(215,500)	(215,500)	-
Total Other Funds	**$1,945,185**	**$2,249,200**	**$2,249,200**	**$2,345,305**	**$2,345,305**	**-**

Oregon Board of Dentistry — *Agency Number: 83400*

Program Unit Appropriated Fund Group and Category Summary
2013-15 Biennium
Board of Dentistry

Version: Y - 01 - Governor's Budget
Cross Reference Number: 83400-001-00-00-00000

Description	2009-11 Actuals	2011-13 Leg Adopted Budget	2011-13 Leg Approved Budget	2013-15 Agency Request Budget	2013-15 Governor's Budget	2013-15 Leg Adopted Budget
LIMITED BUDGET (Excluding Packages)						
PERSONAL SERVICES						
Other Funds	1,206,681	1,314,603	1,314,603	1,403,427	1,397,977	-
SERVICES & SUPPLIES						
Other Funds	839,770	961,149	961,149	961,149	961,149	-
SPECIAL PAYMENTS						
Other Funds	113,146	226,292	226,292	226,292	226,292	-
TOTAL LIMITED BUDGET (Excluding Packages)						
Other Funds	2,159,597	2,502,044	2,502,044	2,590,868	2,585,418	-
AUTHORIZED POSITIONS	7	7	7	7	7	-
AUTHORIZED FTE	7.00	7.00	7.00	7.00	7.00	-
LIMITED BUDGET (Essential Packages)						
010 NON-PICS PSNL SVC / VACANCY FACTOR						
PERSONAL SERVICES						
Other Funds	-	-	-	6,135	6,134	-
031 STANDARD INFLATION						
SERVICES & SUPPLIES						
Other Funds	-	-	-	70,841	57,461	-
060 TECHNICAL ADJUSTMENTS						
SERVICES & SUPPLIES						
Other Funds	-	-	-	(3,924)	(3,924)	-

Oregon Board of Dentistry — *Agency Number: 83400*

Program Unit Appropriated Fund Group and Category Summary — **Version: Y - 01 - Governor's Budget**
2013-15 Biennium — **Cross Reference Number: 83400-001-00-00-00000**
Board of Dentistry

Description	2009-11 Actuals	2011-13 Leg Adopted Budget	2011-13 Leg Approved Budget	2013-15 Agency Request Budget	2013-15 Governor's Budget	2013-15 Leg Adopted Budget
SPECIAL PAYMENTS						
Other Funds	-	-	-	3,924	3,924	-
TOTAL LIMITED BUDGET (Essential Packages)						
Other Funds	-	-	-	76,976	63,595	-
LIMITED BUDGET (Current Service Level)						
Other Funds	2,159,597	2,502,044	2,502,044	2,667,844	2,649,013	-
AUTHORIZED POSITIONS	7	7	7	7	7	-
AUTHORIZED FTE	7.00	7.00	7.00	7.00	7.00	-
LIMITED BUDGET (Policy Packages)						
PRIORITY 0						
091 STATEWIDE ADMINISTRATIVE SAVINGS						
PERSONAL SERVICES						
Other Funds	-	-	-	-	(2,496)	-
SERVICES & SUPPLIES						
Other Funds	-	-	-	-	(1,820)	-
092 PERS TAXATION POLICY						
PERSONAL SERVICES						
Other Funds	-	-	-	-	(3,303)	-
093 OTHER PERS ADJUSTMENTS						
PERSONAL SERVICES						
Other Funds	-	-	-	-	(26,426)	-

Oregon Board of Dentistry — *Agency Number: 83400*

Program Unit Appropriated Fund Group and Category Summary — **Version: Y - 01 - Governor's Budget**
2013-15 Biennium — **Cross Reference Number: 83400-001-00-00-00000**
Board of Dentistry

Description	2009-11 Actuals	2011-13 Leg Adopted Budget	2011-13 Leg Approved Budget	2013-15 Agency Request Budget	2013-15 Governor's Budget	2013-15 Leg Adopted Budget
TOTAL LIMITED BUDGET (Policy Packages)						
Other Funds	-	-	-	-	(34,045)	-
TOTAL LIMITED BUDGET (Including Packages)						
Other Funds	2,159,597	2,502,044	2,502,044	2,667,844	2,614,968	-
AUTHORIZED POSITIONS	7	7	7	7	7	-
AUTHORIZED FTE	7.00	7.00	7.00	7.00	7.00	-
OPERATING BUDGET						
Other Funds	2,159,597	2,502,044	2,502,044	2,667,844	2,614,968	-
AUTHORIZED POSITIONS	7	7	7	7	7	-
AUTHORIZED FTE	7.00	7.00	7.00	7.00	7.00	-
TOTAL BUDGET						
Other Funds	2,159,597	2,502,044	2,502,044	2,667,844	2,614,968	-
AUTHORIZED POSITIONS	7	7	7	7	7	-
AUTHORIZED FTE	7.00	7.00	7.00	7.00	7.00	-

BUDGET NARRATIVE

Major Information Technology System Projects
None

Facility Proposal Impact on Work Space Requirements
None

Audit Response Report
A Secretary of State Audit was conducted for the period July 1, 2005, through December 31, 2007. The Final report was issued September 10, 2008.

Affirmative Action Report
Agency Affirmative Action Policy: The Board of Dentistry affirms and supports the Governor's Affirmative Action Plan and is dedicated to creating a work environment, which will attract and retain employees who represent the broadest possible spectrum of society including women, minorities and the disabled.

The Board of Dentistry will not tolerate discrimination or harassment on the basis of race, color, sex, marital status, religion, national origin, age, mental or physical disability, or any reason prohibited by state or federal statute.

The Board and its management further adopts and affirms the Governor's beliefs that the State has a commitment to the right of all persons to work and advance on the basis of merit, ability and potential.

The Board of Dentistry has seven positions budgeted at 7.0 FTE.

Status of 7.0 staff positions at August 1, 2012:

Official/Administrator	1.0 White/Male/over 40
Professional/Technical	3.0 White/Male/over 40
Administrative/Support	1.0 White/Male/over 40
	1.0 White/Female/over 40
	1.0 White/female/under 40

The ten members of the Board are appointed by the Governor and confirmed by the Senate to four-year terms. By statute, six members are licensed dentists, two are licensed hygienists and two are public members.

SB 786 – Diversity Report

Senate Bill 786 (ORS Chapter 973), passed by the 2001 Legislature, requires that the health professional regulatory boards listed in ORS 676.160 collect and maintain information regarding racial, ethnic and bilingual status of licensees and applicants and report to the 2003 Legislature. Provision of the information by licensees is voluntary.

This law was the result of a study performed by the Governor's Racial and Ethnic Health Task Force, which determined that access to health care by racial and ethnic minorities, is inadequate to address the chronic health issues these communities face. People of color and people with native languages other than English experience extreme difficulty accessing health services. Culturally competent health care providers are critical in providing appropriate health care and the collection of the information requested below will assist decision makers in developing programs to address the disparity in access to health care experienced by various communities.

In 2002, the Board participated in the Oregon Health Workforce Project conducted by OHSU, Area Health Education Centers Program, to determine the workforce and demographic makeup of several health care professions. Results of that survey are shown in the following tables:

Race	Dentists	Hygienists
American Indian/Alaska Native	.6%	.2%
Asian	8%	2%
Black or African American	.6%	0%
Native Hawaiian or other Pacific Islander	.2%	.4%
Multi-ethnic	1%	.5%
White (not Hispanic)	89%	96%
Other	1%	1%
Gender		
Female	14%	98%
Male	86%	2%

Languages Spoken	Dentists	Hygienists
Spanish	15%	7%
Chinese	2%	.2%
Vietnamese	2%	1%
Russian	1%	1%
Korean	.4%	.1%
Cambodian	.1%	0%
Laotian	0%	0%
English	74%	89%

To comply with the requirements of SB 786, a survey instrument was developed in collaboration with other health licensing boards in late 2001. The Board of Dentistry decided that the most economical way to gather this information would be to include the survey with renewal applications. Approximately one-half of all licensees renew their licenses each year. (Dentists renew their licenses every two years by March 30 based on even or odd-numbered year of issue and Dental Hygiene licenses are renewed by September 30 in the same manner.) For the purposes of compliance with the requirements of SB 786, it will take two years to complete the survey of all licensees.

In January 2002, the survey was included in the renewal mailings for all licensees during the 2 year renewal cycle which ended September 30, 2003, a total of 3,478 licensees responded. Effective January 2002, the survey form was included in application packets for new licenses. The following is an update table of all responses through July 1, 2006.

Results of OBD surveys returned as of July 1, 2012:

Race	Total	% of those Responding	Speak a language other than English
American Indian/Alaska Native	33	.004%	8
Asian/Pacific Islander	311	3.5%	198
Black (not Hispanic)	15	.002%	2
Hispanic	90	.009%	59
Other (Multi-ethnic)	31	.004%	12
White (not Hispanic)	3315	44%	416
Not specific	3946	50%	13
Total	7741		708

BUDGET NARRATIVE

In addition to implementation of the survey, the Board has met with the Oregon Dental Association and the Dean of the OHSU School of Dentistry to discuss ways in which these three organizations can partner to advance the purposes of SB 786 in attracting people of ethnic and racial background to the professions of dentistry and dental hygiene. Several meetings have also been held with representatives of the affected licensing boards, the Office of Multicultural Health, Department of Administrative Services Diversity Outreach and Executive Recruitment section. Representatives from the Commission on Black Affairs, Commission on Asian Affairs and Commission on Indian Services were also invited to attend. Discussions were conducted to develop strategies for collaborative outreach efforts to recruit Board members from ethnic and racially diverse populations and to educate these populations about opportunities in health professional careers.

Oregon Board of Dentistry

Summary Cross Reference Listing and Packages
2013-15 Biennium

Agency Number: 83400
BAM Analyst: Ball, Dustin
Budget Coordinator: Carson-Phillips, Jenny - (503)373-0257

Cross Reference Number	Cross Reference Description	Package Number	Priority	Package Description	Package Group
001-00-00-00000	Board of Dentistry	010	0	Non-PICS Psnl Svc / Vacancy Factor	Essential Packages
001-00-00-00000	Board of Dentistry	021	0	Phase-in	Essential Packages
001-00-00-00000	Board of Dentistry	022	0	Phase-out Pgm & One-time Costs	Essential Packages
001-00-00-00000	Board of Dentistry	031	0	Standard Inflation	Essential Packages
001-00-00-00000	Board of Dentistry	032	0	Above Standard Inflation	Essential Packages
001-00-00-00000	Board of Dentistry	033	0	Exceptional Inflation	Essential Packages
001-00-00-00000	Board of Dentistry	050	0	Fundshifts	Essential Packages
001-00-00-00000	Board of Dentistry	060	0	Technical Adjustments	Essential Packages
001-00-00-00000	Board of Dentistry	070	0	Revenue Shortfalls	Policy Packages
001-00-00-00000	Board of Dentistry	082	0	September 2012 E-Board	Policy Packages
001-00-00-00000	Board of Dentistry	083	0	December 2012 E-Board	Policy Packages
001-00-00-00000	Board of Dentistry	090	0	Analyst Adjustments	Policy Packages
001-00-00-00000	Board of Dentistry	091	0	Statewide Administrative Savings	Policy Packages
001-00-00-00000	Board of Dentistry	092	0	PERS Taxation Policy	Policy Packages
001-00-00-00000	Board of Dentistry	093	0	Other PERS Adjustments	Policy Packages

Oregon Board of Dentistry

Policy Package List by Priority
2013-15 Biennium

Agency Number: 83400
BAM Analyst: Ball, Dustin
Budget Coordinator: Carson-Phillips, Jenny - (503)373-0257

Priority	Policy Pkg Number	Policy Pkg Description	Summary Cross Reference Number	Cross Reference Description
0	070	Revenue Shortfalls	001-00-00-00000	Board of Dentistry
	082	September 2012 E-Board	001-00-00-00000	Board of Dentistry
	083	December 2012 E-Board	001-00-00-00000	Board of Dentistry
	090	Analyst Adjustments	001-00-00-00000	Board of Dentistry
	091	Statewide Administrative Savings	001-00-00-00000	Board of Dentistry
	092	PERS Taxation Policy	001-00-00-00000	Board of Dentistry
	093	Other PERS Adjustments	001-00-00-00000	Board of Dentistry

Oregon Board of Dentistry — **Agency Number: 83400**

Budget Support - Detail Revenues and Expenditures — **Cross Reference Number: 83400-000-00-00-00000**

2013-15 Biennium

Oregon Board of Dentistry

Description	2009-11 Actuals	2011-13 Leg Adopted Budget	2011-13 Leg Approved Budget	2013-15 Agency Request Budget	2013-15 Governor's Budget	2013-15 Leg Adopted Budget
BEGINNING BALANCE						
0025 Beginning Balance						
3400 Other Funds Ltd	803,486	577,462	577,462	324,618	324,618	-
0030 Beginning Balance Adjustment						
3400 Other Funds Ltd	-	-	-	11,612	11,612	-
BEGINNING BALANCE						
3400 Other Funds Ltd	803,486	577,462	577,462	336,230	336,230	-
TOTAL BEGINNING BALANCE	**$803,486**	**$577,462**	**$577,462**	**$336,230**	**$336,230**	**-**
REVENUE CATEGORIES						
LICENSES AND FEES						
0205 Business Lic and Fees						
3400 Other Funds Ltd	2,027,688	2,327,200	2,327,200	2,405,500	2,405,500	-
0210 Non-business Lic. and Fees						
3400 Other Funds Ltd	16,850	40,000	40,000	40,000	40,000	-
LICENSES AND FEES						
3400 Other Funds Ltd	2,044,538	2,367,200	2,367,200	2,445,500	2,445,500	-
TOTAL LICENSES AND FEES	**$2,044,538**	**$2,367,200**	**$2,367,200**	**$2,445,500**	**$2,445,500**	**-**
CHARGES FOR SERVICES						
0410 Charges for Services						
3400 Other Funds Ltd	-	5,000	5,000	5,000	5,000	-
FINES, RENTS AND ROYALTIES						
0505 Fines and Forfeitures						
3400 Other Funds Ltd	38,500	50,000	50,000	75,000	75,000	-

Oregon Board of Dentistry — **Agency Number: 83400**

Budget Support - Detail Revenues and Expenditures — **Cross Reference Number: 83400-000-00-00-00000**

2013-15 Biennium

Oregon Board of Dentistry

Description	2009-11 Actuals	2011-13 Leg Adopted Budget	2011-13 Leg Approved Budget	2013-15 Agency Request Budget	2013-15 Governor's Budget	2013-15 Leg Adopted Budget
INTEREST EARNINGS						
0605 Interest Income						
3400 Other Funds Ltd	9,985	10,000	10,000	10,000	10,000	-
OTHER						
0975 Other Revenues						
3400 Other Funds Ltd	25,301	25,000	25,000	25,305	25,305	-
REVENUE CATEGORIES						
3400 Other Funds Ltd	2,118,324	2,457,200	2,457,200	2,560,805	2,560,805	-
TOTAL REVENUE CATEGORIES	$2,118,324	$2,457,200	$2,457,200	$2,560,805	$2,560,805	-
TRANSFERS OUT						
2443 Tsfr To Oregon Health Authority						
3400 Other Funds Ltd	(173,139)	(208,000)	(208,000)	(215,500)	(215,500)	-
AVAILABLE REVENUES						
3400 Other Funds Ltd	2,748,671	2,826,662	2,826,662	2,681,535	2,681,535	-
TOTAL AVAILABLE REVENUES	$2,748,671	$2,626,662	$2,826,662	$2,681,535	$2,681,535	-
EXPENDITURES						
PERSONAL SERVICES						
SALARIES & WAGES						
3110 Class/Unclass Sal. and Per Diem						
3400 Other Funds Ltd	837,251	922,824	922,824	895,320	895,320	-
3160 Temporary Appointments						
3400 Other Funds Ltd	-	3,717	3,717	3,806	3,806	-
3170 Overtime Payments						

Oregon Board of Dentistry — **Agency Number: 83400**

Budget Support - Detail Revenues and Expenditures — **Cross Reference Number: 83400-000-00-00-00000**
2013-15 Biennium
Oregon Board of Dentistry

Description	2009-11 Actuals	2011-13 Leg Adopted Budget	2011-13 Leg Approved Budget	2013-15 Agency Request Budget	2013-15 Governor's Budget	2013-15 Leg Adopted Budget
3400 Other Funds Ltd	4,579	3,575	3,575	3,661	3,661	-
SALARIES & WAGES						
3400 Other Funds Ltd	841,830	930,116	930,116	902,787	902,787	-
TOTAL SALARIES & WAGES	**$841,830**	**$930,116**	**$930,116**	**$902,787**	**$902,787**	**-**
OTHER PAYROLL EXPENSES						
3210 Empl. Rel. Bd. Assessments						
3400 Other Funds Ltd	210	287	287	280	280	-
3220 Public Employees' Retire Cont						
3400 Other Funds Ltd	67,055	123,464	123,464	162,931	158,162	-
3221 Pension Obligation Bond						
3400 Other Funds Ltd	47,319	49,432	49,432	55,526	55,526	-
3230 Social Security Taxes						
3400 Other Funds Ltd	63,871	71,160	71,160	68,513	69,070	-
3250 Worker's Comp. Assess. (WCD)						
3400 Other Funds Ltd	374	413	413	413	413	-
3260 Mass Transit Tax						
3400 Other Funds Ltd	4,771	5,581	5,581	5,416	5,416	-
3270 Flexible Benefits						
3400 Other Funds Ltd	181,251	210,672	210,672	213,696	213,696	-
OTHER PAYROLL EXPENSES						
3400 Other Funds Ltd	364,851	461,009	461,009	506,775	502,563	-
TOTAL OTHER PAYROLL EXPENSES	**$364,851**	**$461,009**	**$461,009**	**$506,775**	**$502,563**	**-**
P.S. BUDGET ADJUSTMENTS						

Oregon Board of Dentistry — **Agency Number: 83400**

Budget Support - Detail Revenues and Expenditures — **Cross Reference Number: 83400-000-00-00-00000**
2013-15 Biennium
Oregon Board of Dentistry

Description	2009-11 Actuals	2011-13 Leg Adopted Budget	2011-13 Leg Approved Budget	2013-15 Agency Request Budget	2013-15 Governor's Budget	2013-15 Leg Adopted Budget
3465 Reconciliation Adjustment						
3400 Other Funds Ltd	-	(76,522)	(76,522)	-	(1,239)	-
3470 Undistributed (P.S.)						
3400 Other Funds Ltd	-	-	-	-	(2,496)	-
3991 PERS Policy Adjustment						
3400 Other Funds Ltd	-	-	-	-	(29,729)	-
P.S. BUDGET ADJUSTMENTS						
3400 Other Funds Ltd	-	(76,522)	(76,522)	-	(33,464)	-
TOTAL P.S. BUDGET ADJUSTMENTS	**-**	**($76,522)**	**($76,522)**	**-**	**($33,464)**	**-**
PERSONAL SERVICES						
3400 Other Funds Ltd	1,206,681	1,314,603	1,314,603	1,409,562	1,371,886	-
TOTAL PERSONAL SERVICES	**$1,206,681**	**$1,314,603**	**$1,314,603**	**$1,409,562**	**$1,371,886**	**-**
SERVICES & SUPPLIES						
4100 Instate Travel						
3400 Other Funds Ltd	44,444	46,655	46,655	47,775	47,775	-
4125 Out of State Travel						
3400 Other Funds Ltd	29,229	24,672	24,672	25,264	25,264	-
4150 Employee Training						
3400 Other Funds Ltd	7,584	6,617	6,617	6,776	6,776	-
4175 Office Expenses						
3400 Other Funds Ltd	88,756	90,445	90,445	82,098	82,098	-
4200 Telecommunications						
3400 Other Funds Ltd	24,235	8,557	8,557	26,375	22,482	-

Oregon Board of Dentistry — **Agency Number: 83400**

Budget Support - Detail Revenues and Expenditures — **Cross Reference Number: 83400-000-00-00-00000**

2013-15 Biennium

Oregon Board of Dentistry

Description	2009-11 Actuals	2011-13 Leg Adopted Budget	2011-13 Leg Approved Budget	2013-15 Agency Request Budget	2013-15 Governor's Budget	2013-15 Leg Adopted Budget
4225 State Gov. Service Charges						
3400 Other Funds Ltd	79,232	78,170	78,170	98,637	91,235	-
4250 Data Processing						
3400 Other Funds Ltd	-	-	-	5,400	6,225	-
4275 Publicity and Publications						
3400 Other Funds Ltd	10,922	3,084	3,084	13,398	13,398	-
4300 Professional Services						
3400 Other Funds Ltd	123,332	118,219	118,219	82,529	79,619	-
4315 IT Professional Services						
3400 Other Funds Ltd	26,100	27,985	27,985	50,784	50,784	-
4325 Attorney General						
3400 Other Funds Ltd	143,640	188,592	188,592	216,692	216,692	-
4375 Employee Recruitment and Develop						
3400 Other Funds Ltd	-	621	621	636	636	-
4400 Dues and Subscriptions						
3400 Other Funds Ltd	8,041	6,276	6,276	6,427	6,427	-
4425 Facilities Rental and Taxes						
3400 Other Funds Ltd	134,691	139,571	139,571	147,945	147,945	-
4475 Facilities Maintenance						
3400 Other Funds Ltd	795	514	514	526	526	-
4575 Agency Program Related S and S						
3400 Other Funds Ltd	61,184	204,207	204,207	165,011	165,011	-
4650 Other Services and Supplies						

Oregon Board of Dentistry — **Agency Number: 83400**

Budget Support - Detail Revenues and Expenditures — **Cross Reference Number: 83400-000-00-00-00000**

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Oregon Board of Dentistry

Description	2009-11 Actuals	2011-13 Leg Adopted Budget	2011-13 Leg Approved Budget	2013-15 Agency Request Budget	2013-15 Governor's Budget	2013-15 Leg Adopted Budget
3400 Other Funds Ltd	40,701	6,684	6,684	41,267	41,267	-
4675 Undistributed (S.S.)						
3400 Other Funds Ltd	-	-	-	-	(1,820)	-
4700 Expendable Prop 250 - 5000						
3400 Other Funds Ltd	1,373	5,140	5,140	5,263	5,263	-
4715 IT Expendable Property						
3400 Other Funds Ltd	15,511	5,140	5,140	5,263	5,263	-
SERVICES & SUPPLIES						
3400 Other Funds Ltd	839,770	961,149	961,149	1,028,066	1,012,866	-
TOTAL SERVICES & SUPPLIES	**$839,770**	**$961,149**	**$961,149**	**$1,028,066**	**$1,012,866**	**-**
SPECIAL PAYMENTS						
6443 Spc Pmt to Oregon Health Authority						
3400 Other Funds Ltd	113,146	226,292	226,292	230,216	230,216	-
EXPENDITURES						
3400 Other Funds Ltd	2,159,597	2,502,044	2,502,044	2,667,844	2,614,968	-
TOTAL EXPENDITURES	**$2,159,597**	**$2,502,044**	**$2,502,044**	**$2,667,844**	**$2,614,968**	**-**
ENDING BALANCE						
3400 Other Funds Ltd	589,074	324,618	324,618	13,691	66,567	-
TOTAL ENDING BALANCE	**$589,074**	**$324,618**	**$324,618**	**$13,691**	**$66,567**	**-**
AUTHORIZED POSITIONS						
8150 Class/Unclass Positions	7	7	7	7	7	-
TOTAL AUTHORIZED POSITIONS	**7**	**7**	**7**	**7**	**7**	**-**
AUTHORIZED FTE						

Oregon Board of Dentistry **Agency Number: 83400**

Budget Support - Detail Revenues and Expenditures **Cross Reference Number: 83400-000-00-00-00000**
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Oregon Board of Dentistry

Description	2009-11 Actuals	2011-13 Leg Adopted Budget	2011-13 Leg Approved Budget	2013-15 Agency Request Budget	2013-15 Governor's Budget	2013-15 Leg Adopted Budget
8250 Class/Unclass FTE Positions	7.00	7.00	7.00	7.00	7.00	-
TOTAL AUTHORIZED FTE	**7.00**	**7.00**	**7.00**	**7.00**	**7.00**	-

Oregon Board of Dentistry — **Agency Number: 83400**

Budget Support - Detail Revenues and Expenditures — **Cross Reference Number: 83400-001-00-00-00000**
2013-15 Biennium
Board of Dentistry

Description	2009-11 Actuals	2011-13 Leg Adopted Budget	2011-13 Leg Approved Budget	2013-15 Agency Request Budget	2013-15 Governor's Budget	2013-15 Leg Adopted Budget
BEGINNING BALANCE						
0025 Beginning Balance						
3400 Other Funds Ltd	803,486	577,462	577,462	324,618	324,618	-
0030 Beginning Balance Adjustment						
3400 Other Funds Ltd	-	-	-	11,612	11,612	-
BEGINNING BALANCE						
3400 Other Funds Ltd	803,486	577,462	577,462	336,230	336,230	-
TOTAL BEGINNING BALANCE	**$803,486**	**$577,462**	**$577,462**	**$336,230**	**$336,230**	**-**
REVENUE CATEGORIES						
LICENSES AND FEES						
0205 Business Lic and Fees						
3400 Other Funds Ltd	2,027,688	2,327,200	2,327,200	2,405,500	2,405,500	-
0210 Non-business Lic. and Fees						
3400 Other Funds Ltd	16,850	40,000	40,000	40,000	40,000	-
LICENSES AND FEES						
3400 Other Funds Ltd	2,044,538	2,367,200	2,367,200	2,445,500	2,445,500	-
TOTAL LICENSES AND FEES	**$2,044,538**	**$2,367,200**	**$2,367,200**	**$2,445,500**	**$2,445,500**	**-**
CHARGES FOR SERVICES						
0410 Charges for Services						
3400 Other Funds Ltd	-	5,000	5,000	5,000	5,000	-
FINES, RENTS AND ROYALTIES						
0505 Fines and Forfeitures						
3400 Other Funds Ltd	38,500	50,000	50,000	75,000	75,000	-

Oregon Board of Dentistry — **Agency Number: 83400**

Budget Support - Detail Revenues and Expenditures — **Cross Reference Number: 83400-001-00-00-00000**

2013-15 Biennium

Board of Dentistry

Description	2009-11 Actuals	2011-13 Leg Adopted Budget	2011-13 Leg Approved Budget	2013-15 Agency Request Budget	2013-15 Governor's Budget	2013-15 Leg Adopted Budget
INTEREST EARNINGS						
0605 Interest Income						
3400 Other Funds Ltd	9,985	10,000	10,000	10,000	10,000	-
OTHER						
0975 Other Revenues						
3400 Other Funds Ltd	25,301	25,000	25,000	25,305	25,305	-
REVENUE CATEGORIES						
3400 Other Funds Ltd	2,118,324	2,457,200	2,457,200	2,560,805	2,560,805	-
TOTAL REVENUE CATEGORIES	$2,118,324	$2,457,200	$2,457,200	$2,560,805	$2,560,805	-
TRANSFERS OUT						
2443 Tsfr To Oregon Health Authority						
3400 Other Funds Ltd	(173,139)	(208,000)	(208,000)	(215,500)	(215,500)	-
AVAILABLE REVENUES						
3400 Other Funds Ltd	2,748,671	2,826,662	2,826,662	2,681,535	2,681,535	-
TOTAL AVAILABLE REVENUES	$2,748,671	$2,826,662	$2,826,662	$2,681,535	$2,681,535	-
EXPENDITURES						
PERSONAL SERVICES						
SALARIES & WAGES						
3110 Class/Unclass Sal. and Per Diem						
3400 Other Funds Ltd	837,251	922,824	922,824	895,320	895,320	-
3160 Temporary Appointments						
3400 Other Funds Ltd	-	3,717	3,717	3,806	3,806	-
3170 Overtime Payments						

Oregon Board of Dentistry — **Agency Number: 83400**

Budget Support - Detail Revenues and Expenditures — **Cross Reference Number: 83400-001-00-00-00000**

2013-15 Biennium

Board of Dentistry

Description	2009-11 Actuals	2011-13 Leg Adopted Budget	2011-13 Leg Approved Budget	2013-15 Agency Request Budget	2013-15 Governor's Budget	2013-15 Leg Adopted Budget
3400 Other Funds Ltd	4,579	3,575	3,575	3,661	3,661	-
SALARIES & WAGES						
3400 Other Funds Ltd	841,830	930,116	930,116	902,787	902,787	-
TOTAL SALARIES & WAGES	**$841,830**	**$930,116**	**$930,116**	**$902,787**	**$902,787**	**-**
OTHER PAYROLL EXPENSES						
3210 Empl. Rel. Bd. Assessments						
3400 Other Funds Ltd	210	287	287	280	280	-
3220 Public Employees' Retire Cont						
3400 Other Funds Ltd	67,055	123,464	123,464	162,931	158,162	-
3221 Pension Obligation Bond						
3400 Other Funds Ltd	47,319	49,432	49,432	55,526	55,526	-
3230 Social Security Taxes						
3400 Other Funds Ltd	63,871	71,160	71,160	68,513	69,070	-
3250 Worker's Comp. Assess. (WCD)						
3400 Other Funds Ltd	374	413	413	413	413	-
3260 Mass Transit Tax						
3400 Other Funds Ltd	4,771	5,581	5,581	5,416	5,416	-
3270 Flexible Benefits						
3400 Other Funds Ltd	181,251	210,672	210,672	213,696	213,696	-
OTHER PAYROLL EXPENSES						
3400 Other Funds Ltd	364,851	461,009	461,009	506,775	502,563	-
TOTAL OTHER PAYROLL EXPENSES	**$364,851**	**$461,009**	**$461,009**	**$506,775**	**$502,563**	**-**
P.S. BUDGET ADJUSTMENTS						

Oregon Board of Dentistry — **Agency Number: 83400**

Budget Support - Detail Revenues and Expenditures — **Cross Reference Number: 83400-001-00-00-00000**
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Board of Dentistry

Description	2009-11 Actuals	2011-13 Leg Adopted Budget	2011-13 Leg Approved Budget	2013-15 Agency Request Budget	2013-15 Governor's Budget	2013-15 Leg Adopted Budget
3465 Reconciliation Adjustment						
3400 Other Funds Ltd	-	(76,522)	(76,522)	-	(1,239)	-
3470 Undistributed (P.S.)						
3400 Other Funds Ltd	-	-	-	-	(2,496)	-
3991 PERS Policy Adjustment						
3400 Other Funds Ltd	-	-	-	-	(29,729)	-
P.S. BUDGET ADJUSTMENTS						
3400 Other Funds Ltd	-	(76,522)	(76,522)	-	(33,464)	-
TOTAL P.S. BUDGET ADJUSTMENTS	**-**	**($76,522)**	**($76,522)**	**-**	**($33,464)**	**-**
PERSONAL SERVICES						
3400 Other Funds Ltd	1,206,681	1,314,603	1,314,603	1,409,562	1,371,886	-
TOTAL PERSONAL SERVICES	**$1,206,681**	**$1,314,603**	**$1,314,603**	**$1,409,562**	**$1,371,886**	**-**
SERVICES & SUPPLIES						
4100 Instate Travel						
3400 Other Funds Ltd	44,444	46,655	46,655	47,775	47,775	-
4125 Out of State Travel						
3400 Other Funds Ltd	29,229	24,672	24,672	25,264	25,264	-
4150 Employee Training						
3400 Other Funds Ltd	7,584	6,617	6,617	6,776	6,776	-
4175 Office Expenses						
3400 Other Funds Ltd	88,756	90,445	90,445	82,098	82,098	-
4200 Telecommunications						
3400 Other Funds Ltd	24,235	8,557	8,557	26,375	22,482	-

Oregon Board of Dentistry — **Agency Number: 83400**

Budget Support - Detail Revenues and Expenditures — **Cross Reference Number: 83400-001-00-00-00000**

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Board of Dentistry

Description	2009-11 Actuals	2011-13 Leg Adopted Budget	2011-13 Leg Approved Budget	2013-15 Agency Request Budget	2013-15 Governor's Budget	2013-15 Leg Adopted Budget
4225 State Gov. Service Charges						
3400 Other Funds Ltd	79,232	78,170	78,170	98,637	91,235	-
4250 Data Processing						
3400 Other Funds Ltd	-	-	-	5,400	6,225	-
4275 Publicity and Publications						
3400 Other Funds Ltd	10,922	3,084	3,084	13,398	13,398	-
4300 Professional Services						
3400 Other Funds Ltd	123,332	118,219	118,219	82,529	79,619	-
4315 IT Professional Services						
3400 Other Funds Ltd	26,100	27,985	27,985	50,784	50,784	-
4325 Attorney General						
3400 Other Funds Ltd	143,640	188,592	188,592	216,692	216,692	-
4375 Employee Recruitment and Develop						
3400 Other Funds Ltd	-	621	621	636	636	-
4400 Dues and Subscriptions						
3400 Other Funds Ltd	8,041	6,276	6,276	6,427	6,427	-
4425 Facilities Rental and Taxes						
3400 Other Funds Ltd	134,691	139,571	139,571	147,945	147,945	-
4475 Facilities Maintenance						
3400 Other Funds Ltd	795	514	514	526	526	-
4575 Agency Program Related S and S						
3400 Other Funds Ltd	61,184	204,207	204,207	165,011	165,011	-
4650 Other Services and Supplies						

Oregon Board of Dentistry — **Agency Number: 83400**

Budget Support - Detail Revenues and Expenditures — **Cross Reference Number: 83400-001-00-00-00000**

2013-15 Biennium

Board of Dentistry

Description	2009-11 Actuals	2011-13 Leg Adopted Budget	2011-13 Leg Approved Budget	2013-15 Agency Request Budget	2013-15 Governor's Budget	2013-15 Leg Adopted Budget
3400 Other Funds Ltd	40,701	6,684	6,684	41,267	41,267	-
4675 Undistributed (S.S.)						
3400 Other Funds Ltd	-	-	-	-	(1,820)	-
4700 Expendable Prop 250 - 5000						
3400 Other Funds Ltd	1,373	5,140	5,140	5,263	5,263	-
4715 IT Expendable Property						
3400 Other Funds Ltd	15,511	5,140	5,140	5,263	5,263	-
SERVICES & SUPPLIES						
3400 Other Funds Ltd	839,770	961,149	961,149	1,028,066	1,012,866	-
TOTAL SERVICES & SUPPLIES	**$839,770**	**$961,149**	**$961,149**	**$1,028,066**	**$1,012,866**	**-**
SPECIAL PAYMENTS						
6443 Spc Pmt to Oregon Health Authority						
3400 Other Funds Ltd	113,146	226,292	226,292	230,216	230,216	-
EXPENDITURES						
3400 Other Funds Ltd	2,159,597	2,502,044	2,502,044	2,667,844	2,614,968	-
TOTAL EXPENDITURES	**$2,159,597**	**$2,502,044**	**$2,502,044**	**$2,667,844**	**$2,614,968**	**-**
ENDING BALANCE						
3400 Other Funds Ltd	589,074	324,618	324,618	13,691	66,567	-
TOTAL ENDING BALANCE	**$589,074**	**$324,618**	**$324,618**	**$13,691**	**$66,567**	**-**
AUTHORIZED POSITIONS						
8150 Class/Unclass Positions	7	7	7	7	7	-
TOTAL AUTHORIZED POSITIONS	7	7	7	7	7	-
AUTHORIZED FTE						

Oregon Board of Dentistry **Agency Number: 83400**

Budget Support - Detail Revenues and Expenditures **Cross Reference Number: 83400-001-00-00-00000**
2013-15 Biennium
Board of Dentistry

Description	2009-11 Actuals	2011-13 Leg Adopted Budget	2011-13 Leg Approved Budget	2013-15 Agency Request Budget	2013-15 Governor's Budget	2013-15 Leg Adopted Budget
8250 Class/Unclass FTE Positions	7.00	7.00	7.00	7.00	7.00	-
TOTAL AUTHORIZED FTE	**7.00**	**7.00**	**7.00**	**7.00**	**7.00**	**-**

Oregon Board of Dentistry — **Agency Number: 83400**

Version / Column Comparison Report - Detail — **Cross Reference Number:83400-001-00-00-00000**
2013-15 Biennium
Board of Dentistry

Description	Agency Request Budget (V-01) 2013-15 Base Budget	Governor's Budget (Y-01) 2013-15 Base Budget	Column 2 minus Column 1	% Change from Column 1 to Column 2
	Column 1	Column 2		
BEGINNING BALANCE				
0025 Beginning Balance				
3400 Other Funds Ltd	324,618	324,618	0	-
0030 Beginning Balance Adjustment				
3400 Other Funds Ltd	11,612	11,612	0	-
TOTAL BEGINNING BALANCE				
3400 Other Funds Ltd	336,230	336,230	0	-
REVENUE CATEGORIES				
LICENSES AND FEES				
0205 Business Lic and Fees				
3400 Other Funds Ltd	2,405,500	2,405,500	0	-
0210 Non-business Lic. and Fees				
3400 Other Funds Ltd	40,000	40,000	0	-
TOTAL LICENSES AND FEES				
3400 Other Funds Ltd	2,445,500	2,445,500	0	-
CHARGES FOR SERVICES				
0410 Charges for Services				
3400 Other Funds Ltd	5,000	5,000	0	-
FINES, RENTS AND ROYALTIES				
0505 Fines and Forfeitures				
3400 Other Funds Ltd	75,000	75,000	0	-
INTEREST EARNINGS				
0605 Interest Income				
3400 Other Funds Ltd	10,000	10,000	0	-

Oregon Board of Dentistry *Agency Number: 83400*

Version / Column Comparison Report - Detail
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Board of Dentistry

Cross Reference Number:83400-001-00-00-00000

Description	Agency Request Budget (V-01) 2013-15 Base Budget	Governor's Budget (Y-01) 2013-15 Base Budget	Column 2 minus Column 1	% Change from Column 1 to Column 2
	Column 1	Column 2		
OTHER				
0975 Other Revenues				
3400 Other Funds Ltd	25,305	25,305	0	-
TOTAL REVENUES				
3400 Other Funds Ltd	2,560,805	2,560,805	0	-
TRANSFERS OUT				
2443 Tsfr To Oregon Health Authority				
3400 Other Funds Ltd	(215,500)	(215,500)	0	-
AVAILABLE REVENUES				
3400 Other Funds Ltd	2,681,535	2,681,535	0	-
EXPENDITURES				
PERSONAL SERVICES				
SALARIES & WAGES				
3110 Class/Unclass Sal. and Per Diem				
3400 Other Funds Ltd	895,320	895,320	0	-
3160 Temporary Appointments				
3400 Other Funds Ltd	3,717	3,717	0	-
3170 Overtime Payments				
3400 Other Funds Ltd	3,575	3,575	0	-
TOTAL SALARIES & WAGES				
3400 Other Funds Ltd	902,612	902,612	0	-
OTHER PAYROLL EXPENSES				
3210 Empl. Rel. Bd. Assessments				
3400 Other Funds Ltd	280	280	0	-

Oregon Board of Dentistry **Agency Number: 83400**

Version / Column Comparison Report - Detail **Cross Reference Number:83400-001-00-00-00000**
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Board of Dentistry

Description	Agency Request Budget (V-01) 2013-15 Base Budget	Governor's Budget (Y-01) 2013-15 Base Budget	Column 2 minus Column 1	% Change from Column 1 to Column 2
	Column 1	Column 2		
3220 Public Employees' Retire Cont				
3400 Other Funds Ltd	162,914	158,146	(4,768)	-2.93%
3221 Pension Obligation Bond				
3400 Other Funds Ltd	49,432	49,432	0	-
3230 Social Security Taxes				
3400 Other Funds Ltd	68,499	69,056	557	0.81%
3250 Worker's Comp. Assess. (WCD)				
3400 Other Funds Ltd	413	413	0	-
3260 Mass Transit Tax				
3400 Other Funds Ltd	5,581	5,581	0	-
3270 Flexible Benefits				
3400 Other Funds Ltd	213,696	213,696	0	-
TOTAL OTHER PAYROLL EXPENSES				
3400 Other Funds Ltd	500,815	496,604	(4,211)	-0.84%
P.S. BUDGET ADJUSTMENTS				
3465 Reconciliation Adjustment				
3400 Other Funds Ltd	-	(1,239)	(1,239)	100.00%
TOTAL PERSONAL SERVICES				
3400 Other Funds Ltd	1,403,427	1,397,977	(5,450)	-0.39%
SERVICES & SUPPLIES				
4100 Instate Travel				
3400 Other Funds Ltd	46,655	46,655	0	-
4125 Out of State Travel				
3400 Other Funds Ltd	24,672	24,672	0	-

Oregon Board of Dentistry *Agency Number: 83400*

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2013-15 Biennium
Board of Dentistry

Description	Agency Request Budget (V-01) 2013-15 Base Budget	Governor's Budget (Y-01) 2013-15 Base Budget	Column 2 minus Column 1	% Change from Column 1 to Column 2
	Column 1	Column 2		
4150 Employee Training				
3400 Other Funds Ltd	6,617	6,617	0	-
4175 Office Expenses				
3400 Other Funds Ltd	68,860	68,860	0	-
4200 Telecommunications				
3400 Other Funds Ltd	25,757	25,757	0	-
4225 State Gov. Service Charges				
3400 Other Funds Ltd	78,170	78,170	0	-
4275 Publicity and Publications				
3400 Other Funds Ltd	13,084	13,084	0	-
4300 Professional Services				
3400 Other Funds Ltd	118,219	118,219	0	-
4315 IT Professional Services				
3400 Other Funds Ltd	27,985	27,985	0	-
4325 Attorney General				
3400 Other Funds Ltd	188,592	188,592	0	-
4375 Employee Recruitment and Develop				
3400 Other Funds Ltd	621	621	0	-
4400 Dues and Subscriptions				
3400 Other Funds Ltd	6,276	6,276	0	-
4425 Facilities Rental and Taxes				
3400 Other Funds Ltd	139,571	139,571	0	-
4475 Facilities Maintenance				
3400 Other Funds Ltd	514	514	0	-

Oregon Board of Dentistry — **Agency Number: 83400**

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Board of Dentistry

Description	Agency Request Budget (V-01) 2013-15 Base Budget	Governor's Budget (Y-01) 2013-15 Base Budget	Column 2 minus Column 1	% Change from Column 1 to Column 2
	Column 1	Column 2		
4575 Agency Program Related S and S				
3400 Other Funds Ltd	164,976	164,976	0	-
4650 Other Services and Supplies				
3400 Other Funds Ltd	40,300	40,300	0	-
4700 Expendable Prop 250 - 5000				
3400 Other Funds Ltd	5,140	5,140	0	-
4715 IT Expendable Property				
3400 Other Funds Ltd	5,140	5,140	0	-
TOTAL SERVICES & SUPPLIES				
3400 Other Funds Ltd	961,149	961,149	0	-
SPECIAL PAYMENTS				
6443 Spc Pmt to Oregon Health Authority				
3400 Other Funds Ltd	226,292	226,292	0	-
TOTAL EXPENDITURES				
3400 Other Funds Ltd	2,590,868	2,585,418	(5,450)	-0.21%
ENDING BALANCE				
3400 Other Funds Ltd	90,667	96,117	5,450	6.01%
AUTHORIZED POSITIONS				
8150 Class/Unclass Positions	7	7	0	-
AUTHORIZED FTE				
8250 Class/Unclass FTE Positions	7.00	7.00	0	-

Oregon Board of Dentistry — **Agency Number: 83400**

Package Comparison Report - Detail
2013-15 Biennium
Board of Dentistry

Cross Reference Number: 83400-001-00-00-00000
Package: Non-PICS Psnl Svc / Vacancy Factor
Pkg Group: ESS Pkg Type: 010 Pkg Number: 010

Description	Agency Request Budget (V-01) Column 1	Governor's Budget (Y-01) Column 2	Column 2 Minus Column 1	% Change from Column 1 to Column 2
EXPENDITURES				
PERSONAL SERVICES				
SALARIES & WAGES				
3160 Temporary Appointments				
3400 Other Funds Ltd	89	89	0	0.00%
3170 Overtime Payments				
3400 Other Funds Ltd	86	86	0	0.00%
SALARIES & WAGES				
3400 Other Funds Ltd	175	175	0	0.00%
TOTAL SALARIES & WAGES	$175	$175	$0	0.00%
OTHER PAYROLL EXPENSES				
3220 Public Employees Retire Cont				
3400 Other Funds Ltd	17	16	(1)	(5.88%)
3221 Pension Obligation Bond				
3400 Other Funds Ltd	6,094	6,094	0	0.00%
3230 Social Security Taxes				
3400 Other Funds Ltd	14	14	0	0.00%
3260 Mass Transit Tax				
3400 Other Funds Ltd	(165)	(165)	0	0.00%

Oregon Board of Dentistry *Agency Number: 83400*

Package Comparison Report - Detail
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Board of Dentistry

Cross Reference Number: 83400-001-00-00-00000
Package: Non-PICS Psnl Svc / Vacancy Factor
Pkg Group: ESS Pkg Type: 010 Pkg Number: 010

Description	Agency Request Budget (V-01) Column 1	Governor's Budget (Y-01) Column 2	Column 2 Minus Column 1	% Change from Column 1 to Column 2
OTHER PAYROLL EXPENSES				
3400 Other Funds Ltd	5,960	5,959	(1)	(0.02%)
TOTAL OTHER PAYROLL EXPENSES	**$5,960**	**$5,959**	**($1)**	**(0.02%)**
PERSONAL SERVICES				
3400 Other Funds Ltd	6,135	6,134	(1)	(0.02%)
TOTAL PERSONAL SERVICES	**$6,135**	**$6,134**	**($1)**	**(0.02%)**
EXPENDITURES				
3400 Other Funds Ltd	6,135	6,134	(1)	(0.02%)
TOTAL EXPENDITURES	**$6,135**	**$6,134**	**($1)**	**(0.02%)**
ENDING BALANCE				
3400 Other Funds Ltd	(6,135)	(6,134)	1	0.02%
TOTAL ENDING BALANCE	**($6,135)**	**($6,134)**	**$1**	**0.02%**

Oregon Board of Dentistry — **Agency Number: 83400**

Package Comparison Report - Detail
2013-15 Biennium
Board of Dentistry

Cross Reference Number: 83400-001-00-00-00000
Package: Standard Inflation
Pkg Group: ESS Pkg Type: 030 Pkg Number: 031

Description	Agency Request Budget (V-01) Column 1	Governor's Budget (Y-01) Column 2	Column 2 Minus Column 1	% Change from Column 1 to Column 2
EXPENDITURES				
SERVICES & SUPPLIES				
4100 Instate Travel				
3400 Other Funds Ltd	1,120	1,120	0	0.00%
4125 Out of State Travel				
3400 Other Funds Ltd	592	592	0	0.00%
4150 Employee Training				
3400 Other Funds Ltd	159	159	0	0.00%
4175 Office Expenses				
3400 Other Funds Ltd	1,653	1,653	0	0.00%
4200 Telecommunications				
3400 Other Funds Ltd	618	(3,275)	(3,893)	(629.94%)
4225 State Gov. Service Charges				
3400 Other Funds Ltd	20,467	13,065	(7,402)	(36.17%)
4250 Data Processing				
3400 Other Funds Ltd	-	825	825	100.00%
4275 Publicity and Publications				
3400 Other Funds Ltd	314	314	0	0.00%
4300 Professional Services				

Oregon Board of Dentistry — **Agency Number: 83400**

Package Comparison Report - Detail — **Cross Reference Number: 83400-001-00-00-00000**
2013-15 Biennium — **Package: Standard Inflation**
Board of Dentistry — **Pkg Group: ESS Pkg Type: 030 Pkg Number: 031**

Description	Agency Request Budget (V-01) Column 1	Governor's Budget (Y-01) Column 2	Column 2 Minus Column 1	% Change from Column 1 to Column 2
3400 Other Funds Ltd	3,310	400	(2,910)	(87.92%)
4315 IT Professional Services				
3400 Other Funds Ltd	784	784	0	0.00%
4325 Attorney General				
3400 Other Funds Ltd	28,100	28,100	0	0.00%
4375 Employee Recruitment and Develop				
3400 Other Funds Ltd	15	15	0	0.00%
4400 Dues and Subscriptions				
3400 Other Funds Ltd	151	151	0	0.00%
4425 Facilities Rental and Taxes				
3400 Other Funds Ltd	8,374	8,374	0	0.00%
4475 Facilities Maintenance				
3400 Other Funds Ltd	12	12	0	0.00%
4575 Agency Program Related S and S				
3400 Other Funds Ltd	3,959	3,959	0	0.00%
4650 Other Services and Supplies				
3400 Other Funds Ltd	967	967	0	0.00%
4700 Expendable Prop 250 - 5000				
3400 Other Funds Ltd	123	123	0	0.00%

Oregon Board of Dentistry *Agency Number: 83400*

Package Comparison Report - Detail **Cross Reference Number: 83400-001-00-00-00000**
2013-15 Biennium **Package: Standard Inflation**
Board of Dentistry **Pkg Group: ESS Pkg Type: 030 Pkg Number: 031**

Description	Agency Request Budget (V-01) Column 1	Governor's Budget (Y-01) Column 2	Column 2 Minus Column 1	% Change from Column 1 to Column 2
4715 IT Expendable Property				
3400 Other Funds Ltd	123	123	0	0.00%
SERVICES & SUPPLIES				
3400 Other Funds Ltd	70,841	57,461	(13,380)	(18.89%)
TOTAL SERVICES & SUPPLIES	**$70,841**	**$57,461**	**($13,380)**	**(18.89%)**
EXPENDITURES				
3400 Other Funds Ltd	70,841	57,461	(13,380)	(18.89%)
TOTAL EXPENDITURES	**$70,841**	**$57,461**	**($13,380)**	**(18.89%)**
ENDING BALANCE				
3400 Other Funds Ltd	(70,841)	(57,461)	13,380	18.89%
TOTAL ENDING BALANCE	**($70,841)**	**($57,461)**	**$13,380**	**18.89%**

Oregon Board of Dentistry *Agency Number: 83400*

Package Comparison Report - Detail
2013-15 Biennium
Board of Dentistry

Cross Reference Number: 83400-001-00-00-00000
Package: Technical Adjustments
Pkg Group: ESS Pkg Type: 060 Pkg Number: 060

Description	Agency Request Budget (V-01) Column 1	Governor's Budget (Y-01) Column 2	Column 2 Minus Column 1	% Change from Column 1 to Column 2
EXPENDITURES				
SERVICES & SUPPLIES				
4175 Office Expenses				
3400 Other Funds Ltd	11,585	11,585	0	0.00%
4250 Data Processing				
3400 Other Funds Ltd	5,400	5,400	0	0.00%
4300 Professional Services				
3400 Other Funds Ltd	(39,000)	(39,000)	0	0.00%
4315 IT Professional Services				
3400 Other Funds Ltd	22,015	22,015	0	0.00%
4575 Agency Program Related S and S				
3400 Other Funds Ltd	(3,924)	(3,924)	0	0.00%
SERVICES & SUPPLIES				
3400 Other Funds Ltd	(3,924)	(3,924)	0	0.00%
TOTAL SERVICES & SUPPLIES	($3,924)	($3,924)	$0	0.00%
SPECIAL PAYMENTS				
6443 Spc Pmt to Oregon Health Authority				
3400 Other Funds Ltd	3,924	3,924	0	0.00%
EXPENDITURES				

Oregon Board of Dentistry *Agency Number: 83400*

Package Comparison Report - Detail
2013-15 Biennium
Board of Dentistry

Cross Reference Number: 83400-001-00-00-00000
Package: Technical Adjustments
Pkg Group: ESS Pkg Type: 060 Pkg Number: 060

Description	Agency Request Budget (V-01) Column 1	Governor's Budget (Y-01) Column 2	Column 2 Minus Column 1	% Change from Column 1 to Column 2
3400 Other Funds Ltd	-	-	0	0.00%
TOTAL EXPENDITURES	-	-	$0	0.00%
ENDING BALANCE				
3400 Other Funds Ltd	-	-	0	0.00%
TOTAL ENDING BALANCE	-	-	$0	0.00%

Oregon Board of Dentistry — **Agency Number: 83400**

Package Comparison Report - Detail
2013-15 Biennium
Board of Dentistry

Cross Reference Number: 83400-001-00-00-00000
Package: Statewide Administrative Savings
Pkg Group: POL Pkg Type: 090 Pkg Number: 091

Description	Agency Request Budget (V-01) Column 1	Governor's Budget (Y-01) Column 2	Column 2 Minus Column 1	% Change from Column 1 to Column 2
EXPENDITURES				
PERSONAL SERVICES				
P.S. BUDGET ADJUSTMENTS				
3470 Undistributed (P.S.)				
3400 Other Funds Ltd	-	(2,496)	(2,496)	100.00%
P.S. BUDGET ADJUSTMENTS				
3400 Other Funds Ltd	-	(2,496)	(2,496)	100.00%
TOTAL P.S. BUDGET ADJUSTMENTS	-	($2,496)	($2,496)	100.00%
PERSONAL SERVICES				
3400 Other Funds Ltd	-	(2,496)	(2,496)	100.00%
TOTAL PERSONAL SERVICES	-	($2,496)	($2,496)	100.00%
SERVICES & SUPPLIES				
4675 Undistributed (S.S.)				
3400 Other Funds Ltd	-	(1,820)	(1,820)	100.00%
SERVICES & SUPPLIES				
3400 Other Funds Ltd	-	(1,820)	(1,820)	100.00%
TOTAL SERVICES & SUPPLIES	-	($1,820)	($1,820)	100.00%
EXPENDITURES				
3400 Other Funds Ltd	-	(4,316)	(4,316)	100.00%

Oregon Board of Dentistry — *Agency Number: 83400*

Package Comparison Report - Detail
2013-15 Biennium
Board of Dentistry

Cross Reference Number: 83400-001-00-00-00000
Package: Statewide Administrative Savings
Pkg Group: POL Pkg Type: 090 Pkg Number: 091

Description	Agency Request Budget (V-01) Column 1	Governor's Budget (Y-01) Column 2	Column 2 Minus Column 1	% Change from Column 1 to Column 2
TOTAL EXPENDITURES	-	($4,316)	($4,316)	100.00%
ENDING BALANCE				
3400 Other Funds Ltd	-	4,316	4,316	100.00%
TOTAL ENDING BALANCE	-	$4,316	$4,316	100.00%

Oregon Board of Dentistry — **Agency Number: 83400**

Package Comparison Report - Detail
2013-15 Biennium
Board of Dentistry

Cross Reference Number: 83400-001-00-00-00000
Package: PERS Taxation Policy
Pkg Group: POL Pkg Type: 090 Pkg Number: 092

Description	Agency Request Budget (V-01) Column 1	Governor's Budget (Y-01) Column 2	Column 2 Minus Column 1	% Change from Column 1 to Column 2
EXPENDITURES				
PERSONAL SERVICES				
P.S. BUDGET ADJUSTMENTS				
3991 PERS Policy Adjustment				
3400 Other Funds Ltd	-	(3,303)	(3,303)	100.00%
P.S. BUDGET ADJUSTMENTS				
3400 Other Funds Ltd	-	(3,303)	(3,303)	100.00%
TOTAL P.S. BUDGET ADJUSTMENTS	-	($3,303)	($3,303)	100.00%
PERSONAL SERVICES				
3400 Other Funds Ltd	-	(3,303)	(3,303)	100.00%
TOTAL PERSONAL SERVICES	-	($3,303)	($3,303)	100.00%
EXPENDITURES				
3400 Other Funds Ltd	-	(3,303)	(3,303)	100.00%
TOTAL EXPENDITURES	-	($3,303)	($3,303)	100.00%
ENDING BALANCE				
3400 Other Funds Ltd	-	3,303	3,303	100.00%
TOTAL ENDING BALANCE	-	$3,303	$3,303	100.00%

Oregon Board of Dentistry — *Agency Number: 83400*

Package Comparison Report - Detail
2013-15 Biennium
Board of Dentistry

Cross Reference Number: 83400-001-00-00-00000
Package: Other PERS Adjustments
Pkg Group: POL Pkg Type: 090 Pkg Number: 093

Description	Agency Request Budget (V-01) Column 1	Governor's Budget (Y-01) Column 2	Column 2 Minus Column 1	% Change from Column 1 to Column 2
EXPENDITURES				
PERSONAL SERVICES				
P.S. BUDGET ADJUSTMENTS				
3991 PERS Policy Adjustment				
3400 Other Funds Ltd	-	(26,426)	(26,426)	100.00%
P.S. BUDGET ADJUSTMENTS				
3400 Other Funds Ltd	-	(26,426)	(26,426)	100.00%
TOTAL P.S. BUDGET ADJUSTMENTS	**-**	**($26,426)**	**($26,426)**	**100.00%**
PERSONAL SERVICES				
3400 Other Funds Ltd	-	(26,426)	(26,426)	100.00%
TOTAL PERSONAL SERVICES	**-**	**($26,426)**	**($26,426)**	**100.00%**
EXPENDITURES				
3400 Other Funds Ltd	-	(26,426)	(26,426)	100.00%
TOTAL EXPENDITURES	**-**	**($26,426)**	**($26,426)**	**100.00%**
ENDING BALANCE				
3400 Other Funds Ltd	-	26,426	26,426	100.00%
TOTAL ENDING BALANCE	**-**	**$26,426**	**$26,426**	**100.00%**

PKG	CLASS	COMP	DESCRIPTION	POS CNT	FTE	MOS	AVERAGE RATE	GF SAL	OF SAL	FF SAL	LF SAL	AF SAL
)00	B	Y7500	AE BOARD AND COMMISSION MEMBER		.00	.00	0.00		69,600			69,600
)00	MEAHZ	7008	HA PRINCIPAL EXECUTIVE/MANAGER E	1	1.00	24.00	8,325.00		199,800			199,800
)00	MESNZ	7008	AA PRINCIPAL EXECUTIVE/MANAGER E	1	1.00	24.00	7,811.00		187,464			187,464
)00	MMS	X0806	AA OFFICE MANAGER 2	1	1.00	24.00	3,112.00		74,688			74,688
)00	OA	C0104	AA OFFICE SPECIALIST 2	1	1.00	24.00	2,899.00		69,576			69,576
)00	OA	C0108	AA ADMINISTRATIVE SPECIALIST 2	1	1.00	24.00	3,838.00		92,112			92,112
)00	OA	C5232	AA INVESTIGATOR 2	2	2.00	48.00	4,210.00		202,080			202,080
)00				7	7.00	168.00	2,023.82		895,320			895,320
				7	7.00	168.00	2,023.82		895,320			895,320
				7	7.00	168.00	2,023.82		895,320			895,320

_ Agency Request X Governor's Recommended _____ Legislatively Adopted Budget Page 121

PKG	CLASS	COMP	DESCRIPTION	POS CNT	FTE	MOS	AVERAGE RATE	GF SAL	OF SAL	FF SAL	LF SAL	AF SAL
				7	7.00	168.00	2,023.82		895,320			895,320

_ Agency Request X Governor's Recommended _____ Legislatively Adopted Budget Page 122

)1/11/13 REPORT NC PDPLAGYCL DEPT. OF ADMIN. SVCS. DB PICS SYSTEM PAGE
REPORT: SUMMARY LIST BY PKG BY AGENCY 2013-15 PROD FILE
AGENCY:83400 OREGON BOARD OF DENTISTRY PICS SYSTEM: BUDGET PREPARATION

PKG	CLASS	COMP	DESCRIPTION	POS CNT	FTE	MOS	AVERAGE RATE	GF SAL	OF SAL	FF SAL	LF SAL	AF SAL
)00	B	Y7500	AE BOARD AND COMMISSION MEMBER		.00	.00	0.00		69,600			69,600
)00	MEAHZ	7008	HA PRINCIPAL EXECUTIVE/MANAGER E	1	1.00	24.00	8,325.00		199,800			199,800
)00	MESNZ	7008	AA PRINCIPAL EXECUTIVE/MANAGER E	1	1.00	24.00	7,811.00		187,464			187,464
)00	MMS	X0806	AA OFFICE MANAGER 2	1	1.00	24.00	3,112.00		74,688			74,688
)00	OA	C0104	AA OFFICE SPECIALIST 2	1	1.00	24.00	2,899.00		69,576			69,576
)00	OA	C0108	AA ADMINISTRATIVE SPECIALIST 2	1	1.00	24.00	3,838.00		92,112			92,112
)00	OA	C5232	AA INVESTIGATOR 2	2	2.00	48.00	4,210.00		202,080			202,080
				7	7.00	168.00	2,023.82		895,320			895,320

_ Agency Request X Governor's Recommended _____ Legislatively Adopted Budget Page 123

1/11/13 REPORT NO. /DPLAGYCL DEPT. OF ADMIN. SVCS: PICS SYSTEM PAGE
EPORT: SUMMARY LIST BY PKG BY AGENCY 2013-15 PROD FILI
GENCY:83400 OREGON BOARD OF DENTISTRY PICS SYSTEM: BUDGET PREPARATION

KG	CLASS	COMP	DESCRIPTION	POS CNT	FTE	MOS	AVERAGE RATE	GF SAL	OF SAL	FF SAL	LF SAL	AF SAL
				7	7.00	168.00	2,023.82		895,320			895,320

Bill Summary High Level Report

Report Date: Tue, Feb 5, 2013

Searched on: Unique Bills=27; Session Year=2013; Session Type=Session; Tracked=Tracked Active; Bill Version=Current; Sort By=Bill Number;

Bill #	Relating To (Label)	Summary	Last Action	Next Hearing	Division	Prty	Bill Manager	Bill Posn
HB2037	Relating to authorizations to engage in a profession; declaring an emergency.	Requires, under specified circumstances, certain professional regulatory boards to issue authorization to practice profession to spouse or domestic partner of active member of Armed Forces who is subject of military transfer to Oregon. Declares em	01/22/13 - Referred to Veterans and Emergency Preparedness with subsequent referral to Health Care.	No hearings scheduled at this time.		3	Patrick Braatz	
HB2065	Relating to practice of dentistry.	Creates process through which licensee or applicant to practice dentistry may petition Oregon Board of Dentistry to expunge from board records information related to disciplinary hearings.	01/22/13 - Referred to Health Care.	No hearings scheduled at this time.		2	Patrick Braatz	
HB2120	Relating to licensees who self-refer to the impaired health professional program.	Provides that health professional regulatory boards have discretion to authorize licensees regulated by board to self-refer to impaired health professional program in which board participates.	02/11/13 - Public Hearing and Possible Work Session scheduled.	Date: Mon, Feb 11, 2013 Time: 1:00 PM Loc: HR E Com: Health Care (H)		2	Patrick Braatz	
HB2124	Relating to the impaired health professional program established by the Oregon Health Authority.	Eliminates from impaired health professional program requirement that employers of program participants establish minimum training requirements for supervisors of participants. Removes admittance to hospital for mental illness and court ruling of	02/11/13 - Public Hearing and Possible Work Session scheduled.	Date: Mon, Feb 11, 2013 Time: 1:00 PM Loc: HR E Com: Health Care (H)		2	Patrick Braatz	
HB2130	Relating to the impaired health professional program; declaring an emergency.	Makes changes to impaired health professional program. Declares emergency, effective on passage.	02/11/13 - Public Hearing and Possible Work Session scheduled.	Date: Mon, Feb 11, 2013 Time: 1:00 PM Loc: HR E Com: Health Care (H)		2	Patrick Braatz	
HB2170	Relating to orders in contested cases.	Requires that final order of state agency in contested case proceeding include copy of statutes relating to appeal of order and notification of right of party to	01/22/13 - Referred to Judiciary.	No hearings scheduled at this time.		2	Patrick Braatz	

Attachment # 4

		request leave to present additional evidence on appeal.				
HB2171	Relating to civil penalties.	Provides that person has right to trial in circuit court if agency proposes to impose civil penalty of $2,000 or more against person. Requires that proceedings to impose civil penalty be treated as action at law.	01/22/13 - Referred to Judiciary.	No hearings scheduled at this time.	2	Patrick Braatz
HB2215	Relating to persons holding appointive office in state government.	Provides that person holding appointive office in state government serves at pleasure of appointing authority.	01/22/13 - Referred to Rules.	No hearings scheduled at this time.	3	Patrick Braatz
HB2217	Relating to resolution of matters related to health care; declaring an emergency.	Establishes procedure and requirements for filing notice of adverse health care incident with Oregon Patient Safety Commission. Requires health care facilities, health care providers and patients to engage in discussion and mediation related to ad	01/22/13 - Referred to Judiciary with subsequent referral to Ways and Means.	No hearings scheduled at this time.	3	Patrick Braatz
HB2272	Relating to dental care organizations; declaring an emergency.	Specifies that dental care organizations are major components of health care delivery system and thus must be part of governance structure of coordinated care organization. Declares emergency, effective on passage.	01/22/13 - Referred to Health Care.	No hearings scheduled at this time.	3	Patrick Braatz
HB2560	Relating to rulemaking advisory committees.	Prohibits agency from appointing person to serve on rulemaking advisory committee if person is also serving on public board, public commission, public committee or work group of public body, and rule would affect activities of board, commission, com	01/22/13 - Referred to Rules.	No hearings scheduled at this time.	2	Patrick Braatz
HB2611	Relating to continuing education for health care professionals; declaring an emergency.	Directs certain health professional regulatory boards to adopt rules by January 1, 2017, requiring licensees to document participation in continuing education opportunities relating to cultural competency approved by Oregon Health Authority. Requi	01/22/13 - Referred to Health Care.	No hearings scheduled at this time.	2	Patrick Braatz

Attachment # 4

SB45	Relating to contested case hearings.	Requires state agencies to notify parties in contested case hearing of rights that active duty servicemembers have to stay proceedings under federal law.	02/14/13 - Work Session scheduled.	Date: Thu, Feb 07, 2013 Time: 1:00 PM Loc: HR B Com: Veterans and Emergency Preparedness (S)	2	Patrick Braatz
SB52	Relating to final orders.	Directs state agencies to preserve final orders issued by agency in digital format and to provide electronic copies to Oregon State Bar, or designee, upon request.	02/04/13 - Public Hearing held.	No hearings scheduled at this time.	4	Patrick Braatz
SB86	Relating to public meetings.	States that electronic communication that is simultaneous and contemporaneous communication is subject to public meetings law. Provides that electronic mail is not simultaneous and contemporaneous communication.	02/13/13 - Public Hearing and Possible Work Session scheduled.	Date: Wed, Feb 13, 2013 Time: 8:30 AM Loc: HR 343 Com: Judiciary (S)	3	Patrick Braatz
SB101	Relating to the impaired health professional program established by the Oregon Health Authority.	Eliminates from impaired health professional program requirement that employers of program participants establish minimum training requirements for supervisors of participants. Removes admittance to hospital for mental illness and court ruling of	01/18/13 - Referred to Health Care and Human Services.	No hearings scheduled at this time.	3	Patrick Braatz
SB125	Relating to contested case hearings.	Requires state agency to provide notice to parties in contested case hearing describing rights that active duty servicemembers have to stay proceedings under federal law.	02/14/13 - Work Session scheduled.	Date: Thu, Feb 07, 2013 Time: 1:00 PM Loc: HR B Com: Veterans and Emergency Preparedness (S)	2	Patrick Braatz
SB171	Relating to the impaired health professional program; declaring an emergency.	Requires impaired health professional program to maintain physical location or locations in this state that are sufficient to allow enrolled licensees to physically meet with program representatives. Requires Oregon Health Authority, at request of	01/16/13 - Referred to Health Care and Human Services.	No hearings scheduled at this time.	3	Patrick Braatz
SB291	Relating to state financial administration; declaring an emergency.	Establishes Oregon Other Funds Reserve Fund. Transfers portion of June 30, 2013, ending balance from dedicated or continuously appropriated other	01/18/13 - Referred to Finance and Revenue, then Ways and Means.	No hearings scheduled at this time.	2	Patrick Braatz

Attachment # 4

		funds accounts or funds to reserve fund. Transfers interest from reserve fund to State School Fund. Spe				
SB300	Relating to persons who serve at the pleasure of the Governor; declaring an emergency.	Provides that certain persons appointed by Governor and certain persons appointed to positions in executive department serve at pleasure of Governor. Declares emergency, effective on passage.	01/16/13 - Referred to Rules.	No hearings scheduled at this time.	3	Patrick Braatz
SB333	Relating to administrative rules; declaring an emergency.	Prohibits agencies from adopting any rule that becomes effective on or after effective date of Act and before July 1, 2014. Specifies exceptions. Establishes Joint Legislative Committee on Rule Review. Directs committee to review all rules adopted	01/16/13 - Referred to Rules, then Ways and Means.	No hearings scheduled at this time.	3	Patrick Braatz
SB335	Relating to periodic legislative review of state government.	Directs Legislative Assembly to review state agencies and programs, taxes and fees administered by state agencies every six years. Abolishes state agencies that are not continued by legislative Act enacted during year of review. Establishes Sunset	01/16/13 - Referred to Rules, then Ways and Means.	No hearings scheduled at this time.	3	Patrick Braatz
SB373	Relating to oral health care delivered by coordinated care organizations.	Requires coordinated care organization to provide oral health care through contracts with dental care organizations unless no dental care organization provides care in geographic area served by coordinated care organization.	01/16/13 - Referred to Health Care and Human Services.	No hearings scheduled at this time.	4	Patrick Braatz
SB399	Relating to state finance.	Directs state agencies to deposit moneys agencies receive through imposition of civil penalties into General Fund and not into other funds account continuously appropriated to agency. Sunsets January 2, 2022.	01/16/13 - Referred to Finance and Revenue, then Ways and Means.	No hearings scheduled at this time.	2	Patrick Braatz
SB429	Relating to state finance; prescribing an effective date; providing for revenue raising that requires approval by a three-fifths majority.	Directs state agencies to deposit moneys that agencies receive through imposition of fees, fines or civil penalties into General Fund and not into other funds account continuously appropriated to	01/22/13 - Referred to Finance and Revenue, then Ways and Means.	No hearings scheduled at this time.	2	Patrick Braatz

Attachment # 4

		agency. Takes effect on 91st day following adjournm				
SB470	Relating to the prescription monitoring program administered by the Oregon Health Authority.	Requires additional information related to dispensed prescription drugs to be reported to Oregon Health Authority under prescription monitoring program. Directs authority to disclose information received pursuant to program under specified circums	02/04/13 - Introduction and first reading. Referred to Presidents desk.	No hearings scheduled at this time.	3	Patrick Braatz
SB5516	Relating to the financial administration of the Oregon Board of Dentistry; declaring an emergency.	Limits biennial expenditures from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by Oregon Board of Dentistry. Declares emergency, effective July 1, 2013.	01/23/13 - Assigned to Subcommittee On Education.	No hearings scheduled at this time.	1	Patrick Braatz

Attachment # 4

House Bill 2037

Introduced and printed pursuant to House Rule 12.00. Presession filed (at the request of Governor John A. Kitzhaber, M.D., for Oregon Military Department)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced.**

Requires, under specified circumstances, certain professional regulatory boards to issue authorization to practice profession to spouse or domestic partner of active member of Armed Forces who is subject of military transfer to Oregon.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to authorizations to engage in a profession; and declaring an emergency.

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

SECTION 1. (1) As used in this section:

(a) "Authorization" means a license, registration, certificate or other authorization to engage in a profession.

(b) "Board" means a health professional regulatory board, as defined in ORS 676.160, or a board or council listed in ORS 676.606.

(c) "Military spouse or domestic partner" means a spouse or domestic partner of an active member of the Armed Forces of the United States who is the subject of a military transfer to Oregon.

(2) A board shall issue an authorization to a military spouse or domestic partner if the military spouse or domestic partner provides the board with:

(a) Evidence that the applicant is married to, or in a domestic partnership with, an active member of the Armed Forces of the United States who is assigned to a duty station located in Oregon by official active duty military order;

(b) Evidence that the military spouse or domestic partner is authorized by another state or territory of the United States to provide services regulated by the board; and

(c) Evidence that the military spouse or domestic partner:

(A) Has provided services or taught the subject matter regulated by the board for at least one year during the three years immediately preceding the date on which the military spouse or domestic partner submits an application for an authorization; or

(B) Has demonstrated competency, as determined by the board by rule, over services regulated by the board.

(3) A board may issue a temporary authorization to an applicant who applies for an authorization under subsection (2) of this section before the board receives the evidence required by subsection (2) of this section if the military spouse or domestic partner affirms on the application that the military spouse or domestic partner:

(a) Has requested evidence of authorization from the state or territory in which the military spouse or domestic partner is authorized; and

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

(b) Is not subject to disciplinary action in that state or territory for a matter related to services regulated by the board.

SECTION 2. This 2013 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect on its passage.

House Bill 2065

Sponsored by Representative GILLIAM (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced.**

Creates process through which licensee or applicant to practice dentistry may petition Oregon Board of Dentistry to expunge from board records information related to disciplinary hearings.

A BILL FOR AN ACT

Relating to practice of dentistry; amending ORS 679.140.

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

SECTION 1. ORS 679.140 is amended to read:

679.140. (1) The Oregon Board of Dentistry may discipline as provided in this section any person licensed to practice dentistry in this state for any of the following causes:

(a) Conviction of any violation of the law for which the court could impose a punishment if the board makes the finding required by ORS 670.280. The record of conviction or a certified copy thereof, certified by the clerk of the court or by the judge in whose court the conviction is entered, is conclusive evidence of the conviction.

(b) Renting or lending a license or diploma of the dentist to be used as the license or diploma of another person.

(c) Unprofessional conduct.

(d) Any violation of this chapter or ORS 680.010 to 680.205, of rules adopted pursuant to this chapter or ORS 680.010 to 680.205 or of an order issued by the board.

(e) Engaging in or permitting the performance of unacceptable patient care by the dentist or by any person working under the supervision of the dentist due to a deliberate or negligent act or failure to act by the dentist, regardless of whether actual injury to the patient is established.

(f) Incapacity to practice safely.

(2) "Unprofessional conduct" as used in this chapter includes but is not limited to the following:

(a) Obtaining any fee by fraud or misrepresentation.

(b) Willfully betraying confidences involved in the patient-dentist relationship.

(c) Employing, aiding, abetting or permitting any unlicensed personnel to practice dentistry or dental hygiene.

(d) Making use of any advertising statements of a character tending to deceive or mislead the public or that are untruthful.

(e) Impairment as defined in ORS 676.303.

(f) Obtaining or attempting to obtain a controlled substance in any manner proscribed by the rules of the board.

(g) Prescribing or dispensing drugs outside the scope of the practice of dentistry or in a manner that impairs the health and safety of an individual.

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

(h) Disciplinary action by a state licensing or regulatory agency of this or another state regarding a license to practice dentistry, dental hygiene or any other health care profession when, in the judgment of the board, the act or conduct resulting in the disciplinary action bears a demonstrable relationship to the ability of the licensee or applicant to practice dentistry or dental hygiene in accordance with the provisions of this chapter. A certified copy of the record of the disciplinary action is conclusive evidence of the disciplinary action.

(3) The proceedings under this section may be taken by the board from the matters within its knowledge or may be taken upon the information of another, but if the informant is a member of the board, the other members of the board shall constitute the board for the purpose of finding judgment of the accused.

(4) In determining what constitutes unacceptable patient care, the board may take into account all relevant factors and practices, including but not limited to the practices generally and currently followed and accepted by persons licensed to practice dentistry in this state, the current teachings at accredited dental schools, relevant technical reports published in recognized dental journals and the desirability of reasonable experimentation in the furtherance of the dental arts.

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

(a) Suspend judgment.

(b) Place a licensee on probation.

(c) Suspend a license to practice dentistry in this state.

(d) Revoke a license to practice dentistry in this state.

(e) Place limitations on a license to practice dentistry in this state.

(f) Refuse to renew a license to practice dentistry in this state.

(g) Accept the resignation of a licensee to practice dentistry in this state.

(h) Assess a civil penalty.

(i) Reprimand a licensee.

(j) Impose any other disciplinary action the board in its discretion finds proper, including assessment of the costs of the disciplinary proceedings as a civil penalty.

(6) If the board places any person upon probation as set forth in subsection (5)(b) 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 by the board if the person holding the license furnishes the board with evidence that the person is competent to practice dentistry and has complied with the terms of probation. If the evidence fails to establish competence to the satisfaction of the board or if the evidence shows failure to comply with the terms of the probation, the board may revoke or suspend the license.

(7) If a license to practice dentistry in this state is suspended, the person holding 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 board finds, based upon evidence furnished by the person, that the person is competent to practice dentistry and has not practiced dentistry in this state during the term of suspension. If the evidence fails to establish to the satisfaction of the board that the person is competent or if any evidence shows the person has practiced dentistry in this state during the term of suspension, the board may revoke the license after notice and hearing.

(8) Upon receipt of a complaint under this chapter or ORS 680.010 to 680.205, the board shall

conduct an investigation as described under ORS 676.165.

(9)**(a)** Information that the board obtains as part of an investigation into licensee or applicant conduct or as part of a contested case proceeding, consent order or stipulated agreement involving licensee or applicant conduct is confidential as provided under ORS 676.175. Notwithstanding ORS 676.165 to 676.180, the board may disclose confidential information regarding a licensee or an applicant to persons who may evaluate or treat the licensee or applicant for drug abuse, alcohol abuse or any other health related conditions.

(b) If a licensee or applicant is disciplined under this section, the licensee or applicant may petition the board, three years after the date on which the disciplinary sanction ends, to expunge from the board's records information described in paragraph (a) of this subsection. The board shall expunge from the board's records the information if the board finds that the cause for which the licensee or applicant had been disciplined no longer presents a risk of harm to the public. The board shall adopt by rule a process for making a petition under this paragraph.

(10) The board may impose against any person who violates the provisions of this chapter or ORS 680.010 to 680.205 or rules of the board a civil penalty of up to $5,000 for each violation. Any civil penalty imposed under this section shall be imposed in the manner provided in ORS 183.745.

(11) Notwithstanding the expiration, suspension, revocation or surrender of the license, or the resignation or retirement of the licensee, the board may:

(a) Proceed with any investigation of, or any action or disciplinary proceedings against, the dentist or dental hygienist; or

(b) Revise or render void an order suspending or revoking the license.

(12)(a) The board may continue with any proceeding or investigation for a period not to exceed four years from the date of the expiration, suspension, revocation or surrender of the license, or the resignation or retirement of the licensee; or

(b) If the board receives a complaint or initiates an investigation within that four-year period, the board's jurisdiction continues until the matter is concluded by a final order of the board following any appeal.

(13) Withdrawing the application for license does not close any investigation, action or proceeding against an applicant.

House Bill 2120

Introduced and printed pursuant to House Rule 12.00. Presession filed (at the request of House Interim Committee on Health Care)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced.**

Provides that health professional regulatory boards have discretion to authorize licensees regulated by board to self-refer to impaired health professional program in which board participates.

A BILL FOR AN ACT

Relating to licensees who self-refer to the impaired health professional program; creating new provisions; and amending ORS 676.190.

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

SECTION 1. ORS 676.190, as amended by section 1, chapter 2, Oregon Laws 2012, is amended to read:

676.190. (1) The Oregon Health Authority shall establish or contract to establish an impaired health professional program. The program must:

(a) Enroll licensees of participating health profession licensing boards who have been diagnosed with alcohol or substance abuse or a mental health disorder;

(b) Require that a licensee sign a written consent prior to enrollment in the program allowing disclosure and exchange of information between the program, the licensee's board, the licensee's employer, evaluators and treatment entities in compliance with ORS 179.505 and 42 C.F.R. part 2;

(c) Enter into diversion agreements with enrolled licensees;

(d) Assess and evaluate compliance with diversion agreements by enrolled licensees;

(e) Assess the ability of an enrolled licensee's employer to supervise the licensee and require an enrolled licensee's employer to establish minimum training requirements for supervisors of enrolled licensees;

(f) Report substantial noncompliance with a diversion agreement to a noncompliant licensee's board within one business day after the program learns of the substantial noncompliance, including but not limited to information that a licensee:

(A) Engaged in criminal behavior;

(B) Engaged in conduct that caused injury, death or harm to the public, including engaging in sexual impropriety with a patient;

(C) Was impaired in a health care setting in the course of the licensee's employment;

(D) Received a positive toxicology test result as determined by federal regulations pertaining to drug testing;

(E) Violated a restriction on the licensee's practice imposed by the program or the licensee's board;

(F) Was admitted to the hospital for mental illness or adjudged to be mentally incompetent;

(G) Entered into a diversion agreement, but failed to participate in the program; or

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

(H) Was referred to the program but failed to enroll in the program; and

(g) At least weekly, submit to licensees' boards:

(A) A list of licensees who were referred to the program by a health profession licensing board and who are enrolled in the program; and

(B) A list of licensees who were referred to the program by a health profession licensing board and who successfully complete the program.

(2) The lists submitted under subsection (1)(g) of this section are exempt from disclosure as a public record under ORS 192.410 to 192.505.

(3) When the program reports noncompliance to a licensee's board, the report must include:

(a) A description of the noncompliance;

(b) A copy of a report from the independent third party who diagnosed the licensee under ORS 676.200 (2)(a) or subsection (6)(a) of this section stating the licensee's diagnosis;

(c) A copy of the licensee's diversion agreement; and

(d) The licensee's employment status.

(4) The program may not diagnose or treat licensees enrolled in the program.

(5) The diversion agreement required by subsection (1) of this section must:

(a) Require the licensee to consent to disclosure and exchange of information between the program, the licensee's board, the licensee's employer, evaluators and treatment providers, in compliance with ORS 179.505 and 42 C.F.R. part 2;

(b) Require that the licensee comply continuously with the agreement for at least two years to successfully complete the program;

(c) Based on an individualized assessment, require that the licensee abstain from mind-altering or intoxicating substances or potentially addictive drugs, unless the drug is approved by the program and prescribed for a documented medical condition by a person authorized by law to prescribe the drug to the licensee;

(d) Require the licensee to report use of mind-altering or intoxicating substances or potentially addictive drugs within 24 hours;

(e) Require the licensee to agree to participate in a treatment plan approved by a third party;

(f) Contain limits on the licensee's practice of the licensee's health profession;

(g) Provide for employer monitoring of the licensee;

(h) Provide that the program may require an evaluation of the licensee's fitness to practice before removing the limits on the licensee's practice of the licensee's health profession;

(i) Require the licensee to submit to random drug or alcohol testing in accordance with federal regulations;

(j) Require the licensee to report at least weekly to the program regarding the licensee's compliance with the agreement;

(k) Require the licensee to report any arrest for or conviction of a misdemeanor or felony crime to the program within three business days after the licensee is arrested or convicted;

(L) Require the licensee to report applications for licensure in other states, changes in employment and changes in practice setting; and

(m) Provide that the licensee is responsible for the cost of evaluations, toxicology testing and treatment.

(6)(a) **If a board participating in the program establishes by rule an option for self-referral to the program,** a licensee of [*a*] **the** board [*participating in the program*] may self-refer to the program.

(b) The program shall require [*the*] **a** licensee **who self-refers to the program** to attest that the licensee is not, to the best of the licensee's knowledge, under investigation by the licensee's board. The program shall enroll the licensee on the date on which the licensee attests that the licensee, to the best of the licensee's knowledge, is not under investigation by the licensee's board.

(c) When a licensee self-refers to the program, the program shall:

(A) Require that an independent third party approved by the licensee's board to evaluate alcohol or substance abuse or mental health disorders evaluate the licensee for alcohol or substance abuse or mental health disorders; and

(B) Investigate to determine whether the licensee's practice while impaired has presented or presents a danger to the public.

(d) **When a licensee self-refers to the program,** the program may not report [*a self-referred*] **the** licensee's enrollment in or successful completion of the program to the licensee's board.

(7) The authority shall adopt rules establishing a fee to be paid by the boards participating in the impaired health professional program for administration of the program.

(8) The authority shall arrange for an independent third party to audit the program to ensure compliance with program guidelines. The authority shall report the results of the audit to the Legislative Assembly, the Governor and the health profession licensing boards. The report may not contain individually identifiable information about licensees.

(9) The authority may adopt rules to carry out this section.

SECTION 2. The amendments to ORS 676.190 by section 1 of this 2013 Act apply to licensees who self-refer to the impaired health professional program on and after the effective date of this 2013 Act.

House Bill 2124

Introduced and printed pursuant to House Rule 12.00. Presession filed (at the request of House Interim Committee on Health Care)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced.**

Eliminates from impaired health professional program requirement that employers of program participants establish minimum training requirements for supervisors of participants.

Removes admittance to hospital for mental illness and court ruling of mental incompetence from list of information that program must report as evidence of substantial noncompliance with diversion agreement entered into under program.

A BILL FOR AN ACT

Relating to the impaired health professional program established by the Oregon Health Authority; amending ORS 676.190.

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

SECTION 1. ORS 676.190, as amended by section 1, chapter 2, Oregon Laws 2012, is amended to read:

676.190. (1) The Oregon Health Authority shall establish or contract to establish an impaired health professional program. The program must:

(a) Enroll licensees of participating health profession licensing boards who have been diagnosed with alcohol or substance abuse or a mental health disorder;

(b) Require that a licensee sign a written consent prior to enrollment in the program allowing disclosure and exchange of information between the program, the licensee's board, the licensee's employer, evaluators and treatment entities in compliance with ORS 179.505 and 42 C.F.R. part 2;

(c) Enter into diversion agreements with enrolled licensees;

(d) Assess and evaluate compliance with diversion agreements by enrolled licensees;

(e) Assess the ability of an enrolled licensee's employer to supervise the licensee [*and require an enrolled licensee's employer to establish minimum training requirements for supervisors of enrolled licensees*];

(f) Report substantial noncompliance with a diversion agreement to a noncompliant licensee's board within one business day after the program learns of the substantial noncompliance, including but not limited to information that a licensee:

(A) Engaged in criminal behavior;

(B) Engaged in conduct that caused injury, death or harm to the public, including engaging in sexual impropriety with a patient;

(C) Was impaired in a health care setting in the course of the licensee's employment;

(D) Received a positive toxicology test result as determined by federal regulations pertaining to drug testing;

(E) Violated a restriction on the licensee's practice imposed by the program or the licensee's board;

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

[*(F) Was admitted to the hospital for mental illness or adjudged to be mentally incompetent;*]

[*(G)*] **(F)** Entered into a diversion agreement, but failed to participate in the program; or

[*(H)*] **(G)** Was referred to the program but failed to enroll in the program; and

(g) At least weekly, submit to licensees' boards:

(A) A list of licensees who were referred to the program by a health profession licensing board and who are enrolled in the program; and

(B) A list of licensees who were referred to the program by a health profession licensing board and who successfully complete the program.

(2) The lists submitted under subsection (1)(g) of this section are exempt from disclosure as a public record under ORS 192.410 to 192.505.

(3) When the program reports noncompliance to a licensee's board, the report must include:

(a) A description of the noncompliance;

(b) A copy of a report from the independent third party who diagnosed the licensee under ORS 676.200 (2)(a) or subsection (6)(a) of this section stating the licensee's diagnosis;

(c) A copy of the licensee's diversion agreement; and

(d) The licensee's employment status.

(4) The program may not diagnose or treat licensees enrolled in the program.

(5) The diversion agreement required by subsection (1) of this section must:

(a) Require the licensee to consent to disclosure and exchange of information between the program, the licensee's board, the licensee's employer, evaluators and treatment providers, in compliance with ORS 179.505 and 42 C.F.R. part 2;

(b) Require that the licensee comply continuously with the agreement for at least two years to successfully complete the program;

(c) Based on an individualized assessment, require that the licensee abstain from mind-altering or intoxicating substances or potentially addictive drugs, unless the drug is approved by the program and prescribed for a documented medical condition by a person authorized by law to prescribe the drug to the licensee;

(d) Require the licensee to report use of mind-altering or intoxicating substances or potentially addictive drugs within 24 hours;

(e) Require the licensee to agree to participate in a treatment plan approved by a third party;

(f) Contain limits on the licensee's practice of the licensee's health profession;

(g) Provide for employer monitoring of the licensee;

(h) Provide that the program may require an evaluation of the licensee's fitness to practice before removing the limits on the licensee's practice of the licensee's health profession;

(i) Require the licensee to submit to random drug or alcohol testing in accordance with federal regulations;

(j) Require the licensee to report at least weekly to the program regarding the licensee's compliance with the agreement;

(k) Require the licensee to report any arrest for or conviction of a misdemeanor or felony crime to the program within three business days after the licensee is arrested or convicted;

(L) Require the licensee to report applications for licensure in other states, changes in employment and changes in practice setting; and

(m) Provide that the licensee is responsible for the cost of evaluations, toxicology testing and treatment.

(6)(a) A licensee of a board participating in the program may self-refer to the program.

(b) The program shall require the licensee to attest that the licensee is not, to the best of the licensee's knowledge, under investigation by the licensee's board. The program shall enroll the licensee on the date on which the licensee attests that the licensee, to the best of the licensee's knowledge, is not under investigation by the licensee's board.

(c) When a licensee self-refers to the program, the program shall:

(A) Require that an independent third party approved by the licensee's board to evaluate alcohol or substance abuse or mental health disorders evaluate the licensee for alcohol or substance abuse or mental health disorders; and

(B) Investigate to determine whether the licensee's practice while impaired has presented or presents a danger to the public.

(d) The program may not report a self-referred licensee's enrollment in or successful completion of the program to the licensee's board.

(7) The authority shall adopt rules establishing a fee to be paid by the boards participating in the impaired health professional program for administration of the program.

(8) The authority shall arrange for an independent third party to audit the program to ensure compliance with program guidelines. The authority shall report the results of the audit to the Legislative Assembly, the Governor and the health profession licensing boards. The report may not contain individually identifiable information about licensees.

(9) The authority may adopt rules to carry out this section.

House Bill 2130

Introduced and printed pursuant to House Rule 12.00. Presession filed (at the request of House Interim Committee on Health Care)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced.**

Makes changes to impaired health professional program.
Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to the impaired health professional program; creating new provisions; amending ORS 676.185, 676.190 and 676.200; and declaring an emergency.

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

SECTION 1. ORS 676.185 is amended to read:

676.185. As used in ORS 676.185 to 676.200:

(1) "Health profession licensing board" means:

(a) A health professional regulatory board as defined in ORS 676.160; or

(b) The Oregon Health Licensing Agency for a board, council or program listed in ORS 676.606.

(2) "Impaired professional" means a licensee who is unable to practice with professional skill and safety by reason of habitual or excessive use or abuse of drugs, alcohol or other substances that impair ability or by reason of a mental health disorder.

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

(4) "Substantial noncompliance" includes the following:

(a) Criminal behavior;

(b) Conduct that causes injury, death or harm to the public, or a patient;

(c) Impairment in a health care setting in the course of employment;

(d) A positive toxicology test result as determined by federal regulations pertaining to drug testing;

(e) Violation of a restriction on a licensee's practice imposed by the impaired health professional program established under ORS 676.190 or the licensee's health profession licensing board;

(f) Civil commitment for mental illness or, as a result of mental disease or defect, lack of capacity to stand trial;

(g) Failure to participate in the program after entering into a diversion agreement under ORS 676.190; or

(h) Failure to enroll in the program after being referred to the program.

SECTION 2. ORS 676.190, as amended by section 1, chapter 2, Oregon Laws 2012, is amended to read:

676.190. (1) The Oregon Health Authority shall establish or contract to establish an impaired

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

health professional program. The program must:

(a) Enroll licensees of participating health profession licensing boards who have been diagnosed with alcohol or substance abuse or a mental health disorder;

(b) Require that a licensee sign a written consent prior to enrollment in the program allowing disclosure and exchange of information between the program, the licensee's board, the licensee's employer, evaluators and treatment entities in compliance with ORS 179.505 and 42 C.F.R. part 2;

(c) Enter into diversion agreements with enrolled licensees;

[*(d) Assess and evaluate compliance with diversion agreements by enrolled licensees;*]

[*(e) Assess the ability of an enrolled licensee's employer to supervise the licensee and require an enrolled licensee's employer to establish minimum training requirements for supervisors of enrolled licensees;*]

[*(f)*] **(d)** Report substantial noncompliance with a diversion agreement to a noncompliant licensee's board within one business day after the program learns of the substantial noncompliance[*, including but not limited to information that a licensee:*]**; and**

[*(A) Engaged in criminal behavior;*]

[*(B) Engaged in conduct that caused injury, death or harm to the public, including engaging in sexual impropriety with a patient;*]

[*(C) Was impaired in a health care setting in the course of the licensee's employment;*]

[*(D) Received a positive toxicology test result as determined by federal regulations pertaining to drug testing;*]

[*(E) Violated a restriction on the licensee's practice imposed by the program or the licensee's board;*]

[*(F) Was admitted to the hospital for mental illness or adjudged to be mentally incompetent;*]

[*(G) Entered into a diversion agreement, but failed to participate in the program; or*]

[*(H) Was referred to the program but failed to enroll in the program; and*]

[*(g)*] **(e)** At least weekly, submit to licensees' boards:

(A) A list of licensees who were referred to the program by a health profession licensing board and who are enrolled in the program; and

(B) A list of licensees who were referred to the program by a health profession licensing board and who successfully complete the program.

(2) The lists submitted under subsection [*(1)(g)*] **(1)(e)** of this section are exempt from disclosure as a public record under ORS 192.410 to 192.505.

(3) When the program reports **substantial** noncompliance **under subsection (1)(d) of this section** to a licensee's board, the report must include:

(a) A description of the **substantial** noncompliance;

(b) A copy of a report from the independent third party who diagnosed the licensee under ORS 676.200 (2)(a) or subsection (6)(a) of this section stating the licensee's diagnosis;

(c) A copy of the licensee's diversion agreement; and

(d) The licensee's employment status.

(4) The program may not diagnose or treat licensees enrolled in the program.

(5) The diversion agreement required by subsection (1) of this section must:

(a) Require the licensee to consent to disclosure and exchange of information between the program, the licensee's board, the licensee's employer, evaluators and treatment **programs or** providers, in compliance with ORS 179.505 and 42 C.F.R. part 2;

(b) Require that the licensee comply continuously with the agreement for at least two years to

successfully complete the program;

(c) [*Based on an individualized assessment,*] Require that the licensee abstain from mind-altering or intoxicating substances or potentially addictive drugs, unless the drug is [*approved by the program and*]**:**

(A) Prescribed for a documented medical condition by a person authorized by law to prescribe the drug to the licensee**; and**

(B) Approved by the program if the licensee's board has granted the program that authority;

(d) Require the licensee to report use of mind-altering or intoxicating substances or potentially addictive drugs within 24 hours;

(e) Require the licensee to agree to participate in a **recommended** treatment plan [*approved by a third party*];

(f) Contain limits on the licensee's practice of the licensee's health profession;

[*(g) Provide for employer monitoring of the licensee;*]

[*(h) Provide that the program may require an evaluation of the licensee's fitness to practice before removing the limits on the licensee's practice of the licensee's health profession;*]

[*(i)*] **(g)** Require the licensee to submit to random drug or alcohol testing in accordance with federal regulations**, unless the licensee is diagnosed with only a mental health disorder and the licensee's board does not otherwise require the licensee to submit to random drug or alcohol testing**;

[*(j)*] **(h)** Require the licensee to report [*at least weekly*] to the program regarding the licensee's compliance with the agreement;

[*(k)*] **(i)** Require the licensee to report any arrest for or conviction of a misdemeanor or felony crime to the program within three business days after the licensee is arrested or convicted;

[*(L)*] **(j)** Require the licensee to report applications for licensure in other states, changes in employment and changes in practice setting; and

[*(m)*] **(k)** Provide that the licensee is responsible for the cost of evaluations, toxicology testing and treatment.

(6)(a) **If a health profession licensing board participating in the program establishes by rule an option for self-referral to the program,** a licensee of [*a*] **the health profession licensing** board [*participating in the program*] may self-refer to the program.

(b) The program shall require [*the*] **a** licensee **who self-refers to the program** to attest that the licensee is not, to the best of the licensee's knowledge, under investigation by the licensee's board. The program shall enroll the licensee on the date on which the licensee attests that the licensee, to the best of the licensee's knowledge, is not under investigation by the licensee's board.

(c) When a licensee self-refers to the program, the program shall:

(A) Require that an independent third party approved by the licensee's board to evaluate alcohol or substance abuse or mental health disorders evaluate the licensee for alcohol or substance abuse or mental health disorders; and

(B) Investigate to determine whether the licensee's practice while impaired has presented or presents a danger to the public.

(d) **When a licensee self-refers to the program,** the program may not report [*a self-referred*] **the** licensee's enrollment in or successful completion of the program to the licensee's board.

(7) The authority shall adopt rules establishing a fee to be paid by the **health profession licensing** boards participating in the [*impaired health professional*] program for administration of the

program.

(8) The authority shall arrange for an independent third party to audit the program **every four years** to ensure compliance with program guidelines. The authority shall report the results of the audit to the Legislative Assembly, the Governor and the health profession licensing boards. The report may not contain individually identifiable information about licensees.

(9) The authority may adopt rules to carry out this section.

SECTION 3. ORS 676.200, as amended by section 2, chapter 2, Oregon Laws 2012, is amended to read:

676.200. (1)(a) A health profession licensing board that is authorized by law to take disciplinary action against licensees may adopt rules opting to participate in the impaired health professional program established under ORS 676.190 **and may contact with or designate one or more other programs to deliver therapeutic services to its licensees**.

(b) A board [*may only refer impaired professionals to the impaired health professional program established under ORS 676.190 and*] may not establish the board's own impaired health professional program **for the purpose of monitoring licensees of the board that have been referred to the program**.

(c) A board may adopt rules establishing additional requirements for licensees referred to the impaired health professional program established under ORS 676.190 **or a program with which the board has entered into a contract or designated to deliver therapeutic services under subsection (1) of this section**.

(2) If a board participates in the impaired health professional program, the board shall establish by rule a procedure for referring licensees to the program. The procedure must provide that, before the board refers a licensee to the program, the board shall ensure that:

(a) An independent third party approved by the board to evaluate alcohol or substance abuse or mental health disorders has diagnosed the licensee with alcohol or substance abuse or a mental health disorder and provided the diagnosis and treatment options to the licensee and the board;

(b) The board has investigated to determine whether the licensee's professional practice while impaired has presented or presents a danger to the public; and

(c) The licensee has agreed to report any arrest for or conviction of a misdemeanor or felony crime to the board within three business days after the licensee is arrested or convicted.

(3) A board that participates in the impaired health professional program shall [*investigate*] **review** reports received from the program. If the board finds that a licensee is substantially noncompliant with a diversion agreement entered into under ORS 676.190, the board may suspend, restrict, modify or revoke the licensee's license or end the licensee's participation in the impaired health professional program.

(4) A board may not discipline a licensee solely because the licensee:

(a) Self-refers to or participates in the impaired health professional program;

(b) Has been diagnosed with alcohol or substance abuse or a mental health disorder; or

(c) Used controlled substances before entry into the impaired health professional program, if the licensee did not practice while impaired.

SECTION 4. The amendments to ORS 676.185 and 676.190 by sections 1 and 2 of this 2013 Act apply to:

(1) Diversion agreements between licensees and the impaired health professional program entered into on or after the effective date of this 2013 Act; and

(2) Licensees who self-refer to the impaired health professional program on or after the

effective date of this 2013 Act.

SECTION 5. This 2013 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect on its passage.

House Bill 2170

Sponsored by Representative KRIEGER (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced.**

Requires that final order of state agency in contested case proceeding include copy of statutes relating to appeal of order and notification of right of party to request leave to present additional evidence on appeal.

A BILL FOR AN ACT

Relating to orders in contested cases; creating new provisions; and amending ORS 183.470.

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

SECTION 1. ORS 183.470 is amended to read:

183.470. In a contested case:

(1) Every order adverse to a party to the proceeding shall be in writing or stated in the record and may be accompanied by an opinion.

(2) A final order shall be accompanied by findings of fact and conclusions of law. The findings of fact shall consist of a concise statement of the underlying facts supporting the findings as to each contested issue of fact and as to each ultimate fact required to support the agency's order.

(3) The agency shall notify the parties to a proceeding of a final order by delivering or mailing a copy of the order and any accompanying findings and conclusions to each party or, if applicable, the party's attorney of record.

(4) Every final order shall include a [*citation of the statutes under which the order may be appealed*] **a copy of ORS 183.480 and 183.482 and shall notify the party of the party's right to request leave to present additional evidence under ORS 183.482 (5)**.

SECTION 2. The amendments to ORS 183.470 by section 1 of this 2013 Act apply only to final orders issued under ORS 183.470 on or after the effective date of this 2013 Act.

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

House Bill 2171

Sponsored by Representative KRIEGER (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced.**

Provides that person has right to trial in circuit court if agency proposes to impose civil penalty of $2,000 or more against person. Requires that proceedings to impose civil penalty be treated as action at law.

A BILL FOR AN ACT

Relating to civil penalties; creating new provisions; and amending ORS 183.415, 183.745, 527.687 and 757.994.

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

SECTION 1. ORS 183.745 is amended to read:

183.745. (1) Except as otherwise provided by law, an agency may [*only*] impose a civil penalty **only** as provided in this section.

(2) A civil penalty imposed under this section shall become due and payable 10 days after the order imposing the civil penalty becomes final by operation of law or on appeal. A person against whom a civil penalty is to be imposed shall be served with a notice in the form provided in ORS 183.415. Service of the notice shall be accomplished in the manner provided by ORS 183.415.

(3) The person to whom the notice is addressed shall have 20 days from the date of service of the notice provided for in subsection (2) of this section in which to make written application for a hearing. The agency may by rule provide for a longer period of time in which application for a hearing may be made. If no application for a hearing is made within the time allowed, the agency may make a final order imposing the penalty. A final order entered under this subsection need not be delivered or mailed to the person against whom the civil penalty is imposed.

(4) If an agency proposes to impose a civil penalty of $2,000 or more against a person, the person has the right to request a trial in circuit court. If the notice served on the person indicates that the agency seeks to impose a civil penalty of $2,000 or more, a request for hearing under subsection (3) of this section must specify whether the person requests an administrative hearing or a trial in circuit court. If the person requests a trial, the agency must file a proceeding in circuit court within 20 days after receipt of the request. If the agency does not file a proceeding within the time allowed, the order imposing the civil penalty is of no further force or effect. A proceeding under this subsection shall be treated as an action at law for all purposes, including right to jury trial and scope of review on appeal.

[*(4)*] **(5)** Any person who makes application as provided for in subsection (3) of this section shall be entitled to a hearing. **Except as provided in subsection (4) of this section,** the hearing shall be conducted as a contested case hearing pursuant to the applicable provisions of ORS 183.413 to 183.470.

[*(5)*] **(6)** Judicial review of an order made after a hearing under subsection [*(4)*] **(5)** of this sec-

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

tion shall be as provided in ORS 183.480 to 183.497 for judicial review of contested cases.

[*(6) When an order assessing a civil penalty under this section becomes final by operation of law or on appeal, and the amount of penalty is not paid within 10 days after the order becomes final, the order may be recorded with the county clerk in any county of this state. The clerk shall thereupon record the name of the person incurring the penalty and the amount of the penalty in the County Clerk Lien Record.*]

(7) If a trial is requested under subsection (4) of this section, an order imposing a civil penalty may be enforced upon entry of a judgment in the proceedings that is no longer subject to appeal. If a trial is not requested, an order imposing a civil penalty under this section may be recorded with the county clerk in any county of this state after the order becomes final by operation of law or on appeal.

[*(7)*] **(8)** This section does not apply to penalties:

(a) Imposed under the tax laws of this state;

(b) Imposed under the provisions of ORS 646.760 or 652.332;

(c) Imposed under the provisions of ORS chapter 654, 656 or 659A; or

(d) Imposed by the Public Utility Commission.

[*(8)*] **(9)** This section creates no new authority in any agency to impose civil penalties.

[*(9)*] **(10)** This section does not affect:

(a) Any right under any other law that an agency may have to bring an action in a court of this state to recover a civil penalty; or

(b) The ability of an agency to collect a properly imposed civil penalty under the provisions of ORS 305.830.

[*(10)*] **(11)** The notice provided for in subsection (2) of this section may be made part of any other notice served by the agency under ORS 183.415.

[*(11)*] **(12)** Informal disposition of proceedings under this section, whether by stipulation, agreed settlement, consent order or default, may be made at any time.

[*(12)*] **(13)** In addition to any other remedy provided by law, recording an order in the County Clerk Lien Record pursuant to the provisions of this section has the effect provided for in ORS 205.125 and 205.126, and the order may be enforced as provided in ORS 205.125 and 205.126.

[*(13)*] **(14)** As used in this section:

(a) "Agency" has that meaning given in ORS 183.310.

(b) "Civil penalty" includes only those monetary penalties that are specifically denominated as civil penalties by statute.

SECTION 2. ORS 183.415 is amended to read:

183.415. (1) The Legislative Assembly finds that persons affected by actions taken by state agencies have a right to be informed of their rights and remedies with respect to the actions.

(2) In a contested case, all parties shall be afforded an opportunity for hearing after reasonable notice, served personally or by registered or certified mail.

(3) Notice under this section must include:

(a) A statement of the party's right to hearing, with a description of the procedure and time to request a hearing, or a statement of the time and place of the hearing;

(b) A statement of the person's right to request a trial if the state agency seeks to impose a civil penalty of $2,000 or more;

[*(b)*] **(c)** A statement of the authority and jurisdiction under which the hearing is to be held;

[*(c)*] **(d)** A reference to the particular sections of the statutes and rules involved;

[*(d)*] **(e)** A short and plain statement of the matters asserted or charged; and

[*(e)*] **(f)** A statement indicating whether and under what circumstances an order by default may be entered.

SECTION 3. ORS 527.687 is amended to read:

527.687. (1) Subject to the notice provisions of ORS 527.683, any civil penalty under ORS 527.992 shall be imposed in the manner provided in ORS 183.745.

(2) In no case shall [*a*] **an administrative** hearing **or trial** requested under ORS 183.745 be held less than 45 days from the date of service of the notice of penalty to allow the party to prepare testimony. The hearing shall be held not more than 180 days following issuance of the notice unless all parties agree on an extension.

(3) Hearings under this section shall be conducted by an administrative law judge assigned from the Office of Administrative Hearings established under ORS 183.605.

(4) Except as provided in subsection (5) of this section, all civil penalties recovered under ORS 527.610 to 527.770, 527.990 and 527.992 shall be paid to the General Fund.

(5) Civil penalties recovered under ORS 527.685 (5) shall be deposited in the State Forestry Department Account under ORS 526.060 and used, consistently with ORS 527.690, by the State Forester to reforest the land that is the subject of a violation of ORS 527.745 or rules for reforestation adopted pursuant to ORS 527.745. Civil penalties described in this subsection that exceed the costs of reforestation shall be paid to the General Fund.

SECTION 4. ORS 757.994 is amended to read:

757.994. (1) In addition to all other penalties provided by law, a person who violates any statute, rule or order of the Public Utility Commission related to water utilities is subject to a civil penalty of not more than $500 for each violation. The commission may require that penalties imposed under this section be used for the benefit of the customers of water utilities affected by the violation.

(2) Notwithstanding ORS 183.745 [*(7)(d)*] **(8)(d)**, 183.315 (6) and 756.500 to 756.610, civil penalties under this section must be imposed by the commission as provided in ORS 183.745.

SECTION 5. The amendments to ORS 183.415, 183.745, 527.687 and 757.994 by sections 1 to 4 of this 2013 Act apply only to agency orders imposing civil penalties for which notice is given under ORS 183.415 on or after the effective date of this 2013 Act.

House Bill 2215

Introduced and printed pursuant to House Rule 12.00. Presession filed (at the request of Governor John A. Kitzhaber, M.D.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced.**

Provides that person holding appointive office in state government serves at pleasure of appointing authority.

A BILL FOR AN ACT

Relating to persons holding appointive office in state government; amending ORS 236.140.

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

SECTION 1. ORS 236.140 is amended to read:

236.140. **Notwithstanding any other provision of law, a** [*any*] person holding an appointive office in any of the offices, departments or institutions of this state[,] shall hold the same for an indefinite term, not exceeding four years, and shall at all times **serve at the pleasure of and** be subject to removal by the appointive power [*which*] **that** made the appointment. The appointive power may in all cases appoint a successor.

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

House Bill 2217

Introduced and printed pursuant to House Rule 12.00. Presession filed (at the request of Governor John A. Kitzhaber, M.D.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced.**

Establishes procedure and requirements for filing notice of adverse health care incident with Oregon Patient Safety Commission.

Requires health care facilities, health care providers and patients to engage in discussion and mediation related to adverse health care incidents. Requires court to stay civil action for negligence commenced before requirements completed. Makes provisions requiring discussion and mediation operative on July 1, 2014.

Directs commission to use information received from notices of adverse health care incident to prevent future adverse health care incidents and to report to Legislative Assembly.

Prohibits insurers from taking certain actions based on notice of adverse health care incident.

Sunsets December 31, 2023.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to resolution of matters related to health care; creating new provisions; amending ORS 31.250 and 743.056; and declaring an emergency.

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

SECTION 1. Definitions. As used in sections 1 to 10 of this 2013 Act:

(1) "Adverse health care incident" means an objective, definable and unanticipated consequence of patient care that is usually preventable and results in the death of or physical injury to the patient.

(2) "Health care facility" has the meaning given that term in ORS 442.015.

(3) "Health care provider" means a person practicing within the scope of the person's license, registration or certification to practice as:

(a) A psychologist under ORS 675.030 to 675.070, 675.085 and 675.090;

(b) An occupational therapist under ORS 675.230 to 675.300;

(c) A physician under ORS 677.100 to 677.228;

(d) An emergency medical services provider under ORS chapter 682;

(e) A podiatric physician and surgeon under ORS 677.820 to 677.840;

(f) A nurse under ORS 678.040 to 678.101;

(g) A nurse practitioner under ORS 678.375 to 678.390;

(h) A dentist under ORS 679.060 to 679.180;

(i) A dental hygienist under ORS 680.040 to 680.100;

(j) A denturist under ORS 680.515 to 680.535;

(k) An audiologist or speech-language pathologist under ORS 681.250 to 681.350;

(L) An optometrist under ORS 683.040 to 683.155 and 683.170 to 683.220;

(m) A chiropractor under ORS 684.040 to 684.105;

(n) A naturopath under ORS 685.060 to 685.110, 685.125 and 685.135;

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

(o) A massage therapist under ORS 687.011 to 687.250;

(p) A direct entry midwife under ORS 687.405 to 687.495;

(q) A physical therapist under ORS 688.040 to 688.145;

(r) A medical imaging licensee under ORS 688.445 to 688.525;

(s) A pharmacist under ORS 689.151 and 689.225 to 689.285;

(t) A physician assistant under ORS 677.505 to 677.525; or

(u) A professional counselor or marriage and family therapist under ORS 675.715 to 675.835.

(4) "Patient" means the patient, or if the patient is a minor, incapacitated or deceased, the patient's representative as provided in section 8 of this 2013 Act.

SECTION 2. Notice of adverse health care incident. (1)(a) When an adverse health care incident occurs in a health care facility, the health care facility shall:

(A) File a notice of adverse health care incident with the Oregon Patient Safety Commission in the form and manner provided by the commission by rule; and

(B) Provide a copy of the notice to the patient.

(b) A notice filed under this subsection may not include the name of a health care provider, but the health care facility filing the notice shall notify any health care providers involved in the adverse health care incident of the notice.

(2) When an adverse health care incident occurs outside of a health care facility, the health care provider treating the patient shall:

(a) File a notice of adverse health care incident with the commission in the form and manner provided by the commission by rule; and

(b) Provide a copy of the notice to the patient.

(3) A patient may file a notice of adverse health care incident with:

(a) The health care facility where the incident occurred, if the incident occurred in a health care facility; or

(b) The commission, if the incident did not occur in a health care facility.

(4) A health care facility shall establish procedures for accepting notices of adverse health care incidents filed under this section.

(5) If the commission receives a notice of adverse health care incident from a patient under subsection (3) of this section, the commission shall notify the health care provider named in the notice within seven days after receiving the notice.

(6) A notice of adverse health care incident filed under this section is not:

(a) A written claim or demand for payment.

(b) A claim for purposes of ORS 742.400.

(7) The filing of a notice of adverse health care incident as provided in this section satisfies the notice requirements of ORS 30.275.

SECTION 3. Discussion of adverse health care incident. (1) A health care facility or health care provider who files or is named in a notice of adverse health care incident filed under section 2 of this 2013 Act shall engage in a discussion regarding the adverse health care incident with the patient within the time established by the Oregon Patient Safety Commission by rule.

(2) The patient and the health care facility or health care provider named in the notice may include other persons in the discussion.

(3) Within the time established by the commission by rule, the health care facility or

health care provider named in the notice shall:

(a) Communicate to the patient the steps the health care facility or health care provider will take to prevent future occurrences of the adverse health care incident; and

(b)(A) Determine that no offer of compensation for the adverse health care incident is warranted and communicate that determination to the patient orally or in writing; or

(B) Determine that an offer of compensation for the adverse health care incident is warranted and extend that offer in writing to the patient.

(4) If a health care facility or health care provider makes an offer of compensation under subsection (3) of this section, the facility or provider shall advise the patient to seek legal advice before accepting the offer.

(5) Discussions between the health care facility or health care provider and the patient about the amount of compensation offered under subsection (3) of this section must remain oral.

(6) The patient shall accept or reject an offer of compensation made under subsection (3) of this section within the time established by the commission by rule.

(7) The health care facility or health care provider and the patient may agree to extend time limitations established by the commission under this section, but a time limitation may not be extended to more than 180 days after the notice of adverse health care incident is filed under section 2 of this 2013 Act unless the health care facility or health care provider and the patient also agree to extend the statute of limitations.

(8) If the patient accepts an offer made under subsection (3) of this section, the health care facility or health care provider named in the notice shall notify the commission.

(9) The person who filed the notice of adverse health care incident under section 2 of this 2013 Act shall file a report with the commission within 180 days after the date the notice was filed indicating the status of the matter.

SECTION 4. Discussion communications. (1) As used in this section, "discussion communications" means:

(a) All communications that are made in the course of a discussion under section 3 of this 2013 Act; and

(b) All memoranda, work products, documents and other materials that are prepared for or submitted in the course of or in connection with a discussion under section 3 of this 2013 Act.

(2) Discussion communications and offers of compensation made under section 3 of this 2013 Act:

(a) Do not constitute an admission of liability.

(b) Are confidential and may not be disclosed to any other person.

(c) Are not admissible as evidence in any subsequent adjudicatory proceeding, and may not be disclosed by the parties in any subsequent adjudicatory proceeding.

(3) Statements, memoranda, work products, documents and other materials, otherwise subject to discovery, that were not prepared specifically for use in a discussion under section 3 of this 2013 Act, are not confidential.

(4) Any document that, before its use in a discussion under section 3 of this 2013 Act, was a public record as defined in ORS 192.410 remains subject to disclosure to the extent provided by ORS 192.410 to 192.505.

(5) The limitations on admissibility and disclosure in subsequent adjudicatory proceedings

imposed by this section apply to any subsequent judicial proceeding, administrative proceeding or arbitration proceeding. The limitations on disclosure imposed by this section include disclosure during any discovery conducted as part of a subsequent adjudicatory proceeding, and a person who is prohibited from disclosing information under the provisions of this section may not be compelled to reveal confidential communications or agreements in any discovery proceeding conducted as part of a subsequent adjudicatory proceeding.

SECTION 5. Mediation. (1) If the discussion under section 3 of this 2013 Act does not result in a resolution of an adverse health care incident, the patient and health care facility or health care provider named in the notice of adverse health care incident filed under section 2 of this 2013 Act shall enter into mediation unless:

(a) No offer of compensation is extended under section 3 of this 2013 Act and the health care facility or health care provider named in the notice filed under section 2 of this 2013 Act or the patient objects to mediation; or

(b) An offer of compensation is extended under section 3 of this 2013 Act and the offer is rejected by the patient and both parties waive mediation.

(2) The Oregon Patient Safety Commission shall develop and maintain a panel of qualified individuals to serve as mediators. The parties may choose any mediator from the panel or outside the panel by mutual agreement.

(3) The parties shall bear the cost of mediation equally unless otherwise mutually agreed.

(4) Other parties may participate in the mediation, including but not limited to:

(a) The patient's family, at the discretion of the patient;

(b) Attorneys for the patient and the health care facility or health care provider;

(c) Malpractice insurance carriers;

(d) Risk management personnel; and

(e) Any lien holder with an interest in the dispute.

(5) If a health care facility or health care provider makes an offer of compensation as part of a mediation under this section, the facility or provider shall advise the patient to seek legal advice before accepting the offer.

(6) Mediations under this section are subject to ORS 36.210, 36.220, 36.222, 36.224, 36.226, 36.232, 36.234, 36.236 and 36.238.

SECTION 6. Payment and resolution. (1) A payment made to a patient under section 3 of this 2013 Act or as a result of a mediation under section 5 of this 2013 Act is not a payment resulting from a written claim or demand for payment.

(2) A health care facility or health care provider may require the patient to execute all documents and obtain any necessary court approval to resolve an adverse health care incident and the parties shall negotiate the form of such documents or court approval as necessary.

SECTION 7. Statute of limitations; stay of civil actions; evidence of offers and payments. (1) The discussion and mediation requirements of sections 3 and 5 of this 2013 Act do not prevent a patient from bringing a civil action for negligence if the discussion and mediation do not result in full resolution of the adverse health care incident, unless the patient signed a release of the claim.

(2) The statute of limitations applicable to a negligence claim is tolled for 180 days, or another period agreed upon by the patient and the health care facility or health care provider named in the notice of adverse health incident filed under section 2 of this 2013 Act, from

the date the notice is filed under section 2 of this 2013 Act.

(3) If a civil action is commenced, the court shall stay the action until the parties have completed the requirements of sections 3 and 5 of this 2013 Act.

(4) Evidence of an offer, the amount, payment or acceptance of any compensation offered under section 3 or 5 of this 2013 Act is inadmissible in any adjudicatory proceeding. However, any judgment in favor of the patient must be reduced by the amount of any compensation paid under sections 3 and 5 of this 2013 Act.

SECTION 8. Patient representatives. A patient who is a minor, incapacitated or deceased may be represented for purposes of sections 1 to 10 of this 2013 Act by:

(1) The spouse, parent, adult sibling or adult child of the patient.

(2) An adult relative or adult friend of the patient who is familiar with the desires of the patient.

(3) The guardian of the patient.

(4) The conservator of the patient.

SECTION 9. Duties of Oregon Patient Safety Commission. (1) The Oregon Patient Safety Commission shall make rules establishing requirements and procedures as necessary to implement sections 1 to 10 of this 2013 Act, including but not limited to:

(a) Time limitations for filing a notice of adverse health care incident under section 2 of this 2013 Act and for conducting a discussion and mediation under sections 3 and 5 of this 2013 Act.

(b) The form of the notice of adverse health care incident under section 2 of this 2013 Act.

(c) Requirements for the annual report required under subsection (4) of this section.

(d) Criteria for when the commission will initiate an investigation of an adverse health care incident.

(2) The commission shall use notices of adverse health care incidents filed under section 2 of this 2013 Act to:

(a) Establish quality improvement techniques to reduce system errors contributing to adverse health care incidents.

(b) Disseminate evidence-based prevention practices to improve patient outcomes.

(c) Upon the request of a health care facility or health care provider, assist the health care facility or health care provider in reducing the incidence of a particular adverse health care incident, including but not limited to determining the underlying cause of the incident and providing advice regarding preventing reoccurrence of the incident.

(3) The commission may initiate investigations of adverse health care incidents reported to the commission under section 2 of this 2013 Act. Investigations under this subsection and any documents produced during the investigation are confidential.

(4) Before December 31 of each year, the commission shall report to an appropriate committee or interim committee of the Legislative Assembly on the implementation and effects of sections 1 to 10 of this 2013 Act.

SECTION 10. Use of information by Oregon Patient Safety Commission. The Oregon Patient Safety Commission may disseminate information provided pursuant to a discussion under section 3 of this 2013 Act as follows:

(1) To the public and to other health care facilities or health care providers not involved in the adverse health care incident, as necessary to meet the goals described in section 9 of

this 2013 Act. Information disclosed under this subsection may not identify a health care facility, health care provider or patient involved in the adverse health care incident.

(2) The commission may not disclose any information provided pursuant to a discussion under section 3 of this 2013 Act to a regulatory agency or licensing board.

(3) The commission may use and disclose information provided pursuant to a discussion under section 3 of this 2013 Act as necessary to assist individual health care facilities or health care providers involved in an adverse health care incident in determining the cause of and potential mitigation of the incident. If the commission discloses information to a party not involved in the incident under this subsection, the information may not identify a health care facility, health care provider or patient involved in the incident.

(4) A regulatory agency, licensing board, health care facility, health insurer or credentialing entity may not ask a health care facility, health care provider or other person or entity if a facility or provider has filed a notice of adverse health care incident or use the fact that a notice of adverse health care incident was filed as the basis of disciplinary, regulatory, licensure or credentialing action. This subsection does not prevent a person or entity from using information that would be otherwise available to engage in quality review of patient care or from using information otherwise available as the basis of imposing a restriction, limitation, loss or denial of privileges of a health care provider or other action against a health care provider based on a finding of medical incompetence, unprofessional conduct, physical incapacity or impairment.

SECTION 11. ORS 31.250 is amended to read:

31.250. (1) In any action described in subsection [*(5)*] **(6)** of this section, all parties to the action and their attorneys must participate in some form of dispute resolution within 270 days after the action is filed unless:

(a) The action is settled or otherwise resolved within 270 days after the action is filed; or

(b) All parties to the action agree in writing to waive dispute resolution under this section.

(2) Dispute resolution under this section may consist of arbitration, mediation or a judicial settlement conference.

(3) Within 270 days after filing an action described in subsection [*(5)*] **(6)** of this section, the parties or their attorneys must file a certificate indicating that the parties and attorneys have complied with the requirements of this section.

(4) The court may impose appropriate sanctions against any party or attorney who:

(a) Fails to attend an arbitration hearing, mediation session or judicial settlement conference conducted for the purposes of the requirements of this section;

(b) Fails to act in good faith in any arbitration, mediation or judicial settlement conference conducted for the purposes of the requirements of this section;

(c) Fails to timely submit any documents required for an arbitration, mediation or judicial settlement conference conducted for the purposes of the requirements of this section; or

(d) Fails to have a person with authority to approve a resolution of the action available at the time of any arbitration hearing, mediation session or judicial settlement conference conducted for the purposes of the requirements of this section, unless the party or attorney receives from the court, before the hearing, session or conference commences, an exemption from the requirements of this paragraph.

(5) This section does not apply to parties to the action who have met the requirements of sections 3 and 5 of this 2013 Act.

[*(5)*] **(6)** The provisions of this section apply to any action in which a claim for damages is made against a health practitioner, as described in ORS 31.740, or against a health care facility, as defined in ORS 442.015, based on negligence, unauthorized rendering of health care or product liability under ORS 30.900 to 30.920.

SECTION 12. ORS 31.250, as amended by section 11 of this 2013 Act, is amended to read:

31.250. (1) In any action described in subsection [*(6)*] **(5)** of this section, all parties to the action and their attorneys must participate in some form of dispute resolution within 270 days after the action is filed unless:

(a) The action is settled or otherwise resolved within 270 days after the action is filed; or

(b) All parties to the action agree in writing to waive dispute resolution under this section.

(2) Dispute resolution under this section may consist of arbitration, mediation or a judicial settlement conference.

(3) Within 270 days after filing an action described in subsection [*(6)*] **(5)** of this section, the parties or their attorneys must file a certificate indicating that the parties and attorneys have complied with the requirements of this section.

(4) The court may impose appropriate sanctions against any party or attorney who:

(a) Fails to attend an arbitration hearing, mediation session or judicial settlement conference conducted for the purposes of the requirements of this section;

(b) Fails to act in good faith in any arbitration, mediation or judicial settlement conference conducted for the purposes of the requirements of this section;

(c) Fails to timely submit any documents required for an arbitration, mediation or judicial settlement conference conducted for the purposes of the requirements of this section; or

(d) Fails to have a person with authority to approve a resolution of the action available at the time of any arbitration hearing, mediation session or judicial settlement conference conducted for the purposes of the requirements of this section, unless the party or attorney receives from the court, before the hearing, session or conference commences, an exemption from the requirements of this paragraph.

[*(5) This section does not apply to parties to the action who have met the requirements of sections 3 and 5 of this 2013 Act.*]

[*(6)*] **(5)** The provisions of this section apply to any action in which a claim for damages is made against a health practitioner, as described in ORS 31.740, or against a health care facility, as defined in ORS 442.015, based on negligence, unauthorized rendering of health care or product liability under ORS 30.900 to 30.920.

SECTION 13. ORS 743.056 is amended to read:

743.056. (1) As used in this section:

(a) "Adverse event" means a negative consequence of patient care that is unanticipated, is usually preventable and results in or presents a significant risk of patient injury.

(b) "Claim" means a written demand for restitution for an injury alleged to have been caused by the medical negligence of a health practitioner or licensed health care facility.

(c) "Health practitioner" means a person described in ORS 31.740 (1).

(d) "Patient's family" includes:

(A) A parent, sibling or child by marriage, blood, adoption or domestic partnership.

(B) A foster parent or foster child.

(2) An insurer may not decline or refuse to defend or indemnify a health practitioner or a health care facility with respect to a claim, for any reason that is based on**:**

(a) The disclosure to the patient or the patient's family by the health practitioner or facility of an adverse event or information relating to the cause of an adverse event**;**

(b) A notice filed under section 2 of this 2013 Act; or

(c) Participation in a discussion or mediation under section 3 or 5 of this 2013 Act.

(3) A policy or contract of insurance or indemnity may not include a provision or term excluding or limiting coverage based on**:**

(a) The disclosure to a patient or the patient's family by a health practitioner or facility of an adverse event or information relating to the cause of an adverse event**;**

(b) A notice filed under section 2 of this 2013 Act; or

(c) Participation in a discussion or mediation under section 3 or 5 of this 2013 Act.

(4) An insurer may establish requirements for coverage of offers of compensation made in a discussion or mediation under section 3 or 5 of this 2013 Act. Requirements established under this subsection may not be intended to or have the effect of preventing meaningful participation in discussions and mediations under sections 3 and 5 of this 2013 Act.

(5) An insurer may not provide or be required to provide information related to an adverse health care incident as defined in section 1 of this 2013 Act for credentialing purposes.

SECTION 14. ORS 743.056, as amended by section 13 of this 2013 Act, is amended to read:

743.056. (1) As used in this section:

(a) "Adverse event" means a negative consequence of patient care that is unanticipated, is usually preventable and results in or presents a significant risk of patient injury.

(b) "Claim" means a written demand for restitution for an injury alleged to have been caused by the medical negligence of a health practitioner or licensed health care facility.

(c) "Health practitioner" means a person described in ORS 31.740 (1).

(d) "Patient's family" includes:

(A) A parent, sibling or child by marriage, blood, adoption or domestic partnership.

(B) A foster parent or foster child.

(2) An insurer may not decline or refuse to defend or indemnify a health practitioner or a health care facility with respect to a claim, for any reason that is based on[*:*]

[*(a)*] the disclosure to the patient or the patient's family by the health practitioner or facility of an adverse event or information relating to the cause of an adverse event[*;*]

[*(b) A notice filed under section 2 of this 2013 Act; or*]

[*(c) Participation in a discussion or mediation under section 3 or 5 of this 2013 Act*].

(3) A policy or contract of insurance or indemnity may not include a provision or term excluding or limiting coverage based on[*:*]

[*(a)*] the disclosure to a patient or the patient's family by a health practitioner or facility of an adverse event or information relating to the cause of an adverse event[*;*]

[*(b) A notice filed under section 2 of this 2013 Act; or*]

[*(c) Participation in a discussion or mediation under section 3 or 5 of this 2013 Act*].

[*(4) An insurer may establish requirements for coverage of offers of compensation made in a discussion or mediation under section 3 or 5 of this 2013 Act. Requirements established under this subsection may not be intended to or have the effect of preventing meaningful participation in discussions and mediations under sections 3 and 5 of this 2013 Act.*]

[*(5) An insurer may not provide or be required to provide information related to an adverse health care incident as defined in section 1 of this 2013 Act for credentialing purposes.*]

SECTION 15. Report of Oregon Patient Safety Commission. On or before March 31, 2016,

the Oregon Patient Safety Commission shall report to an appropriate committee of the Legislative Assembly on the implementation and effects of sections 1 to 10 of this 2013 Act.

SECTION 16. (1) Sections 1 to 10 of this 2013 Act are repealed on December 31, 2023.

(2) Section 15 of this 2013 Act is repealed on December 31, 2016.

SECTION 17. (1) Sections 1 to 10 of this 2013 Act and the amendments to ORS 31.250 and 743.056 by sections 11 and 13 of this 2013 Act become operative on July 1, 2014.

(2) The Oregon Patient Safety Commission may take any action before the operative date specified in subsection (1) of this section to enable the commission to exercise, on and after the operative date specified in subsection (1) of this section, all the duties, functions and powers conferred on the commission by sections 1 to 10 of this 2013 Act.

SECTION 18. The amendments to ORS 31.250 and 743.056 by sections 12 and 14 of this 2013 Act become operative on December 31, 2023.

SECTION 19. Sections 1 to 10 of this 2013 Act and the amendments to ORS 31.250 and 743.056 by sections 11 and 13 of this 2013 Act apply only to adverse health care incidents that occur on or after the operative date specified in section 17 of this 2013 Act.

SECTION 20. The section captions used in this 2013 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2013 Act.

SECTION 21. This 2013 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect on its passage.

House Bill 2272

Sponsored by Representative FREEMAN (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced.**

Specifies that dental care organizations are major components of health care delivery system and thus must be part of governance structure of coordinated care organization.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to dental care organizations; creating new provisions; amending ORS 414.625; and declaring an emergency.

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

SECTION 1. ORS 414.625, as amended by section 20, chapter 8, Oregon Laws 2012, is amended to read:

414.625. (1) The Oregon Health Authority shall adopt by rule the qualification criteria and requirements for a coordinated care organization and shall integrate the criteria and requirements into each contract with a coordinated care organization. Coordinated care organizations may be local, community-based organizations or statewide organizations with community-based participation in governance or any combination of the two. Coordinated care organizations may contract with counties or with other public or private entities to provide services to members. The authority may not contract with only one statewide organization. A coordinated care organization may be a single corporate structure or a network of providers organized through contractual relationships. The criteria adopted by the authority under this section must include, but are not limited to, the coordinated care organization's demonstrated experience and capacity for:

(a) Managing financial risk and establishing financial reserves.

(b) Meeting the following minimum financial requirements:

(A) Maintaining restricted reserves of $250,000 plus an amount equal to 50 percent of the coordinated care organization's total actual or projected liabilities above $250,000.

(B) Maintaining a net worth in an amount equal to at least five percent of the average combined revenue in the prior two quarters of the participating health care entities.

(c) Operating within a fixed global budget.

(d) Developing and implementing alternative payment methodologies that are based on health care quality and improved health outcomes.

(e) Coordinating the delivery of physical health care, mental health and chemical dependency services, oral health care and covered long-term care services.

(f) Engaging community members and health care providers in improving the health of the community and addressing regional, cultural, socioeconomic and racial disparities in health care that exist among the coordinated care organization's members and in the coordinated care organization's community.

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

(2) In addition to the criteria specified in subsection (1) of this section, the authority must adopt by rule requirements for coordinated care organizations contracting with the authority so that:

(a) Each member of the coordinated care organization receives integrated person centered care and services designed to provide choice, independence and dignity.

(b) Each member has a consistent and stable relationship with a care team that is responsible for comprehensive care management and service delivery.

(c) The supportive and therapeutic needs of each member are addressed in a holistic fashion, using patient centered primary care homes or other models that support patient centered primary care and individualized care plans to the extent feasible.

(d) Members receive comprehensive transitional care, including appropriate follow-up, when entering and leaving an acute care facility or a long term care setting.

(e) Members receive assistance in navigating the health care delivery system and in accessing community and social support services and statewide resources, including through the use of certified health care interpreters, as defined in ORS 413.550, community health workers and personal health navigators who meet competency standards established by the authority under ORS 414.665 or who are certified by the Home Care Commission under ORS 410.604.

(f) Services and supports are geographically located as close to where members reside as possible and are, if available, offered in nontraditional settings that are accessible to families, diverse communities and underserved populations.

(g) Each coordinated care organization uses health information technology to link services and care providers across the continuum of care to the greatest extent practicable and if financially viable.

(h) Each coordinated care organization complies with the safeguards for members described in ORS 414.635.

(i) Each coordinated care organization convenes a community advisory council that meets the criteria specified in section 13, chapter 8, Oregon Laws 2012.

(j) Each coordinated care organization prioritizes working with members who have high health care needs, multiple chronic conditions, mental illness or chemical dependency and involves those members in accessing and managing appropriate preventive, health, remedial and supportive care and services to reduce the use of avoidable emergency room visits and hospital admissions.

(k) Members have a choice of providers within the coordinated care organization's network and that providers participating in a coordinated care organization:

(A) Work together to develop best practices for care and service delivery to reduce waste and improve the health and well-being of members.

(B) Are educated about the integrated approach and how to access and communicate within the integrated system about a patient's treatment plan and health history.

(C) Emphasize prevention, healthy lifestyle choices, evidence-based practices, shared decision-making and communication.

(D) Are permitted to participate in the networks of multiple coordinated care organizations.

(E) Include providers of specialty care.

(F) Are selected by coordinated care organizations using universal application and credentialing procedures, objective quality information and are removed if the providers fail to meet objective quality standards.

(G) Work together to develop best practices for culturally appropriate care and service delivery to reduce waste, reduce health disparities and improve the health and well-being of members.

(L) Each coordinated care organization reports on outcome and quality measures adopted under ORS 414.638 and participates in the health care data reporting system established in ORS 442.464 and 442.466.

(m) Each coordinated care organization uses best practices in the management of finances, contracts, claims processing, payment functions and provider networks.

(n) Each coordinated care organization participates in the learning collaborative described in ORS 442.210 (3).

(o) Each coordinated care organization has a governance structure that includes:

(A) Persons that share in the financial risk of the organization who must constitute a majority of the governance structure;

(B) **Persons representing** the major components of the health care delivery system**, including persons representing one or more dental care organizations**;

(C) At least two health care providers in active practice, including:

(i) A physician licensed under ORS chapter 677 or a nurse practitioner certified under ORS 678.375, whose area of practice is primary care; and

(ii) A mental health or chemical dependency treatment provider;

(D) At least two members from the community at large, to ensure that the organization's decision-making is consistent with the values of the members and the community; and

(E) At least one member of the community advisory council.

(3) The authority shall consider the participation of area agencies and other nonprofit agencies in the configuration of coordinated care organizations.

(4) In selecting one or more coordinated care organizations to serve a geographic area, the authority shall:

(a) For members and potential members, optimize access to care and choice of providers;

(b) For providers, optimize choice in contracting with coordinated care organizations; and

(c) Allow more than one coordinated care organization to serve the geographic area if necessary to optimize access and choice under this subsection.

(5) On or before July 1, 2014, each coordinated care organization must have a formal contractual relationship with any dental care organization that serves members of the coordinated care organization in the area where they reside.

SECTION 2. The amendments to ORS 414.625 by section 1 of this 2013 Act apply to coordinated care organizations certified or recertified on or after July 1, 2012.

SECTION 3. This 2013 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect on its passage.

House Bill 2560

Introduced and printed pursuant to House Rule 12.00. Presession filed (at the request of House Interim Committee on Judiciary)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced.**

Prohibits agency from appointing person to serve on rulemaking advisory committee if person is also serving on public board, public commission, public committee or work group of public body, and rule would affect activities of board, commission, committee or work group.

A BILL FOR AN ACT

Relating to rulemaking advisory committees; creating new provisions; and amending ORS 183.333.

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

SECTION 1. ORS 183.333 is amended to read:

183.333. (1) The Legislative Assembly finds and declares that it is the policy of this state that whenever possible the public be involved in the development of public policy by agencies and in the drafting of rules. The Legislative Assembly encourages agencies to seek public input to the maximum extent possible before giving notice of intent to adopt a rule. The agency may appoint an advisory committee that will represent the interests of persons likely to be affected by the rule, or use any other means of obtaining public views that will assist the agency in drafting the rule. **An agency may not appoint a person to serve on an advisory committee if the person is also serving on any other public board, public commission, public committee or work group of a public body, as defined in ORS 174.109, and the rule would affect the activities of the board, commission, committee or work group.**

(2) Any agency in its discretion may develop a list of interested parties and inform those parties of any issue that may be the subject of rulemaking and invite the parties to make comments on the issue.

(3) If an agency appoints an advisory committee for consideration of a rule under subsection (1) of this section, the agency shall seek the committee's recommendations on whether the rule will have a fiscal impact, what the extent of that impact will be and whether the rule will have a significant adverse impact on small businesses. If the committee indicates that the rule will have a significant adverse impact on small businesses, the agency shall seek the committee's recommendations on compliance with ORS 183.540.

(4) An agency shall consider an advisory committee's recommendations provided under subsection (3) of this section in preparing the statement of fiscal impact required by ORS 183.335 (2)(b)(E).

(5) If an agency does not appoint an advisory committee for consideration of a permanent rule under subsection (1) of this section and 10 or more persons likely to be affected by the rule object to the agency's statement of fiscal impact as required by ORS 183.335 (2)(b)(E) or an association with at least 10 members likely to be affected by the rule objects to the statement, the agency shall ap-

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

point a fiscal impact advisory committee to provide recommendations on whether the rule will have a fiscal impact and what the extent of that impact will be. An objection under this subsection must be made not later than 14 days after the notice required by ORS 183.335 (1) is given. If the agency determines that the statement does not adequately reflect the rule's fiscal impact, the agency shall extend the period for submission of data or views under ORS 183.335 (3)(a) by at least 20 days. The agency shall include any recommendations from the committee in the record maintained by the agency for the rule.

(6) Subsection (5) of this section does not apply to any rule adopted by an agency to comply with a judgment or a settlement of a judicial proceeding.

SECTION 2. The amendments to ORS 183.333 by section 1 of this 2013 Act apply to advisory committees appointed for proposed rules for which notice is given under ORS 183.335 (1) on or after the effective date of this 2013 Act.

House Bill 2611

Sponsored by Representative KENY-GUYER, Senator SHIELDS; Representatives DEMBROW, FREDERICK, GALLEGOS, GREENLICK, MATTHEWS, Senators DINGFELDER, MONNES ANDERSON, WINTERS (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced.**

Directs certain health professional regulatory boards to adopt rules by January 1, 2017, requiring licensees to document participation in continuing education opportunities relating to cultural competency approved by Oregon Health Authority.

Requires authority to collaborate with boards to define "cultural competency," develop list of approved continuing education opportunities and provide list to boards on or before January 1, 2015.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to continuing education for health care professionals; and declaring an emergency.

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

SECTION 1. (1) As used in this section, "board" means the:

(a) State Board of Examiners for Speech-Language Pathology and Audiology;

(b) State Board of Chiropractic Examiners;

(c) State Board of Licensed Social Workers;

(d) Oregon Board of Licensed Professional Counselors and Therapists;

(e) Oregon Board of Dentistry;

(f) Board of Licensed Dietitians;

(g) State Board of Massage Therapists;

(h) Oregon Board of Naturopathic Medicine;

(i) Oregon State Board of Nursing;

(j) Nursing Home Administrators Board;

(k) Oregon Board of Optometry;

(L) State Board of Pharmacy;

(m) Oregon Medical Board;

(n) Occupational Therapy Licensing Board;

(o) Physical Therapist Licensing Board;

(p) State Board of Psychologist Examiners;

(q) Board of Medical Imaging;

(r) State Board of Direct Entry Midwifery;

(s) State Board of Denture Technology;

(t) Respiratory Therapist and Polysomnographic Technologist Licensing Board; and

(u) Oregon Health Authority, to the extent that the authority licenses emergency medical service providers.

(2) In collaboration with the Oregon Health Authority, a board shall adopt rules making it a condition of licensure that a person licensed by the board document participation in

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

continuing education designed to reduce health care disparities and improve cultural competency, as defined by the authority under section 2 of this 2013 Act.

SECTION 2. (1) The Oregon Health Authority shall collaborate with the boards listed in section 1 of this 2013 Act to:

(a) Define "cultural competency"; and

(b) Determine how often persons licensed by the boards must complete the continuing education required under section 1 of this 2013 Act.

(2) The authority shall develop a list of continuing education opportunities relating to cultural competency approved by the authority and make the list available to each of the boards listed in section 1 of this 2013 Act.

(3) The continuing education opportunities may include, but need not be limited to:

(a) Courses delivered either in person or electronically;

(b) Experiential learning such as cultural or linguistic immersion;

(c) Service learning; or

(d) Specially designed cultural experiences.

(4) The continuing education opportunities must teach attitudes, knowledge and skills that enable a health care professional to care effectively for patients from diverse cultures, groups and communities, including but not limited to:

(a) Applying linguistic skills to communicate effectively with patients from diverse cultures, groups and communities;

(b) Using cultural information to establish therapeutic relationships; and

(c) Eliciting, understanding and applying cultural and ethnic data in the process of clinical care.

(5) The authority may accept gifts, grants or contributions from any public or private source for the purpose of carrying out this section. Moneys received by the authority under this subsection shall be deposited into the Oregon Health Authority Fund established by ORS 413.101.

(6) The authority may contract with or award grant funding to a public or private entity to develop the list of or offer approved continuing education opportunities relating to cultural competency. The authority is not subject to the requirements of ORS chapters 279A, 279B and 279C with respect to contracts entered into under this subsection.

SECTION 3. (1) Section 2 of this 2013 Act becomes operative on January 1, 2015.

(2) The Oregon Health Authority may take any action necessary before the operative date specified in subsection (1) of this section to enable the authority to exercise, on and after the operative date specified in subsection (1) of this section, all the duties, functions and powers conferred on the authority by section 2 of this 2013 Act.

SECTION 4. (1) Section 1 of this 2013 Act becomes operative on January 1, 2017.

(2) A health professional regulatory board may take any action necessary before the operative date specified in subsection (1) of this section to enable the board to exercise, on and after the operative date specified in subsection (1) of this section, all the duties, functions and powers conferred on the board by section 1 of this 2013 Act.

(3) If a health professional regulatory board adopts rules requiring persons licensed by the board to document participation in continuing education relating to cultural competency before January 1, 2017, the board shall collaborate with the Oregon Health Authority in developing the requirements.

<u>SECTION 5.</u> This 2013 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect on its passage.

Senate Bill 45

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with presession filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Judiciary)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced.**

Requires state agencies to notify parties in contested case hearing of rights that active duty servicemembers have to stay proceedings under federal law.

A BILL FOR AN ACT

Relating to contested case hearings; creating new provisions; and amending ORS 183.413.

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

SECTION 1. ORS 183.413 is amended to read:

183.413. (1) The Legislative Assembly finds that parties to a contested case hearing have a right to be informed as to the procedures by which contested cases are heard by state agencies, their rights in hearings before state agencies, the import and effect of hearings before state agencies and their rights and remedies with respect to actions taken by state agencies. Accordingly, it is the purpose of subsections (2) and (3) of this section to set forth certain requirements of state agencies so that parties to contested case hearings shall be fully informed as to these matters when exercising their rights before state agencies.

(2) Prior to the commencement of a contested case hearing before any agency including those agencies identified in ORS 183.315, the agency shall serve personally or by mail a written notice to each party to the hearing that includes the following:

(a) The time and place of the hearing.

(b) A statement of the authority and jurisdiction under which the hearing is to be held.

(c) A statement that generally identifies the issues to be considered at the hearing.

(d) A statement indicating that the party may be represented by counsel and that legal aid organizations may be able to assist a party with limited financial resources.

(e) A statement that the party has the right to respond to all issues properly before the presiding officer and present evidence and witnesses on those issues.

(f) A statement indicating whether discovery is permitted and, if so, how discovery may be requested.

(g) A general description of the hearing procedure including the order of presentation of evidence, what kinds of evidence are admissible, whether objections may be made to the introduction of evidence and what kind of objections may be made and an explanation of the burdens of proof or burdens of going forward with the evidence.

(h) Whether a record will be made of the proceedings and the manner of making the record and its availability to the parties.

(i) The function of the record-making with respect to the perpetuation of the testimony and ev-

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

idence and with respect to any appeal from the determination or order of the agency.

(j) Whether an attorney will represent the agency in the matters to be heard and whether the parties ordinarily and customarily are represented by an attorney.

(k) The title and function of the person presiding at the hearing with respect to the decision process, including, but not limited to, the manner in which the testimony and evidence taken by the person presiding at the hearing are reviewed, the effect of that person's determination, who makes the final determination on behalf of the agency, whether the person presiding at the hearing is or is not an employee, officer or other representative of the agency and whether that person has the authority to make a final independent determination.

(L) In the event a party is not represented by an attorney, whether the party may during the course of proceedings request a recess if at that point the party determines that representation by an attorney is necessary to the protection of the party's rights.

(m) Whether there exists an opportunity for an adjournment at the end of the hearing if the party then determines that additional evidence should be brought to the attention of the agency and the hearing reopened.

(n) Whether there exists an opportunity after the hearing and prior to the final determination or order of the agency to review and object to any proposed findings of fact, conclusions of law, summary of evidence or recommendations of the officer presiding at the hearing.

(o) A description of the appeal process from the determination or order of the agency.

(p) A statement of any rights that active duty servicemembers have under the federal Servicemembers Civil Relief Act to stay the proceedings.

(3) The failure of an agency to give notice of any item specified in subsection (2) of this section does not invalidate any determination or order of the agency unless upon an appeal from or review of the determination or order a court finds that the failure affects the substantial rights of the complaining party. In the event of such a finding, the court shall remand the matter to the agency for a reopening of the hearing and shall direct the agency as to what steps it shall take to remedy the prejudice to the rights of the complaining party.

<u>SECTION 2.</u> The amendments to ORS 183.413 by section 1 of this 2013 Act apply to notices served or mailed on or after the effective date of this 2013 Act.

Senate Bill 52

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with presession filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Judiciary for Oregon State Bar Administrative Law Section)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced.**

Directs state agencies to preserve final orders issued by agency in digital format and to provide electronic copies to Oregon State Bar, or designee, upon request.

A BILL FOR AN ACT

Relating to final orders.

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

SECTION 1. Section 2 of this 2013 Act is added to and made a part of ORS chapter 183.

SECTION 2. (1) When an agency issues a final order, the agency shall maintain the final order in a digital format that:

(a) Identifies the final order by the date it was issued;

(b) Is suitable for indexing and searching; and

(c) Preserves the textual attributes of the document, including the manner in which the document is paginated and any boldfaced, italicized or underlined writing in the document.

(2) The Oregon State Bar may request that an agency provide the Oregon State Bar, or its designee, with electronic copies of final orders issued by the agency. The request must be in writing. No later than 30 days after receiving the request, the agency, subject to ORS 192.501 to 192.505, shall provide the Oregon State Bar, or its designee, with an electronic copy of all final orders identified in the request.

(3) Notwithstanding ORS 192.440, an agency may not charge a fee for the first two requests submitted under this section in a calendar year. For any subsequent request, an agency may impose a fee in accordance with ORS 192.440 to reimburse the agency for the actual costs of complying with the request.

(4) For purposes of this section, a final order entered by an administrative law judge under ORS 183.625 (3) is a final order issued by the agency that authorized the administrative law judge to conduct the hearing.

(5) This section does not apply to final orders by default issued under ORS 183.417 (3) or to final orders issued by:

(a) The Department of Revenue;

(b) The State Board of Parole and Post-Prison Supervision;

(c) The Department of Corrections;

(d) The Employment Relations Board;

(e) The Public Utility Commission of Oregon;

(f) The Oregon Health Authority;

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

(g) The Land Conservation and Development Commission;

(h) The Land Use Board of Appeals;

(i) The Division of Child Support of the Department of Justice;

(j) The Department of Transportation, if the final order relates to the suspension, revocation or cancellation of identification cards, vehicle registrations or driving privileges;

(k) The Employment Department or the Employment Appeals Board, if the final order relates to benefits as defined in ORS 657.010; or

(L) The Department of Human Services, if the final order is issued under ORS 412.001 to 412.161 or ORS chapter 411 or 414.

SECTION 3. Section 2 of this 2013 Act applies to final orders issued on or after the effective date of this 2013 Act.

Senate Bill 86

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with presession filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Judiciary)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced.**

States that electronic communication that is simultaneous and contemporaneous communication is subject to public meetings law. Provides that electronic mail is not simultaneous and contemporaneous communication.

A BILL FOR AN ACT

Relating to public meetings; amending ORS 192.670.

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

SECTION 1. ORS 192.670 is amended to read:

192.670. (1) Any meeting, including an executive session, of a governing body of a public body [*which*] **that** is held through the use of telephone or other **contemporaneous** electronic communication shall be conducted in accordance with ORS 192.610 to 192.690.

(2) When telephone or other electronic means of communication **described in subsection (1) of this section** is used and the meeting is not an executive session, the governing body of the public body shall make available to the public at least one place where, or at least one electronic means by which, the public can listen to the communication at the time it occurs. A place provided may be a place where no member of the governing body of the public body is present.

(3) Electronic mail is not a means of communication that is contemporaneous.

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

Senate Bill 101

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with presession filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor John A. Kitzhaber, M.D., for Oregon Health Authority)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced.**

Eliminates from impaired health professional program requirement that employers of program participants establish minimum training requirements for supervisors of participants.

Removes admittance to hospital for mental illness and court ruling of mental incompetence from list of information that program must report as evidence of substantial noncompliance with diversion agreement entered into under program.

A BILL FOR AN ACT

Relating to the impaired health professional program established by the Oregon Health Authority; amending ORS 676.190.

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

SECTION 1. ORS 676.190, as amended by section 1, chapter 2, Oregon Laws 2012, is amended to read:

676.190. (1) The Oregon Health Authority shall establish or contract to establish an impaired health professional program. The program must:

(a) Enroll licensees of participating health profession licensing boards who have been diagnosed with alcohol or substance abuse or a mental health disorder;

(b) Require that a licensee sign a written consent prior to enrollment in the program allowing disclosure and exchange of information between the program, the licensee's board, the licensee's employer, evaluators and treatment entities in compliance with ORS 179.505 and 42 C.F.R. part 2;

(c) Enter into diversion agreements with enrolled licensees;

(d) Assess and evaluate compliance with diversion agreements by enrolled licensees;

(e) Assess the ability of an enrolled licensee's employer to supervise the licensee [*and require an enrolled licensee's employer to establish minimum training requirements for supervisors of enrolled licensees*];

(f) Report substantial noncompliance with a diversion agreement to a noncompliant licensee's board within one business day after the program learns of the substantial noncompliance, including but not limited to information that a licensee:

(A) Engaged in criminal behavior;

(B) Engaged in conduct that caused injury, death or harm to the public, including engaging in sexual impropriety with a patient;

(C) Was impaired in a health care setting in the course of the licensee's employment;

(D) Received a positive toxicology test result as determined by federal regulations pertaining to drug testing;

(E) Violated a restriction on the licensee's practice imposed by the program or the licensee's

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board;

[*(F) Was admitted to the hospital for mental illness or adjudged to be mentally incompetent;*]

[*(G)*] **(F)** Entered into a diversion agreement, but failed to participate in the program; or

[*(H)*] **(G)** Was referred to the program but failed to enroll in the program; and

(g) At least weekly, submit to licensees' boards:

(A) A list of licensees who were referred to the program by a health profession licensing board and who are enrolled in the program; and

(B) A list of licensees who were referred to the program by a health profession licensing board and who successfully complete the program.

(2) The lists submitted under subsection (1)(g) of this section are exempt from disclosure as a public record under ORS 192.410 to 192.505.

(3) When the program reports noncompliance to a licensee's board, the report must include:

(a) A description of the noncompliance;

(b) A copy of a report from the independent third party who diagnosed the licensee under ORS 676.200 (2)(a) or subsection (6)(a) of this section stating the licensee's diagnosis;

(c) A copy of the licensee's diversion agreement; and

(d) The licensee's employment status.

(4) The program may not diagnose or treat licensees enrolled in the program.

(5) The diversion agreement required by subsection (1) of this section must:

(a) Require the licensee to consent to disclosure and exchange of information between the program, the licensee's board, the licensee's employer, evaluators and treatment providers, in compliance with ORS 179.505 and 42 C.F.R. part 2;

(b) Require that the licensee comply continuously with the agreement for at least two years to successfully complete the program;

(c) Based on an individualized assessment, require that the licensee abstain from mind-altering or intoxicating substances or potentially addictive drugs, unless the drug is approved by the program and prescribed for a documented medical condition by a person authorized by law to prescribe the drug to the licensee;

(d) Require the licensee to report use of mind-altering or intoxicating substances or potentially addictive drugs within 24 hours;

(e) Require the licensee to agree to participate in a treatment plan approved by a third party;

(f) Contain limits on the licensee's practice of the licensee's health profession;

(g) Provide for employer monitoring of the licensee;

(h) Provide that the program may require an evaluation of the licensee's fitness to practice before removing the limits on the licensee's practice of the licensee's health profession;

(i) Require the licensee to submit to random drug or alcohol testing in accordance with federal regulations;

(j) Require the licensee to report at least weekly to the program regarding the licensee's compliance with the agreement;

(k) Require the licensee to report any arrest for or conviction of a misdemeanor or felony crime to the program within three business days after the licensee is arrested or convicted;

(L) Require the licensee to report applications for licensure in other states, changes in employment and changes in practice setting; and

(m) Provide that the licensee is responsible for the cost of evaluations, toxicology testing and treatment.

(6)(a) A licensee of a board participating in the program may self-refer to the program.

(b) The program shall require the licensee to attest that the licensee is not, to the best of the licensee's knowledge, under investigation by the licensee's board. The program shall enroll the licensee on the date on which the licensee attests that the licensee, to the best of the licensee's knowledge, is not under investigation by the licensee's board.

(c) When a licensee self-refers to the program, the program shall:

(A) Require that an independent third party approved by the licensee's board to evaluate alcohol or substance abuse or mental health disorders evaluate the licensee for alcohol or substance abuse or mental health disorders; and

(B) Investigate to determine whether the licensee's practice while impaired has presented or presents a danger to the public.

(d) The program may not report a self-referred licensee's enrollment in or successful completion of the program to the licensee's board.

(7) The authority shall adopt rules establishing a fee to be paid by the boards participating in the impaired health professional program for administration of the program.

(8) The authority shall arrange for an independent third party to audit the program to ensure compliance with program guidelines. The authority shall report the results of the audit to the Legislative Assembly, the Governor and the health profession licensing boards. The report may not contain individually identifiable information about licensees.

(9) The authority may adopt rules to carry out this section.

Senate Bill 125

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with presession filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Veterans' and Military Affairs for Oregon State Bar)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced.**

Requires state agency to provide notice to parties in contested case hearing describing rights that active duty servicemembers have to stay proceedings under federal law.

A BILL FOR AN ACT

Relating to contested case hearings; creating new provisions; and amending ORS 183.413 and 183.415.

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

SECTION 1. ORS 183.413 is amended to read:

183.413. (1) The Legislative Assembly finds that parties to a contested case hearing have a right to be informed as to the procedures by which contested cases are heard by state agencies, their rights in hearings before state agencies, the import and effect of hearings before state agencies and their rights and remedies with respect to actions taken by state agencies. Accordingly, it is the purpose of subsections (2) and (3) of this section to set forth certain requirements of state agencies so that parties to contested case hearings shall be fully informed as to these matters when exercising their rights before state agencies.

(2) Prior to the commencement of a contested case hearing before any agency including those agencies identified in ORS 183.315, the agency shall serve personally or by mail a written notice to each party to the hearing that includes the following:

(a) The time and place of the hearing.

(b) A statement of the authority and jurisdiction under which the hearing is to be held.

(c) A statement that generally identifies the issues to be considered at the hearing.

(d) A statement indicating that the party may be represented by counsel and that legal aid organizations may be able to assist a party with limited financial resources.

(e) A statement that the party has the right to respond to all issues properly before the presiding officer and present evidence and witnesses on those issues.

(f) A statement indicating whether discovery is permitted and, if so, how discovery may be requested.

(g) A general description of the hearing procedure including the order of presentation of evidence, what kinds of evidence are admissible, whether objections may be made to the introduction of evidence and what kind of objections may be made and an explanation of the burdens of proof or burdens of going forward with the evidence.

(h) Whether a record will be made of the proceedings and the manner of making the record and its availability to the parties.

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

(i) The function of the record-making with respect to the perpetuation of the testimony and evidence and with respect to any appeal from the determination or order of the agency.

(j) Whether an attorney will represent the agency in the matters to be heard and whether the parties ordinarily and customarily are represented by an attorney.

(k) The title and function of the person presiding at the hearing with respect to the decision process, including, but not limited to, the manner in which the testimony and evidence taken by the person presiding at the hearing are reviewed, the effect of that person's determination, who makes the final determination on behalf of the agency, whether the person presiding at the hearing is or is not an employee, officer or other representative of the agency and whether that person has the authority to make a final independent determination.

(L) In the event a party is not represented by an attorney, whether the party may during the course of proceedings request a recess if at that point the party determines that representation by an attorney is necessary to the protection of the party's rights.

(m) Whether there exists an opportunity for an adjournment at the end of the hearing if the party then determines that additional evidence should be brought to the attention of the agency and the hearing reopened.

(n) Whether there exists an opportunity after the hearing and prior to the final determination or order of the agency to review and object to any proposed findings of fact, conclusions of law, summary of evidence or recommendations of the officer presiding at the hearing.

(o) A description of the appeal process from the determination or order of the agency.

(p) A statement of any rights that active duty servicemembers have under the federal Servicemembers Civil Relief Act to stay the proceedings.

(3) The failure of an agency to give notice of any item specified in subsection (2) of this section does not invalidate any determination or order of the agency unless upon an appeal from or review of the determination or order a court finds that the failure affects the substantial rights of the complaining party. In the event of such a finding, the court shall remand the matter to the agency for a reopening of the hearing and shall direct the agency as to what steps it shall take to remedy the prejudice to the rights of the complaining party.

SECTION 2. ORS 183.415 is amended to read:

183.415. (1) The Legislative Assembly finds that persons affected by actions taken by state agencies have a right to be informed of their rights and remedies with respect to the actions.

(2) In a contested case, all parties shall be afforded an opportunity for hearing after reasonable notice, served personally or by registered or certified mail.

(3) Notice under this section must include:

(a) A statement of the party's right to hearing, with a description of the procedure and time to request a hearing, or a statement of the time and place of the hearing;

(b) A statement of the authority and jurisdiction under which the hearing is to be held;

(c) A reference to the particular sections of the statutes and rules involved;

(d) A short and plain statement of the matters asserted or charged; [*and*]

(e) A statement indicating whether and under what circumstances an order by default may be entered**; and**

(f) A statement of any rights that active duty servicemembers have under the federal Servicemembers Civil Relief Act to stay the proceedings.

SECTION 3. The amendments to ORS 183.413 and 183.415 by sections 1 and 2 of this 2013 Act apply to notices served or mailed on or after the effective date of this 2013 Act.

1

Senate Bill 171

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with presession filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Health Care, Human Services and Rural Health Policy for Oregon Medical Association)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced.**

Requires impaired health professional program to maintain physical location or locations in this state that are sufficient to allow enrolled licensees to physically meet with program representatives.

Requires Oregon Health Authority, at request of health profession licensing boards participating in impaired health professional program, to establish supervisory councils or contract with independent third parties for purposes related to making recommendations to program or providing additional services.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to the impaired health professional program; creating new provisions; amending ORS 676.190; and declaring an emergency.

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

SECTION 1. ORS 676.190, as amended by section 1, chapter 2, Oregon Laws 2012, is amended to read:

676.190. (1) The Oregon Health Authority shall establish or contract to establish an impaired health professional program. The program must:

(a) Enroll licensees of participating health profession licensing boards who have been diagnosed with alcohol or substance abuse or a mental health disorder;

(b) Maintain a physical location or locations in this state that are sufficient to allow enrolled licensees to physically meet with program representatives;

[*(b)*] **(c)** Require that a licensee sign a written consent prior to enrollment in the program allowing disclosure and exchange of information between the program, the licensee's board, the licensee's employer, evaluators and treatment entities in compliance with ORS 179.505 and 42 C.F.R. part 2;

[*(c)*] **(d)** Enter into diversion agreements with enrolled licensees;

[*(d)*] **(e)** Assess and evaluate compliance with diversion agreements by enrolled licensees;

[*(e)*] **(f)** Assess the ability of an enrolled licensee's employer to supervise the licensee and require an enrolled licensee's employer to establish minimum training requirements for supervisors of enrolled licensees;

[*(f)*] **(g)** Report substantial noncompliance with a diversion agreement to a noncompliant licensee's board within one business day after the program learns of the substantial noncompliance, including but not limited to information that a licensee:

(A) Engaged in criminal behavior;

(B) Engaged in conduct that caused injury, death or harm to the public, including engaging in sexual impropriety with a patient;

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

(C) Was impaired in a health care setting in the course of the licensee's employment;

(D) Received a positive toxicology test result as determined by federal regulations pertaining to drug testing;

(E) Violated a restriction on the licensee's practice imposed by the program or the licensee's board;

(F) Was admitted to the hospital for mental illness or adjudged to be mentally incompetent;

(G) Entered into a diversion agreement, but failed to participate in the program; or

(H) Was referred to the program but failed to enroll in the program; and

[*(g)*] **(h)** At least weekly, submit to licensees' boards:

(A) A list of licensees who were referred to the program by a health profession licensing board and who are enrolled in the program; and

(B) A list of licensees who were referred to the program by a health profession licensing board and who successfully complete the program.

(2) The lists submitted under subsection [*(1)(g)*] **(1)(h)** of this section are exempt from disclosure as a public record under ORS 192.410 to 192.505.

(3) When the program reports noncompliance to a licensee's board, the report must include:

(a) A description of the noncompliance;

(b) A copy of a report from the independent third party who diagnosed the licensee under ORS 676.200 (2)(a) or subsection (6)(a) of this section stating the licensee's diagnosis;

(c) A copy of the licensee's diversion agreement; and

(d) The licensee's employment status.

(4) The program may not diagnose or treat licensees enrolled in the program.

(5) The diversion agreement required by subsection (1) of this section must:

(a) Require the licensee to consent to disclosure and exchange of information between the program, the licensee's board, the licensee's employer, evaluators and treatment providers, in compliance with ORS 179.505 and 42 C.F.R. part 2;

(b) Require that the licensee comply continuously with the agreement for at least two years to successfully complete the program;

(c) Based on an individualized assessment, require that the licensee abstain from mind-altering or intoxicating substances or potentially addictive drugs, unless the drug is approved by the program and prescribed for a documented medical condition by a person authorized by law to prescribe the drug to the licensee;

(d) Require the licensee to report use of mind-altering or intoxicating substances or potentially addictive drugs within 24 hours;

(e) Require the licensee to agree to participate in a treatment plan approved by a third party;

(f) Contain limits on the licensee's practice of the licensee's health profession;

(g) Provide for employer monitoring of the licensee;

(h) Provide that the program may require an evaluation of the licensee's fitness to practice before removing the limits on the licensee's practice of the licensee's health profession;

(i) Require the licensee to submit to random drug or alcohol testing in accordance with federal regulations;

(j) Require the licensee to report at least weekly to the program regarding the licensee's compliance with the agreement;

(k) Require the licensee to report any arrest for or conviction of a misdemeanor or felony crime to the program within three business days after the licensee is arrested or convicted;

(L) Require the licensee to report applications for licensure in other states, changes in employment and changes in practice setting; and

(m) Provide that the licensee is responsible for the cost of evaluations, toxicology testing and treatment.

(6)(a) A licensee of a board participating in the program may self-refer to the program.

(b) The program shall require the licensee to attest that the licensee is not, to the best of the licensee's knowledge, under investigation by the licensee's board. The program shall enroll the licensee on the date on which the licensee attests that the licensee, to the best of the licensee's knowledge, is not under investigation by the licensee's board.

(c) When a licensee self-refers to the program, the program shall:

(A) Require that an independent third party approved by the licensee's board to evaluate alcohol or substance abuse or mental health disorders evaluate the licensee for alcohol or substance abuse or mental health disorders; and

(B) Investigate to determine whether the licensee's practice while impaired has presented or presents a danger to the public.

(d) The program may not report a self-referred licensee's enrollment in or successful completion of the program to the licensee's board.

(7) The authority shall adopt rules establishing a fee to be paid by the boards participating in the impaired health professional program for administration of the program.

(8) The authority shall arrange for an independent third party to audit the program to ensure compliance with program guidelines. The authority shall report the results of the audit to the Legislative Assembly, the Governor and the health profession licensing boards. The report may not contain individually identifiable information about licensees.

(9) The authority may adopt rules to carry out this section.

SECTION 2. Section 3 of this 2013 Act is added to and made a part of ORS 676.185 to 676.200.

SECTION 3. (1) At the request of a health profession licensing board participating in the impaired health professional program established under ORS 676.190, the Oregon Health Authority shall:

(a) Establish by rule a supervisory council for the purposes of:

(A) Monitoring and evaluating the program with respect to licensees of the health profession licensing board who are enrolled in the program;

(B) Devising potential resources for the program to offer those licensees;

(C) Receiving grievances related to the program made by those licensees; and

(D) Making recommendations to the program regarding resources devised under subparagraph (B) of this paragraph or grievances received under subparagraph (C) of this paragraph; or

(b) Contract with an independent third party for the purposes of:

(A) Monitoring and evaluating the recovery of licensees of the health profession licensing board who are enrolled in the program;

(B) Mentoring those licensees; and

(C) Providing recovery support for those licensees.

(2)(a) A supervisory council established under subsection (1) of this section must consist of:

(A) At least one licensee of the health profession licensing board who has expertise in

alcohol or substance abuse or mental disorders;

(B) At least one licensee of the health profession licensing board who successfully completed treatment for alcohol or substance abuse or a mental disorder;

(C) At least one member who has an interest in impaired health professional treatment; and

(D) One public member.

(b) A member of a supervisory council established under subsection (1) of this section is not entitled to compensation, but is entitled to expenses as provided in ORS 292.495.

(3) Information identifying a licensee who makes a grievance with a supervisory council under subsection (1)(a)(C) of this section or who participates in activities authorized by subsection (1)(b) of this section is confidential and may not be disclosed except to the extent that disclosure is necessary to resolve a grievance.

(4) Information received by a supervisory council under subsection (1)(a) of this section or by an independent third party under subsection (1)(b) of this section may not be used to make an allegation of substantial noncompliance under ORS 676.190 (1)(g).

SECTION 4. The amendments to ORS 676.190 by section 1 of this 2013 Act apply to contracts for the establishment of an impaired health professional program entered into on or after the effective date of this 2013 Act.

SECTION 5. This 2013 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect on its passage.

Senate Bill 291

Sponsored by Senator BOQUIST (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced.**

Establishes Oregon Other Funds Reserve Fund. Transfers portion of June 30, 2013, ending balance from dedicated or continuously appropriated other funds accounts or funds to reserve fund. Transfers interest from reserve fund to State School Fund. Specifies circumstances under which amounts transferred to reserve fund may be modified or appropriated.

Directs state agencies to follow generally accepted accounting practices relating to fund balance reporting and governmental fund type definitions.

Declares emergency, effective July 1, 2013.

A BILL FOR AN ACT

Relating to state financial administration; and declaring an emergency.

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

SECTION 1. (1) The Oregon Other Funds Reserve Fund is established in the State Treasury, separate and distinct from the General Fund. Except as provided in subsection (2) of this section, interest earned by the Oregon Other Funds Reserve Fund shall be credited to the fund.

(2) On July 1 of each calendar year, the Oregon Department of Administrative Services shall calculate the amount of interest that is attributable to moneys in the Oregon Other Funds Reserve Fund as of that date. The department shall transfer the amount calculated under this subsection from the reserve fund to the State School Fund established by ORS 327.008.

(3) The department shall maintain a record of the amounts each state agency transfers to the reserve fund under section 2 of this 2013 Act.

(4) The Legislative Assembly may appropriate moneys from the Oregon Other Funds Reserve Fund for any purpose if the appropriation is approved by three-fifths of the members serving in each house of the Legislative Assembly.

(5) As used in this section, "state agency" has the meaning given that term in ORS 291.322.

SECTION 2. (1) Subject to subsections (2) and (3) of this section, on July 1, 2013, or the next business day following adjournment sine die of the regular session of the Seventy-seventh Legislative Assembly, whichever is later, each state agency administering an other funds account shall transfer from the ending balance of the account on June 30, 2013, to the Oregon Other Funds Reserve Fund an amount equal to any difference between:

(a) The ending balance of the other funds account on June 30, 2013; and

(b) The amount the agency is authorized by the Legislative Assembly to spend from the other funds account for the biennium beginning on July 1, 2013, plus 12.5 percent of that amount.

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

(2) Subsection (1) of this section applies only if the ending balance of the other funds account on June 30, 2013, is greater than the amount the agency is authorized by the Legislative Assembly to spend from the other funds account for the biennium beginning on July 1, 2013, plus 12.5 percent of that amount.

(3) Upon request of a state agency, the Emergency Board may, for the biennium beginning July 1, 2013, authorize a state agency to retain in an other funds account an amount that exceeds the amount the agency may retain in the account under subsection (1) of this section.

(4) For purposes of Article III, section 3 (1)(b), of the Oregon Constitution, and ORS 291.326 (1)(b), the amount a state agency may retain under this section in an other funds account is considered to be part of the budget of the agency as approved in accordance with law.

(5) Subsections (1) to (4) of this section do not apply to:

(a) Funds or accounts that receive moneys appropriated from the General Fund;

(b) Funds or accounts established by the Oregon Constitution or whose expenditures are limited or otherwise directed by provisions of the Oregon Constitution;

(c) Federal funds or lottery funds deposited in any fund or account that includes dedicated or continuously appropriated moneys; or

(d) Dedicated or continuously appropriated moneys in an other funds account that are authorized by law to be expended without limitation.

(6) As used in this section:

(a) "Other funds account" means a statutory fund or account that includes fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by a state agency that are dedicated or continuously appropriated to the agency by statute for the uses and purposes of the agency.

(b) "State agency" has the meaning given that term in ORS 291.322.

SECTION 3. The Oregon Department of Administrative Services shall make the first transfer to the State School Fund under section 1 (2) of this 2013 Act on July 1, 2014.

SECTION 4. (1) As used in this section, "state agency" has the meaning given that term in ORS 291.322.

(2) For purposes of sections 1 and 2 of this 2013 Act and for any other financial reporting required by law, a state agency shall follow generally accepted accounting practices regarding fund balance reporting and governmental fund type definitions. In determining the content of generally accepted accounting practices, state agencies shall consider statements adopted by the Governmental Accounting Standards Board.

SECTION 5. This 2013 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect July 1, 2013.

Senate Bill 300

Sponsored by Senator JOHNSON (at the request of John DiLorenzo) (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced.**

Provides that certain persons appointed by Governor and certain persons appointed to positions in executive department serve at pleasure of Governor.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to persons who serve at the pleasure of the Governor; amending ORS 97.774, 101.140, 127.675, 144.005, 146.035, 161.385, 179.331, 181.200, 181.220, 181.620, 181.637, 183.610, 184.628, 197.030, 197.085, 197.165, 197.810, 237.956, 240.065, 243.505, 244.310, 273.161, 273.573, 276.227, 284.107, 284.142, 284.325, 285A.101, 291.038, 294.610, 306.135, 326.375, 353.040, 353.060, 353.606, 357.015, 358.666, 359.135, 366.212, 374.360, 390.127, 390.565, 390.977, 396.150, 396.165, 398.012, 401.062, 401.072, 404.100, 406.500, 409.462, 410.603, 413.017, 413.574, 414.353, 417.040, 417.346, 417.810, 418.005, 418.704, 418.941, 418.985, 421.344, 423.085, 427.205, 430.050, 430.073, 431.035, 431.045, 431.623, 431.978, 432.020, 441.103, 442.011, 442.800, 442.835, 448.153, 453.645, 455.144, 455.492, 458.563, 462.230, 463.125, 463.149, 465.420, 468.030, 469.820, 470.070, 471.547, 471.705, 471.710, 471.720, 475.303, 476.020, 477.440, 479.810, 480.540, 496.085, 496.112, 496.228, 496.286, 506.465, 508.755, 508.867, 509.590, 516.120, 526.009, 526.031, 526.700, 536.090, 561.395, 561.700, 561.760, 565.021, 565.410, 569.600, 570.770, 570.780, 571.025, 571.515, 577.230, 578.030, 596.210, 602.020, 624.121, 633.479, 634.600, 654.189, 656.709, 656.712, 656.718, 672.250, 672.615, 673.455, 676.610, 677.540, 677.780, 682.039, 683.240, 685.145, 689.165, 689.645, 705.105, 735.610, 741.025, 741.029, 743.827, 756.014, 756.026, 757.834, 759.430, 802.350, 802.370 and 830.135; repealing ORS 240.075, 469.830, 577.250 and 656.714; and declaring an emergency.

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

SECTION 1. ORS 496.228 is amended to read:

496.228. (1) There is established within the State Department of Fish and Wildlife the Access and Habitat Board, consisting of seven members appointed by the State Fish and Wildlife Commission.

(2) Three members shall be appointed to represent the broad spectrum of hunters. In making appointments pursuant to this subsection, the commission shall consider recommendations from the State Fish and Wildlife Director.

(3) Three members of the board shall be appointed to represent the broad spectrum of agriculture and timber landowners. In making appointments pursuant to this subsection, the commission shall consider recommendations from the State Fish and Wildlife Director from a list of at least five persons submitted by the State Forester and the Director of Agriculture.

(4) One member of the board shall be appointed to represent the public and shall serve as the board chairperson.

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

(5) A member of the board shall receive no compensation for services as a member. However, subject to any applicable law regulating travel and other expenses of state officers and employees, a member shall be reimbursed for actual and necessary travel and other expenses incurred in the performance of official duties from such moneys as are made available by section 19, chapter 659, Oregon Laws 1993.

(6) The term of office of a member of the board is four years. A member of the board is eligible for reappointment. **Members of the board serve at the pleasure of the commission and the Governor.**

(7) An official action of the board may be taken only upon the affirmative vote of at least four members.

(8) The board shall select such officers for such terms and with such duties and powers as the board considers necessary for the performance of those offices.

(9) The board shall meet at such times and at such places as may be determined by the chair or by the majority of the members of the board.

SECTION 2. ORS 374.360 is amended to read:

374.360. (1) If the applicant or permit holder of an approach permit requests a review by an Access Management Dispute Review Board under ORS 374.355, the Department of Transportation shall appoint an Access Management Dispute Review Board by selecting members for a board consisting of any or all of following:

(a) The Director of Transportation or a designee of the director who is familiar with the location in which the disputed approach is located.

(b) A representative of the local jurisdiction in which the disputed approach is located.

(c) A traffic engineer who practices engineering in Oregon.

(d) A representative from the economic or business sector.

(2) Members of the Access Management Dispute Review Board serve at the pleasure of the department and the Governor.

[*(2)*] **(3)** The Access Management Dispute Review Board shall consider information presented by the parties and shall notify the applicant or permit holder and the director of its findings regarding the department's original decision.

[*(3)*] **(4)** The director shall review the Access Management Dispute Review Board's findings and may approve, modify or reverse the department's original decision to approve an application for an approach permit with conditions, to modify or require mitigation measures for an existing approach permit, to deny the approach permit or to remove or modify an approach.

[*(4)*] **(5)** The director shall notify the applicant or permit holder in writing of the department's determination following a review by an Access Management Dispute Review Board appointed under this section.

SECTION 3. ORS 677.780 is amended to read:

677.780. (1) There is established an Acupuncture Advisory Committee consisting of six members appointed by the Oregon Medical Board. Of the committee members appointed by the board:

(a) One shall be a person who is a current member of the board.

(b) Two shall be physicians licensed under ORS chapter 677.

(c) Three shall be acupuncturists licensed under ORS 677.759. In appointing the three acupuncturists, the board may receive nominations from the Oregon Association of Acupuncture and Oriental Medicine and other professional acupuncture organizations.

(2) The term of office of each committee member is three years, but a committee member serves

at the pleasure of the board **and the Governor**. A committee member may not serve more than two consecutive terms. A committee member serves until a successor is appointed and qualified. If there is a vacancy for any cause, the board shall make an appointment to become immediately effective for the unexpired term.

(3) A committee member is entitled to compensation and expenses as provided for board members in ORS 677.235.

(4) A majority of the members of the committee constitutes a quorum for the transaction of business.

SECTION 4. ORS 396.150 is amended to read:

396.150. (1) The Governor shall appoint an Adjutant General who shall hold office for a four-year term or until relieved by reason of resignation, withdrawal of federal recognition**,** [*or*] for cause to be determined by a court-martial **or at the discretion of the Governor**. The current term of an Adjutant General continues until its prescribed expiration date while such Adjutant General is serving in a federal active duty status under an order or call by the President of the United States. Voluntary entry onto extended active duty by a person holding the office of Adjutant General is an automatic resignation of such officer.

(2) A person is eligible for appointment to the office of Adjutant General if the person is an officer of the Oregon National Guard, federally recognized in the grade of lieutenant colonel or higher, and has completed at least six years' service in the Oregon National Guard as a federally recognized officer.

(3) The Adjutant General may be appointed in the grade of lieutenant colonel or higher, but not exceeding that of lieutenant general. If appointed in a lower grade, the Adjutant General may be promoted by the Governor to any grade not exceeding that of lieutenant general.

SECTION 5. ORS 396.165 is amended to read:

396.165. (1) The Adjutant General may appoint three Assistant Adjutants General, two from the Army National Guard of Oregon and one from the Air National Guard of Oregon who shall serve at the pleasure of the Adjutant General or until relieved by reason of resignation, withdrawal of federal recognition**,** [*or*] for cause to be determined by a court-martial **or at the discretion of the Governor**. Voluntary entry onto extended active duty by a person holding the office of Assistant Adjutant General shall be deemed automatic resignation of such officer.

(2) To be eligible for appointment to the office of Assistant Adjutant General, a person must be an officer of the Oregon National Guard, federally recognized in the grade of lieutenant colonel or higher, and must have completed at least six years service in the Oregon National Guard as a federally recognized officer.

(3) An Assistant Adjutant General may be appointed in the grade of lieutenant colonel or higher, but not exceeding that of brigadier general. An Assistant Adjutant General may be promoted by the Governor to any grade not exceeding that of brigadier general, to serve in such grade only upon receipt of federal recognition therein.

(4) The Assistant Adjutants General shall perform such duties as may be assigned by the Adjutant General.

(5) An Assistant Adjutant General shall be compensated at a rate determined by the Oregon Department of Administrative Services.

(6) In any absence of the Adjutant General caused by death or other inability to perform the duties of the office, the Governor or the Adjutant General may designate an Assistant Adjutant General to be the Acting Adjutant General. Except when the Governor or the Adjutant General

designates another of the Assistant Adjutants General to be the Acting Adjutant General, the Assistant Adjutant General senior in military grade shall assume the responsibilities and powers and perform all the duties required of the Adjutant General, and shall be Acting Adjutant General. An officer serving as Acting Adjutant General under this section shall continue to receive the salary authorized for an Assistant Adjutant General, when the officer is a state employee, but shall otherwise receive the salary authorized for the Adjutant General. The Acting Adjutant General shall serve until the Adjutant General is again able to perform the duties of the office, or if such office is vacant, until an Adjutant General is regularly appointed and qualified. While so serving, the Acting Adjutant General shall give to the state a fidelity bond in the same manner and in the same sum as is required from the Adjutant General.

SECTION 6. ORS 183.610 is amended to read:

183.610. (1) The Governor shall appoint a person to serve as chief administrative law judge for the Office of Administrative Hearings. The Governor shall consider recommendations by the Office of Administrative Hearings Oversight Committee in appointing a chief administrative law judge. The person appointed to serve as chief administrative law judge must be an active member of the Oregon State Bar. The chief administrative law judge has all the powers necessary and convenient to organize and manage the office. Subject to the State Personnel Relations Law, the chief administrative law judge shall employ all persons necessary for the administration of the office, prescribe the duties of those employees and fix their compensation. The chief administrative law judge shall serve for a term of four years. [*Notwithstanding ORS 236.140, the Governor may remove the chief administrative law judge only for cause.*]

(2) The chief administrative law judge shall employ administrative law judges. The chief administrative law judge shall ensure that administrative law judges employed for the office receive all training necessary to meet the standards required under the program created under ORS 183.680.

(3) The chief administrative law judge shall take all actions necessary to protect and ensure the independence of each administrative law judge assigned from the office.

SECTION 7. ORS 471.547 is amended to read:

471.547. The Oregon Liquor Control Commission shall establish an Alcohol Server Education Advisory Committee consisting of persons representing the commission, the Oregon State Police, the Oregon District Attorneys Association, the Oregon Health Authority, the Department of Transportation, at least one person who is a service permittee under ORS 471.360, a nonprofit organization the purpose of which is to reduce the incidence of drunk driving, and not more than three associations representing retail licensees and two associations representing insurance companies [*to*]**. Members of the committee serve at the pleasure of the commission and the Governor. The committee shall** assist in:

(1) The development of the standards, curriculum and materials for the alcohol server education courses required under ORS 471.542;

(2) The examination required by ORS 471.542, and procedures for administering that examination;

(3) The certification procedures, enforcement policies and penalties for alcohol server education course instructors and providers; and

(4) The development of time requirements for completion of an alcohol server education course and examination and conditions for probationary extension.

SECTION 8. ORS 390.565 is amended to read:

390.565. (1) The All-Terrain Vehicle Advisory Committee is established. The committee shall

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consist of 14 voting members and one nonvoting member appointed by the State Parks and Recreation Commission for a term of four years. Members are eligible for reappointment**,** and vacancies may be filled by the commission. **Members serve at the pleasure of the commission and the Governor.** A majority of members constitutes a quorum for the transaction of business.

(2) Of the voting members of the committee:

(a) One shall be a representative of a Class I all-terrain vehicle user organization.

(b) One shall be a representative of a Class II all-terrain vehicle user organization.

(c) One shall be a representative of a Class III all-terrain vehicle user organization.

(d) One shall be a representative of a Class IV all-terrain vehicle user organization.

(e) One shall be an all-terrain vehicle dealer.

(f) One shall be an at-large all-terrain vehicle user.

(g) One shall be a representative of the United States Forest Service who is knowledgeable about all-terrain vehicle recreation areas on federal lands.

(h) One shall be a representative of the Bureau of Land Management who is knowledgeable about all-terrain vehicle recreation areas on federal lands.

(i) One shall be a representative of the Department of Transportation who is knowledgeable about transportation safety.

(j) One shall be a representative of the State Forestry Department who is knowledgeable about all-terrain vehicle recreation areas on state lands.

(k) One shall be a representative of the Department of Human Services who is knowledgeable about public health and safety.

(L) One shall be a representative of a law enforcement agency who is knowledgeable about and active in enforcement of all-terrain vehicle laws.

(m) One shall be a representative of the State Department of Fish and Wildlife who is knowledgeable about all-terrain vehicle activities and the use of all-terrain vehicles in hunting and fishing.

(n) One shall be a person who represents persons with disabilities.

(3) One representative from the State Parks and Recreation Department shall be a nonvoting member of the committee.

(4) The committee shall:

(a) Review accidents and fatalities resulting from all-terrain vehicle recreation and make recommendations to the State Parks and Recreation Commission.

(b) Review changes to statutory vehicle classifications as necessary for safety considerations and make recommendations to the commission.

(c) Review safety features of all classes of off-highway vehicles and make recommendations to the commission.

(d) Recommend appropriate safety requirements to protect child operators and riders of off-highway vehicles to the commission.

(5)(a) A subcommittee of the All-Terrain Vehicle Advisory Committee, titled the All-Terrain Vehicle Grant Subcommittee, shall be established consisting of the following members:

(A) The representative of a Class I all-terrain vehicle user organization.

(B) The representative of a Class II all-terrain vehicle user organization.

(C) The representative of a Class III all-terrain vehicle user organization.

(D) The representative of a Class IV all-terrain vehicle user organization.

(E) The at-large all-terrain vehicle user.

(F) The representative of a law enforcement agency.

(G) The representative of persons with disabilities.

(b) The All-Terrain Vehicle Grant Subcommittee shall:

(A) Advise the State Parks and Recreation Department on the allocation of moneys in the All-Terrain Vehicle Account established by ORS 390.555; and

(B) Review grant proposals and make recommendations to the commission as to which projects should receive grant funding.

(c) Recommendations under this subsection on grant proposals must receive an affirmative vote from at least four of the members of the subcommittee.

(6) The State Parks and Recreation Department shall provide staff support for the committee and shall provide for expansion of programs for all-terrain vehicle users.

SECTION 9. ORS 561.760 is amended to read:

561.760. (1) The Director of Agriculture, in consultation with the Superintendent of State Police, shall appoint an Anhydrous Ammonia Additive Review Committee consisting of not fewer than six members. The term of a member is four years, but a member serves at the pleasure of the director **and the Governor**.

(2) Members of the committee are not entitled to compensation, but in the discretion of the director may be reimbursed from funds available to the State Department of Agriculture for actual and necessary travel and other expenses incurred by them in the performance of their official duties in the manner and amount provided in ORS 292.495.

(3) The members of the committee shall include at least one representative from each of the following:

(a) The Department of State Police.

(b) The State Department of Agriculture.

(c) Manufacturers of anhydrous ammonia fertilizers.

(d) The Oregon State University Extension Service.

(e) Retail distributors.

(f) Users who are growers of agricultural commodities.

(4) The committee:

(a) May review all relevant scientific and economic data on nontoxic dyes or other additives for anhydrous ammonia that are submitted for certification to the State Department of Agriculture under ORS 561.755.

(b) Shall, at a minimum, require the manufacturer of any product submitted under ORS 561.755 to provide sufficient scientifically valid data for each submitted nontoxic dye or other additive to allow the State Department of Agriculture to determine the dye's or additive's:

(A) Impact on crop yield;

(B) Specific food crop residue analysis; and

(C) Impact on the environment.

(c) May issue recommendations to the director regarding whether a nontoxic dye or other additive to anhydrous ammonia should be certified by the State Department of Agriculture under ORS 561.755.

SECTION 10. ORS 602.020 is amended to read:

602.020. **(1)** The State Department of Agriculture is authorized to appoint a Chief Apiary Inspector and such deputy apiary inspectors as may be necessary to conduct service work requested by the apiary industry. **The inspectors serve at the pleasure of the Director of Agriculture and**

the Governor.

(2) The administration of the program shall be under the direction and control of the director [*of Agriculture*]. The apiary industry shall pay service fees in amounts established by the department by rule to cover all expenses incurred in the conduct of the program.

SECTION 11. ORS 463.149 is amended to read:

463.149. (1) There is established an Oregon State Athletic Commission Medical Advisory Committee consisting of five members appointed by the Superintendent of State Police. Members of the committee shall be physicians licensed under ORS chapter 677.

(2) The term of office of each committee member is four years, but committee members serve at the pleasure of the superintendent **and the Governor**. A committee member may not serve more than two consecutive terms, except that a committee member serves until a successor is appointed and qualified. If there is a vacancy for any cause, the superintendent shall make an appointment to become immediately effective for the unexpired term.

(3) A committee member is entitled to the same compensation and expenses provided for members of the Oregon State Athletic Commission under ORS 463.125.

(4) A majority of the members of the committee constitutes a quorum for the transaction of business.

(5) The committee shall gather, assess and update, when necessary, medical data for the purpose of recommending to the commission:

(a) Fitness criteria for contestants to be applied in prefight medical examinations;

(b) Medical procedures and substances allowed for use by seconds in a contestant's corner;

(c) Emergency procedures for ring injuries;

(d) Post-fight examination and treatment procedures; and

(e) Safety equipment required to promote the best interests of the contestants.

(6) The committee shall periodically present to the commission the proposed safety and medical procedures developed under subsection (5) of this section for discussion and consideration for adoption.

(7) The committee shall identify and nominate for approval by the commission a sufficient number of qualified licensed physicians to serve as ringside physicians for boxing and mixed martial arts events held throughout this state.

(8) A member of the committee who has been nominated by the committee and approved by the commission may serve as a ringside physician.

SECTION 12. ORS 463.125 is amended to read:

463.125. (1) The Oregon State Athletic Commission shall consist of five members appointed by the Superintendent of State Police for terms of four years. A member may not serve more than two terms. Membership shall represent distinct geographic areas. The Portland metropolitan area, central Willamette Valley and two other areas shall be represented. Vacancies occurring shall be filled by appointment in the same manner for the balance of the unexpired term. A member of the commission [*may be removed from office by the superintendent for cause*] **serves at the pleasure of the superintendent and the Governor**. Each member of the commission, before entering upon the duties of office, shall take and subscribe to an oath to perform the duties of this office faithfully, impartially and justly to the best of the member's ability.

(2) The chairperson and vice chairperson shall be elected from among the members at the first meeting of each calendar year or when a vacancy exists.

(3) An administrator shall be appointed by the superintendent using the State Personnel Re-

lations Law to establish suitable qualifications and compensation. The administrator shall be required to demonstrate adequate knowledge and experience related to boxing and mixed martial arts.

(4) The superintendent may employ other personnel as necessary.

(5) The commission may meet once a month at a time and place agreed upon. Special additional meetings may be called by the administrator or at the request of one or more members of the commission.

(6) Three members of the commission shall constitute a quorum.

(7) Three votes shall constitute a majority.

(8) Members of the commission and representatives of the commission shall be paid per diem and travel expenses as designated under ORS 292.495 when conducting the business of the commission.

SECTION 13. ORS 577.230 is amended to read:

577.230. (1) The Director of Agriculture shall appoint members on the Oregon Beef Council, as far as practicable and possible, from the various geographical areas of the state.

(2) Upon the expiration of the term of a member of the council, a successor shall be appointed for a term of three years, except in case of a vacancy, when the appointee shall serve the unexpired part of the term of the member[,] **whom** the appointee replaced. **Members of the council serve at the pleasure of the director and the Governor.**

SECTION 14. ORS 577.250 is repealed.

SECTION 15. ORS 179.331 is amended to read:

179.331. (1) The superintendents shall be appointed **as follows** and, whenever the public service requires such action, may be removed, suspended or discharged **by the Governor**, **or** as follows:

(a) The superintendent of the Eastern Oregon Training Center, by the Director of Human Services.

(b) The superintendents of the Blue Mountain Recovery Center and the Oregon State Hospital, by the Director of the Oregon Health Authority.

(c) The superintendents of Department of Corrections institutions as defined in ORS 421.005, by the Director of the Department of Corrections.

(2) For purposes of the State Personnel Relations Law, the superintendents are assigned to the unclassified service.

SECTION 16. ORS 480.540 is amended to read:

480.540. (1) The term of office of a member of the Board of Boiler Rules is four years**,** and a member is not eligible for appointment to more than two full terms of office. A member shall continue to serve until a successor has been appointed and qualified. Vacancies shall be filled by appointment for the unexpired term.

(2) The chief boiler inspector shall serve without a vote as secretary of the board.

(3) [*The Governor may remove any member of the board for cause.*] **Members of the board serve at the pleasure of the Governor.**

(4) A member of the board is entitled to compensation and expenses as provided in ORS 292.495.

SECTION 17. ORS 276.227 is amended to read:

276.227. (1) The State of Oregon recognizes that providing and operating state government facilities is a significant capital investment in public infrastructure. Accordingly, it is the policy of the State of Oregon to plan, finance, acquire, construct, manage and maintain state government facilities in a manner that maximizes and protects this investment.

(2) The Oregon Department of Administrative Services shall establish a statewide planning process that evaluates the needs of the state's facilities, provides comparative information on the

condition of the state's facilities, establishes guidelines and standards for acquiring, managing and maintaining state facilities and provides financing and budgeting strategies to allocate resources to facilities' needs.

(3)(a) The Director of the Oregon Department of Administrative Services shall establish a public review process for the proposed capital projects of all state agencies. To assist in this review, the director shall establish a Capital Projects Advisory Board consisting of seven members. Five members shall be public members knowledgeable about construction, facilities management and maintenance issues. Two members may be state employees. The director shall appoint the chairperson of the board. **Members of the board serve at the pleasure of the director and the Governor.**

(b) The director, in consultation with the board, may request that agencies submit updated long-range facility plans and funding strategies that reflect changes in technology and priorities. The director may ask the board to report on and make recommendations related to long-range plans, the condition of facilities, maintenance schedules, funding strategies and options for new facilities. The director may seek recommendations from the board regarding the needs of existing facilities, funding strategies and long-term facility goals.

(c) The review process may be applicable to capital projects meeting the definition of major construction/acquisition in the Governor's budget and to significant leases.

(d) For each state agency proposing a capital project, the review process may include an examination of the following:

(A) The effectiveness of asset protection, including maintenance, repair and other activities;

(B) The effectiveness of space utilization, including an inventory of existing occupied and unoccupied building space;

(C) The advisability of lease, purchase or other funding strategies;

(D) The condition of existing occupied and unoccupied building space;

(E) Appropriate technology;

(F) The agency's mission and long-range facilities plans; and

(G) For new facilities, expansions and additions, the ability of the agency to maintain and operate all of the agency's facilities in a cost-effective manner.

(e) The review process shall ensure that capital project decisions are approached in a cost-effective manner after considering all reasonable alternatives.

(f) With assistance from the board, the department shall provide recommendations and information to the Governor and the Legislative Assembly on the construction, leasing and facilities management issues of state government.

(4) The department shall establish and maintain a central database of information on state-owned property of all state agencies, including land, buildings, infrastructure, improvements and leases. This database shall include an inventory of state-owned facilities as well as descriptive and technical information.

(5) State agencies shall establish and implement long-range maintenance and management plans for facilities for which this state is responsible to ensure that facilities are maintained in good repair and that the useful lives of facilities are maximized. For each new facility, a maintenance and management plan appropriate to the use and useful life of the facility shall be developed and implemented.

(6) The department may engage in cooperative projects with local government.

(7) The provisions of this section do not apply to public universities listed in ORS 352.002, the Oregon Health and Science University or a community college as defined in ORS 341.005.

SECTION 18. ORS 184.628 is amended to read:

184.628. (1) The Director of Transportation, with the approval of the Oregon Transportation Commission, shall appoint a chief engineer. The chief engineer shall be a registered civil engineer and shall be qualified by technical training as well as by practical experience. **The chief engineer serves at the pleasure of the director and the Governor.**

(2) The chief engineer may designate persons within the Department of Transportation who have full authority to perform any duty required or permitted by law to be performed by the engineer.

(3) The director may authorize the employment by the chief engineer of such staff engineers, engineering and technical assistants and such other help that in the chief engineer's judgment may be necessary. Compensation, travel allowance and other expenses shall be fixed by the chief engineer with the approval of the director.

(4) This section is subject to any applicable provision of the State Personnel Relations Law.

SECTION 19. ORS 417.810 is amended to read:

417.810. (1) The Office of Children's Advocate is established in the Department of Human Services. The office is under the supervision and control of the Children's Advocate, who is responsible for the performance of the duties, functions and powers of the office. With the concurrence of the Governor, the Director of Human Services shall appoint the Children's Advocate**. The director or the Governor** [*and*] may terminate the Children's Advocate.

(2) Subject to available funds and the applicable provisions of ORS chapter 240, the Children's Advocate may hire staff to carry out the duties, functions and powers of the office and shall prescribe their duties and fix their compensation.

(3) The Children's Advocate shall be a person who has background and experience in:

(a) Law enforcement with particular emphasis on crimes involving child victims; or

(b) Social work with particular emphasis on child abuse.

SECTION 20. ORS 418.985 is amended to read:

418.985. (1) There is established the Children's Wraparound Initiative Advisory Committee consisting of members representing:

(a) Partner agencies;

(b) Local service providers;

(c) Youth and the family of youth who have current or past involvement with at least two partner agencies; and

(d) Organizations that advocate for youth.

(2) The majority of members of the committee shall be representatives of youth or the family of youth and advocacy organizations.

(3) The committee shall advise and assist in the implementation of the wraparound initiative described in ORS 418.977.

(4) The Department of Human Services and the Oregon Health Authority, in consultation with the committee, shall report biennially to the Governor and the Legislative Assembly on the progress toward and projected costs of full implementation of the wraparound initiative.

(5) Members of the committee serve at the pleasure of the Governor.

SECTION 21. ORS 571.515 is amended to read:

571.515. (1) In order that there may be the closest contact between the State Department of Agriculture and the problems of the Christmas tree industry, there hereby is created a State Christmas Tree Advisory Committee, which shall consist of six members appointed by the Director of Agriculture. The director, as far as practicable, shall make appointments so that all areas of the

state are represented on the committee.

(2) The term of each member shall be for three years, from the date of appointment. **Members of the committee serve at the pleasure of the director and the Governor.** A member shall continue to serve until a successor is appointed and qualifies. Vacancies in office shall be filled by appointment for the unexpired term. An individual is not eligible to serve more than two consecutive terms as a member.

(3) The members of the committee are eligible for compensation and expenses as provided in ORS 292.495, to be paid from funds provided by ORS 571.580.

(4) The functions of the committee are to advise and counsel with the department in the administration of ORS 571.505 to 571.580.

(5) The committee shall meet at the call of the chairperson or the director of the State Department of Agriculture. A majority of the members present at any meeting constitutes a quorum, and a majority vote of the quorum at any meeting constitutes an official act of the committee.

(6) At the first meeting in each year the committee shall select a chairperson. The Dean of the College of Agricultural Sciences, Oregon State University, and the director of the State Department of Agriculture, or their representatives, shall be ex officio members without the right to vote.

SECTION 22. ORS 508.755 is amended to read:

508.755. (1) There is established within the State Department of Fish and Wildlife the Commercial Fishery Permit Board. The board shall consist of members appointed by the State Fish and Wildlife Commission as follows:

(a) Three members shall be chosen to represent the Columbia River gillnet salmon fishing industry.

(b) Three members shall be chosen to represent the ocean troll salmon fishing industry.

(c) Three members shall be chosen to represent the ocean pink shrimp fishing industry.

(d) Three members shall be chosen to represent the Yaquina Bay roe-herring fishing industry.

(e) Three members shall be chosen to represent the sea urchin commercial fishery.

(f) Three members shall be chosen to represent the ocean Dungeness crab fishing industry.

(g) Three members shall be chosen to represent the black rockfish and blue rockfish fishing industry and the nearshore fish fishing industry.

(h) Three members shall be chosen to represent developmental fisheries as described in ORS 506.450 to 506.465.

(i) Three members shall be chosen to represent each restricted participation system or restricted vessel permit system established by rule of the commission under ORS 506.462.

(j) Two members shall be chosen to represent the public.

(2) A member of the board shall receive no compensation for services as a member. However, subject to any applicable law regulating travel and other expenses of state officers and employees, a member shall be reimbursed for travel and other expenses incurred in the performance of official duties.

(3) The board shall select such officers, for such terms and with such duties and powers, as the board considers necessary for the performance of those offices.

(4) A majority of the members of the board constitutes a quorum for the transaction of business.

(5) The board shall meet at such times and places as may be determined by the chairperson or by a majority of the members of the board.

(6) Members of the board serve at the pleasure of the commission and the Governor.

[*(6)*] **(7)** Notwithstanding any other provision of law:

(a) Members of the board representing the Columbia River gillnet salmon fishing industry shall participate in actions of the board only on matters arising under ORS 508.285, 508.470 and 508.775 to 508.796.

(b) Members of the board representing the ocean troll salmon fishing industry shall participate in actions of the board only on matters arising under ORS 508.801 to 508.825.

(c) Members of the board representing the ocean pink shrimp fishing industry shall participate in actions of the board only on matters arising under ORS 508.880, 508.883 and 508.889 to 508.910.

(d) Members of the board representing the Yaquina Bay roe-herring fishing industry shall participate in actions of the board only on matters arising under ORS 508.765.

(e) Members of the board representing the sea urchin commercial fishery shall participate in actions of the board only on matters arising under ORS 508.760.

(f) Members of the board representing the ocean Dungeness crab fishing industry shall participate in actions of the board only on matters arising under ORS 508.921.

(g) Members of the board representing the black rockfish and blue rockfish fishing industry and the nearshore fish fishing industry shall participate in actions of the board only on matters arising under ORS 508.947, 508.957 or 508.960.

(h) Members of the board representing developmental fisheries shall participate in actions of the board only on matters arising under ORS 506.450 to 506.465.

(i) Members of the board representing a restricted participation system or a restricted vessel permit system established by rule of the commission under ORS 506.462 shall participate in actions of the board only on matters related to that system.

SECTION 23. ORS 508.867 is amended to read:

508.867. (1) Notwithstanding ORS 508.755 [*(6)(b)*] **(7)(b)** and (c), an individual whose application for renewal of the permit required by ORS 508.840 is denied by the State Department of Fish and Wildlife may make written request to the Commercial Fishery Permit Board for review of the denial. The review provided in this subsection is in lieu of any such review by the department or the State Fish and Wildlife Commission. The request shall be in such form and shall contain such information as the board considers appropriate. The request shall be accompanied by a nonrefundable fee of $125. Such fee shall apply toward the permit fee of successful applicants.

(2) In accordance with any applicable provision of ORS chapter 183, the board shall review denials of applications for renewal of permits. Orders issued by the board are not subject to review by the commission, but may be appealed as provided in ORS 183.480 to 183.540. The board may waive requirements for renewal of permits if the board finds that the individual for personal or economic reasons chooses to actively fish the permit vessel in some other ocean fishery or if the board finds that the individual fails to meet the requirements as the result of illness, accident or other circumstances beyond the individual's control.

(3) In accordance with any applicable provision of ORS chapter 183, the board may promulgate such rules as it considers necessary to carry out its duties, functions and powers.

(4) The board may delegate to the department the authority to waive eligibility requirements for renewal of permits.

SECTION 24. ORS 326.375, as amended by section 3, chapter 36, Oregon Laws 2012, is amended to read:

326.375. (1) The State Board of Education shall appoint a Commissioner for Community College Services who shall:

(a) Serve at the pleasure of the board **and the Governor**.

(b) Serve under the direction and control of the Chief Education Officer appointed under section 2, chapter 519, Oregon Laws 2011, for matters related to the design and organization of the state's education system.

(2) The commissioner shall be a person who by training and experience is well qualified to perform the duties of the office and to assist in carrying out the functions of the board under ORS 326.041, 326.051, 326.375, 341.005, 341.015, 341.440, 341.455, 341.626, 341.655 and 341.933.

(3) The commissioner shall:

(a) Be the executive head of the Department of Community Colleges and Workforce Development.

(b) Direct and supervise all activities of the Department of Community Colleges and Workforce Development.

(c) Hire staff, as authorized by the State Board of Education to assist in carrying out the duties of the commissioner. The staff shall be considered employees of the Department of Community Colleges and Workforce Development for purposes of ORS chapters 240 and 243.

(d) Be responsible directly to:

(A) The State Board of Education for those duties enumerated in ORS chapter 341.

(B) The Chief Education Officer for matters related to the design and organization of the state's education system.

(4) The commissioner, with approval of the State Board of Education, shall be responsible for the representation of community college interests to the Governor, the Legislative Assembly, state agencies and others. The commissioner, with the approval of the state board, shall be responsible for submitting community college budget requests and budget reports for the Department of Community Colleges and Workforce Development to the Legislative Assembly. The state board shall ensure that the budget request for community colleges and for the Department of Community Colleges and Workforce Development are separate and distinct from its other requests to the Legislative Assembly.

SECTION 25. ORS 326.375, as amended by sections 3 and 9, chapter 36, Oregon Laws 2012, is amended to read:

326.375. (1) The State Board of Education shall appoint a Commissioner for Community College Services who shall serve at the pleasure of the board **and the Governor**.

(2) The commissioner shall be a person who by training and experience is well qualified to perform the duties of the office and to assist in carrying out the functions of the board under ORS 326.041, 326.051, 326.375, 341.005, 341.015, 341.440, 341.455, 341.626, 341.655 and 341.933.

(3) The commissioner shall:

(a) Be the executive head of the Department of Community Colleges and Workforce Development.

(b) Direct and supervise all activities of the Department of Community Colleges and Workforce Development.

(c) Hire staff, as authorized by the State Board of Education to assist in carrying out the duties of the commissioner. The staff shall be considered employees of the Department of Community Colleges and Workforce Development for purposes of ORS chapters 240 and 243.

(d) Be responsible directly to the State Board of Education for those duties enumerated in ORS chapter 341.

(4) The commissioner, with approval of the State Board of Education, shall be responsible for the representation of community college interests to the Governor, the Legislative Assembly, state

agencies and others. The commissioner, with the approval of the state board, shall be responsible for submitting community college budget requests and budget reports for the Department of Community Colleges and Workforce Development to the Legislative Assembly. The state board shall ensure that the budget request for community colleges and for the Department of Community Colleges and Workforce Development are separate and distinct from its other requests to the Legislative Assembly.

SECTION 26. ORS 759.430 is amended to read:

759.430. (1)(a) Notwithstanding ORS 285A.075 (2), the Oregon Business Development Commission shall approve plans and plan modifications for projects funded by a telecommunications carrier's Telecommunications Infrastructure Account established under ORS 759.405. Projects funded from a telecommunications carrier's Telecommunications Infrastructure Account shall be completed by the carrier and shall be substantially for the benefit of the carrier's customers. Plans approved by the commission must be consistent with the purpose of the fund as described in ORS 759.405. The commission shall give priority to projects that provide increased bandwidth between communities, route diversity and access to advanced telecommunications services in an expedited manner. The commission shall seek to ensure that an approved project is the most technically appropriate means of addressing the circumstances presented in a project plan. The commission shall review recommendations and analysis from the Connecting Oregon Communities Advisory Board established in subsection (2) of this section prior to approving a plan. Project plans may be submitted by local communities including but not limited to local governments, community institutions, citizen groups, public and private educational institutions and business groups.

(b) Under the policies and guidance of the commission, the Oregon Business Development Department shall adopt rules for the submission of project plans by telecommunications carriers and other persons, including criteria for approval of such plans. The rules shall include criteria to determine if the telecommunications carrier reasonably should be expected to make the investment based on an economic analysis of the project. Projects that are determined to meet the criteria but are not economically self-supporting or would not be undertaken in the time frame proposed shall be given priority over similar projects that would be economically self-supporting or likely would be completed in the time frame proposed. The rules shall provide for review of the economic benefits of the proposed plan to the affected community and the potential for the proposed plan to leverage other funding sources including but not limited to federal, state and private sources.

(c) The commission also shall approve expenditures from the Public Access Account of the Connecting Oregon Communities Fund established in ORS 759.445 (4).

(2) There is established within the Oregon Business Development Department the Connecting Oregon Communities Advisory Board consisting of five members appointed by the commission. The commission shall seek advice from the Governor prior to making an appointment to the advisory board. **Members of the advisory board serve at the pleasure of the commission and the Governor.**

(3) There shall be one member of the advisory board from each of the following areas:

(a) Eastern Oregon, including Hood River County;

(b) Central Oregon;

(c) Southern Oregon;

(d) Coastal Oregon; and

(e) The Willamette Valley.

(4) Employees of the Public Utility Commission, employees of state or local government who are

responsible for purchasing telecommunications services or equipment and employees of a telecommunications carrier may not be appointed to the advisory board.

(5) The advisory board shall select one of its members as chairperson and another of its members as vice chairperson, for such terms and with duties and powers necessary for the performance of the functions of those offices as the board determines.

(6) The purpose of the advisory board is to review and make recommendations to the Oregon Business Development Commission for approval of and modifications to projects funded by a telecommunications carrier's Telecommunications Infrastructure Account under this section and ORS 759.405. The advisory board shall seek advice and comment on plans submitted by a telecommunications carrier from affected local communities including but not limited to local governments, citizens and businesses. The advisory board also shall seek advice and comment from state and federal agencies when appropriate to ensure that investments will maximize statewide public benefits and are consistent with the needs and desires of the local communities. The advisory board shall consider the needs of and impact on education, health care, economic development and the delivery of state and local governmental services when evaluating a plan.

(7) The advisory board also shall review proposals submitted to the commission under ORS 759.445 (5) and make recommendations to the commission regarding approval, modification or denial of the proposals.

(8) The advisory board shall make an annual report to the Joint Legislative Committee on Information Management and Technology on the plans and activities funded under ORS 759.405 and 759.445 (5).

(9)(a) Reasonable expenses incurred by the members of the advisory board in the performance of their duties, costs of the Oregon Business Development Department directly related to providing staff to the advisory board and costs to the department for providing technical assistance to local communities shall be paid out of the Telecommunications Infrastructure Accounts created under ORS 759.405.

(b) Following the transfer of funds required under ORS 759.405 (2) and (3), a telecommunications carrier that elects to be subject to regulation under ORS 759.405 and 759.410 shall transfer from the remaining funds in its Telecommunications Infrastructure Account the following amounts to the Oregon Business Development Department to be used for the payment of expenses described in paragraph (a) of this subsection:

(A) $575,000 in 2000;

(B) $325,000 in 2001;

(C) $325,000 in 2002; and

(D) $325,000 in 2003.

(c) If more than one telecommunications carrier elects to be subject to regulation under ORS 759.405 and 759.410, the funding requirements described in paragraph (b) of this subsection shall be distributed pro rata among the electing carriers.

SECTION 27. ORS 455.492 is amended to read:

455.492. (1) There is established a Construction Industry Energy Board, consisting of seven members. **Members of the board serve at the pleasure of the appointing authority and the Governor.** The membership shall consist of the following:

(a) Two members selected by the Electrical and Elevator Board from the members of the Electrical and Elevator Board who have practical experience in the electric industry.

(b) Two members selected by the Residential and Manufactured Structures Board from the

members of the Residential and Manufactured Structures Board who have practical experience in the residential structure industry or manufactured structure industry.

(c) Two members selected by the Building Codes Structures Board from the members of the Building Codes Structures Board who have practical experience in construction.

(d) One member who is an employee or officer of the State Department of Energy appointed by the Director of the State Department of Energy.

(2) The Construction Industry Energy Board shall select one of its members as chairperson and another as vice chairperson, for such terms and with duties and powers necessary for the performance of the functions of those positions as the board determines.

(3) Except as provided in ORS 455.496 (2), a majority of the members of the board constitutes a quorum for the transaction of business.

(4) A member of the board is not entitled to compensation, but at the discretion of the director may be reimbursed from funds available to the Department of Consumer and Business Services for actual and necessary travel and other expenses incurred by the member in the performance of the member's official duties in the manner and amount provided in ORS 292.495.

SECTION 28. ORS 430.073 is amended to read:

430.073. (1) As used in this section and ORS 430.075, "consumer" means a person who has received or is receiving mental health or addiction services.

(2) The Director of the Oregon Health Authority shall establish a Consumer Advisory Council to advise the director on the provision of mental health services by the Oregon Health Authority. The council may review, evaluate and provide feedback on all site reviews related to mental health services provided by the authority.

(3) The director shall appoint 15 to 25 consumers to the council. In making appointments, the director shall strive to balance the representation according to geographic areas of the state and age. **Members of the council serve at the pleasure of the director and the Governor.**

(4) The authority shall provide administrative support to the council.

(5) Members of the council are not entitled to compensation or reimbursement of expenses under ORS 292.495.

SECTION 29. ORS 101.140 is amended to read:

101.140. (1) The Continuing Care Retirement Community Advisory Council is created and shall consist of nine members appointed by the Director of Human Services or a designee and shall represent the geographic location of providers in this state. A member must be a resident of this state. **Members of the council serve at the pleasure of the director and the Governor.** Three members must represent providers that are registered pursuant to ORS 101.030 and must have been actively engaged in the offering of residency agreements in this state for five years before appointment. The remaining members shall include:

(a) A representative of the business community with expertise in the area of management;

(b) A certified public accountant;

(c) An attorney; and

(d) Three Oregon residents of continuing care retirement communities or other consumer representatives.

(2) The term of office for a member shall be three years or until a successor has been appointed and qualified.

(3) The members of the advisory council shall serve without pay. They shall be reimbursed by the Department of Human Services for their actual and necessary traveling expenses incurred while

on official business.

(4) The council shall:

(a) Elect a chairperson from among their number and elect or appoint a secretary, both of whom shall hold office for one year and thereafter until a successor is qualified and elected;

(b) Hold an annual meeting and hold other meetings at times and places the department or the chairperson of the council may direct;

(c) Keep a record of its proceedings. The record is prima facie evidence of all matters reported and shall be open to inspection at all times;

(d) Act in an advisory capacity to the department; and

(e) Make recommendations to the department on all proposed rules pertaining to this chapter.

SECTION 30. ORS 423.085 is amended to read:

423.085. (1) The Director of the Department of Corrections shall appoint an unclassified employee to the position of Administrator of Correctional Education. **The administrator serves at the pleasure of the director and the Governor.**

(2) The Administrator of Correctional Education shall be employed full-time with authority over, and responsibility for, statewide corrections education programs. The administrator shall:

(a) Plan, design and implement the correctional education system required in ORS 421.081; and

(b) Recommend to the Director of the Department of Corrections rules as necessary to carry out the responsibilities of the office of Administrator of Correctional Education.

(3)(a) The Department of Corrections, through the Administrator of Correctional Education, may negotiate contracts with organizations and agencies to implement the provisions of ORS 421.081 and 421.084 and this section. The Department of Corrections, in discharging its duties under this section, shall honor provisions of existing collective bargaining agreements with current employees of the department that provide for contracting out.

(b) All moneys appropriated to the Department of Corrections for general, professional and technical education instruction shall be expended only for those purposes.

SECTION 31. ORS 181.637 is amended to read:

181.637. (1) The Board on Public Safety Standards and Training shall establish the following policy committees:

(a) Corrections Policy Committee;

(b) Fire Policy Committee;

(c) Police Policy Committee;

(d) Telecommunications Policy Committee; and

(e) Private Security Policy Committee.

(2) The members of each policy committee shall select a chairperson and vice chairperson for the policy committee. Only members of the policy committee who are also members of the board are eligible to serve as a chairperson or vice chairperson. The vice chairperson may act as chairperson in the absence of the chairperson.

(3) The Corrections Policy Committee consists of:

(a) All of the board members who represent the corrections discipline;

(b) The chief administrative officer of the training division of the Department of Corrections;

(c) A security manager from the Department of Corrections recommended by the Director of the Department of Corrections; and

(d) The following, who may not be current board members, appointed by the chairperson of the board:

(A) One person recommended by and representing the Oregon State Sheriffs' Association;

(B) Two persons recommended by and representing the Oregon Sheriff's Jail Command Council;

(C) One person recommended by and representing a statewide association of community corrections directors;

(D) One nonmanagement corrections officer employed by the Department of Corrections;

(E) One corrections officer who is a female, who is employed by the Department of Corrections at a women's correctional facility and who is a member of a bargaining unit; and

(F) Two nonmanagement corrections officers.

(4) The Fire Policy Committee consists of:

(a) All of the board members who represent the fire service discipline; and

(b) The following, who may not be current board members, appointed by the chairperson of the board:

(A) One person recommended by and representing a statewide association of fire instructors;

(B) One person recommended by and representing a statewide association of fire marshals;

(C) One person recommended by and representing community college fire programs;

(D) One nonmanagement firefighter recommended by a statewide organization of firefighters; and

(E) One person representing the forest protection agencies and recommended by the State Forestry Department.

(5) The Police Policy Committee consists of:

(a) All of the board members who represent the law enforcement discipline; and

(b) The following, who may not be current board members, appointed by the chairperson of the board:

(A) One person recommended by and representing the Oregon Association Chiefs of Police;

(B) Two persons recommended by and representing the Oregon State Sheriffs' Association;

(C) One command officer recommended by and representing the Oregon State Police; and

(D) Three nonmanagement law enforcement officers.

(6) The Telecommunications Policy Committee consists of:

(a) All of the board members who represent the telecommunications discipline; and

(b) The following, who may not be current board members, appointed by the chairperson of the board:

(A) Two persons recommended by and representing a statewide association of public safety communications officers;

(B) One person recommended by and representing the Oregon Association Chiefs of Police;

(C) One person recommended by and representing the Oregon State Police;

(D) Two persons representing telecommunicators;

(E) One person recommended by and representing the Oregon State Sheriffs' Association;

(F) One person recommended by and representing the Oregon Fire Chiefs Association;

(G) One person recommended by and representing the Emergency Medical Services and Trauma Systems Program of the Oregon Health Authority; and

(H) One person representing emergency medical services providers and recommended by a statewide association dealing with fire medical issues.

(7) The Private Security Policy Committee consists of:

(a) All of the board members who represent the private security industry; and

(b) The following, who may not be current board members, appointed by the chairperson of the board:

(A) One person representing unarmed private security professionals;

(B) One person representing armed private security professionals;

(C) One person representing the health care industry;

(D) One person representing the manufacturing industry;

(E) One person representing the retail industry;

(F) One person representing the hospitality industry;

(G) One person representing private business or a governmental entity that utilizes private security services;

(H) One person representing persons who monitor alarm systems;

(I) Two persons who are investigators licensed under ORS 703.430, one of whom is recommended by the Oregon State Bar and one of whom is in private practice; and

(J) One person who represents the public at large and who is not related within the second degree by affinity or consanguinity to a person who is employed or doing business as a private security professional or executive manager, as defined in ORS 181.870, or as an investigator, as defined in ORS 703.401.

(8) In making appointments to the policy committees under this section, the chairperson of the board shall seek to reflect the diversity of the state's population. An appointment made by the chairperson of the board must be ratified by the board before the appointment is effective. The chairperson of the board may remove an appointed member for just cause**, and the Governor may remove an appointed member at the Governor's discretion**. An appointment to a policy committee that is based on the member's employment is automatically revoked if the member changes employment. The chairperson of the board shall fill a vacancy in the same manner as making an initial appointment. The term of an appointed member is two years. An appointed member may be appointed to a second term.

(9) A policy committee may meet at such times and places as determined by the policy committee in consultation with the Department of Public Safety Standards and Training. A majority of a policy committee constitutes a quorum to conduct business. A policy committee may create subcommittees if needed.

(10)(a) Each policy committee shall develop policies, requirements, standards and rules relating to its specific discipline. A policy committee shall submit its policies, requirements, standards and rules to the board for the board's consideration. When a policy committee submits a policy, requirement, standard or rule to the board for the board's consideration, the board shall:

(A) Approve the policy, requirement, standard or rule;

(B) Disapprove the policy, requirement, standard or rule; or

(C) Defer a decision and return the matter to the policy committee for revision or reconsideration.

(b) The board may defer a decision and return a matter submitted by a policy committee under paragraph (a) of this subsection only once. If a policy, requirement, standard or rule that was returned to a policy committee is resubmitted to the board, the board shall take all actions necessary to implement the policy, requirement, standard or rule unless the board disapproves the policy, requirement, standard or rule.

(c) Disapproval of a policy, requirement, standard or rule under paragraph (a) or (b) of this subsection requires a two-thirds vote by the members of the board.

(11) At any time after submitting a matter to the board, the chairperson of the policy committee may withdraw the matter from the board's consideration.

SECTION 32. ORS 421.344 is amended to read:

421.344. There is established Oregon Corrections Enterprises, a semi-independent agency. The Director of the Department of Corrections shall assign or appoint an administrator who shall serve at the pleasure of the director **and the Governor**. The administrator shall have authority to do all things necessary and convenient to carry out ORS 192.502, 421.305, 421.312, 421.344 to 421.367, 421.412, 421.442, 421.444 and 421.445.

SECTION 33. ORS 565.410 is amended to read:

565.410. (1) There hereby is established the County Fair Commission, consisting of eight members. The Director of Agriculture, or a staff member of the State Department of Agriculture appointed by the director, shall serve as a member of the commission without vote. The director shall appoint seven other members who are persons interested in fair activities. Three of such members must reside in the area east of the Cascade Mountains, three members must reside in the area west of the Cascade Mountains, and one member shall be from the state at large.

(2) The term of office of each voting member is three years, but all members serve at the pleasure of the director **and the Governor**. Before the expiration of the term of a voting member, the director shall appoint a successor whose term begins on January 1 next following. A voting member is eligible for reappointment, but no voting member may serve more than two consecutive terms. If there is a vacancy for any cause, the director shall make an appointment to become immediately effective for the unexpired term.

SECTION 34. ORS 243.505 is amended to read:

243.505. (1) The Deferred Compensation Advisory Committee shall be appointed by the Public Employees Retirement Board, consisting of seven members with knowledge of deferred compensation plans.

(2) At the direction of the board, the committee shall advise the Public Employees Retirement Board on policies and procedures and such other matters as the board may request.

(3) The term of office of each member is three years, but a member serves at the pleasure of the board **and the Governor**. Before the expiration of the term of a member, the board shall appoint a successor whose term begins on July 1 next following. A member is eligible for reappointment. If there is a vacancy for any cause, the board shall make an appointment to become immediately effective for the unexpired term.

(4) A member of the Deferred Compensation Advisory Committee is entitled to compensation and expenses as provided in ORS 292.495.

(5) The Deferred Compensation Advisory Committee shall select one of its members as chairperson and another as vice chairperson, for such terms and with duties and powers necessary for the performance of the functions of such offices as the committee determines.

(6) A majority of the members of the committee constitutes a quorum for the transaction of business.

(7) The Deferred Compensation Advisory Committee may meet at a place, day and hour determined by the committee. The committee also may meet at other times and places specified by the call of the chairperson or of a majority of the members of the committee.

SECTION 35. ORS 526.031 is amended to read:

526.031. (1) The State Board of Forestry shall appoint a State Forester, who must be a practical forester familiar with western conditions and experienced in organization for the prevention of forest fires. The forester shall be the chief executive officer of the State Forestry Department. The forester shall hold office at the pleasure of the board **and the Governor**, and shall act as [*its*] **the**

secretary **of the board**.

(2) With the approval of the board and subject to applicable provisions of the State Personnel Relations Law, the State Forester may appoint a Deputy State Forester, assistant state foresters and other employees of the department. During the State Forester's absence or disability, all authority shall be exercised by the Deputy State Forester or by the assistant whom the State Forester or the board, by written order filed with the Secretary of State, has designated as Acting State Forester.

(3) The board shall fix the compensation of the State Forester. In addition to their salaries, the forester, the deputy and assistants shall be reimbursed, subject to the limitations otherwise provided by law, for their actual and necessary travel and other expenses incurred in the performance of their duties.

SECTION 36. ORS 410.603 is amended to read:

410.603. (1) The Home Care Commission shall create a Developmental Disabilities and Mental Health Committee. **Members of the committee serve at the pleasure of the commission and the Governor.**

(2) The committee shall provide information and make recommendations to the commission on:

(a) Methods of improving the quality of services available to persons with developmental disabilities or mental illnesses and the family members of persons with developmental disabilities or mental illnesses;

(b) Means of ensuring that an adequate amount of services are available to persons with developmental disabilities or mental illnesses and the family members of persons with developmental disabilities or mental illnesses; and

(c) All the duties and functions under ORS 410.595 to 410.625 as those duties and functions pertain to persons with developmental disabilities or mental illnesses and the family members of persons with developmental disabilities or mental illnesses, including but not limited to:

(A) Qualifications for personal support workers;

(B) Registration of personal support workers;

(C) Referrals for routine, emergency and respite care;

(D) Training opportunities for personal support workers; and

(E) Collective bargaining.

(3) The commission shall consider the recommendations of the committee. When the commission does not follow the recommendations of the committee, the commission shall inform the committee of the reasons for not following the recommendations.

(4) The commission shall appoint members to the committee. In appointing members to the committee, the commission shall include at least one:

(a) Consumer of services, activities or purchases available to persons with developmental disabilities;

(b) Consumer of services, activities or purchases available to persons with mental illnesses;

(c) Family member of a person with a developmental disability;

(d) Family member of a person with a mental illness;

(e) Advocate for persons with developmental disabilities or mental illnesses;

(f) Personal support worker;

(g) Representative from an agency that assists persons with developmental disabilities or mental illnesses in finding and arranging resources for home care services; and

(h) Representative from a support services brokerage that assists persons with developmental disabilities or mental illnesses in finding and arranging resources for home care services.

SECTION 37. ORS 506.465 is amended to read:

506.465. (1) The Developmental Fisheries Board is established in the State Department of Fish and Wildlife. The board shall consist of members appointed by the State Fish and Wildlife Commission after consultation with commercial fishing industry representatives to insure representation on the board of a broad range of fishing interests. **Members of the board serve at the pleasure of the commission and the Governor.**

(2) The commission shall appoint:

(a) Two members who are commercial fishermen licensed in this state and who are the operators of commercial fishing vessels that are less than 60 feet in length.

(b) Two members who are commercial fishermen licensed in this state and who are the operators of commercial fishing vessels that are 60 feet or more in length.

(c) One member who represents commercial fishing interests in general.

(d) One member who is employed by a fish processor having fewer than 50 employees.

(e) One member who is employed by a fish processor having 50 or more employees.

(f) One member who is an employee of the State Department of Fish and Wildlife.

(g) One member who is an employee of the State Department of Agriculture.

(3) A member of the board shall receive no compensation for services as a member. However, subject to any applicable law regulating travel and other expenses of state officers and employees, a member shall be reimbursed for actual and necessary travel and other expenses incurred in the performance of duties as a board member. The board shall meet at least once each year.

SECTION 38. ORS 448.153 is amended to read:

448.153. (1) The State Drinking Water Advisory Committee is created to advise and assist the Oregon Health Authority on policies related to the protection, safety and regulation of public drinking water in Oregon.

(2) The committee created under this section shall consist of 15 members appointed by the Public Health Officer. The officer shall make the appointments after considering nominees from:

(a) Public water systems of cities with a population greater than 100,000;

(b) Privately owned water systems;

(c) Environmental advocacy groups;

(d) The American Council of Engineering Companies of Oregon;

(e) The Conference of Local Health Officials created by ORS 431.330;

(f) The League of Oregon Cities;

(g) The League of Women Voters of Oregon;

(h) The Oregon Association of Water Utilities;

(i) The Oregon Environmental Health Association;

(j) The Oregon Environmental Laboratory Association;

(k) The Pacific Northwest Section of the American Water Works Association;

(L) The Special Districts Association of Oregon;

(m) Organizations representing plumbers or backflow testers;

(n) Water consumers; and

(o) Watershed councils.

(3) The committee shall adopt rules to govern its proceedings and shall select a chair and any other officers it considers necessary.

(4) The members shall be appointed to serve for terms of three years. **Members serve at the pleasure of the Public Health Officer and the Governor.** A vacancy on the committee shall be

filled by appointment by the Public Health Officer for the unexpired term.

(5) The committee shall meet regularly four times a year at times and places fixed by the chair of the committee. The committee may meet at other times specified by the chair or a majority of the members of the committee.

(6) The Oregon Health Authority shall provide assistance and space for meetings as requested by the chair of the committee.

(7) Members of the committee shall be entitled to actual and necessary expenses as provided by ORS 292.495 (2).

SECTION 39. ORS 479.810 is amended to read:

479.810. (1) The Electrical and Elevator Board shall administer and enforce ORS 479.510 to 479.945 and 479.995. The Director of the Department of Consumer and Business Services shall appoint an adequate staff of competent persons experienced and trained to serve as electrical inspectors. The board shall assist the director in reviewing determinations made by the staff involving electrical installations or products and to assist in formulating rules under ORS 479.730.

(2) The director, in consultation with the board, shall appoint a representative of the department's staff of electrical inspectors who shall serve ex officio as secretary of the board. This person shall be known as the Chief Electrical Inspector. **The Chief Electrical Inspector serves at the pleasure of the director and the Governor.**

(3) The director shall certify a person as an electrical inspector if:

(a) The person:

(A) Completes a general journeyman electrical apprenticeship program in Oregon;

(B) Has two years' experience as a licensed electrician in Oregon; and

(C) Passes the examination required for certification as a supervising electrician; or

(b) For a person with experience outside the State of Oregon, the person:

(A)(i) Has five years' experience in commercial or industrial electrical inspection; and

(ii) Passes the examination required for certification as a general supervising electrician; or

(B) Has six years of out-of-state experience as an electrician and passes the examination required for certification as a general supervising electrician.

(4) The board may, by rule, allow certification of persons as electrical inspectors with experience or training that does not meet the requirements specified in subsection (3) of this section.

(5) Rules adopted under this section shall provide for the recognition of equivalent experience acquired by a person outside the State of Oregon.

(6) An examination taken for purposes of applying for certification as an electrical inspector under this section shall not be valid for use in an application to become licensed as a supervising electrician.

SECTION 40. ORS 477.440 is amended to read:

477.440. (1) The State Board of Forestry shall appoint an Emergency Fire Cost Committee consisting of four members, who shall be forest landowners or representatives of forest landowners whose forestland is being assessed for forest fire protection within a forest protection district. At least one member shall be selected from each forest region of the state. Members shall serve at the pleasure of the board **and the Governor**.

(2) Members of the Emergency Fire Cost Committee shall be appointed by the board for four-year terms. Appointments under this subsection shall be made by the board within 60 days after July 21, 1987. If there is a vacancy for any cause, the board shall make an appointment to become immediately effective for the unexpired term.

SECTION 41. ORS 431.623 is amended to read:

431.623. (1) The Emergency Medical Services and Trauma Systems Program is created within the Oregon Health Authority for the purpose of administering and regulating ambulances, training and licensing emergency medical services providers, establishing and maintaining emergency medical systems, including trauma systems, and maintaining the Oregon Trauma Registry, as necessary for trauma reimbursement, system quality assurance and ensuring cost efficiency.

(2) For purposes of ORS 431.607 to 431.619 and ORS chapter 682, the duties vested in the authority shall be performed by the Emergency Medical Services and Trauma Systems program.

(3) The program shall be administered by a director. **The director serves at the pleasure of the authority and the Governor.**

(4) With moneys transferred to the program by ORS 442.625, the director of the program shall apply those moneys to:

(a) Developing state and regional standards of care;

(b) Developing a statewide educational curriculum to teach standards of care;

(c) Implementing quality improvement programs;

(d) Creating a statewide data system for prehospital care; and

(e) Providing ancillary services to enhance Oregon's emergency medical service system.

(5) The director of the program shall adopt rules for the Oregon Trauma Registry, establishing:

(a) The information that must be reported by trauma centers;

(b) The form and frequency of reporting; and

(c) Procedures and standards for the administration of the registry.

SECTION 42. ORS 401.062 is amended to read:

401.062. (1) The Office of Emergency Management is under the supervision and control of a director, who is responsible for the performance of the duties, functions and powers of the office.

(2) The Adjutant General, with the approval of the Governor, shall appoint the Director of the Office of Emergency Management, who holds office at the pleasure of the Adjutant General **and the Governor**.

(3) The director shall be paid a salary as provided by law or, if not so provided, as prescribed by the Adjutant General, with the approval of the Governor.

(4) For purposes of administration, subject to the approval of the Adjutant General, the director may organize and reorganize the office as the director considers necessary to properly conduct the work of the office.

(5) The director may divide the functions of the office into administrative divisions. Subject to the approval of the Adjutant General, the director may appoint an individual to administer each division. The administrator of each division serves at the pleasure of the director and is not subject to the provisions of ORS chapter 240. Each individual appointed under this subsection must be well qualified by technical training and experience in the functions to be performed by the individual.

SECTION 43. ORS 401.072 is amended to read:

401.072. (1) The Director of the Office of Emergency Management may, by written order filed with the Secretary of State, appoint a deputy director. The deputy director serves at the pleasure of the director **and the Governor**, has authority to act for the director in the absence of the director and is subject to the control of the director at all times.

(2) Subject to any applicable provisions of ORS chapter 240, the director shall appoint all subordinate officers and employees of the Office of Emergency Management, prescribe their duties and fix their compensation.

SECTION 44. ORS 682.039 is amended to read:

682.039. (1) The Oregon Health Authority shall appoint a State Emergency Medical Service Committee composed of 18 members as follows:

(a) Seven physicians licensed under ORS chapter 677 whose practice consists of routinely treating emergencies such as cardiovascular illness or trauma, appointed from a list submitted by the Oregon Medical Board.

(b) Four emergency medical services providers whose practices consist of routinely treating emergencies, including but not limited to cardiovascular illness or trauma, at least one of whom is at the lowest level of licensure for emergency medical services providers established by the authority at the time of appointment. Emergency medical services providers appointed pursuant to this paragraph must be selected from lists submitted by each area trauma advisory board. The lists must include nominations from entities including but not limited to organizations that represent emergency care providers in Oregon.

(c) One volunteer ambulance operator.

(d) One person representing governmental agencies that provide ambulance services.

(e) One person representing a private ambulance company.

(f) One hospital administrator.

(g) One nurse who has served at least two years in the capacity of an emergency department nurse.

(h) One representative of an emergency dispatch center.

(i) One community college or licensed career school representative.

(2) The committee shall include at least one resident but no more than three residents from each region served by one area trauma advisory board at the time of appointment.

(3) Appointments shall be made for a term of four years in a manner to preserve as much as possible the representation of the organization described in subsection (1) of this section. **Members of the committee serve at the pleasure of the authority and the Governor.** Vacancies shall be filled for any unexpired term as soon as the authority can make such appointments. The committee shall choose its own chairperson and shall meet at the call of the chairperson or the Director of the Oregon Health Authority.

(4) The State Emergency Medical Service Committee shall:

(a) Advise the authority concerning the adoption, amendment and repeal of rules authorized by this chapter;

(b) Assist the Emergency Medical Services and Trauma Systems Program in providing state and regional emergency medical services coordination and planning;

(c) Assist communities in identifying emergency medical service system needs and quality improvement initiatives;

(d) Assist the Emergency Medical Services and Trauma Systems Program in prioritizing, implementing and evaluating emergency medical service system quality improvement initiatives identified by communities;

(e) Review and prioritize rural community emergency medical service funding requests and provide input to the Rural Health Coordinating Council; and

(f) Review and prioritize funding requests for rural community emergency medical service training and provide input to the Area Health Education Center program.

(5) The chairperson of the committee shall appoint a subcommittee on the licensure and discipline of emergency medical services providers, consisting of five physicians and four emergency

medical services providers. The subcommittee shall advise the authority and the Oregon Medical Board on the adoption, amendment, repeal and application of rules concerning ORS 682.204 to 682.220 and 682.245. The decisions of this subcommittee are not subject to the review of the full State Emergency Medical Service Committee.

(6) Members are entitled to compensation as provided in ORS 292.495.

SECTION 45. ORS 672.250 is amended to read:

672.250. (1) Upon the expiration of the term of any board member, the Governor shall appoint a person possessing the qualifications prescribed by ORS 672.240 as a member of the State Board of Examiners for Engineering and Land Surveying to serve for a term of four years from July 1.

(2) Every member of the board shall receive a certificate of appointment from the Governor and before beginning the term shall file with the Secretary of State the constitutional oath of office.

(3) The Governor:

(a) May remove any member of the board [*for misconduct, incapacity or neglect of duty*] **at the Governor's discretion**.

(b) By appointment for the unexpired term, shall fill any vacancy caused by death, resignation or removal from office.

SECTION 46. ORS 468.030 is amended to read:

468.030. There is hereby established in the executive-administrative branch of the government of the state under the Environmental Quality Commission a department to be known as the Department of Environmental Quality. The department shall consist of the Director of the Department of Environmental Quality and all personnel employed in the department. **The director serves at the pleasure of the Governor.**

SECTION 47. ORS 565.021 is amended to read:

565.021. (1) The State Parks and Recreation Director shall appoint a State Fair Advisory Committee to provide advice and assistance to the director on matters regarding the operation of the Oregon State Fair.

(2) The advisory committee shall consist of seven members appointed by the director for four-year terms. The director shall appoint:

(a) A resident from each congressional district of Oregon. The director shall seek to ensure that those persons reflect a broad-based representation of the industrial, educational and cultural interests active in state fair activities, such as agricultural, stock raising, horticultural, mining, mechanical, artistic and industrial pursuits.

(b) Two persons to represent county fair interests. The director may give consideration to nominations suggested by the County Fair Commission established under ORS 565.410.

(3) The members of the advisory committee serve at the pleasure of the director **and the Governor**. The director may fill a vacancy on the advisory committee by appointing a person to fill the unexpired term.

(4) Each member of the advisory committee is entitled to compensation and reimbursement of expenses, as provided in ORS 292.495, from moneys appropriated to the State Parks and Recreation Department for that purpose.

(5) The advisory committee shall select one of its members as chairperson and another as vice chairperson, for such terms and with such duties and powers necessary for the performance of the functions of those offices as the advisory committee determines appropriate.

(6) The advisory committee shall meet at the call of the director.

SECTION 48. ORS 417.346 is amended to read:

417.346. Subject to the availability of funds therefor, the Director of Human Services, in consultation with the Director of the Oregon Health Authority, shall:

(1) Identify current programs and potential resources available to families providing care for a family member with a disability or chronic illness.

(2) Develop a biennial plan for adequate funding and recommend budgetary priorities for family support services.

(3) Develop a biennial cooperative plan for assuring a statewide interagency system of family support services.

(4) Adopt rules for family support services that are guided by the goals and principles set forth in ORS 417.340 to 417.348. These rules shall contain a grievance procedure.

(5) Make a biennial report to the Legislative Assembly on the state of the family support system, including strengths, deficiencies, cost savings and recommendations. This report shall include a comprehensive statement of the efforts of the Department of Human Services to carry out the policies and principles set forth in this legislation. The report shall include but not be limited to a list of family support services, a summary of costs and the number of clients served.

(6) Establish a Family Support Advisory Council whose purpose is to review and comment on plans and services provided or contracted for family support by state agencies and advise the Director **of Human Services** on the state plans for coordinated family support services.

(a) The council shall meet a minimum of four times per year.

(b) The membership of the council shall be 51 percent consumers of family support services.

(c) The remaining membership shall be composed of representatives of agencies providing family support services and representatives of advocacy groups. One member shall be a representative of the Department of Education.

(d) Members of the council serve at the pleasure of the director and the Governor.

SECTION 49. ORS 633.479 is amended to read:

633.479. (1) There is created the Fertilizer Research Committee to advise the Director of Agriculture on the funding of grants for research and development related to the interaction of fertilizer, agricultural amendment or agricultural mineral products and ground water or surface water. The committee shall consist of the director or the director's designee and six members appointed by the director as follows:

(a) Two members of the public who have no involvement in the manufacture or distribution of fertilizer, agricultural amendment or agricultural mineral products;

(b) Three members representing the fertilizer, agricultural amendment or agricultural mineral industry; and

(c) One member representing Oregon State University.

(2) The term of each appointed member is two years, but a member serves at the pleasure of the director **and the Governor**. Before the expiration of the term of a member, the director shall appoint a successor whose term begins on January 1 next following. A member is eligible for reappointment. If there is a vacancy for any cause, the director shall make an appointment to become immediately effective for the unexpired term.

(3) The committee shall select one of its members as chairperson and another as vice chairperson, for such terms and with duties and powers the committee determines to be necessary for the performance of the functions of those offices.

(4) A majority of the members of the committee constitutes a quorum for the transaction of business.

(5) The committee shall meet at times and places specified by the call of the chairperson or of a majority of the members of the committee.

(6) The director may appoint an alternate committee member for each member of the committee.

SECTION 50. ORS 476.020 is amended to read:

476.020. (1) The office of State Fire Marshal is established in the Department of State Police. The State Fire Marshal shall be appointed by and be administratively responsible to the Superintendent of State Police, and shall serve at the pleasure of the superintendent **and the Governor**. The State Fire Marshal shall retain all current authority of the office and shall be responsible for the implementation of its mission and programs.

(2) The State Fire Marshal shall be qualified to direct the technical and executive work of the agency as determined by the superintendent and shall have education or training related to the programs of the agency and significant experience in managing fire protection or related programs.

SECTION 51. ORS 509.590 is amended to read:

509.590. (1) The State Fish and Wildlife Director shall establish a Fish Passage Task Force to advise the director and the State Department of Fish and Wildlife on matters related to fish passage in Oregon, including but not limited to funding, cost sharing and prioritization of efforts. The director shall determine the members and the specific duties of the task force by rule. **Members of the task force serve at the pleasure of the director and the Governor.**

(2) The department shall provide staff necessary for the performance of the functions of the task force.

(3) A member of the task force may not receive compensation for services as a member of the task force. In accordance with ORS 292.495, a member of the task force may receive reimbursement for actual and necessary travel or other expenses incurred in the performance of official duties.

(4) The task force shall report semiannually to the appropriate legislative committee with responsibility for salmon restoration or species recovery, to advise the committee on matters related to fish passage.

SECTION 52. ORS 496.085 is amended to read:

496.085. (1) There is established within the State Department of Fish and Wildlife the Fish Screening Task Force consisting of seven members appointed by the State Fish and Wildlife Commission. **Members of the task force serve at the pleasure of the commission and the Governor.**

(2) Three members shall be appointed to represent agricultural interests, three shall be appointed to represent fishing or fish conservation interests and one member shall be appointed to represent the public. Members of the task force shall serve for two-year terms. No member of the task force shall serve for more than three consecutive two-year terms.

(3) A member of the task force shall receive no compensation for services as a member. However, subject to any applicable law regulating travel and other expenses of state officers and employees, a member shall be reimbursed for actual and necessary travel and other expenses incurred in the performance of official duties from such moneys as may be available therefor in the State Wildlife Fund.

(4) The task force shall meet at such times and places as may be determined by the chair or by a majority of the members of the task force.

(5) The duties of the task force are:

(a) To advise the department in the development of a comprehensive cost-sharing program for the installation of fish screening or by-pass devices in water diversions.

(b) To advise the department in establishing a stable and equitable funding system for the installation and maintenance of fish screening and by-pass devices.

(c) To advise the department in identifying sources and applying for grants from local, state and federal governmental agencies for funding the installation and maintenance of fish screening and by-pass devices.

(d) To advise the department in monitoring fish screening programs.

(e) To advise the department in a survey and study of fish screening technology to determine the most cost-effective alternatives for screening in the various situations that may be encountered in the implementation of fish screening in this state.

(f) To advise the department in preparing a report on the capital costs and effectiveness of the program provided in ORS 498.306.

(g) To advise the department on the creation of the priority criteria and the priority listing referred to in ORS 498.306 (14)(a) or (d).

SECTION 53. ORS 496.112 is amended to read:

496.112. (1) The State Fish and Wildlife Commission shall appoint a State Fish and Wildlife Director to serve for a term not to exceed four years unless sooner removed by the commission **or the Governor**.

(2) The director shall receive such salary as may be fixed by the commission. In addition to salary, subject to applicable law regulating travel and other expenses of state officers, the director shall be reimbursed for actual and necessary travel and other expenses incurred in the performance of official duties.

(3) The commission may delegate to the director any of the powers and duties granted to or imposed upon it by law, except to revoke or refuse to issue licenses issued pursuant to the commercial fishing laws.

(4) The commission may reappoint the director to additional terms.

SECTION 54. ORS 624.121 is amended to read:

624.121. The Oregon Health Authority shall appoint a State Food Service Advisory Committee. The committee shall consist of volunteer representatives from a cross section of the food service industry, the general public, appropriate local and state groups, county environmental health specialists and other appropriate state agencies, including the State Department of Agriculture. **Members of the committee serve at the pleasure of the authority and the Governor.** In addition to such other duties as may be prescribed by the authority, the committee, not later than October 1 of each even-numbered year, shall submit to the authority and the Legislative Assembly recommendations regarding the implementation of ORS 624.020, 624.060, 624.073, 624.495 and 624.510.

SECTION 55. ORS 526.700 is amended to read:

526.700. (1) The Forest Resource Trust is established in the State Forestry Department. The Forest Resource Trust shall provide funds for financial, technical and related assistance to qualified private and local government forestland owners for stand establishment and improved management of forestlands for timber production as well as wildlife, water quality and other environmental purposes.

(2) The members of the State Board of Forestry shall have overall responsibility for management of the Forest Resource Trust. The board is authorized to establish policies and programs in addition to those created by ORS 526.695 to 526.775 to further the purposes of the trust.

(3) The board shall appoint an advisory committee consisting of no more than 15 members representing the public, nonindustrial private forestland owners, the forest products industry, forest

consultants and contractors, the financial community, environmental and conservation organizations and other related interests including affected state agencies. **Members of the advisory committee serve at the pleasure of the board and the Governor.** The advisory committee shall assist the board in setting policy for the best use and investment of funds available to the trust and otherwise assist board members in the performance of their duties as trustees.

(4) In accordance with any applicable provisions of ORS chapter 183, the board shall adopt rules to carry out the duties, functions and powers of the Forest Resource Trust and to guide implementation of the Forest Resource Trust programs.

(5) The State Forester is responsible for implementing board policies and programs for the Forest Resource Trust.

SECTION 56. ORS 526.009 is amended to read:

526.009. (1) There is created a State Board of Forestry consisting of seven members appointed by the Governor. The members appointed to the board shall be subject to confirmation by the Senate as provided in ORS 171.562 and 171.565. The Governor shall designate one member of the board as chairperson [*to hold that position until that member's term expires or until relieved by the Governor as provided in subsection (6) of this section*]. The chairperson shall have such powers and duties as are provided by the rules of the board.

(2) The term of office of a member of the board is four years. A member shall be eligible for reappointment, but no member shall serve more than two consecutive full terms. In case of a vacancy for any cause, the Governor shall make an appointment as provided in subsection (1) of this section.

(3) Appointments made by the Governor under subsection (1) of this section shall include appointment of at least one member from each of the forest regions established under ORS 527.640 and the rules adopted thereunder by January 1, 1987.

(4) No more than three members of the board may derive any significant portion of their income directly from persons or organizations that are subject to regulation under ORS 527.610 to 527.770, 527.990 (1) and 527.992.

(5) Except as provided in subsection (4) of this section, no member of the board shall have any relationship or pecuniary interest that would interfere with the member representing the public interest.

[*(6) The Governor may at any time remove any member of the board for inefficiency, incompetence, neglect of duty, malfeasance in office, unfitness to render effective service or failure to continue to meet the criteria of appointment pursuant to this section.*]

(6) Members of the board serve at the pleasure of the Governor.

SECTION 57. ORS 366.212 is amended to read:

366.212. (1) There is created the Freight Advisory Committee to be appointed by the Director of Transportation to advise the director and the Oregon Transportation Commission regarding issues, policies and programs that impact multimodal freight mobility in Oregon.

(2) The director shall have discretion to determine the number of committee members and the duration of membership. The committee membership shall include, but not be limited to, representatives from the shipping and carrier industries, the state, local governments and ports, including the Port of Portland. **Members of the committee serve at the pleasure of the director and the Governor.**

(3) The committee shall:

(a) Elect a chairperson and a vice chairperson.

(b) Meet at least four times a year.

(c) Provide input on statewide and regional policies and actions that impact freight mobility.

(d) Provide input on the development of policy and planning documents that impact freight mobility.

(e) Advise the commission and regionally based advisory groups about the Statewide Transportation Improvement Program and the program's consideration and inclusion of highest priority multimodal freight mobility projects in each Department of Transportation region.

(4) The committee may make recommendations for freight mobility projects to the commission. In making the recommendations, the committee shall give priority to multimodal projects.

(5) The Department of Transportation shall provide policy and support staff to the committee. The department shall also provide other personnel to assist the committee as requested by the chairperson and within the limits of available funds.

SECTION 58. ORS 672.615 is amended to read:

672.615. (1) The State Board of Geologist Examiners shall operate as a semi-independent state agency subject to ORS 182.456 to 182.472 for the purpose of carrying out ORS 672.505 to 672.705. The board shall consist of four geologists and one public member, appointed by the Governor.

(2) Each member of the board shall be a citizen of the United States, and shall have been a resident of this state for one year preceding appointment. Each of the appointed geologist members of the board shall be a geologist registered under ORS 672.505 to 672.705. The State Geologist shall be an ex officio member of the board. Insofar as possible the board shall be composed of members having diverse geological specialties including at least one engineering geologist.

(3) Members of the board shall hold office until the expiration of the term for which they were appointed and until their successors have been appointed and qualified. On the expiration of the term of any member, the successor of the member shall be appointed in like manner for a term of three years.

(4) No person shall serve as a member of the board for more than two consecutive three-year terms.

(5) [*The Governor may remove any member of the board for misconduct, incompetency, neglect of duty or other sufficient cause.*] **Members of the board serve at the pleasure of the Governor.** Vacancies in the membership of the board shall be filled for the unexpired term by appointment as provided for in this section.

(6) The board shall hold at least two regular meetings each year.

(7) The board may fix qualifications of and appoint an administrator who shall not be a member of the board. The board shall fix the compensation of the administrator, who shall be in the unclassified service.

(8) The board shall have the authority to appoint committees as required or as considered advisable to perform such duties as the board may direct. Such committees shall be composed of registered geologists. Membership on all such committees is at the pleasure of the board.

SECTION 59. ORS 516.120 is amended to read:

516.120. (1) The position of State Geologist within the State Department of Geology and Mineral Industries is created. In consultation with the Governor, the governing board of the State Department of Geology and Mineral Industries shall appoint the State Geologist. **The State Geologist serves at the pleasure of the board and the Governor.**

(2) The State Geologist shall be qualified to perform as well as to direct the technical and executive work of the department as determined by the board and shall be a geologist, engineer or

other technical specialist with a broad background of practical experience related to programs of the department.

SECTION 60. ORS 244.310 is amended to read:

244.310. (1) The Oregon Government Ethics Commission shall appoint an executive director to serve at the pleasure of the commission **and the Governor**.

(2) The executive director is responsible for the administrative operations of the commission and shall perform such other duties as may be designated or assigned to the executive director from time to time by the commission.

(3) The commission may not delegate the power to adopt rules or issue commission advisory opinions to the executive director. The executive director may issue staff advisory opinions as provided in ORS 244.282.

SECTION 61. ORS 536.090 is amended to read:

536.090. (1) In carrying out the duties, functions and powers prescribed by law, the Water Resources Commission shall appoint a ground water advisory committee to:

(a) Advise the commission on all matters relating to:

(A) Rules for the development, securing, use and protection of ground water; and

(B) Licensing of well constructors, including the examination of such persons for license.

(b) Review the proposed expenditure of all revenues generated under ORS 537.762 (5). At least once each year, and before the expenditure of such funds on new program activities, the Water Resources Department and the ground water advisory committee shall develop jointly a proposed expenditure plan for concurrence by the Water Resources Commission. The plan may be modified, if necessary, upon the joint recommendation of the department and the ground water advisory committee with concurrence by the commission.

(2) The committee shall consist of nine members who represent a range of interests or expertise. At least three of the members shall be individuals actively engaged in some aspect of the water supply or monitoring well drilling industry. Members shall serve for such terms as the commission may specify. **Members serve at the pleasure of the commission and the Governor.** The committee shall meet at least once every three months and at other times and places as the commission may specify.

(3) A member of the committee shall not receive compensation, but at the discretion of the commission may be reimbursed for travel expenses incurred, subject to ORS 292.495.

SECTION 62. ORS 743.827 is amended to read:

743.827. The Director of the Department of Consumer and Business Services shall appoint a Health Care Consumer Protection Advisory Committee with fair representation of health care consumers, providers and insurers. **Members of the committee serve at the pleasure of the director and the Governor.** The committee shall advise the director regarding the implementation of ORS 743.801, 743.803, 743.804, 743.806, 743.807, 743.808, 743.811, 743.814, 743.817, 743.819, 743.821, 743.823, 743.827, 743.829, 743.831, 743.834, 743.837, 743.839 and 743A.012 and other issues related to health care consumer protection.

SECTION 63. ORS 442.011 is amended to read:

442.011. There is created in the Oregon Health Authority the Office for Oregon Health Policy and Research. The Administrator of the Office for Oregon Health Policy and Research shall be appointed by the Director of the Oregon Health Authority **and serves at the pleasure of the director and the Governor**. The administrator shall be an individual with demonstrated proficiency in planning and managing programs with complex public policy and fiscal aspects such as those in-

volved in the medical assistance program.

SECTION 64. ORS 353.040 is amended to read:

353.040. (1) There is established an Oregon Health and Science University Board of Directors consisting of 10 members. The directors, except for the president of the university, shall be appointed by the Governor and shall be confirmed by the Senate in the manner prescribed in ORS 171.562 and 171.565.

(2) Except for the president of the university, the term of office of each nonstudent member is four years. The term of office of the student member is two years. Before the expiration of the term of a member, the Governor shall appoint a successor whose term begins on October 1 next following. A member is eligible for reappointment for one additional term. If there is a vacancy for any cause, the Governor shall make an appointment to become effective immediately for the unexpired term. The board shall nominate a slate of candidates whenever a vacancy occurs or is announced and shall forward the recommended candidates to the Governor for consideration. To assist the Governor in appointing the student member, the duly organized and recognized entity of student government shall submit a list of nominees to the Governor for consideration.

(3) The membership of the board shall be as follows:

(a) One representative who is a nonstudent member of the State Board of Higher Education.

(b) Seven representatives who, in the discretion of the Governor, have experience in areas related to the university missions or that are important to the success of Oregon Health and Science University, including but not limited to higher education, health care, scientific research, engineering and technology and economic and business development.

(c) One representative who is a student enrolled at the university.

(d) The president of the university, who shall be an ex officio voting member.

(4) Directors must be citizens of the United States. Except for the president of the university, no voting member may be an employee of the university.

(5) The board shall select one of its members as chairperson and another as vice chairperson for such terms and with such duties and powers as the board considers necessary for performance of the functions of those offices. The board shall adopt bylaws concerning how a quorum shall be constituted and when a quorum shall be necessary.

(6) The board shall meet at least once every three months at Oregon Health and Science University. The board shall meet at such other times and places specified by the chairperson or by a majority of the members of the board.

(7) The Governor may remove any member of the board at [*any time for cause, after notice and public hearing, but not more than three members shall be removed within a period of four years, unless it is for corrupt conduct in office*] **the Governor's discretion**.

SECTION 65. ORS 353.060 is amended to read:

353.060. The Oregon Health and Science University Board of Directors shall appoint a president of the university. **The president serves at the pleasure of the board and the Governor.** The president is the president of the faculty and is the executive and governing officer of the university. Subject to the supervision of the board, the president has authority to direct the affairs of the university.

SECTION 66. ORS 741.025 is amended to read:

741.025. (1) The Oregon Health Insurance Exchange Corporation shall be governed by a board of directors consisting of two ex officio members and seven members who are appointed by the Governor and subject to confirmation by the Senate in the manner prescribed by ORS 171.562 and

171.565.

(2) The ex officio voting members of the board are:

(a) The Director of the Oregon Health Authority or the director's designee; and

(b) The Director of the Department of Consumer and Business Services or the director's designee.

(3)(a) The term of office of each member who is not an ex officio member is four years. The Governor may remove any member at [*any time for incompetence, neglect of duty or malfeasance in office, after notice and a hearing that shall be open to the public, but the Governor may not remove more than three members within any four-year period except for corrupt conduct in office*] **the Governor's discretion**.

(b) Before the expiration of the term of a member who is not an ex officio member, the Governor shall appoint a successor whose term begins on January 1 next following. A member who is not an ex officio member is eligible for no more than two reappointments. If there is a vacancy for any cause, the Governor shall make an appointment to become immediately effective for the unexpired term.

(4) The members who are not ex officio members must be individuals who:

(a) Are United States citizens and residents of the State of Oregon;

(b) Have demonstrated professional and community leadership skills and experience;

(c) To the greatest extent practicable, represent the geographic, ethnic, gender, racial and economic diversity of this state; and

(d) Subject to subsections (5) and (6) of this section, collectively offer expertise, knowledge and experience in individual insurance purchasing, business, finance, sales, health benefits administration, individual and small group health insurance and use of the health insurance exchange.

(5) No more than two of the members who are not ex officio members may be individuals who are:

(a) Employed by, consultants to or members of a board of directors of:

(A) An insurer or third party administrator;

(B) An insurance producer; or

(C) A health care provider, health care facility or health clinic;

(b) Members, board members or employees of a trade association of:

(A) Insurers or third party administrators; or

(B) Health care providers, health care facilities or health clinics; or

(c) Health care providers, unless they receive no compensation for rendering services as health care providers and do not have ownership interests in professional health care practices.

(6)(a) At least two of the members who are not ex officio members shall be consumer members.

(b) One consumer member must be an individual consumer purchasing a qualified health plan through the exchange.

(c) One consumer member must be a small business employer purchasing a qualified health plan through the exchange.

(7) The board of directors shall adopt a formal business plan for the corporation, which shall include a plan for developing metrics to measure customer service and provider satisfaction, and shall establish the policies for the operation of the exchange, consistent with state and federal law.

SECTION 67. ORS 676.610 is amended to read:

676.610. (1)(a) The Oregon Health Licensing Agency is under the supervision and control of a director, who is responsible for the performance of the duties, functions and powers and for the or-

ganization of the agency.

(b) The Director of the Oregon Department of Administrative Services shall establish the qualifications for and appoint the Director of the Oregon Health Licensing Agency, who holds office at the pleasure of the Director of the Oregon Department of Administrative Services **and the Governor**.

(c) The Director of the Oregon Health Licensing Agency shall receive a salary as provided by law or, if not so provided, as prescribed by the Director of the Oregon Department of Administrative Services.

(d) The Director of the Oregon Health Licensing Agency is in the unclassified service.

(2) The Director of the Oregon Health Licensing Agency shall provide the boards, councils and programs administered by the agency with such services and employees as the agency requires to carry out the agency's duties. Subject to any applicable provisions of the State Personnel Relations Law, the Director of the Oregon Health Licensing Agency shall appoint all subordinate officers and employees of the agency, prescribe their duties and fix their compensation.

(3) The Director of the Oregon Health Licensing Agency is responsible for carrying out the duties, functions and powers under ORS 675.360 to 675.410, 676.605 to 676.625, 676.992, 678.710 to 678.820, 680.500 to 680.565, 687.405 to 687.495, 687.895, 688.701 to 688.734, 688.800 to 688.840, 690.005 to 690.235, 690.350 to 690.415, 691.405 to 691.485 and 694.015 to 694.185 and ORS chapter 700.

(4) The enumeration of duties, functions and powers in subsection (3) of this section is not intended to be exclusive or to limit the duties, functions and powers imposed on or vested in the Oregon Health Licensing Agency by other statutes.

SECTION 68. ORS 431.035 is amended to read:

431.035. (1) The Director of the Oregon Health Authority may delegate to any of the officers and employees of the Oregon Health Authority the exercise or discharge in the director's name of any power, duty or function of whatever character vested in or imposed upon the director by the laws of Oregon. However, the power to administer oaths and affirmations, subpoena witnesses, take evidence and require the production of books, papers, correspondence, memoranda, agreements or other documents or records may be exercised by an officer or employee of the authority only when specifically delegated in writing by the director.

(2) The official act of any such person so acting in the director's name and by the authority of the director shall be deemed to be an official act of the director.

(3)(a) The Director of the Oregon Health Authority shall appoint a Public Health Director to perform the duties and exercise authority over public health emergency matters in the state and other duties as assigned by the director. **The Public Health Director serves at the pleasure of the Director of the Oregon Health Authority and the Governor.** The Director **of the Oregon Health Authority** may appoint the same person to serve as both the Public Health Director and the Public Health Officer appointed under ORS 431.045.

(b) The Public Health Director shall be an assistant director appointed by the Director of the Oregon Health Authority in accordance with ORS 409.130.

(c) The Public Health Director shall delegate to an employee of the authority the duties, powers and functions granted to the Public Health Director by ORS 431.264 and 433.443 in the event of the absence from the state or the unavailability of the director. The delegation must be in writing.

SECTION 69. ORS 431.045 is amended to read:

431.045. The Director of the Oregon Health Authority shall appoint a physician licensed by the Oregon Medical Board and certified by the American Board of Preventive Medicine who shall serve

as the Public Health Officer and be responsible for the medical and paramedical aspects of the health programs within the Oregon Health Authority. **The Public Health Officer serves at the pleasure of the director and the Governor.**

SECTION 70. ORS 97.774 is amended to read:

97.774. (1) There is established within the State Parks and Recreation Department the Oregon Commission on Historic Cemeteries consisting of seven members appointed by the State Parks and Recreation Director.

(2) The term of office of each member is four years, but a member serves at the pleasure of the director **and the Governor**. Before the expiration of the term of a member, the director shall appoint a successor whose term begins on July 1 next following. A member is eligible for reappointment. If there is a vacancy for any cause, the director shall make an appointment to become immediately effective for the unexpired term.

(3) A member of the commission is entitled to compensation and expenses as provided in ORS 292.495.

SECTION 71. ORS 358.666 is amended to read:

358.666. (1) There is established the Historic Preservation Revolving Loan Fund Review Committee, consisting of three members appointed by the State Historic Preservation Officer and representing each of the following interests:

(a) The interests of the Housing and Community Services Department;

(b) The interests of the State Historic Preservation Officer; and

(c) The interests of banks and other financial institutions.

(2) The review committee shall review applications for loans from the Historic Preservation Revolving Loan Fund, make recommendations for loan approval or disapproval to the State Historic Preservation Officer and establish interest rates to be charged for the loans.

(3) The term of office of each member of the review committee is four years, but a member serves at the pleasure of the State Historic Preservation Officer **and the Governor**. Before the expiration of the term of a member, the State Historic Preservation Officer shall appoint a successor whose term begins on the July 1 next following. A member is eligible for reappointment. If there is a vacancy for any cause, the State Historic Preservation Officer shall make an appointment to become immediately effective for the unexpired term.

(4) Successor appointments to the review committee shall be based on representation of interests of the Housing and Community Services Department, the State Historic Preservation Officer and banks and other financial institutions.

(5) A majority of the members of the review committee constitutes a quorum for the transaction of business.

(6) A member of the review committee shall serve without compensation.

(7) The review committee shall meet at least once per year.

SECTION 72. ORS 689.645 is amended to read:

689.645. (1) In accordance with rules adopted by the State Board of Pharmacy under ORS 689.205, a pharmacist may administer vaccines to persons who are at least 11 years of age.

(2) The board may adopt rules allowing a pharmacist to prescribe vaccines to persons who are at least 11 years of age. The rules may only be as broad as necessary to enable pharmacists to enroll and participate in the Vaccines for Children Program administered by the Centers for Disease Control and Prevention.

(3) The board is authorized to issue, to licensed pharmacists who have completed training ac-

credited by the Centers for Disease Control and Prevention, the American Council on Pharmaceutical Education or a similar health authority or professional body, certificates of special competency in the prescription and administration of vaccines to persons who are at least 11 years of age.

(4) The board shall adopt rules relating to the reporting of the prescription and administration of vaccines to a patient's primary health care provider and to the Oregon Health Authority.

(5) The board shall adopt rules requiring pharmacists to establish protocols for the prescription and administration of vaccines to persons who are at least 11 years of age.

(6) The board shall convene a volunteer Immunization and Vaccination Advisory Committee consisting of no more than nine members for the purpose of advising the board in promulgating rules under this section. The committee shall consist of one representative from the Oregon Health Authority, two representatives from the Oregon Medical Board, two representatives from the Oregon State Board of Nursing and two representatives from the State Board of Pharmacy and no more than two pharmacists other than the representatives from the State Board of Pharmacy. **Members of the committee serve at the pleasure of the State Board of Pharmacy and the Governor.**

SECTION 73. ORS 741.029 is amended to read:

741.029. (1) The Oregon Health Insurance Exchange Corporation board of directors shall establish an Individual and Employer Consumer Advisory Committee for the purpose of facilitating input from a variety of stakeholders on issues related to the duties of the corporation, the operation of the health insurance exchange and related issues. The board shall determine the membership, terms and organization of the committee and shall appoint the members. **Members of the committee serve at the pleasure of the board and the Governor.** Members of the committee shall be representative of:

(a) Individuals and employers that purchase health plans through the exchange;

(b) Individuals who enroll in state medical assistance through the exchange;

(c) Racial and ethnic minorities in this state;

(d) All geographic regions of this state; and

(e) Organizations that help individuals to enroll in health plans through the exchange, including insurance producers and advocates for hard-to-reach populations.

(2) Members of the committee who are not members of the board are not entitled to compensation, but at the discretion of the board may be reimbursed from funds available to the board for actual and necessary travel and other expenses incurred by them in the performance of their official duties, in the manner and amount provided in ORS 292.495.

SECTION 74. ORS 291.038 is amended to read:

291.038. (1) The planning, acquisition, installation and use of all information and telecommunications technology by state government and agencies of state government shall be coordinated so that statewide plans and activities, as well as those of individual agencies, are addressed in the most integrated, economic and efficient manner. To provide policy direction for and coordination of information technology for state government, the Director of the Oregon Department of Administrative Services shall chair and appoint not fewer than five agency executives to an Information Resources Management Council. The council membership shall include at least two members who represent the private sector and political subdivisions of the state. **Members of the council serve at the pleasure of the director and the Governor.**

(2) To facilitate accomplishment of the purpose set forth in subsection (1) of this section, the Oregon Department of Administrative Services shall adopt rules, policies and standards to plan for, acquire, implement and manage the state's information resources. In developing rules, policies and

standards, the department shall consult with state agencies that have needs that information resources may satisfy. State agencies shall cooperate with the department in preparing and complying with rules, policies and standards. The rules, policies and standards must be formulated to promote electronic communication and information sharing among state agencies and programs, between state and local governments and with the public where appropriate.

(3) Rules, policies, plans, standards and specifications must be formulated to ensure that information resources fit together in a statewide system capable of providing ready access to information, computing or telecommunication resources. Plans and specifications the department adopts must be based on industry standards for open systems to the greatest extent possible. Before adopting rules described in subsection (2) of this section, the department shall present the proposed rules to the appropriate legislative committee. The department has the responsibility to review, oversee and ensure that state agencies' planning, acquisition and implementation activities align with and support the statewide information resources management plan. The department is responsible for procuring information technology fairly, competitively and in a manner that is consistent with the department's rules.

(4)(a) The policy of the State of Oregon is that state government telecommunications networks should be designed to provide state-of-the-art services where economically and technically feasible, using shared, rather than dedicated, lines and facilities.

(b) The department shall, when procuring telecommunications network services, consider achieving the economic development and quality of life outcomes set forth in the Oregon benchmarks.

(5)(a) The department, upon request, may furnish and deliver statewide integrated videoconferencing and statewide online access service to a public or private entity that primarily conducts activities for the direct good or benefit of the public or community at large in providing educational, economic development, health care, human services, public safety, library or other public services. The department shall adopt rules with respect to furnishing the service.

(b) The department shall establish the statewide integrated videoconferencing and statewide online access user fees, services, delivery, rates and long range plans in consultation with the Stakeholders Advisory Committee created pursuant to this section. The rates shall reflect the department's cost in providing the service.

(c) The department by rule shall restrict the department's furnishing or delivery of Internet access service to private entities when the service would directly compete with two or more local established providers of Internet access services within the local exchange telecommunications service area.

(d) The rates and services established and provided under this section are not subject to the Public Utility Commission's regulation or authority.

(6)(a) There is created the Stakeholders Advisory Committee, consisting of a minimum of nine members appointed by the Director of the Oregon Department of Administrative Services. In making appointments, the director shall give consideration to geographic balance and adequate representation of the department's users and providers and the general public.

(b) The committee must consist of members who represent elementary or secondary education, higher education, community colleges, economic development, health care, human services and public safety. At least four members must reside in areas east of the Cascade Mountains.

(c) The term of office of each member is three years, but a member serves at the [*sole discretion of the director*] **pleasure of the director and the Governor**. The director shall appoint a successor

to a member before the member's term expires. A member is eligible for reappointment. If a position on the committee is vacant for any cause, the director shall make an appointment to the position that is immediately effective for the unexpired term.

(d) A member of the committee is entitled to travel expenses pursuant to ORS 292.495. Members of the committee are not entitled to compensation.

(e) The director may establish additional advisory and technical committees as the director considers necessary to aid and advise the Stakeholders Advisory Committee in the performance of the committee's functions.

(f) The director may delegate to the State Chief Information Officer a duty, function or power that this subsection imposes upon the director.

(7) An organization or organizations recognized as tax exempt under section 501(c)(3) of the Internal Revenue Code that primarily conduct activities for the direct good or benefit of the public or community at large in providing educational, economic development, health care, human services, public safety, library or other public services and have formed an affiliation with one or more federal, state or local governmental units within this state may apply to the department for designation as a community of interest. The application must be in the form prescribed by the department and contain information regarding the governmental affiliation relationship, the tax exempt status of each organization and the public benefit services to be provided. The department shall establish an application review and appeal process to ensure that designating the organizations as a community of interest for the purposes of including the organization in telecommunications contracts under ORS 283.520 will result in providing educational, medical, library or other services for public benefit.

(8) This section does not apply to the State Board of Higher Education or any public university listed in ORS 352.002.

(9) As used in this section:

(a) "Information resources" means media, instruments and methods for planning, collecting, processing, transmitting and storing data and information, including telecommunications.

(b) "Information technology" includes, but is not limited to, present and future forms of hardware, software and services for data processing, office automation and telecommunications.

(c) "Internet access service" means electronic connectivity to the Internet and the services of the Internet.

(d) "Open systems" means systems that allow state agencies freedom of choice by providing a vendor-neutral operating environment where different computers, applications, system software and networks operate together easily and reliably.

(e) "State-of-the-art services" includes equipment, facilities and the capability to distribute digital communication signals that transmit voice, data, video and images over a distance.

(f) "Telecommunications" means hardware, software and services for transmitting voice, data, video and images over a distance.

(g) "Statewide integrated videoconferencing" means a statewide electronic system capable of transmitting video, voice and data communications.

(h) "Statewide online access" means electronic connectivity to information resources such as computer conferencing, electronic mail, databases and Internet access.

SECTION 75. ORS 285A.101 is amended to read:

285A.101. (1) The Director of the Oregon Business Development Department, upon consultation with and the approval of the Oregon Infrastructure Finance Authority Board, shall appoint an administrator of the Oregon Infrastructure Finance Authority who shall serve at the pleasure of the

director **and the Governor**.

(2) The administrator shall receive such salary as may be provided by law or as fixed by the director.

(3) The administrator shall be the administrative head of the authority.

(4) The administrator may suggest rules to the director for the government of the authority, the conduct of its employees, the assignment and performance of its business and the custody, use and preservation of its records, papers and property.

(5) The administrator shall hire the staff necessary to allow the authority to carry out its duties. In accordance with the State Personnel Relations Law, the administrator and any manager hired by the administrator shall be in the unclassified service.

SECTION 76. ORS 705.105 is amended to read:

705.105. (1) The Department of Consumer and Business Services is created.

(2) The department shall be under the supervision and control of a director who shall be responsible for the functions of the department.

(3) Subject to confirmation by the Senate in the manner provided in ORS 171.562 and 171.565, the Governor shall appoint the director, who shall hold office at the pleasure of the Governor. The person appointed as director shall be well qualified by training and experience to perform the functions of the office.

(4) The director shall receive such salary as is provided by law or, if not so provided, as is fixed by the Governor.

(5) With respect to the duties, functions and powers imposed upon the director under the insurance laws, the director may be designated by the title of Insurance Commissioner or may appoint a person under ORS 705.115 to serve under the supervision and control of the director as Insurance Commissioner. **The Insurance Commissioner serves at the pleasure of the director and the Governor.**

(6) Before entering upon the functions of office, the director shall give to the state a fidelity bond with one or more corporate sureties authorized to do business in this state, or an irrevocable letter of credit issued by an insured institution, as defined in ORS 706.008, in either case in the penal sum fixed by the Governor.

(7) The department shall have an official seal. Any certificate or other document or paper executed by the department pursuant to its authority and sealed with its seal, and all copies of papers certified by it and authenticated by the seal, shall in all cases be evidence equally and in like manner as the original and shall have the same force and effect as would the original in any suit or proceeding in any court in this state.

SECTION 77. ORS 570.770 is amended to read:

570.770. (1) The Invasive Species Council is established within the State Department of Agriculture. Except as provided in ORS 570.780 (1), the council shall consist of 15 members. The following persons are voting ex officio members of the council:

(a) The Director of Agriculture or a designated representative.

(b) The president of Portland State University or a designated representative.

(c) The State Fish and Wildlife Director or a designated representative.

(d) The administrative head of the Sea Grant College of Oregon State University or a designated representative.

(e) The State Forester or a designated representative.

(f) The Director of the Department of Environmental Quality or a designated representative.

(2) The voting ex officio members of the council described in subsection (1) of this section shall collectively appoint nine members to the council.

(3) The term of office of each appointed member is two years, but an appointed member serves at the pleasure of the voting ex officio members of the council **and the Governor**. Before the expiration of a term, the voting ex officio members of the council shall appoint a successor whose term begins on January 1 next following. An appointed member may not serve more than two successive terms on the council. If there is a vacancy in an appointed member position for any cause, the voting ex officio members of the council shall make an appointment to become immediately effective for the unexpired term.

(4) In making appointments to the council, the voting ex officio members of the council shall endeavor to appoint persons representative of the geographic, cultural and economic diversity of this state. The voting ex officio members of the council may give consideration to nominations submitted by federal and state agencies, local governments, universities, industry and other groups having an interest in invasive species.

(5) An appointed member of the council is not entitled to compensation under ORS 292.495. A member of the council is not entitled to reimbursement for expenses. At the discretion of the council, council members may be reimbursed from funds available to the council for actual and necessary travel and other expenses incurred by members of the council in the performance of their official duties, subject to the limits described in ORS 292.495.

SECTION 78. ORS 570.780 is amended to read:

570.780. (1) Subject to available funding, the Invasive Species Council may appoint a State Invasive Species Coordinator to serve at the pleasure of the voting members of the council **and the Governor**. If the council appoints a coordinator, the coordinator shall serve as a nonvoting ex officio member of the council.

(2) The State Department of Agriculture is responsible for ensuring payment of the administrative expenses of the council. The State Department of Agriculture may enter into interagency agreements under ORS 190.110 with the State Department of Fish and Wildlife, the State Forestry Department, the Department of Environmental Quality, Portland State University and Oregon State University for sharing the administrative expenses of the council.

(3) The State Department of Agriculture shall act as the fiscal agent of the council for purposes of:

(a) Budgeting, interagency agreements for sharing administrative expenses or other mechanisms for paying the administrative and other expenses of the council;

(b) Drafting and processing contracts, other agreements, grant applications or other documents;

(c) Receiving gifts, grants, donations or other moneys on behalf of the council and ensuring the appropriate crediting of those moneys to the Invasive Species Council Account or the trust account described in ORS 570.800; and

(d) Taking all reasonable actions to ensure the council is in compliance with state financial administration laws.

SECTION 79. ORS 398.012 is amended to read:

398.012. (1) The Governor, on the recommendation of the Adjutant General, shall appoint an officer of the organized militia as State Judge Advocate**, who serves at the pleasure of the Governor**. To be eligible for appointment as State Judge Advocate, an officer must:

(a) Be a member in good standing of the Oregon State Bar;

(b) Have been a member of the Oregon State Bar for at least five years; and

(c) Meet the qualifications for a judge advocate under the Uniform Code of Military Justice.

(2) The Adjutant General may appoint an officer of the organized militia as an Assistant State Judge Advocate. The Adjutant General may appoint as many Assistant State Judge Advocates as the Adjutant General deems necessary. **Assistant State Judge Advocates serve at the pleasure of the Adjutant General and the Governor.** To be eligible for appointment as an Assistant State Judge Advocate, an officer must:

(a) Be a member in good standing of the Oregon State Bar; and

(b) Meet the qualifications for a judge advocate under the Uniform Code of Military Justice.

(3)(a) The Adjutant General may appoint temporary Assistant State Judge Advocates who are officers of the organized militia. An individual appointed as a temporary Assistant State Judge Advocate has 12 months from the date of appointment to become a member in good standing of the Oregon State Bar and meet the qualifications for a judge advocate under the Uniform Code of Military Justice.

(b) The legal services performed by a temporary Assistant State Judge Advocate are limited to those legal services that may be performed by legal assistants consistent with ORS 9.160.

(c) A temporary Assistant State Judge Advocate who has met the requirements under this subsection is eligible for appointment as an Assistant State Judge Advocate.

(d) The Adjutant General may extend, for an additional 12 months, the time during which a temporary Assistant State Judge Advocate must meet the qualifications described in paragraph (a) of this subsection.

(4) The Adjutant General may appoint State Judge Advocate Legal Assistants for a period not to exceed 12 months. An individual appointed as a State Judge Advocate Legal Assistant shall be an officer of the Oregon State Defense Force and shall be legally trained but is not required to be admitted to the practice of law by the Supreme Court of this state. The legal services performed by a State Judge Advocate Legal Assistant are limited to those legal services that may be performed by legal assistants consistent with ORS 9.160.

(5) The State Judge Advocate, the Senior Force Judge Advocate, as defined in the Oregon Code of Military Justice (2008), or their assistants shall make frequent inspections in the field for supervision of the administration of military justice and general military legal matters.

(6)(a) Convening authorities shall at all times communicate directly with their judge advocate in matters relating to the administration of military justice and general military legal matters.

(b) The judge advocate of any command may communicate directly with the judge advocate of a superior or subordinate command, or with the State Judge Advocate or the Senior Force Judge Advocate, as defined in the Oregon Code of Military Justice (2008).

(7) A person who has acted as member, military judge, trial counsel, assistant trial counsel, defense counsel, assistant defense counsel or investigating officer, or who has been a witness for either the prosecution or defense in any case, may not later act as judge advocate to any reviewing authority upon the same case.

(8) A judicial officer, as defined by ORS 1.210, is not prohibited, by reason of holding that office, from:

(a) Performing all acts necessary or incumbent to the authorized exercise of duties as a judge advocate or as a member of the Military Council.

(b) Being assigned as a judge advocate by the Adjutant General as appointed by the Governor as Commander in Chief under the Oregon Constitution.

SECTION 80. ORS 417.040 is amended to read:

417.040. (1) The office of Juvenile Compact Administrator hereby is created. The Director of the Oregon Youth Authority shall be ex officio Juvenile Compact Administrator, with no additional compensation. The administrator shall act jointly with like officers of other party states in promulgating rules and regulations to carry out more effectively the terms of the compact. The administrator shall cooperate with all departments, agencies and officers of the government of this state and its subdivisions in facilitating the proper administration of the compact or of any supplementary agreement or agreements entered into by this state thereunder.

(2) The Juvenile Compact Administrator shall appoint a Deputy Juvenile Compact Administrator to serve at the pleasure of the administrator **and the Governor**. The deputy shall be appointed on the basis of personal qualifications in accordance with standards fixed by the Oregon Youth Authority. The youth authority shall fix the salary of the deputy. Subject to the approval of the youth authority, and at salaries fixed by it, the administrator may employ such other personnel as may be necessary to accomplish the purposes of ORS 417.010 to 417.080. The administrator shall prescribe the duties of the deputy and such other personnel, and they shall be subject to the control and under the immediate supervision of the administrator. Personnel other than the administrator and the deputy shall be subject to any applicable provision of the State Personnel Relations Law. Subject to the approval of the youth authority, the administrator may also provide necessary offices, supplies and equipment.

SECTION 81. ORS 197.030 is amended to read:

197.030. (1) There is established a Land Conservation and Development Commission consisting of seven members appointed by the Governor, subject to confirmation by the Senate pursuant to section 4, Article III, Oregon Constitution.

(2) The Governor shall appoint to the commission:

(a) One member representing Clatsop, Columbia, Coos, Curry, Lincoln and Tillamook Counties and those portions of Douglas and Lane Counties lying west of the summit of the Coast Range;

(b) Two members representing Clackamas, Multnomah and Washington Counties;

(c) One member representing Benton, Linn, Marion, Polk and Yamhill Counties and that portion of Lane County lying east of the summit of the Coast Range;

(d) One member representing Jackson and Josephine Counties and that portion of Douglas County lying east of the summit of the Coast Range;

(e) One member representing Baker, Crook, Deschutes, Gilliam, Grant, Harney, Hood River, Jefferson, Klamath, Lake, Malheur, Morrow, Sherman, Umatilla, Union, Wallowa, Wasco and Wheeler Counties; and

(f) One member representing Benton, Clackamas, Linn, Marion, Multnomah, Polk, Washington and Yamhill Counties and that portion of Lane County lying east of the summit of the Coast Range.

(3) At least one member shall be or have been an elected city official in Oregon and at least one member shall be an elected county official at the time of appointment.

(4) The term of office of each member of the commission is four years, but a member [*may be removed by the Governor for cause*] **serves at the pleasure of the Governor**. Before the expiration of the term of a member, the Governor shall appoint a successor. No person shall serve more than two full terms as a member of the commission.

(5) If there is a vacancy for any cause, the Governor shall make an appointment to become immediately effective for the unexpired term.

SECTION 82. ORS 197.085 is amended to read:

197.085. (1) The Land Conservation and Development Commission shall appoint a person to serve

as the Director of the Department of Land Conservation and Development. The director shall hold the office of the director at the pleasure of the commission and **the Governor.** The salary of the director shall be fixed by the commission unless otherwise provided by law.

(2) In addition to salary, the director shall be reimbursed, subject to any applicable law regulating travel and other expenses of state officers and employees, for actual and necessary expenses incurred by the director in the performance of official duties.

SECTION 83. ORS 197.810 is amended to read:

197.810. (1) There is hereby created a Land Use Board of Appeals consisting of not more than three positions. Board members shall be appointed by the Governor subject to confirmation by the Senate in the manner provided in ORS 171.562 and 171.565. The board shall consist of a board chairperson chosen by the board members and such other board members as the Governor considers necessary. The members of the board shall serve terms of four years**, but a member serves at the pleasure of the Governor**. A member is eligible for reappointment. The salaries of the members shall be fixed by the Governor unless otherwise provided for by law. The salary of a member of the board shall not be reduced during the period of service of the member.

[*(2) The Governor may at any time remove any member of the board for inefficiency, incompetence, neglect of duty, malfeasance in office or unfitness to render effective service. Before such removal the Governor shall give the member a copy of the charges against the member and shall fix the time when the member can be heard in defense against the charges, which shall not be less than 10 days thereafter. The hearing shall be open to the public and shall be conducted in the same manner as a contested case under ORS chapter 183. The decision of the Governor to remove a member of the board shall be subject to judicial review in the same manner as provided for review of contested cases under ORS 183.480 to 183.540.*]

[*(3)*] **(2)** Board members appointed under subsection (1) of this section shall be members in good standing of the Oregon State Bar.

SECTION 84. ORS 306.135 is amended to read:

306.135. (1) The Department of Revenue shall develop a base map system to facilitate and improve the administration of the ad valorem property tax system.

(2) In developing the base map system, the department shall be advised by an advisory committee that is hereby created and that shall be known as the Oregon Land Information System Advisory Committee. The advisory committee shall advise the department concerning the administrative and public needs related to the development of the base map system.

(3) The advisory committee shall consist of individuals appointed to the committee by the Director of the Department of Revenue. **Members of the committee serve at the pleasure of the director and the Governor.**

SECTION 85. ORS 273.161 is amended to read:

273.161. (1) The State Land Board shall appoint a Director of the Department of State Lands to serve for a term of four years, subject to removal at the discretion of the board **and the Governor**.

(2) The director shall receive such salary as is fixed by the board. In addition to salary, subject to applicable law regulating travel and other expenses of state officers, the director shall be reimbursed for actual and necessary travel and other expenses incurred in the performance of official duties.

(3) The salaries and other expenses of the director and employees of the Department of State Lands shall be paid out of revenues accruing to the Common School Fund.

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SECTION 86. ORS 357.015 is amended to read:

357.015. The Trustees of the State Library shall be the policy-making body for the State Library and shall:

(1) Appoint the State Librarian who shall be a graduate of a library school accredited by the American Library Association or who possesses the equivalent in training and experience and who shall serve at the pleasure of the trustees **and the Governor**. Except as otherwise provided by law, the trustees shall fix the compensation of the State Librarian.

(2) Formulate general policies for the State Library and, pursuant to ORS chapter 183, adopt rules for its operation.

(3) Review and approve budget requests for the State Library.

(4) Adopt long-range plans for the statewide development and coordination of library service in consultation with libraries, state and local governments and the people of this state.

(5) At the beginning of each odd-numbered year regular session of the Legislative Assembly, advise the Governor and the Legislative Assembly on new programs or legislation necessary for effective library service for the people of this state.

(6) Have control of, use and administer the State Library Donation Fund for the benefit of the State Library, except that every gift, devise or bequest for a specific purpose shall be administered according to its terms.

SECTION 87. ORS 409.462 is amended to read:

409.462. (1) The Department of Human Services through the Oregon Lifespan Respite Care Program shall coordinate the establishment of community lifespan respite care programs. The program shall accept proposals to operate community lifespan respite care programs, submitted in the form and manner required by the program, from community-based private nonprofit, for-profit or public agencies that provide respite care services. According to criteria established by the Department of Human Services, the Oregon Lifespan Respite Care Program shall designate and fund agencies described in this section to operate the community lifespan respite care programs.

(2) The Director of Human Services shall create the position of administrator of the Oregon Lifespan Respite Care Program to carry out the duties of the program. **The administrator serves at the pleasure of the director and the Governor.**

(3) The Director of Human Services shall appoint an advisory council to the Oregon Lifespan Respite Care Program. The council shall be composed of respite care program managers, respite care consumers, family members and other interested individuals and shall meet no fewer than four times per year. **Members of the council serve at the pleasure of the director and the Governor.**

SECTION 88. ORS 471.705 is amended to read:

471.705. (1) There is created the Oregon Liquor Control Commission, consisting of five persons appointed by the Governor. One member shall be from among the bona fide residents of each congressional district of the state. One member shall be from the food and alcoholic beverage retail industry. Not more than three commissioners shall be of the same political party and one shall be designated by the Governor to be chairperson of the commission. The commissioners are entitled to compensation and expenses as provided in ORS 292.495. Each commissioner at the time of appointment and qualification shall be a resident of this state and shall have resided in this state for at least five years next preceding appointment and qualification. The commissioner shall be an elector therein and not less than 30 years of age. A commissioner shall cease to hold office if the commissioner ceases to possess the residency or industry qualification for appointment and the Governor shall appoint a qualified individual to complete the unexpired term.

(2) The term of office of a commissioner shall be four years from the time of appointment and qualification and until a successor qualifies**, but a commissioner serves at the pleasure of the Governor**. The terms of the commissioners shall commence April 1. In case any commissioner is allowed to hold over after the expiration of the term, the successor shall be appointed for the balance of the unexpired term. Vacancies in the commission shall be filled by the Governor for the unexpired term. Each commissioner is eligible for reappointment but no person shall be eligible to serve for more than two full terms.

(3) All appointments of commissioners by the Governor are subject to confirmation by the Senate pursuant to section 4, Article III, Oregon Constitution.

SECTION 89. ORS 471.710 is amended to read:

471.710. [*(1) The Governor may remove any commissioner for inefficiency, neglect of duty, or misconduct in office, giving to the commissioner a copy of the charges made and an opportunity of being publicly heard in person or by counsel, in the commissioner's own defense, upon not less than 10 days' notice. If such commissioner is removed, the Governor shall file in the office of the Secretary of State a complete statement of all charges made against such commissioner, the findings thereon, and a complete record of the proceedings.*]

[*(2)*] **(1)** No person, other than the member appointed in accordance with ORS 471.705 who is designated from the food and alcoholic beverage retail industry, is eligible to hold the office of commissioner, or to be employed by the Oregon Liquor Control Commission if:

(a) The person has any financial interest in any business licensed by the commission or in any business which manufactures alcoholic beverages sold in Oregon;

(b) Anyone in the person's household or immediate family has a financial interest described in paragraph (a) of this subsection;

(c) Anyone in the person's household or immediate family is employed by a business licensed by the commission, unless the person is not in a position to take action or make decisions which could affect the licensed business; or

(d) The person or anyone in the person's household or immediate family has a business connection with any business licensed by the commission, unless the person is not in a position to take action or make decisions which could affect the licensed business.

[*(3)(a)*] **(2)(a)** A retail sales agent appointed by the commission, or a person in the household or immediate family of a retail sales agent, may not have any financial interest in or business connection with:

(A) A person or business that is licensed as a distillery;

(B) A person or business that holds a full on-premises sales license; or

(C) A distillery whose products are sold in Oregon.

(b) Paragraph (a) of this subsection does not apply to a distillery retail outlet agent appointed by the commission under ORS 471.230.

[*(4)*] **(3)** Nothing in this section prohibits a person from having a financial interest resulting from investments made by the Public Employees Retirement System or through mutual funds, blind trusts or similar investments where the person does not exercise control over the nature, amount or timing of the investment.

[*(5)*] **(4)** The commission by rule may establish additional restrictions to prohibit potential conflicts of interest. The commission by rule shall define "immediate family" and "business connection" as used in this section.

SECTION 90. ORS 197.165 is amended to read:

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197.165. For the purpose of promoting mutual understanding and cooperation between the Land Conservation and Development Commission and local government in the implementation of ORS chapters 195, 196 and 197 and the goals, the commission shall appoint a Local Officials Advisory Committee. The committee shall be comprised of persons serving as city or county elected officials and its membership shall reflect the city, county and geographic diversity of the state. The committee shall advise and assist the commission on its policies and programs affecting local governments. **Members of the committee serve at the pleasure of the commission and the Governor.**

SECTION 91. ORS 441.103 is amended to read:

441.103. (1) The office of the Long Term Care Ombudsman is established. The Long Term Care Ombudsman shall function separately and independently from any other state agency. The Governor shall appoint the Long Term Care Ombudsman for a four-year term from a list of three nominees nominated by the Long Term Care Advisory Committee established under ORS 441.137. Vacancies shall be filled within 60 days in the same manner as appointments are made, subject to Senate confirmation under ORS 171.562 and 171.565.

(2) The Long Term Care Ombudsman [*may be removed for just cause, upon recommendation to the Governor by the Long Term Care Advisory Committee*] **serves at the pleasure of the Governor**.

(3) The Long Term Care Ombudsman shall have background and experience in the following areas:

(a) The field of aging;

(b) Health care;

(c) Working with community programs;

(d) Strong understanding of long term care issues, both regulatory and policy;

(e) Working with health care providers;

(f) Working with and involvement in volunteer programs; and

(g) Administrative and managerial experience.

SECTION 92. ORS 830.135 is amended to read:

830.135. (1) The State Marine Board shall appoint a State Marine Director who shall serve at the pleasure of the board **and the Governor**.

(2) The director shall devote full time to the duties of the office. With the approval of the board, the director shall:

(a) Administer the numbering, certificating, recording and licensing duties of the board.

(b) Perform any other duties assigned by the board.

(c) Hire subordinate employees and fix their compensation.

SECTION 93. ORS 475.303 is amended to read:

475.303. (1) There is created the Advisory Committee on Medical Marijuana in the Oregon Health Authority, consisting of 11 members appointed by the Director of the Oregon Health Authority. **Members of the committee serve at the pleasure of the director and the Governor.**

(2) The director shall appoint members of the committee from persons who possess registry identification cards, designated primary caregivers of persons who possess registry identification cards and advocates of the Oregon Medical Marijuana Act.

(3) The committee shall advise the director on the administrative aspects of the Oregon Medical Marijuana Program, review current and proposed administrative rules of the program and provide annual input on the fee structure of the program.

(4) The committee shall meet at least four times per year, at times and places specified by the director.

(5) The authority shall provide staff support to the committee.

(6) All agencies of state government, as defined in ORS 174.111, are directed to assist the committee in the performance of its duties and, to the extent permitted by laws relating to confidentiality, to furnish information and advice that the members of the committee consider necessary to perform their duties.

SECTION 94. ORS 735.610 is amended to read:

735.610. (1) There is created in the Oregon Health Authority the Oregon Medical Insurance Pool Board. The board shall establish the Oregon Medical Insurance Pool and otherwise carry out the responsibilities of the board under ORS 735.600 to 735.650.

(2) The board shall consist of 10 individuals, eight of whom shall be appointed by the Director of the Oregon Health Authority. **The members appointed by the director serve at the pleasure of the director and the Governor.** The Director of the Department of Consumer and Business Services or the director's designee and the Director of the Oregon Health Authority or the director's designee shall be members of the board. The chair of the board shall be elected from among the members of the board. The board shall at all times, to the extent possible, include at least one representative of a domestic insurance company licensed to transact health insurance, one representative of a domestic not-for-profit health care service contractor, one representative of a health maintenance organization, one representative of reinsurers and two members of the general public who are not associated with the medical profession, a hospital or an insurer. A majority of the voting members of the board constitutes a quorum for the transaction of business. An act by a majority of a quorum is an official act of the board.

(3) The Director of the Oregon Health Authority may fill any vacancy on the board by appointment.

(4) The board shall have the general powers and authority under the laws of this state granted to insurance companies with a certificate of authority to transact health insurance and the specific authority to:

(a) Enter into such contracts as are necessary or proper to carry out the provisions and purposes of ORS 735.600 to 735.650 including the authority to enter into contracts with similar pools of other states for the joint performance of common administrative functions, or with persons or other organizations for the performance of administrative functions;

(b) Recover any assessments for, on behalf of, or against insurers;

(c) Take such legal action as is necessary to avoid the payment of improper claims against the pool or the coverage provided by or through the pool;

(d) Establish appropriate rates, rate schedules, rate adjustments, expense allowances, insurance producers' referral fees, claim reserves or formulas and perform any other actuarial function appropriate to the operation of the pool. Rates may not be unreasonable in relation to the coverage provided, the risk experience and expenses of providing the coverage. Rates and rate schedules may be adjusted for appropriate risk factors such as age and area variation in claim costs and shall take into consideration appropriate risk factors in accordance with established actuarial and underwriting practices;

(e) Issue policies of insurance in accordance with the requirements of ORS 735.600 to 735.650;

(f) Appoint from among insurers appropriate actuarial and other committees as necessary to provide technical assistance in the operation of the pool, policy and other contract design, and any other function within the authority of the board;

(g) Seek advances to effect the purposes of the pool; and

(h) Establish rules, conditions and procedures for reinsuring risks under ORS 735.600 to 735.650.

(5) Each member of the board is entitled to compensation and expenses as provided in ORS 292.495.

(6) The Director of the Oregon Health Authority shall adopt rules, as provided under ORS chapter 183, implementing policies recommended by the board for the purpose of carrying out ORS 735.600 to 735.650.

(7) In consultation with the board, the Director of the Oregon Health Authority shall employ such staff and consultants as may be necessary for the purpose of carrying out responsibilities under ORS 735.600 to 735.650.

SECTION 95. ORS 146.035 is amended to read:

146.035. (1) There shall be established within the Department of State Police the State Medical Examiner's office for the purpose of directing and supporting the state death investigation program. **The State Medical Examiner serves at the pleasure of the Superintendent of State Police and the Governor.**

(2) The State Medical Examiner shall manage all aspects of the State Medical Examiner's program.

(3) Subject to the State Personnel Relations Law, the State Medical Examiner may employ or discharge other personnel of the State Medical Examiner's office.

(4) The State Medical Examiner's office shall:

(a) File and maintain appropriate reports on all deaths requiring investigation.

(b) Maintain an accurate list of all active district medical examiners, assistant district medical examiners and designated pathologists.

(c) Transmit monthly to the Department of Transportation a report for the preceding calendar month of all information obtained under ORS 146.113.

(5) Notwithstanding ORS 192.501 (35):

(a) Any parent, spouse, sibling, child or personal representative of the deceased, or any person who may be criminally or civilly liable for the death, or their authorized representatives respectively, may examine and obtain copies of any medical examiner's report, autopsy report or laboratory test report ordered by a medical examiner under ORS 146.117.

(b) The system described in ORS 192.517 (1) shall have access to reports described in this subsection as provided in ORS 192.517.

SECTION 96. ORS 430.050 is amended to read:

430.050. (1) The Director of the Oregon Health Authority, with the approval of the Governor, shall appoint at least 15 but not more than 20 members of a Mental Health Advisory Board, composed of both lay and professionally trained individuals, qualified by training or experience to study the problems of mental health and make recommendations for the development of policies and procedures with respect to the state mental health programs. The membership shall provide balanced representation of program areas and shall include persons who represent the interests of children. At least four members of the board shall be persons with disabilities who shall serve as the Disability Issues Advisory Committee which is hereby established. The members of the board shall serve for terms of four years [*and*]**, but a member serves at the pleasure of the director and the Governor. Members of the board** are entitled to compensation and expenses as provided in ORS 292.495. The director may remove any member of the board for misconduct, incapacity or neglect of duty.

(2) The Oregon Health Authority shall adopt rules specifying the duties of the board. In addition

to those duties assigned by rule, the board shall assist the authority in planning and preparation of administrative rules for the assumption of responsibility for psychiatric care in state and community hospitals by community mental health programs, in accordance with ORS 430.630 (3)(e).

(3) The board shall meet at least once each quarter.

(4) The director may make provision for technical and clerical assistance to the Mental Health Advisory Board and for the expenses of such assistance.

(5) The Disability Issues Advisory Committee shall meet at least once annually to make recommendations to the Mental Health Advisory Board.

(6) As used in this section, "person with a disability" means any person who:

(a) Has a physical or mental impairment which substantially limits one or more major life activities;

(b) Has a record of such an impairment; or

(c) Is regarded as having such an impairment.

SECTION 97. ORS 634.600 is amended to read:

634.600. (1) There is created the Minor Crops Advisory Committee in the State Department of Agriculture consisting of six members appointed by the Director of Agriculture and the coordinator of the Interregional Project Number 4 program at Oregon State University who shall be a permanent member.

(2) The director, as far as practicable, shall make appointments to the advisory committee so that the committee is representative of all segments of agriculture.

(3) Each appointed member shall serve a term of three years beginning July 1 of the year of appointment**, but an appointed member serves at the pleasure of the director and the Governor**. A member shall continue to serve until a successor is appointed. Vacancies in office shall be filled by appointment for the unexpired term.

(4) The committee shall meet at the call of the chairperson or the director [*of Agriculture*]. A majority of the members present at any meeting shall constitute a quorum, and a majority vote of the quorum at any meeting shall constitute an official act of the committee.

(5) At the first meeting after July 1 of each year, the committee shall select a chairperson. The Dean of the College of Agricultural Sciences of Oregon State University and the director [*of Agriculture*], or their representatives, shall be ex officio members without the right to vote.

(6) Members of the committee shall be eligible for compensation and expenses as provided in ORS 292.495.

(7) The committee shall:

(a) Advise the department in the administration of ORS 634.016 to 634.042 as relates to minor crop use registrations;

(b) Cooperate with the United States Department of Agriculture's Interregional Project Number 4 and the United States Environmental Protection Agency in obtaining federal registrations of pesticides for minor crop uses; and

(c) Maintain close contact between the department and agricultural producers regarding the need for research to support registration of pesticides for minor crops.

SECTION 98. ORS 273.573 is amended to read:

273.573. (1) To aid and advise the State Parks and Recreation Director in the performance of the functions related to the Natural Areas Program, the director may establish a natural areas advisory committee.

(2) The advisory committee may assist the State Parks and Recreation Department:

(a) In the development of policy for the Natural Areas Program through the review and approval of the Oregon Natural Areas Plan;

(b) By reviewing nominations for registration and the voluntary dedication of natural areas, and instruments of dedication for such areas;

(c) In providing recommendations to the State Parks and Recreation Commission, State Land Board, State Board of Forestry, State Fish and Wildlife Commission, State Board of Higher Education and Oregon Transportation Commission regarding areas under their respective jurisdictions that are appropriate for dedication; and

(d) In advising the State Parks and Recreation Commission in the adoption of rules that may be considered necessary in carrying out ORS 273.563 to 273.591.

(3) Members of the advisory committee are not entitled to compensation, but in the discretion of the director may be reimbursed from funds available to the department for actual and necessary travel and other expenses incurred by them in the performance of their official duties in the manner and amount provided in ORS 292.495.

(4) Members of the advisory committee serve at the pleasure of the director and the Governor.

SECTION 99. ORS 685.145 is amended to read:

685.145. (1) The Council on Naturopathic Physicians Formulary is established. The council consists of seven members appointed as follows:

(a) One member of the Oregon Board of Naturopathic Medicine appointed by the Oregon Board of Naturopathic Medicine;

(b) One physician licensed by the Oregon Board of Naturopathic Medicine appointed by the Oregon Board of Naturopathic Medicine;

(c) Two pharmacists licensed by the State Board of Pharmacy appointed by the State Board of Pharmacy;

(d) One physician licensed by the Oregon Medical Board appointed by the Oregon Medical Board; and

(e) Two additional members appointed by the council who hold an advanced degree in a medical or pharmaceutical science.

(2) The chair of the council shall be elected by a majority of the members.

(3)(a) The council shall establish a formulary of drugs that may be administered or prescribed by a naturopathic physician. The council shall review the formulary periodically.

(b) A naturopathic physician may request that the council add a drug to the formulary by submitting an application in a form prescribed by the Oregon Board of Naturopathic Medicine. If the council determines that the drug may be beneficial in the practice of naturopathic medicine, the council may add the drug to the formulary.

(c) Immediately upon adoption or revision of the formulary, the council shall transmit the formulary to the board, which must adopt the formulary by rule.

(d) A naturopathic physician may only administer or prescribe drugs that are included in the formulary adopted by the board.

(4) The term of each member of the council is two years**, but a member serves at the pleasure of the appointing authority and the Governor**. 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 a retiring member.

(5) Any member of the council who fails to attend two consecutive meetings of the council

whether regular or special shall forfeit office unless a member is prevented from attending by serious illness of the council member or a member of the council member's family.

(6) Members of the council are entitled to compensation and expenses under ORS 292.495 payable from funds available to the Oregon Board of Naturopathic Medicine.

SECTION 100. ORS 561.700 is amended to read:

561.700. (1) The New Crops Development Board is created within the State Department of Agriculture. The board shall consist of nine voting members appointed by the Director of Agriculture. In addition to the voting members, the Director of the Oregon State University Experiment Station or the designee of the director and the Director of the Department of Environmental Quality or the designee of the director shall be nonvoting ex officio members of the board.

(2) The term of each voting member is four years, but a member serves at the pleasure of the Director of Agriculture **and the Governor**. Before the expiration of the term of a voting member, the director shall appoint a successor. A voting member is eligible for reappointment. If there is a vacancy for any cause, the director shall make an appointment to become immediately effective for the unexpired term.

(3) Each voting member of the board shall be a citizen of this state and actively engaged in some segment of the agricultural crop industry. As far as practicable, the Director of Agriculture shall make appointments so that the various geographic areas of the state and segments of the agricultural crop industry are represented on the board.

(4) To the extent that moneys received pursuant to ORS 561.720 are available therefor in the Department of Agriculture Service Fund, a member of the board is entitled to compensation and expenses as provided in ORS 292.495.

SECTION 101. ORS 571.025 is amended to read:

571.025. (1) In order that there may be the closest contact between the State Department of Agriculture and the problems of the nursery industry, there hereby is created a State Nursery Research and Regulatory Committee which shall consist of seven members appointed by the Director of Agriculture. The director, as far as practicable, shall make appointments so that all segments of the nursery industry are represented on the committee.

(2) The term of each member shall be for three years, beginning on July 1 of the year of appointment. **Members of the committee serve at the pleasure of the director and the Governor.** Vacancies in office shall be filled by appointment for the unexpired term. At the first meeting after July 1 in each year, the committee shall elect a chairperson.

(3) The functions of the committee shall be to advise and counsel with the department in the administration of ORS 564.040, 564.991, 571.005 to 571.230 and 571.991 and review the nursery inspection program.

(4) The committee shall meet at the call of the chairperson or the director [*of the State Department of Agriculture*]. A majority of the members present at any meeting shall constitute a quorum, and a majority vote of the quorum at any meeting shall constitute an official act of the committee.

SECTION 102. ORS 353.606 is amended to read:

353.606. (1) There is created the Oregon Nursing Shortage Coalition Committee.

(2) The committee consists of 10 members, as follows:

(a) Two members who represent the Oregon State Board of Nursing appointed by the board.

(b) Two members who represent the Northwest Organization of Nurse Executives appointed by the Oregon State Board of Nursing from a list of persons submitted to the board by the Northwest Organization of Nurse Executives.

(c) Two members who represent the Oregon Nurses Association appointed by the Oregon State Board of Nursing from a list of persons submitted to the board by the Oregon Nurses Association.

(d) One member appointed by the Oregon State Board of Nursing who represents Oregon-based, generally accredited, not-for-profit private institutions of higher education from a list of persons submitted to the board by the Oregon Independent Colleges Association.

(e) Two members appointed by the Commissioner for Community College Services from a list of persons submitted to the commissioner by the Oregon Community College Association.

(f) One member who represents Oregon Health and Science University appointed by the university.

(3) When appointing members to the committee, the Oregon State Board of Nursing, the Commissioner for Community College Services and Oregon Health and Science University shall ensure that there is at least one member from each of the following areas of the state:

(a) Rural western Oregon.

(b) Coastal Oregon.

(c) Eastern Oregon.

(d) Urban areas.

(4) The term of office of each member is four years, but a member serves at the pleasure of the appointing authority **and the Governor**. Before the expiration of the term of a member, the appointing authority shall appoint a successor whose term begins on July 1 next following. A member is eligible for reappointment. If there is a vacancy for any cause, the appointing authority shall make an appointment to become immediately effective for the unexpired term.

(5) The committee shall elect one of its members to serve as chairperson and another to serve as vice chairperson, for the terms and with the duties and powers necessary for the performance of the functions of such offices as the committee determines.

(6) The committee shall meet at times and places specified by the call of the chairperson or of a majority of the members of the committee.

(7) A majority of the members of the committee constitutes a quorum for the transaction of business.

(8) Members of the committee are entitled to actual and necessary travel expenses in the manner and amounts provided for in ORS 292.495. Claims for expenses incurred in performing functions of the committee shall be paid out of funds received by Oregon Health and Science University for that purpose.

(9) Oregon Health and Science University shall provide staff support to the committee.

SECTION 103. ORS 656.709 is amended to read:

656.709. (1)(a) The Director of the Department of Consumer and Business Services, with the concurrence of the Governor, shall appoint an ombudsman for injured workers. The ombudsman is under the supervision and control of the director**.** [*and, with the concurrence of the Governor,*] The director **or the Governor** may terminate the ombudsman.

(b) The ombudsman for injured workers shall:

(A) Act as an advocate for injured workers by accepting, investigating and attempting to resolve complaints concerning matters related to workers' compensation;

(B) Provide information to injured workers to enable them to protect their rights in the workers' compensation system; and

(C) Report to the Governor in writing at least once each quarter. A report shall include a summary of the services that the ombudsman provided during the quarter and the ombudsman's

recommendations for improving ombudsman services and for protecting workers' rights in the workers' compensation system.

(2)(a) The Director of the Department of Consumer and Business Services, with the concurrence of the Governor, shall appoint an ombudsman for small business. The ombudsman is under the supervision and control of the director**.** [*and, with the concurrence of the Governor,*] The director **or the Governor** may terminate the ombudsman.

(b) The ombudsman for small business shall:

(A) Provide information and assistance to small businesses with regard to workers' compensation insurance and claims processing matters; and

(B) Report to the Governor in writing at least once each quarter. A report shall include a summary of the services that the ombudsman provided during the quarter and the ombudsman's recommendations for improving ombudsman services and for providing information and assistance to small businesses with regard to workers' compensation insurance and claims processing matters.

SECTION 104. ORS 683.240 is amended to read:

683.240. (1)(a) The Council on Optometric Nontopical Formulary is established and shall consist of seven members appointed as follows:

(A) One member of the Oregon Board of Optometry appointed by the Oregon Board of Optometry;

(B) One member who is a pharmacist licensed by the State Board of Pharmacy or a person with an advanced degree in pharmacology or pharmacognosy appointed by the State Board of Pharmacy;

(C) One member of the Oregon Medical Board appointed by the Oregon Medical Board;

(D) One member of the faculty of the Oregon Health and Science University School of Medicine appointed by the Oregon Medical Board;

(E) One member who is a physician licensed under ORS chapter 677 appointed by the Oregon Medical Board after consideration of three qualified nominees provided by the Oregon Academy of Ophthalmology;

(F) One member who is a practicing optometrist appointed by the Oregon Board of Optometry after consideration of three qualified nominees from the Oregon Optometric Physicians Association; and

(G) One member with a degree in optometry or ophthalmology who is a member of the faculty at a college of optometry appointed by the Oregon Board of Optometry.

(b)(A) The chair of the council shall be elected by a majority of the members.

(B) The term of office of each member of the council shall be two years**, but a member serves at the pleasure of the appointing authority and the Governor**. 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 vacating member.

(C) Any member of the council who fails to attend two consecutive meetings of the council, whether regular or special, shall forfeit office unless the council member is prevented from attending by serious illness of the member or of a member of the council member's family.

(D) Meetings of the council shall be called at the request of the chair or at the request of two or more members of the council.

(E) Members of the council shall serve without compensation.

(2) After public hearings, the council shall determine the substances to be included in the optometric nontopical formulary that may be used by an optometrist under ORS 683.010 (3). The council shall review the formulary periodically. Immediately upon adoption or revision of the

formulary, the council shall transmit the approved formulary to the Oregon Board of Optometry. The board shall adopt the formulary or a portion of the formulary. If the council approves protocols for the use of a nontopical pharmaceutical agent and the board adopts the portion of the formulary listing that agent, the board must also adopt those protocols. The board may not expand or add to the formulary submitted for adoption in any manner.

SECTION 105. ORS 413.574 is amended to read:

413.574. (1) The Pain Management Commission shall consist of 19 members as follows:

(a) Seventeen members shall be appointed by the Director of the Oregon Health Authority. Prior to making appointments, the director shall request and consider recommendations from individuals and public and private agencies and organizations with experience or a demonstrated interest in pain management issues, including but not limited to:

(A) Physicians licensed under ORS chapter 677 or organizations representing physicians;

(B) Nurses licensed under ORS chapter 678 or organizations representing nurses;

(C) Psychologists licensed under ORS 675.010 to 675.150 or organizations representing psychologists;

(D) Physician assistants licensed under ORS chapter 677 or organizations representing physician assistants;

(E) Chiropractic physicians licensed under ORS chapter 684 or organizations representing chiropractic physicians;

(F) Naturopaths licensed under ORS chapter 685 or organizations representing naturopaths;

(G) Clinical social workers licensed under ORS 675.530 or organizations representing clinical social workers;

(H) Acupuncturists licensed under ORS 677.759;

(I) Pharmacists licensed under ORS chapter 689;

(J) Palliative care professionals or organizations representing palliative care professionals;

(K) Mental health professionals or organizations representing mental health professionals;

(L) Health care consumers or organizations representing health care consumers;

(M) Hospitals and health plans or organizations representing hospitals and health plans;

(N) Patients or advocacy groups representing patients;

(O) Dentists licensed under ORS chapter 679;

(P) Occupational therapists licensed under ORS 675.210 to 675.340;

(Q) Physical therapists licensed under ORS 688.010 to 688.201; and

(R) Members of the public.

(b) Two members shall be members of a legislative committee with jurisdiction over human services issues, one appointed by the President of the Senate and one appointed by the Speaker of the House of Representatives. Both members shall be nonvoting, ex officio members of the commission.

(2) The term of office of each member is four years, but a member serves at the pleasure of the appointing authority. **Voting members of the committee serve at the pleasure of the director and the Governor.** Before the expiration of the term of a member, the appointing authority shall appoint a successor whose term begins on July 1 next following. A member is eligible for reappointment. If there is a vacancy for any cause, the appointing authority shall make an appointment to become immediately effective for the unexpired term.

(3) Members of the commission are not entitled to compensation or reimbursement for expenses and serve as volunteers on the commission.

SECTION 106. ORS 390.127 is amended to read:

390.127. (1) The State Parks and Recreation Commission shall appoint as State Parks and Recreation Director an individual well qualified by training and experience to serve for a term of four years unless sooner removed by the commission **or the Governor**.

(2) The director shall receive such salary as may be prescribed by law. In addition to salary, subject to applicable law regulating travel and expenses of state officers, the director shall be reimbursed for actual and necessary travel and other expenses incurred in the performance of official duties.

SECTION 107. ORS 144.005 is amended to read:

144.005. (1) A State Board of Parole and Post-Prison Supervision of at least three but no more than five members hereby is created. At least one member must be a woman.

(2) Members of the board shall be appointed by the Governor and serve for a term of four years**, but a member serves at the pleasure of the Governor**. If the number of members falls below three for any cause, the Governor shall make an appointment to become immediately effective for the unexpired term. [*The Governor at any time may remove any member for inefficiency, neglect of duty or malfeasance in office.*]

(3) Each member shall devote the member's entire time to the performance of the duties imposed on the board and shall not engage in any partisan political activity.

(4) The members shall receive a salary set by the Governor. In addition, all members may receive actual and necessary travel and other expenses incurred in the performance of their official duties within limits as provided by law or under ORS 292.220 and 292.230.

(5) The Director of the Department of Corrections shall serve as an ex officio nonvoting member of the board.

SECTION 108. ORS 442.835 is amended to read:

442.835. The Oregon Patient Safety Commission Board of Directors shall appoint an administrator of the Oregon Patient Safety Commission. Subject to the supervision of the board, the administrator has authority to direct the affairs of the commission. **The administrator serves at the pleasure of the board and the Governor.** The administrator may not be a voting member of the board.

SECTION 109. ORS 414.353 is amended to read:

414.353. (1) There is created an 11-member Pharmacy and Therapeutics Committee responsible for advising the Oregon Health Authority on the implementation of the retrospective and prospective programs and on the Practitioner-Managed Prescription Drug Plan.

(2) The Director of the Oregon Health Authority shall appoint the members of the committee, who shall serve at the pleasure of the director **and the Governor** for a term of three years. An individual appointed to the committee may be reappointed upon completion of the individual's term. The membership of the committee shall be composed of the following:

(a) Five persons licensed as physicians and actively engaged in the practice of medicine or osteopathic medicine in Oregon, who may be from among persons recommended by organizations representing physicians;

(b) Four persons licensed in and actively practicing pharmacy in Oregon who may be from among persons recommended by organizations representing pharmacists whether affiliated or unaffiliated with any association; and

(c) Two persons who are not physicians or pharmacists.

(3) If the committee determines that it lacks current clinical or treatment expertise with respect

to a particular therapeutic class, or at the request of an interested outside party, the director shall appoint one or more medical experts otherwise qualified as described in subsection (2)(a) of this section who have such expertise. The medical experts shall have full voting rights with respect to recommendations made under ORS 414.361 (3) and (4). The medical experts may participate but may not vote in any other activities of the committee.

(4) The director shall fill a vacancy on the committee by appointing a new member to serve the remainder of the unexpired term.

SECTION 110. ORS 689.165 is amended to read:

689.165. (1) The State Board of Pharmacy shall elect from its members a president and vice president and such other officers as it deems appropriate and necessary to the conduct of its business. The President of the State Board of Pharmacy shall preside at all meetings of the board and shall be responsible for the performance of all of the duties and functions of the board required or permitted by this chapter. If the president is absent or unable to preside, the vice president shall preside. Each additional officer elected by the board shall perform those duties normally associated with their position and such other duties assigned from time to time by the board.

(2) Officers elected by the board shall serve terms of one year commencing with the day of their election, and ending upon election of their successors and shall serve no more than one consecutive full term in each office to which they are elected.

(3) The executive director of the board shall be responsible for the performance of the regular administrative functions of the board and such other duties as the board may direct. The executive director shall not perform any discretionary or decision-making functions for which the board is solely responsible. **The executive director serves at the pleasure of the board and the Governor.**

SECTION 111. ORS 677.540 is amended to read:

677.540. (1) There is created a Physician Assistant Committee, which shall consist of five members. Members of the committee shall be appointed as follows:

(a) The Oregon Medical Board shall appoint one of its members and one physician. One of the two must supervise a physician assistant.

(b) The Oregon Medical Board shall appoint three physician assistants after considering persons nominated by the Oregon Society of Physician Assistants.

(2) The term of each member of the committee shall be for three years**, but a member serves at the pleasure of the board and the Governor**. A member may not serve more than two consecutive terms. 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 licensure or renewal.

(6) The chairperson may call a special meeting of the Physician 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 for board

members in ORS 677.235.

SECTION 112. ORS 442.800 is amended to read:

442.800. (1) The Advisory Committee on Physician Credentialing Information is established within the Office for Oregon Health Policy and Research. The committee consists of nine members appointed by the Administrator of the Office for Oregon Health Policy and Research as follows:

(a) Three members who are physicians licensed by the Oregon Medical Board or representatives of physician organizations doing business within the State of Oregon;

(b) Three representatives of hospitals licensed by the Oregon Health Authority; and

(c) Three representatives of health care service contractors that have been issued a certificate of authority to transact health insurance in this state by the Department of Consumer and Business Services.

(2) All members appointed pursuant to subsection (1) of this section shall be knowledgeable about national standards relating to physician credentialing.

(3) The term of appointment for each member of the committee is three years**, but a member serves at the pleasure of the administrator and the Governor**. If, during a member's term of appointment, the member no longer qualifies to serve as designated by the criteria of subsection (1) of this section, the member must resign. If there is a vacancy for any cause, the administrator shall make an appointment to become immediately effective for the unexpired term.

(4) Members of the committee are not entitled to compensation or reimbursement of expenses.

SECTION 113. ORS 127.675 is amended to read:

127.675. (1) There is established the Oregon POLST Registry Advisory Committee to advise the Oregon Health Authority regarding the implementation, operation and evaluation of the POLST registry.

(2) The members of the Oregon POLST Registry Advisory Committee shall be appointed by the Director of the Oregon Health Authority and shall include, at a minimum:

(a) A health professional with extensive experience and leadership in POLST issues;

(b) A physician who is a supervising physician, as defined in ORS 682.025, for emergency medical services providers and who has extensive experience and leadership in POLST issues;

(c) A representative from the hospital community with extensive experience and leadership in POLST issues;

(d) A representative from the long term care community with extensive experience and leadership in POLST issues;

(e) A representative from the hospice community with extensive experience and leadership in POLST issues;

(f) An emergency medical services provider actively involved in providing emergency medical services; and

(g) Two members of the public with active interest in end-of-life treatment preferences, at least one of whom represents the interests of minorities.

(3) The Director of the Emergency Medical Services and Trauma Systems Program within the Oregon Health Authority, or a designee of the director, shall serve as a voting ex officio member of the committee.

(4) The Director of the Oregon Health Authority may appoint additional members to the committee.

(5) The committee shall meet at least four times per year, at times and places specified by the Director of the Oregon Health Authority.

(6) The Oregon Health Authority shall provide staff support for the committee.

(7) Except for the Director of the Emergency Medical Services and Trauma Systems Program, a member of the committee shall serve a term of two years. **Appointed members of the committee serve at the pleasure of the Director of the Oregon Health Authority and the Governor.** Before the expiration of the term of a member, the Director **of the Oregon Health Authority** shall appoint a successor whose term begins on January 2 next following. A member is eligible for reappointment. If there is a vacancy for any cause, the Director of the Oregon Health Authority shall make an appointment to become immediately effective for the unexpired term.

(8) The Director of the Oregon Health Authority, or a designee of the director, shall consult with the committee in drafting rules on the implementation, operation and evaluation of the POLST registry.

SECTION 114. ORS 757.834 is amended to read:

757.834. (1) Oregon Community Power shall be governed by a board of seven directors appointed by the Governor using the procedure set forth in this section.

(2)(a) Prior to making any appointment to the board, the Governor shall consider the nominations of the Oregon Community Power Board Nominating Committee.

(b) If the Governor reviews an initial slate of nominees made by the nominating committee and determines not to appoint a nominee, the Governor shall request that the nominating committee forward a second slate of nominees. If the Governor determines not to appoint a nominee from the second slate of nominees, the Governor may appoint any individual the Governor determines meets the qualifications of subsection (6) of this section.

(3) Notwithstanding the requirement that the Governor consider the nominations of the nominating committee prior to making an appointment, the Governor shall appoint an individual to be a board member within 120 days following the vacancy of a position on the board.

(4) Each appointment shall be subject to confirmation by the Senate in the manner prescribed in ORS 171.562 and 171.565.

(5) The term of office for each board member shall be four years. A board member may be nominated and appointed to successive terms, but within 150 days prior to the expiration of the term of the member, the board shall issue a proposed direction to convene the nominating committee under ORS 757.830 for the purpose of nominating individuals to fill the board position.

(6) A member of the board shall have significant experience or expertise in one or more of the following areas:

(a) Business operations;

(b) Utility management;

(c) Legal or financial affairs;

(d) Regional energy issues; or

(e) Developing public policy.

(7) [*The Governor may remove any member of the board for cause, after notice and public hearing*] **Members of the board serve at the pleasure of the Governor**.

SECTION 115. ORS 431.978 is amended to read:

431.978. (1) The term of office of each member of the Prescription Monitoring Program Advisory Commission is four years, but a member serves at the pleasure of the Oregon Health Authority **and the Governor**. Before the expiration of the term of a member, the authority shall appoint a successor whose term begins on July 1 next following. A member is eligible for reappointment. If there is a vacancy for any cause, the authority shall make an appointment to become immediately effec-

tive.

(2) The commission shall elect one of its members to serve as chairperson.

(3) The commission shall meet at least once annually at a time and place specified by the chairperson of the commission. The commission may meet at other times and places specified by the call of the chairperson or of a majority of the members of the commission.

(4) The commission may adopt rules necessary for the operation of the commission.

(5) A majority of the members of the commission constitutes a quorum for the transaction of business.

(6) Official action by the commission requires the approval of a majority of the members of the commission.

(7) The authority shall provide staff support to the commission.

(8) Members of the commission are not entitled to compensation, but may be reimbursed for actual and necessary travel and other expenses incurred by them in the performance of their official duties in the manner and amounts provided for in ORS 292.495. Claims for expenses incurred in performing functions of the commission shall be paid out of funds appropriated to the authority for that purpose.

(9) All agencies of state government, as defined in ORS 174.111, are directed to assist the commission in the performance of its duties and, to the extent permitted by laws relating to confidentiality, to furnish such information and advice as the members of the commission consider necessary to perform their duties.

SECTION 116. ORS 161.385 is amended to read:

161.385. (1) There is hereby created a Psychiatric Security Review Board consisting of 10 members appointed by the Governor and subject to confirmation by the Senate under section 4, Article III of the Oregon Constitution.

(2) The membership of the board may not include any district attorney, deputy district attorney or public defender. The Governor shall appoint:

(a) A psychiatrist experienced in the criminal justice system and not otherwise employed on a full-time basis by the Oregon Health Authority or a community mental health program;

(b) A licensed psychologist experienced in the criminal justice system and not otherwise employed on a full-time basis by the authority or a community mental health program;

(c) A member with substantial experience in the processes of parole and probation;

(d) A lawyer with substantial experience in criminal trial practice;

(e) A psychiatrist certified, or eligible to be certified, by the Oregon Medical Board in child psychiatry who is experienced in the juvenile justice system and not employed on a full-time basis by the authority or a community mental health program;

(f) A licensed psychologist who is experienced in child psychology and the juvenile justice system and not employed on a full-time basis by the authority or a community mental health program;

(g) A member with substantial experience in the processes of juvenile parole and probation;

(h) A lawyer with substantial experience in juvenile law practice; and

(i) Two members of the general public.

(3) The term of office of each member is four years[. *The Governor at any time may remove any member for inefficiency, neglect of duty or malfeasance in office*]**, but a member serves at the pleasure of the Governor**. Before the expiration of the term of a member, the Governor shall appoint a successor whose term begins on July 1 next following. A member is eligible for reappointment. If there is a vacancy for any cause, the Governor shall make an appointment to become

immediately effective for the unexpired term.

(4) A member of the board not otherwise employed full-time by the state shall be paid on a per diem basis an amount equal to $289.22, adjusted according to the executive pay plan for the biennium, for each day during which the member is engaged in the performance of official duties, including necessary travel time. In addition, subject to ORS 292.220 to 292.250 regulating travel and other expenses of state officers and employees, the member shall be reimbursed for actual and necessary travel and other expenses incurred in the performance of official duties.

(5) Subject to any applicable provision of the State Personnel Relations Law, the board may hire employees to aid it in performing its duties.

(6) The board consists of two five-member panels. The adult panel is responsible for persons placed under the board's jurisdiction under ORS 161.315 to 161.351 and 419C.544 and consists of those members appointed under subsection (2)(a) to (d) of this section and one of the public members. The juvenile panel is responsible for young persons placed under the board's jurisdiction under ORS 419C.529 and consists of those members appointed under subsection (2)(e) to (h) of this section and the other public member.

(7)(a) Each panel shall select one of its members as chairperson to serve for a one-year term with such duties and powers as the panel determines.

(b) A majority of the voting members of a panel constitutes a quorum for the transaction of business of the panel.

(8) Each panel shall meet at least twice every month, unless the chairperson determines that there is not sufficient business before the panel to warrant a meeting at the scheduled time. The panel shall also meet at other times and places specified by the call of the chairperson or of a majority of the members of the panel.

SECTION 117. ORS 237.956 is amended to read:

237.956. The **Public Employees Retirement** Board shall employ a director whose duties shall be as hereinafter provided. All ministerial duties required in the administration of ORS 237.414 and 237.950 to 237.980 shall be performed by the director and by employees under the direction of the director. The director shall hold the position during the pleasure of the board **and the Governor** and shall furnish such bond as required by the board. The board shall also designate an employee to perform duties in the absence of the director.

SECTION 118. ORS 413.017 is amended to read:

413.017. (1) The Oregon Health Policy Board shall establish the committees described in subsections (2) and (3) of this section.

(2)(a) The Public Health Benefit Purchasers Committee shall include individuals who purchase health care for the following:

(A) The Public Employees' Benefit Board.

(B) The Oregon Educators Benefit Board.

(C) Trustees of the Public Employees Retirement System.

(D) A city government.

(E) A county government.

(F) A special district.

(G) Any private nonprofit organization that receives the majority of its funding from the state and requests to participate on the committee.

(b) The Public Health Benefit Purchasers Committee shall:

(A) Identify and make specific recommendations to achieve uniformity across all public health

benefit plan designs based on the best available clinical evidence, recognized best practices for health promotion and disease management, demonstrated cost-effectiveness and shared demographics among the enrollees within the pools covered by the benefit plans.

(B) Develop an action plan for ongoing collaboration to implement the benefit design alignment described in subparagraph (A) of this paragraph and shall leverage purchasing to achieve benefit uniformity if practicable.

(C) Continuously review and report to the Oregon Health Policy Board on the committee's progress in aligning benefits while minimizing the cost shift to individual purchasers of insurance without shifting costs to the private sector or the Oregon Health Insurance Exchange.

(c) The Oregon Health Policy Board shall work with the Public Health Benefit Purchasers Committee to identify uniform provisions for state and local public contracts for health benefit plans that achieve maximum quality and cost outcomes. The board shall collaborate with the committee to develop steps to implement joint contract provisions. The committee shall identify a schedule for the implementation of contract changes. The process for implementation of joint contract provisions must include a review process to protect against unintended cost shifts to enrollees or agencies.

(d) Proposals and plans developed in accordance with this subsection shall be completed by October 1, 2010, and shall be submitted to the Oregon Health Policy Board for its approval and possible referral to the Legislative Assembly no later than December 31, 2010.

(3)(a) The Health Care Workforce Committee shall include individuals who have the collective expertise, knowledge and experience in a broad range of health professions, health care education and health care workforce development initiatives.

(b) The Health Care Workforce Committee shall coordinate efforts to recruit and educate health care professionals and retain a quality workforce to meet the demand that will be created by the expansion in health care coverage, system transformations and an increasingly diverse population.

(c) The Health Care Workforce Committee shall conduct an inventory of all grants and other state resources available for addressing the need to expand the health care workforce to meet the needs of Oregonians for health care.

(4) **Members of the committees described in subsections (2) and (3) of this section serve at the pleasure of the Oregon Health Policy Board and the Governor.** Members of the committees described in subsections (2) and (3) of this section who are not members of the Oregon Health Policy Board are not entitled to compensation but shall be reimbursed from funds available to the board for actual and necessary travel and other expenses incurred by them by their attendance at committee meetings, in the manner and amount provided in ORS 292.495.

SECTION 119. ORS 181.620, as amended by section 3, chapter 29, Oregon Laws 2012, is amended to read:

181.620. (1) The Governor shall appoint a Board on Public Safety Standards and Training consisting of 24 members as follows:

(a) Two members who are chiefs of police recommended to the Governor by the Oregon Association Chiefs of Police;

(b) One member who is a sheriff recommended to the Governor by the Oregon State Sheriffs' Association;

(c) One member who is a fire chief recommended to the Governor by the Oregon Fire Chiefs Association;

(d) One member who is a representative of the fire service recommended to the Governor by the Oregon Fire District Directors Association;

(e) One member who is a member of the Oregon State Fire Fighters Council recommended to the Governor by the executive body of the council;

(f) One member who is a representative of corrections personnel recommended to the Governor by the Oregon State Sheriffs' Association;

(g) One member who is a representative of the fire service recommended to the Governor by the Oregon Volunteer Firefighters Association;

(h) One member who is a representative of public safety telecommunicators;

(i) One member who is a district attorney recommended to the Governor by the Oregon District Attorneys Association;

(j) One member who is the Superintendent of State Police;

(k) One member who is the Chief of the Portland Police Bureau;

(L) One member who is the State Fire Marshal;

(m) One member who is the Chief of the Portland Fire Bureau;

(n) One member who is the Director of the Department of Corrections;

(o) One nonvoting member who is the Special Agent in Charge of the Federal Bureau of Investigation for Oregon;

(p) One member who is an administrator of a municipality recommended to the Governor by the executive body of the League of Oregon Cities;

(q) Two members who are nonmanagement representatives of law enforcement;

(r) One member who is a public member. A person appointed as a public member under this section:

(A) May have no personal interest or occupational responsibilities in the area of responsibility given to the board; and

(B) Must represent the interests of the public in general;

(s) Two members recommended by and representing the private security industry;

(t) One member who is a representative of the collective bargaining unit that represents the largest number of individual workers in the Department of Corrections; and

(u) One member who is a nonmanagement parole and probation officer employed by a community corrections program.

(2) The term of office of a member is three years, [*and no member may be removed from office except for cause*] **but a member who does not serve by virtue of office serves at the pleasure of the Governor**. Before the expiration of the term of a member, the Governor shall appoint the member's successor to assume the member's duties on July 1 next following. In case of a vacancy for any cause, the Governor shall make an appointment, effective immediately, for the unexpired term.

(3) Except for members who serve by virtue of office, no member shall serve more than two terms. For purposes of this subsection, a person appointed to fill a vacancy consisting of an unexpired term of at least one and one-half years has served a full term.

(4) Appointments of members of the board by the Governor, except for those members who serve by virtue of office, are subject to confirmation by the Senate in the manner provided in ORS 171.562 and 171.565.

(5) A member of the board is entitled to compensation and expenses as provided in ORS 292.495.

SECTION 120. ORS 462.230 is amended to read:

462.230. (1) Vacancies in the office of [*commissioner*] **a member of the Oregon Racing Commission** shall be filled by appointment to be made by the Governor for the unexpired term.

[*(2) Any commissioner may be removed by the Governor for cause after a public hearing. Notice of the hearing shall fix the time and place for the hearing and shall specify the charges. Copy of the notice shall be served on the commissioner by mailing it to the commissioner at the last-known address of the commissioner at least 10 days before the date fixed for the hearing.*]

(2) Members of the commission serve at the pleasure of the Governor.

SECTION 121. ORS 453.645 is amended to read:

453.645. The Director of the Oregon Health Authority shall appoint a Radiation Advisory Committee to advise the Oregon Health Authority on matters relating to radiological health and radiation protection. The committee shall consist of eight persons who because of their training and experience are qualified to advise the authority on such matters**,** and they shall serve at the pleasure of the director **and the Governor**. The members of the Radiation Advisory Committee are entitled to compensation and expenses as provided in ORS 292.495.

SECTION 122. ORS 390.977 is amended to read:

390.977. (1) There is established an Oregon Recreation Trails Advisory Council consisting of seven members, at least one from each congressional district in the state. However, not less than two of such members shall be from separate counties bordering upon the ocean shore. Members of the council shall be appointed by the State Parks and Recreation Commission and shall serve at the pleasure of the commission **and the Governor** for terms of four years. Before the expiration of the term of a member, the commission shall appoint a successor. A member shall be eligible for reappointment. If there is a vacancy for any cause, the commission shall make an appointment to become immediately effective for the unexpired term.

(2) The commission and the State Parks and Recreation Department shall consult with the council from time to time with respect to matters relating to Oregon recreation trails, including the designation and establishment of Oregon recreation trails, the selection of rights of way, the selection, erection and maintenance of markers along the trail routes and the administration of the trails.

(3) Members of the council shall serve without compensation, but the department may pay expenses as provided in ORS 292.495.

(4) The council shall select one of its members as chairperson.

(5) A majority of the members of the council constitutes a quorum for the transaction of business.

(6) The council shall meet at times and places specified by the call of the chairperson or a majority of the members of the council.

SECTION 123. ORS 418.941 is amended to read:

418.941. (1) In cooperation with refugee community resources, the Department of Human Services shall establish a Refugee Child Welfare Advisory Committee. **Members of the committee serve at the pleasure of the department and the Governor.** The department shall assist the committee in its required tasks.

(2) The committee shall:

(a) Assist in the review of the department's implementation of ORS 418.925 to 418.945.

(b) Assist in the identification, development and certification of foster family homes that meet the requirements of ORS 418.925 to 418.945 for the placement of refugee children. Special emphasis shall be placed on locating refugee homes.

(c) Assist the department in developing training programs to insure the availability of culturally sensitive social work.

(3) Notwithstanding the provisions of ORS 40.225 to 40.275, 412.074, 419A.255, 419B.035 and 419B.045, the committee shall have access to any records of the juvenile court which are pertinent to the care of an individual refugee child.

SECTION 124. ORS 432.020 is amended to read:

432.020. The Director of the Oregon Health Authority shall appoint the State Registrar of the Center for Health Statistics who shall qualify in accordance with standards of education and experience as the director shall determine. **The state registrar serves at the pleasure of the director and the Governor.**

SECTION 125. ORS 465.420 is amended to read:

465.420. The Director of the Department of Environmental Quality shall appoint a Remedial Action Advisory Committee in order to advise the Department of Environmental Quality in the development of rules for the implementation of ORS 465.200 to 465.545 and 465.900. **Members of the committee serve at the pleasure of the director and the Governor.** The committee shall be comprised of members representing at least the following interests:

(1) Citizens;

(2) Local governments;

(3) Environmental organizations; and

(4) Industry.

SECTION 126. ORS 496.286 is amended to read:

496.286. (1) There is established within the State Department of Fish and Wildlife the Restoration and Enhancement Board, consisting of seven members appointed by the State Fish and Wildlife Commission.

(2) Three members shall be appointed to represent the ocean and inland recreational fisheries. In making appointments pursuant to this subsection, the commission shall consider recommendations from the State Fish and Wildlife Director.

(3) Three members of the board shall be appointed to represent the commercial troll and gillnet fisheries and the fish processing industry. In making appointments pursuant to this subsection, the commission shall consider recommendations from the State Fish and Wildlife Director.

(4) One member of the board shall be appointed to represent the public.

(5) A member of the board shall receive no compensation for services as a member. However, subject to any applicable law regulating travel and other expenses of state officers and employees, a member shall be reimbursed for actual and necessary travel and other expenses incurred in the performance of official duties from such moneys made available by sections 4, 6 and 8, chapter 512, Oregon Laws 1989.

(6) The term of office of a member of the board is four years**, but a member serves at the pleasure of the commission and the Governor**. A member of the board is eligible for reappointment.

(7) An official action of the board may be taken only upon the affirmative vote of four members.

(8) The board shall select such officers for such terms and with such duties and powers as the board considers necessary for the performance of those offices.

(9) The board shall meet at such times and at such places as may be determined by the chair or by the majority of the members of the board.

SECTION 127. ORS 654.189 is amended to read:

654.189. (1) The Director of the Department of Consumer and Business Services may appoint a Safe Employment Education and Training Advisory Committee composed of seven members: Three

representing employees, three representing employers and one representing the Department of Consumer and Business Services. The committee shall elect its chairperson.

(2) The members of the committee shall be appointed for a term of three years and shall serve at the pleasure of the director **and the Governor**. Before the expiration of the term of a member, the director shall appoint a successor. A member is eligible for reappointment. If there is a vacancy for any cause, the director shall make an appointment to become immediately effective.

(3) The members shall serve without compensation, but shall be entitled to travel expenses pursuant to ORS 292.495.

(4) The duties of the committee shall be determined by the director and shall include, but not be limited to:

(a) Recommending to the director:

(A) Occupational Safety and Health Grant application procedures and criteria for grant approval;

(B) Occupational Safety and Health Grant recipients; and

(C) Revocation of grants to recipients failing to comply with grant criteria established by the director pursuant to ORS 654.191.

(b) Receiving and processing Occupational Safety and Health Grant applications.

(5) The committee shall meet at least once every three months at a place, day and hour determined by the committee. The committee shall also meet at other times and places specified by a majority of the members of the committee or the chairperson of the committee. A majority of the members of the committee constitutes a quorum for the transaction of business.

SECTION 128. ORS 404.100 is amended to read:

404.100. The Director of the Office of Emergency Management shall appoint a Search and Rescue Coordinator [*to*] **who serves at the pleasure of the director and the Governor. The coordinator shall**:

(1) Coordinate the search and rescue function of the Office of Emergency Management;

(2) Coordinate the activities of state and federal agencies involved in search and rescue;

(3) Establish liaison with the Oregon State Sheriffs' Association and other public and private organizations and agencies involved in search and rescue;

(4) Provide on-scene search and rescue coordination when requested by an authorized person;

(5) Coordinate and process requests for the use of volunteers and equipment;

(6) Assist in developing training and outdoor education programs;

(7) Gather statistics in search and rescue operations; and

(8) Gather and disseminate resource information of personnel, equipment and materials available for search and rescue.

SECTION 129. ORS 470.070 is amended to read:

470.070. (1) The Director of the State Department of Energy shall appoint a Small Scale Local Energy Project Advisory Committee to review applications made under ORS 470.060 and rules adopted under ORS 470.080, other than applications for energy efficiency and sustainable technology loans, and make recommendations regarding those applications to the director.

(2) Nine members shall be appointed to the Small Scale Local Energy Project Advisory Committee. Each member shall be appointed to serve a four-year term, commencing on the date of appointment, and until a successor is appointed and qualified. **Members of the committee serve at the pleasure of the director and the Governor.** The members shall represent the interest of the citizens of this state and shall be knowledgeable in the areas of small scale energy technology, na-

tural resource development, environmental protection, finance, agriculture, local government operations and utility operations. At least three members shall reside outside the Willamette Valley.

(3) The committee shall elect its own presiding officer, adopt rules for its procedure and meet on call of the presiding officer or a majority of the members. A majority of the members shall constitute a quorum to do business. The director shall provide administrative facilities and services for the committee.

(4) Members of the Small Scale Local Energy Project Advisory Committee shall be entitled to expenses as provided by ORS 292.495.

SECTION 130. ORS 561.395 is amended to read:

561.395. (1) In order that there may be the closest contact between the State Department of Agriculture and the various soil and water conservation districts in the state, and in order to keep the department advised as to matters of soil and water conservation in the state, there is created a Soil and Water Conservation Commission**,** which shall consist of seven members appointed by the Director of Agriculture.

(2) Each member shall be a citizen of this state and a director of a soil and water conservation district at the time of appointment. As far as practicable, the Director of Agriculture shall make appointments so that geographic areas of the state are represented on the commission. The term of each member shall be four years**, but a member serves at the pleasure of the director and the Governor**. A member shall continue to serve until a successor is appointed and qualified. Vacancies in office shall be filled by appointment for the unexpired term.

(3) The members shall be entitled to compensation as provided in ORS 292.495. At the first meeting after July 1 of each year the commission shall select a chairperson. The commission shall meet at least four times each year on a quarterly basis, and otherwise at the call of the chairperson or the Director of Agriculture. A majority of the members shall constitute a quorum, and a majority vote of the quorum at any meeting shall constitute an official act of the commission.

(4) Any member of the commission who fails to attend three consecutive meetings of the commission, whether regular, adjourned or special, shall forfeit the office unless the member is prevented from attending by the serious illness of the member or the member's family or for any other cause that in the judgment of the director constitutes a valid reason for failing to attend. The director shall immediately appoint a successor.

(5) The function of the commission is to advise and develop policy with the department in the administration of its duties and powers under ORS 561.400, 568.210 to 568.808 and 568.900 to 568.933.

SECTION 131. ORS 181.200 is amended to read:

181.200. The Superintendent of State Police shall be the executive and administrative head of the Department of State Police. Subject to confirmation by the Senate in the manner provided in ORS 171.562 and 171.565, the Governor shall appoint the superintendent for a term of four years[. *The Governor may remove the superintendent for inefficiency or malfeasance in office after charges have been preferred and a hearing granted.*]**, but the superintendent serves at the pleasure of the Governor.**

SECTION 132. ORS 181.220 is amended to read:

181.220. (1) The Superintendent of State Police may, with the approval of the Governor as to person and salary, appoint a Deputy Superintendent of State Police. **The deputy superintendent serves at the pleasure of the superintendent and the Governor.**

(2) The deputy superintendent must have served as a captain or in higher rank in the Oregon State Police not less than one year prior to appointment as deputy superintendent.

SECTION 133. ORS 284.107 is amended to read:

284.107. (1) There is established an Oregon Tourism Commission consisting of nine members appointed by the Governor. Members of the commission are appointed to perform the duties of the commission as provided by law. Members are subject to confirmation by the Senate pursuant to section 4, Article III of the Oregon Constitution.

(2) In appointing members of the commission under subsection (1) of this section, the Governor shall:

(a) Appoint members representing the state's various regions and areas of tourism activity.

(b) Appoint three members drawn from travel agencies, tour operators, private transportation, restaurants or businesses or organizations engaged in tourism promotion for cities or counties, cultural attractions, historic attractions, ski facilities or related recreational industries. At least 30 days prior to the expiration of the term of a member appointed under this paragraph, the Tourism Industry Council of Oregon may recommend to the Governor one or more tourism industry representatives for the Governor's consideration in filling the vacancy.

(c) Appoint at least one member to represent the public at large.

(d) Appoint five members drawn from the lodging industry. For purposes of this paragraph, the lodging industry consists of hotels, motels, resorts, bed and breakfast facilities, inns, recreational vehicle parks, campgrounds and guest ranches. At least 30 days prior to the expiration of the term of a member appointed under this paragraph, a statewide organization representing the lodging industry may recommend to the Governor one or more lodging industry representatives for the Governor's consideration in filling the vacancy.

(3) A member of the commission shall be appointed for a term of four years that begins on July 1**, but a member serves at the pleasure of the Governor**. A member shall hold office for the term of the appointment and after the end of the term until a successor is appointed and qualified. Before the expiration of the term of a member, the Governor shall strive to appoint a successor. A member is eligible for one reappointment except that a member appointed to fill a vacancy for a partial term may be reappointed to fill a total of two full terms in addition to the partial term. If there is a vacancy for any cause, the Governor shall make an appointment to become effective immediately for the unexpired term.

(4) A member of the commission is entitled to compensation and expenses as provided in ORS 292.495.

(5) The commission shall select one of its members to chair the commission and shall select another member to serve as vice chair, for such terms and with duties and powers necessary to perform the functions of the offices as the commission determines.

(6) A majority of the members of the commission constitutes a quorum for the transaction of business.

[*(7) The Governor may remove a member of the commission for cause as provided in ORS 182.010 or 236.010.*]

SECTION 134. ORS 284.142 is amended to read:

284.142. (1) The Oregon Tourism Commission shall appoint an executive director. The appointment shall be subject to the approval of the Governor. The executive director shall serve at the pleasure of the members of the commission **and the Governor**.

(2) The commission shall set the compensation of the executive director.

(3) The executive director shall direct all administrative functions of the commission. The executive director may appoint all subordinate officers and employees of the commission and may

prescribe their duties and set their compensation.

(4) Except as provided in subsection (5) of this section, the commission may delegate to the executive director any duty, function or power conferred or imposed on the commission and the executive director may delegate to any subordinate officer or employee of the commission any duty, function or power conferred, imposed on or delegated to the executive director.

(5) The commission may not delegate to the executive director the power to:

(a) Approve the comprehensive marketing plan described in ORS 284.111;

(b) Approve the biennial budget required under ORS 284.126; or

(c) Appoint and set the compensation of the executive director.

SECTION 135. ORS 427.205 is amended to read:

427.205. (1) The Director of Human Services shall appoint a State Training Center Review Board composed of three members. The Arc of Oregon, the Fairview Parents Association and the Oregon Council on Developmental Disabilities or their successor organizations may each recommend three persons to the director. The director may select one person from each list to serve as a member of the board. Each board member shall have had at least five years of involvement and active interest in programs for persons with intellectual disabilities. A board member may not be an employee of the Department of Human Services.

(2) The term of office of each member is two years. The director may remove any member for misconduct or neglect of duty**, and the Governor may remove any member at the Governor's discretion**. Replacement of board members shall be accomplished by the same procedure as that used in subsection (1) of this section for selection. The director shall request a new list of three persons from the organization whose nominee for board member is to be replaced.

(3) A member of the board not otherwise employed full-time by the state shall be paid on a per diem basis an amount equal to four percent of the gross monthly salary of a member of the State Board of Parole and Post-Prison Supervision for each day during which the member is engaged in the performance of official duties, including necessary travel time. In addition, subject to ORS 292.220 to 292.250 regulating travel and other expenses of state officers and employees, the member shall be reimbursed for actual and necessary travel and other expenses incurred by the member in the performance of official duties.

(4) The board shall perform the following duties:

(a) Review decisions of the Developmental Disability Diagnosis and Evaluation Service regarding admissions to state training centers that have been appealed by the applicant or, if a minor or incapacitated person, by the person applying on the behalf of the minor or incapacitated person and advise the director regarding the appropriateness for the admission.

(b) Review decisions of the department pursuant to ORS 427.300 (2) when the resident, parent of the resident, guardian or person entitled to custody has appealed the decision and advised the director regarding the appropriateness of the decision.

(c) Annually review state training center plans for continuing residential care and training of residents pursuant to ORS 427.020.

(5) The board shall operate pursuant to rules adopted by the department.

SECTION 136. ORS 596.210 is amended to read:

596.210. (1) There hereby is created within the State Department of Agriculture the office of State Veterinarian of the State of Oregon. The State Veterinarian shall be appointed by the Director of Agriculture. **The State Veterinarian serves at the pleasure of the director and the Governor.** The State Veterinarian shall be the chief livestock sanitary official of the state. The depart-

ment may also employ such assistant state veterinarians as may be necessary to carry out its functions.

(2) The State Veterinarian and all assistant veterinarians employed by the department shall be graduates of a school of veterinary medicine accredited or approved by the Oregon State Veterinary Medical Examining Board.

SECTION 137. ORS 458.563 is amended to read:

458.563. (1) The Oregon Volunteers Commission for Voluntary Action and Service shall appoint a director to serve at the pleasure of the commission **and the Governor**. The director must have experience and education in public administration or nonprofit management.

(2) The designation of the director must be by written order, filed with the Secretary of State.

(3) Subject to any applicable provisions of the State Personnel Relations Law, the director shall appoint all subordinate officers and employees of the commission, prescribe their duties and fix their compensation.

(4) The director of the commission shall report to, and comply with the directions of, the Director of the Housing and Community Services Department in the development and administration of nonpolicymaking activities, including but not limited to rules and other directions for commission personnel, fiscal practices and purchasing of commission supplies.

SECTION 138. ORS 569.600 is amended to read:

569.600. (1) The State Weed Board is created in the State Department of Agriculture. The board shall consist of seven members appointed by the Director of Agriculture as follows:

(a) At least two members shall be residents of that portion of the state east of the summit of the Cascade Mountains.

(b) At least two members shall be residents of that portion of the state west of the summit of the Cascade Mountains.

(c) Two members shall be selected from among those individuals recommended by the Association of Oregon Counties.

(d) The director or a designee of the director shall serve as a member.

(2) The term of each member is four years, but a member serves at the pleasure of the director **and the Governor**. Before the expiration of the term of a member, the director shall appoint a successor. A member is eligible for reappointment. If there is a vacancy for any cause, the director shall make an appointment to become immediately effective for the unexpired term.

(3) As used in subsection (1) of this section, "summit of the Cascade Mountains" means a line beginning at the intersection of the northern boundary of the State of Oregon and the western boundary of Hood River County; thence southerly along the western boundaries of Hood River, Jefferson, Deschutes and Klamath Counties to the southern boundary of the State of Oregon.

SECTION 139. ORS 578.030 is amended to read:

578.030. (1) There hereby is created the Oregon Wheat Commission. The Director of Agriculture shall appoint not fewer than six and not more than eight voting commission members for terms of four years. Except as provided in ORS 578.216, one member appointed by the director must be a member of the public. **A member serves at the pleasure of the director and the Governor.**

(2) The commission, by a rule approved by a majority of the nonpublic members appointed under subsection (1) of this section, may create not more than two additional voting member positions on the commission. A person appointed to a commission position created under this subsection must be a representative of the wheat industry. The director shall appoint members to any positions created under this subsection for a term of two years. A person may not serve a total of more than

four terms as a member appointed under this subsection. Notwithstanding any term of appointment, a member position created under this section may be eliminated by a rule approved by a majority of the nonpublic board members appointed under subsection (1) of this section.

(3) In making appointments of voting members to the commission the director:

(a) Shall make all applications by qualified persons available to wheat grower organizations for review and ranking; and

(b) Prior to making appointments, shall take into consideration rankings and any recommendations made by wheat grower organizations.

(4) The director, or a duly authorized representative of the director, and the Dean of the College of Agricultural Sciences of Oregon State University, or a duly authorized representative of the dean, shall be nonvoting members of the commission.

SECTION 140. ORS 802.350 is amended to read:

802.350. (1) The Winter Recreation Advisory Committee is created to perform the functions described for the committee under ORS 810.170.

(2) The committee created under this section shall consist of seven members appointed by the Oregon Transportation Commission as follows:

(a) Two persons representing ski area operators;

(b) One member representing the Oregon Nordic Club;

(c) One person representing the Pacific Northwest Ski Association;

(d) One member representing the Oregon State Snowmobile Association; and

(e) Two members from the general public interested in winter recreation in this state.

(3) Members of the committee established under this section shall not receive compensation for their service on the committee.

(4) The members shall be appointed to serve for terms of four years**, but a member serves at the pleasure of the commission and the Governor**. Vacancies on the committee shall be filled by appointment by the commission for the unexpired term.

(5) The committee shall meet regularly four times a year at times and places fixed by the chair of the committee. The committee may meet at other times specified by the chair or a majority of the members of the committee.

(6) The Department of Transportation shall provide assistance and space for meetings as requested by the chair of the committee.

(7) The committee shall adopt rules to govern its proceedings and shall select a chair and any other officers it considers necessary.

(8) Members of the advisory committee shall be entitled to actual and necessary expenses as provided by ORS 292.495 (2).

SECTION 141. ORS 656.712 is amended to read:

656.712. (1) The Workers' Compensation Board, composed of five members appointed by the Governor, is created within the Department of Consumer and Business Services. Not more than three members shall belong to one political party and inasmuch as the duties to be performed by the members vitally concern the employers, the employees, as well as the whole people, of the state, persons shall be appointed as members who fairly represent the interests of all concerned. All board members shall impartially apply the law in each case and shall not represent any special interest. However, at least two members shall be selected from among persons with background and understanding as to the concerns of employers and at least two members of the board shall be selected from among persons with background and understanding as to the concerns of employees. One

member shall represent the interests of the public and shall serve as the board chairperson.

(2) A member of the board shall be appointed for a term of four years from the date of appointment and qualification. Each member shall hold office until a successor is appointed and qualified. However, all board members serve at the pleasure of the Governor [*and may be removed in accordance with the provisions of ORS 656.714*].

(3) Any vacancy on the board shall be filled by appointment by the Governor.

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

SECTION 142. ORS 656.718 is amended to read:

656.718. (1) The board chairperson shall supervise and manage the Workers' Compensation Board and the Hearings Division. The chairperson serves at the pleasure of the Governor [*and may be removed in accordance with the provisions of ORS 656.714*].

(2) A majority of the board's members shall constitute a quorum to transact the board's business. No vacancy shall impair the right of the remaining members to exercise all the powers of the board.

(3)(a) In exercise of authority to decide individual cases, members of the board may sit together or in panels.

(b) When sitting en banc, the concurrence of a majority of the members participating is necessary for a decision.

(c) A panel must consist of two members with different backgrounds and understanding. One of the members of a panel may be the board member that represents the interests of the public if either a member with background and understanding as to the concerns of employers or a member with background and understanding as to the concerns of employees is unavailable. If the members of a panel cannot agree on a decision in an individual case, the case shall be decided by a panel of three members, two of whom have different backgrounds and understanding and one who represents the interests of the public.

(d) A board member may not review any case in which the member acted as an Administrative Law Judge in the case.

SECTION 143. ORS 656.714 is repealed.

SECTION 144. ORS 406.500 is amended to read:

406.500. (1) The World War II Memorial Task Force is established. The Director of Veterans' Affairs shall be one of the cochairpersons of the task force. The director shall appoint another cochairperson of the task force, and the cochairpersons may appoint other members at their discretion. **Members of the task force serve at the pleasure of the Governor.**

(2) The task force shall:

(a) Solicit private funding for the development, design and construction of a memorial to honor Oregon's World War II veterans;

(b) After arranging for full funding for the memorial under paragraph (a) of this subsection, arrange for the development, design and construction of the memorial in the Capitol Mall area near the corner of Court Street and Cottage Street in the City of Salem, Marion County, Oregon; and

(c) Seek the input of World War II veterans, as appropriate.

(3) A majority of the members of the task force constitutes a quorum for the transaction of business.

(4) Official action by the task force requires the approval of a majority of the members of the task force.

(5) If there is a vacancy for any cause, the appointing authority shall make an appointment to

become immediately effective.

(6) The task force shall meet at times and places specified by the call of one of the cochairpersons or of a majority of the members of the task force.

(7) The task force may adopt rules necessary for the operation of the task force.

(8) Members of the task force are not entitled to compensation or reimbursement for expenses and serve as volunteers on the task force.

(9) All agencies of state government, as defined in ORS 174.111, are directed to assist the task force in the performance of its duties and, to the extent permitted by laws relating to confidentiality, to furnish such information and advice as the members of the task force consider necessary to perform their duties.

SECTION 145. ORS 418.704 is amended to read:

418.704. There is established a Youth Suicide Prevention Coordinator within the Oregon Health Authority. **The coordinator serves at the pleasure of the authority and the Governor.** The coordinator shall:

(1) Facilitate the development of a statewide strategic plan to address youth suicide;

(2) Improve outreach to special populations of youth that are at risk for suicide; and

(3) Provide technical assistance to state and local partners and coordinate interagency efforts to establish prevention and intervention strategies.

SECTION 146. ORS 240.065 is amended to read:

240.065. (1) The members of the Employment Relations Board shall be appointed by the Governor for a term of four years**, and a member serves at the pleasure of the Governor**.

(2) Each member shall be appointed for a term ending four years from the date of the expiration of the term for which the predecessor of the member was appointed, except that a person appointed to fill a vacancy occurring prior to the expiration of such term shall be appointed for the remainder of the term. Appointments to the board by the Governor are subject to confirmation by the Senate in the manner provided in ORS 171.562 and 171.565.

SECTION 147. ORS 240.075 is repealed.

SECTION 148. ORS 284.325 is amended to read:

284.325. The Oregon Film and Video Office shall be under the administrative control of a director, who is appointed by and who holds office at the pleasure of the Film and Video Board **and the Governor**. The board shall set the compensation of the director. The director of the office may appoint all subordinate officers and employees of the office and may prescribe their duties and fix their compensation. The director of the office may delegate to any subordinate officer or employee any administrative duty, function or power imposed upon the office by law.

SECTION 149. ORS 294.610 is amended to read:

294.610. (1) A tax supervising and conservation commission shall consist of five members appointed by the Governor. The commissioners appointed shall be citizens of the United States and of Oregon and residents in the county for which they are appointed and shall be electors therein. The commissioners shall serve wholly without compensation.

(2) Unless sooner removed by the Governor, as provided in this section, the commissioners shall hold office for a term of four years and until their successors are appointed and qualified. The term of office of the members of the commission shall commence on January 1.

[*(3) The Governor may, for good and sufficient cause, remove any commissioner at any time and appoint a successor.*]

(3) The commissioners serve at the pleasure of the Governor.

(4) In case of death, resignation or inability of any member of the commission to serve, or of removal of any member of the commission from office, the Governor shall make an appointment to fill the balance of the unexpired term of that commissioner.

SECTION 150. ORS 359.135 is amended to read:

359.135. (1) The Director of the Oregon Business Development Department, upon consultation with and the approval of the Oregon Arts Commission, shall appoint an administrator of the Arts Program who shall serve at the pleasure of the director **and the Governor**.

(2) The administrator shall receive such salary as may be provided by law or as fixed by the director.

(3) The administrator shall be the administrative head of the program.

(4) The administrator may suggest rules to the director for the government of the program, the conduct of its employees and the assignment and performance of its business and the custody, use and preservation of its records, papers and property.

SECTION 151. ORS 418.005 is amended to read:

418.005. (1) In order to establish, extend and strengthen welfare services for the protection and care of homeless, dependent or neglected children or children in danger of becoming delinquent, the Department of Human Services may:

(a) Make all necessary rules and regulations for administering child welfare services under this section.

(b) Accept and disburse any and all federal funds made available to the State of Oregon for child welfare services.

(c) Make such reports in such form and containing such information as may from time to time be required by the federal government and comply with such provisions as may from time to time be found necessary to insure correctness and verification of such reports.

(d) Cooperate with medical, health, nursing and welfare groups and organizations and with any agencies in the state providing for protection and care of homeless, dependent or neglected children or children in danger of becoming delinquent.

(e) Cooperate with the United States Government or any of its agencies in administering the provisions of this section.

(2)(a) There is created an advisory committee that shall consist of 21 members to advise the department on the development and administration of child welfare policies, programs and practices. Members shall be appointed by and serve at the pleasure of the Director of Human Services **and the Governor**.

(b) Advisory committee membership shall include representatives of other state agencies concerned with services, representatives of professional, civic or other public or private organizations, private citizens interested in service programs, and recipients of assistance or service or their representatives.

(c) Members of the advisory committee shall receive no compensation for their services. Members of the advisory committee other than members employed in full-time public service shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties by the department. Such reimbursements shall be subject to the provisions of ORS 292.210 to 292.288. Members of the advisory committee who are employed in full-time public service may be reimbursed for their actual and necessary expenses incurred in the performance of their duties by their employing agency.

(d) The advisory committee shall meet at least once every three months.

Attachment 3-4

(3) Subject to the allotment system provided for in ORS 291.234 to 291.260, the department may expend the amounts necessary to carry out the purposes and administer the provisions of this section.

SECTION 152. ORS 455.144 is amended to read:

455.144. (1) The Building Codes Structures Board, the Electrical and Elevator Board, the Residential and Manufactured Structures Board and the Mechanical Board shall each be organized and governed as described in this section.

(2)(a) The term of office of each member is four years and a member is not eligible for appointment to more than two full terms of office. The Governor shall appoint the members of each board and the board members shall serve at the pleasure of the Governor.

(b) Before the expiration of the term of a member, the Governor shall appoint a successor whose term begins on July 1 next following. If there is a vacancy for any cause, the Governor shall make an appointment to become immediately effective for the unexpired term.

(3) A member of each board is entitled to compensation and expenses as provided in ORS 292.495.

(4) A board shall select one of its members as chairperson and another as vice chairperson, for such terms and with duties and powers necessary for the performance of the functions of such position as the board determines.

(5) A majority of the members of a board constitutes a quorum for the transaction of business.

(6) In accordance with applicable provisions of ORS chapter 183, the director may adopt rules necessary for the administration of the laws that the Department of Consumer and Business Services is charged with administering.

[*(7) The Governor may remove a board member for good cause. "Good cause" for removal of a member includes, but is not limited to, three unexcused absences during any 12-month period from a regularly scheduled board meeting.*]

[*(8)*] **(7)** The appointment of a member of a board is subject to confirmation by the Senate pursuant to section 4, Article III of the Oregon Constitution.

SECTION 153. ORS 469.820 is amended to read:

469.820. (1) Each Pacific Northwest Electric Power and Conservation Planning Council member shall serve a term ending January 15 of the third year following appointment. A council member[*, except upon removal as provided in ORS 469.830 (2),*] continues to serve as a member of the council until a successor is appointed and confirmed. **A council member serves at the pleasure of the Governor.**

(2) A council member is eligible for reappointment, subject to Senate confirmation, but no member shall serve more than three consecutive terms. A council member who serves 18 months or more of a term shall be considered to have served a full term. However, with respect to the initial term consisting of two years, a council member who serves 12 months or more shall be considered to have served a full term.

(3) Within 30 days of the creation of a vacancy in the position of a council member, the Governor shall appoint a person to serve the succeeding term or the remainder of the unexpired term. However, the Governor need not appoint a person to serve the remainder of the unexpired term if the vacancy occurs within 30 days or less of the expiration of the term.

SECTION 154. ORS 469.830 is repealed.

SECTION 155. ORS 471.720 is amended to read:

471.720. The Oregon Liquor Control Commission shall appoint an administrator who shall serve

at [*its*] **the** discretion **of the commission and the Governor**. The administrator shall be subject to policy direction by the commissioners, and shall be the secretary of the commission and custodian of commission records. The administrator shall manage the commission, administer the laws, and appoint, assign and coordinate personnel of the commission within budget limitations and the State Personnel Relations Law.

SECTION 156. ORS 673.455 is amended to read:

673.455. (1) The Oregon Board of Accountancy shall appoint a Peer Review Oversight Committee. The board may also approve applications for operation of alternative peer review programs such as programs provided by the American Institute of Certified Public Accountants and the National Society of Accountants.

(2) Each holder of a permit under ORS 673.150, each person authorized to practice public accountancy in this state under ORS 673.153, each business organization registered under ORS 673.160, and each business organization exempt from registration requirements under ORS 673.160 (3), that performs attestation or compilation services shall participate in a peer review program described in this section. The peer review shall be conducted by the board or by an alternative peer review program approved by the board under subsection (1) of this section. A person authorized to practice public accountancy in this state under ORS 673.153 who practices as a sole proprietor must meet peer review standards pertaining to business organizations. The person or business organization undergoing the peer review shall bear the cost of the peer review.

(3) The members of the committee serve at the pleasure of the board **and the Governor**.

(4) A member of the committee appointed under this section is entitled to expenses as provided in ORS 292.495.

(5) The committee may review:

(a) Any financial statement or report filed with the state or any political subdivision and prepared by a certified public accountant or public accountant;

(b) Any procedure, working paper or supporting document relating to the financial statement or report; and

(c) Any peer review report.

(6) If the client grants permission or if all information identifying the client has been removed, the committee also may review any financial statement not described in subsection (5) of this section and prepared by a licensee, or any procedure, working paper or supporting document relating to the financial statement.

(7) The failure or refusal by any licensee, person authorized to practice public accountancy in this state under ORS 673.153 or business organization authorized to perform professional services in this state under ORS 673.160 to comply with a request for review or explanation, or both, of such financial statement as set forth in this section constitutes a violation of ORS 673.170 (2)(b).

SECTION 157. ORS 756.014 is amended to read:

756.014. (1) There is created the Public Utility Commission of Oregon. The commission shall be composed of three members appointed by the Governor, subject to confirmation by the Senate pursuant to section 4, Article III of the Oregon Constitution. No more than two of such members shall be of the same political party.

(2) Each commissioner shall hold office for the term of four years. A commissioner shall hold office until a successor has been appointed and qualified. The chairperson shall be designated by the Governor and shall serve as chairperson at the pleasure of the Governor.

(3) Any vacancy occurring in the office of commissioner shall be filled by appointment by the

Governor to hold office for the balance of the unexpired term.

[*(4) The Governor may at any time remove a commissioner for any cause deemed by the Governor sufficient. Before such removal the Governor shall give the commissioner a copy of the charges, and shall fix a time when the commissioner can be heard, which shall not be less than 10 days thereafter. The hearing shall be open to the public. If the commissioner is removed, the Governor shall file in the office of the Secretary of State a complete statement of all charges made against the commissioner, and the findings thereon with a record of the proceedings. Such power of removal is absolute, and there is no right of review of the same in any court.*]

(4) Commissioners serve at the pleasure of the Governor.

SECTION 158. ORS 756.026 is amended to read:

756.026. (1) No member of the Public Utility Commission shall:

(a) Hold any other office of profit;

(b) Hold any office or position under any political committee or party;

(c) Hold any pecuniary interest in any business entity conducting operations which if conducted in this state would be subject to the commission's regulatory jurisdiction; or

(d) Hold any pecuniary interest in, have any contract of employment with, or have any substantial voluntary transactions with any business or activity subject to the commission's regulatory jurisdiction.

(2) The prohibitions of subsection (1)(c) and (d) of this section apply to the spouse and minor children of each commissioner.

(3) If the Governor determines that any commissioner has done any act prohibited by subsection (1) of this section, or that a commissioner's spouse or a minor child has done any act prohibited by subsection (2) of this section, the Governor shall remove the commissioner [*in the manner provided in ORS 756.014 (4)*].

(4) Subsection (3) of this section does not apply to a commissioner if the commissioner or the commissioner's spouse or a minor child acquires any pecuniary interest prohibited by subsection (1) or (2) of this section, advises the Governor of such acquisition, and causes divestiture of such interest within the time specified by the Governor.

(5) For purposes of subsection (1) of this section, a business or activity shall not be considered subject to the commission's regulatory jurisdiction solely because the business or activity is a private carrier as defined by ORS 825.005.

SECTION 159. ORS 802.370 is amended to read:

802.370. (1) The Director of Transportation shall establish an advisory committee to advise the Department of Transportation on the administration of laws regulating vehicle dealers under the vehicle code.

(2) The department shall consult with the committee established under this section before the department adopts any rules under ORS 822.035 or before taking any disciplinary action against a dealer under ORS 822.050 to revoke, suspend, place the dealer on probation or levy a civil penalty against the dealer.

(3) The director shall appoint members of the committee established under this section and the members shall serve at the pleasure of the director **and the Governor**. The director shall appoint members to the committee that represent vehicle dealers and members that represent the interests of the general public in the ownership, purchase and use of vehicles.

(4) The members of the committee established under this section shall serve without compensation or expenses for services performed.

<u>SECTION 160.</u> This 2013 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect on its passage.

Senate Bill 333

Sponsored by Senator WINTERS (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced.**

Prohibits agencies from adopting any rule that becomes effective on or after effective date of Act and before July 1, 2014. Specifies exceptions.

Establishes Joint Legislative Committee on Rule Review. Directs committee to review all rules adopted by agencies. Requires report on rules reviewed. Allows committee to introduce legislation addressing subject matter of rules reviewed by committee.

Requires committee to review all rules in effect on effective date of Act before February 1, 2014, and prepare report reflecting committee's determinations.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to administrative rules; and declaring an emergency.

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

SECTION 1. Section 2 of this 2013 Act is added to and made a part of ORS 183.325 to 183.410.

SECTION 2. (1) Except as provided in this section, an agency may not adopt any rule that becomes effective on or after the effective date of this 2013 Act and before July 1, 2014.

(2) Subsection (1) of this section does not apply to:

(a) Adoption of rules that are required by federal law;

(b) Adoption of rules for administration of laws that are enacted on or after January 1, 2013; or

(c) Repeal of rules.

(3) The Governor may exempt a rule from the prohibitions of subsection (1) of this section if the Governor:

(a) Makes a written finding that public health, economic development or public safety would be jeopardized if the rule is not implemented; and

(b) Issues an executive order specifically exempting the rule from the prohibitions of subsection (1) of this section.

(4) Notwithstanding ORS 183.400, upon judicial review of a rule a court shall declare the rule invalid if the rule violates this section.

SECTION 3. (1) The Joint Legislative Committee on Rule Review is established and consists of:

(a) Five members of the Senate appointed by the President of the Senate; and

(b) Five members of the House of Representatives appointed by the Speaker of the House.

(2) The committee has a continuing existence and may meet, act and conduct business during sessions of the Legislative Assembly or any recess, and in the interim between sessions.

(3) The term of a member shall expire upon the date of the convening of the odd-

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

numbered year regular session of the Legislative Assembly next following the commencement of the member's term.

(4) Members of the committee shall receive an amount equal to that authorized under ORS 171.072 from funds appropriated to the Legislative Assembly for each day spent in the performance of their duties as members of the committee.

(5) The committee may not transact business unless a quorum is present. For purposes of this section, a quorum consists of a majority of committee members from the House of Representatives and a majority of committee members from the Senate.

(6) Action by the committee requires the affirmative vote of a majority of committee members from the House of Representatives and a majority of committee members from the Senate.

SECTION 4. (1) The Legislative Counsel shall provide to the Joint Legislative Committee on Rule Review established under section 3 of this 2013 Act a copy of every rule submitted to the Legislative Counsel under ORS 183.715.

(2) The committee shall review all rules provided to the committee under subsection (1) of this section for the purpose of determining:

(a) Whether the rule is consistent with legislative objectives in enacting the statutes implemented by the rule;

(b) Whether the underlying statutes should be revised to reflect changes in circumstances that have occurred since the statutes were enacted;

(c) Whether the anticipated fiscal impact of the rule was underestimated or overestimated;

(d) Whether there is continued need for the rule; and

(e) Whether a less restrictive rule, or less costly rule, would better implement the intent of the enabling legislation.

(3) Based on the review conducted under this section, the committee shall prepare a report not later than February 1 of each odd-numbered year that reflects the determinations of the committee on the rules reviewed by the committee in the immediately preceding two-year period. The committee may introduce legislation addressing the subject matter of the rules reviewed by the committee.

SECTION 5. On or before February 1, 2014, the Joint Legislative Committee on Rule Review established under section 3 of this 2013 Act shall review all rules in effect on March 1, 2013, in the manner described in section 4 (2) of this 2013 Act. The committee shall prepare a report not later than February 1, 2014, that reflects the determinations of the committee on the rules reviewed by the committee. The committee may introduce legislation addressing the subject matter of the rules reviewed by the committee under this section.

SECTION 6. This 2013 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect on its passage.

Senate Bill 335

Sponsored by Senator WINTERS (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced.**

Directs Legislative Assembly to review state agencies and programs, taxes and fees administered by state agencies every six years. Abolishes state agencies that are not continued by legislative Act enacted during year of review.

Establishes Sunset Advisory Commission. Directs commission to review and evaluate state agencies and programs, taxes and fees administered by state agencies and make recommendations on abolition or continuation of agencies and programs, taxes and fees administered by agencies.

Provides that provisions requiring review of state agencies and programs, taxes or fees administered by state agencies become operative January 1, 2015. Prohibits abolishment of state agency under Act until earlier of review of agency by Legislative Assembly or 2022.

A BILL FOR AN ACT

Relating to periodic legislative review of state government.

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

SECTION 1. Definitions. As used in sections 1 to 12 of this 2013 Act:

(1) "Fee" means a charge imposed by a state agency that is not a tax.

(2) "Program" means a discrete grouping of tasks, goals and actions undertaken by a state agency to achieve a purpose or coordinated set of purposes and that has been identified by the state agency as a program for purposes of sections 1 to 12 of this 2013 Act.

(3) "State agency" means an agency in the executive department, as defined in ORS 174.112.

(4) "Tax" means a charge imposed by a state agency for the purpose of raising revenue for general governmental purposes.

SECTION 2. Continuation or abolition of state agencies, programs, taxes and fees. (1) A state agency and each program, tax or fee administered by a state agency may be continued by the Legislative Assembly for a period of not more than six years from the year following the date on which the agency and each program, tax or fee administered by the agency is reviewed under sections 1 to 12 of this 2013 Act.

(2) Subject to subsection (1) of this section, the Legislative Assembly may by Act authorize the continuation of a state agency and the continuation of programs, taxes and fees of a state agency. No more than one state agency may be continued in any Act. All, or any combination of, programs, taxes and fees administered by the agency may be included in the Act continuing the agency or may be continued in separate Acts.

(3) A state agency or each program, tax or fee established by a state agency for which the Legislative Assembly fails to continue in an Act described in subsection (2) of this section at the time described in subsection (1) of this section is abolished.

(4) Except as otherwise provided by law, all programs, taxes and fees administered by a state agency shall be continued or abolished during the same legislative session in which the

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state agency is continued.

(5) If a state agency is abolished under subsection (3) of this section, all programs, taxes and fees administered by the state agency are also abolished.

SECTION 3. Commission created. (1) The Sunset Advisory Commission is created and consists of:

(a) Five members of the Senate, and a public member, appointed by the President of the Senate; and

(b) Five members of the House of Representatives, and a public member, appointed by the Speaker of the House of Representatives.

(2) Members of the commission serve four-year terms.

(3) A public member may not serve more than two consecutive terms. A public member is considered to have served a term for the purposes of this subsection only if the member has served more than half of the term.

(4) If a vacancy occurs, the appropriate appointing authority shall appoint a person to serve for the remainder of the unexpired term.

(5) The commission shall elect a chairperson and vice chairperson as presiding officers.

(6) Seven members of the commission constitute a quorum for the transaction of business. A final action or recommendation may not be made unless approved by a vote of a majority of the commission's full membership.

(7) A public member of the commission is entitled to reimbursement for actual and necessary expenses incurred in performing commission duties as provided in ORS 292.495. A legislative member is entitled to payment of compensation and expenses under ORS 171.072 from funds appropriated to the Legislative Assembly.

SECTION 4. Staff. The Sunset Advisory Commission shall employ an executive director for the commission. The executive director shall employ persons necessary to carry out sections 1 to 12 of this 2013 Act with funds made available by the Legislative Assembly.

SECTION 5. Agency report to commission. Before January 1 of the calendar year before the year in which a state agency is to be continued or abolished, the state agency shall report to the Sunset Advisory Commission:

(1) Information regarding the application to the state agency of the criteria in section 8 of this 2013 Act; and

(2) Any other information that the state agency considers appropriate or that is requested by the commission.

SECTION 6. Commission duties. Before June 1 of the calendar year before the year in which a state agency is to be continued or abolished, the Sunset Advisory Commission shall:

(1) Review and take action necessary to verify the reports submitted by the state agency under section 5 of this 2013 Act;

(2) Conduct a performance evaluation of the state agency based on the criteria provided in section 8 of this 2013 Act and prepare a written report; and

(3) Review the implementation of commission recommendations contained in the reports presented to the Legislative Assembly during the preceding legislative session.

SECTION 7. Commission report. (1) At each regular session, the Sunset Advisory Commission shall present to the Legislative Assembly and the Governor a report on the state agencies scheduled to be continued or abolished, and on the programs, taxes and fees of those agencies.

(2) In the report required by this section, the commission shall include:

(a) The commission's specific findings regarding each of the criteria prescribed by section 8 of this 2013 Act;

(b) The commission's recommendations based on the matters prescribed by section 9 of this 2013 Act; and

(c) Other information the commission considers necessary for a complete evaluation of the state agency and the programs, taxes and fees administered by the state agency.

SECTION 8. Criteria for review. The Sunset Advisory Commission shall consider the following criteria in determining whether a public need exists for the continuation of a state agency or for the continuation of a program, tax or fee administered by a state agency:

(1) The efficiency with which the state agency operates.

(2) An evaluation of the mission of the state agency, including the problem or need that the state agency was intended to address, the extent to which the objectives have been achieved and any activities of the state agency in addition to those granted by statute and the authority for those activities.

(3) Whether there are less restrictive or alternative methods of carrying out any program that the state agency administers that could adequately protect the public.

(4) The extent to which the jurisdiction of the state agency and the programs administered by the state agency overlap or duplicate those of other state agencies and the extent to which the programs administered by the state agency can be consolidated with the programs of other state agencies.

(5) Whether the state agency has recommended to the Legislative Assembly statutory changes that benefit the public instead of the occupation, business or institution that the state agency regulates.

(6) The promptness and effectiveness with which the state agency disposes of complaints concerning persons affected by the state agency.

(7) The extent to which the state agency has encouraged participation by the public in making rules and decisions as opposed to participation solely by regulated persons, and the extent to which the public participation has resulted in rules compatible with the objectives of the state agency.

(8) The extent to which the state agency has complied with applicable requirements of:

(a) Agencies of the United States or of this state relating to equality of employment opportunity and the rights and privacy of individuals; and

(b) State law relating to purchasing goals and programs.

(9) The extent to which changes are necessary in the enabling statutes of the state agency to allow the state agency to adequately comply with the criteria listed in this section.

(10) The extent to which any fee administered by the state agency is at a level to be an adequate but not excessive source of revenue for the purposes for which the fee revenues are dedicated.

(11) The extent to which any tax administered by the state agency, including any tax expenditure, as defined in ORS 291.201, is an appropriate, efficient and economically sound method to raise revenue for general governmental purposes.

SECTION 9. Recommendations. The Sunset Advisory Commission shall include in the report required by section 7 of this 2013 Act:

(1) Recommendations on the abolition, continuation or reorganization of each state

agency and on the need for continuing the functions of the state agency;

(2) Recommendations on the consolidation, transfer or reorganization of programs within state agencies that are not under review under sections 1 to 12 of this 2013 Act if the programs duplicate functions performed by state agencies under review;

(3) Recommendations on the abolition or continuation of each tax or fee administered by each state agency under review; and

(4) Proposed legislation necessary to carry out the commission's recommendations under this section.

SECTION 10. Monitoring of recommendations. During each legislative session, the staff of the Sunset Advisory Commission shall monitor legislation affecting state agencies that have undergone sunset review and shall periodically report to the members of the commission on proposed changes that would modify prior recommendations of the commission.

SECTION 11. Subpoena power. (1) The Sunset Advisory Commission may issue process to compel the attendance of witnesses and the production of books, records, papers and other objects necessary or proper for the purposes of the commission proceedings.

(2) If a majority of the commission directs the issuance of a subpoena, the chairperson shall issue the subpoena in the name of the commission.

(3) A witness who attends a commission proceeding under process is entitled to the same mileage and per diem as a witness who appears before a grand jury in this state.

SECTION 12. Assistance of and access to state agencies. (1) State agencies shall assist the Sunset Advisory Commission upon request by the commission or the commission's staff.

(2) In carrying out its functions under sections 1 to 12 of this 2013 Act, the commission or its designated staff member may inspect the records, documents and files of any state agency.

SECTION 13. Captions. The section captions used in this 2013 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2013 Act.

SECTION 14. Operative date. Sections 2, 5, 6, 7, 8, 9 and 10 of this 2013 Act become operative January 1, 2015.

SECTION 15. Limitation on earliest date of abolition. Notwithstanding section 2 of this 2013 Act, a state agency, program, tax or fee may not be abolished under section 2 of this 2013 Act until the earlier of the session in which the Legislative Assembly conducts a review under sections 1 to 12 of this 2013 Act of the agency and the programs, taxes and fees administered by the agency or the calendar year 2022.

Senate Bill 373

Sponsored by Senator BATES (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced.**

Requires coordinated care organization to provide oral health care through contracts with dental care organizations unless no dental care organization provides care in geographic area served by coordinated care organization.

A BILL FOR AN ACT

Relating to oral health care delivered by coordinated care organizations; amending ORS 414.625.

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

SECTION 1. ORS 414.625, as amended by section 20, chapter 8, Oregon Laws 2012, is amended to read:

414.625. (1) The Oregon Health Authority shall adopt by rule the qualification criteria and requirements for a coordinated care organization and shall integrate the criteria and requirements into each contract with a coordinated care organization. Coordinated care organizations may be local, community-based organizations or statewide organizations with community-based participation in governance or any combination of the two. Coordinated care organizations may contract with counties or with other public or private entities to provide services to members. The authority may not contract with only one statewide organization. A coordinated care organization may be a single corporate structure or a network of providers organized through contractual relationships. The criteria adopted by the authority under this section must include, but are not limited to, the coordinated care organization's demonstrated experience and capacity for:

(a) Managing financial risk and establishing financial reserves.

(b) Meeting the following minimum financial requirements:

(A) Maintaining restricted reserves of $250,000 plus an amount equal to 50 percent of the coordinated care organization's total actual or projected liabilities above $250,000.

(B) Maintaining a net worth in an amount equal to at least five percent of the average combined revenue in the prior two quarters of the participating health care entities.

(c) Operating within a fixed global budget.

(d) Developing and implementing alternative payment methodologies that are based on health care quality and improved health outcomes.

(e) Coordinating the delivery of physical health care, mental health and chemical dependency services, oral health care and covered long-term care services.

(f) Engaging community members and health care providers in improving the health of the community and addressing regional, cultural, socioeconomic and racial disparities in health care that exist among the coordinated care organization's members and in the coordinated care organization's community.

(2) In addition to the criteria specified in subsection (1) of this section, the authority must adopt

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by rule requirements for coordinated care organizations contracting with the authority so that:

(a) Each member of the coordinated care organization receives integrated person centered care and services designed to provide choice, independence and dignity.

(b) Each member has a consistent and stable relationship with a care team that is responsible for comprehensive care management and service delivery.

(c) The supportive and therapeutic needs of each member are addressed in a holistic fashion, using patient centered primary care homes or other models that support patient centered primary care and individualized care plans to the extent feasible.

(d) Members receive comprehensive transitional care, including appropriate follow-up, when entering and leaving an acute care facility or a long term care setting.

(e) Members receive assistance in navigating the health care delivery system and in accessing community and social support services and statewide resources, including through the use of certified health care interpreters, as defined in ORS 413.550, community health workers and personal health navigators who meet competency standards established by the authority under ORS 414.665 or who are certified by the Home Care Commission under ORS 410.604.

(f) Services and supports are geographically located as close to where members reside as possible and are, if available, offered in nontraditional settings that are accessible to families, diverse communities and underserved populations.

(g) Each coordinated care organization uses health information technology to link services and care providers across the continuum of care to the greatest extent practicable and if financially viable.

(h) Each coordinated care organization complies with the safeguards for members described in ORS 414.635.

(i) Each coordinated care organization convenes a community advisory council that meets the criteria specified in section 13, chapter 8, Oregon Laws 2012.

(j) Each coordinated care organization prioritizes working with members who have high health care needs, multiple chronic conditions, mental illness or chemical dependency and involves those members in accessing and managing appropriate preventive, health, remedial and supportive care and services to reduce the use of avoidable emergency room visits and hospital admissions.

(k) Members have a choice of providers within the coordinated care organization's network and that providers participating in a coordinated care organization:

(A) Work together to develop best practices for care and service delivery to reduce waste and improve the health and well-being of members.

(B) Are educated about the integrated approach and how to access and communicate within the integrated system about a patient's treatment plan and health history.

(C) Emphasize prevention, healthy lifestyle choices, evidence-based practices, shared decision-making and communication.

(D) Are permitted to participate in the networks of multiple coordinated care organizations.

(E) Include providers of specialty care.

(F) Are selected by coordinated care organizations using universal application and credentialing procedures, objective quality information and are removed if the providers fail to meet objective quality standards.

(G) Work together to develop best practices for culturally appropriate care and service delivery to reduce waste, reduce health disparities and improve the health and well-being of members.

(L) Each coordinated care organization reports on outcome and quality measures adopted under

ORS 414.638 and participates in the health care data reporting system established in ORS 442.464 and 442.466.

(m) Each coordinated care organization uses best practices in the management of finances, contracts, claims processing, payment functions and provider networks.

(n) Each coordinated care organization participates in the learning collaborative described in ORS 442.210 (3).

(o) Each coordinated care organization has a governance structure that includes:

(A) Persons that share in the financial risk of the organization who must constitute a majority of the governance structure;

(B) The major components of the health care delivery system;

(C) At least two health care providers in active practice, including:

(i) A physician licensed under ORS chapter 677 or a nurse practitioner certified under ORS 678.375, whose area of practice is primary care; and

(ii) A mental health or chemical dependency treatment provider;

(D) At least two members from the community at large, to ensure that the organization's decision-making is consistent with the values of the members and the community; and

(E) At least one member of the community advisory council.

(3) The authority shall consider the participation of area agencies and other nonprofit agencies in the configuration of coordinated care organizations.

(4) In selecting one or more coordinated care organizations to serve a geographic area, the authority shall:

(a) For members and potential members, optimize access to care and choice of providers;

(b) For providers, optimize choice in contracting with coordinated care organizations; and

(c) Allow more than one coordinated care organization to serve the geographic area if necessary to optimize access and choice under this subsection.

(5) On or before July 1, 2014, each coordinated care organization must [*have a formal contractual relationship with any dental care organization that serves members of the coordinated care organization in the area where they reside*] **provide oral health care to the members of the organization through formal contracts with all of the dental care organizations that provide oral health care in the geographic area served by the coordinated care organization. A coordinated care organization may provide oral health care to its members through its own network of providers if there is no dental care organization providing oral health care in the geographic area**.

Senate Bill 399

Sponsored by Senator GEORGE (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced.**

Directs state agencies to deposit moneys agencies receive through imposition of civil penalties into General Fund and not into other funds account continuously appropriated to agency.

Sunsets January 2, 2022.

A BILL FOR AN ACT

Relating to state finance.

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

SECTION 1. (1) Notwithstanding any other provision of law, a state agency may not deposit moneys the agency receives through the imposition, by the agency, of civil penalties into an other funds account that is continuously appropriated to the agency by statute for the uses and purposes of the agency. A state agency shall deposit moneys described in this subsection into the General Fund.

(2) Subsection (1) of this section does not apply to:

(a) Funds or accounts that receive moneys appropriated from the General Fund;

(b) Funds or accounts established by the Oregon Constitution or whose expenditures are limited or otherwise directed by provisions of the Oregon Constitution;

(c) Federal funds or lottery funds deposited in any fund or account that includes dedicated or continuously appropriated moneys; or

(d) Dedicated or continuously appropriated moneys in an other funds account that are authorized by law to be expended without limitation.

(3) As used in this section:

(a) "Other funds account" means a statutory fund or account that includes fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by a state agency that are dedicated or continuously appropriated to the agency by statute for the uses and purposes of the agency.

(b) "State agency" has the meaning given that term in ORS 291.322.

SECTION 2. Section 1 of this 2013 Act is repealed January 2, 2022.

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

Senate Bill 429

Sponsored by Senator GEORGE (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced.**

Directs state agencies to deposit moneys that agencies receive through imposition of fees, fines or civil penalties into General Fund and not into other funds account continuously appropriated to agency.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

Relating to state finance; prescribing an effective date; and providing for revenue raising that requires approval by a three-fifths majority.

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

SECTION 1. (1) Notwithstanding any other provision of law, a state agency may not deposit the following moneys into an other funds account:

(a) Moneys the agency receives through the collection of fees paid to the agency pursuant to law or rule; or

(b) Moneys the agency receives through the imposition, by the agency, of fines or civil penalties.

(2) A state agency shall deposit moneys described in subsection (1) of this section into the General Fund.

(3) Subsections (1) and (2) of this section do not apply to:

(a) Moneys appropriated from the General Fund to an other funds account;

(b) Moneys in funds or accounts established by the Oregon Constitution or whose expenditures are limited or otherwise directed by provisions of the Oregon Constitution;

(c) Federal funds or lottery funds deposited in any fund or account that includes dedicated or continuously appropriated moneys;

(d) Dedicated or continuously appropriated moneys in an other funds account that are authorized by law to be expended without limitation;

(e) Moneys paid as tuition to a public university listed in ORS 352.002 or to a community college as defined in ORS 341.005;

(f) Revenues from taxes imposed under ORS chapter 657; or

(g) Moneys from the tax on motor vehicle fuel or aircraft fuel imposed under ORS 319.020 or moneys from the tax on fuel used in motor vehicles imposed under ORS 319.530.

(4) As used in this section:

(a) "Other funds account" means a statutory fund or account that includes fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by a state agency that are dedicated or continuously appropriated to the agency by statute for the uses and purposes of the agency.

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

(b) "State agency" has the meaning given that term in ORS 291.322.

<u>SECTION 2.</u> This 2013 Act takes effect on the 91st day after the date on which the 2013 regular session of the Seventy-seventh Legislative Assembly adjourns sine die.

Senate Bill 470

Sponsored by Senators KRUSE, MONNES ANDERSON

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced.**

Requires additional information related to dispensed prescription drugs to be reported to Oregon Health Authority under prescription monitoring program.

Directs authority to disclose information received pursuant to program under specified circumstances.

Makes information reported to authority under program, information disclosed by authority under program and all information related to such disclosures exempt from public disclosure.

A BILL FOR AN ACT

Relating to the prescription monitoring program administered by the Oregon Health Authority; creating new provisions; and amending ORS 192.502, 431.964 and 431.966.

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

SECTION 1. ORS 431.964 is amended to read:

431.964. (1) Not later than one week after dispensing a prescription drug **that is** subject to the prescription monitoring program established under ORS 431.962, a pharmacy shall electronically report to the Oregon Health Authority [*the*]:

[*(a) Name, address and date of birth of the patient;*]

[*(b) Identification of the pharmacy dispensing the prescription drug;*]

[*(c) Identification of the practitioner who prescribed the drug;*]

[*(d) Identification of the prescription drug by a national drug code number;*]

[*(e) Date of origin of the prescription;*]

[*(f) Date the drug was dispensed; and*]

[*(g) Quantity of drug dispensed.*]

(a) The name, address, date of birth and sex of the patient for whom the prescription drug was prescribed;

(b) The identity of the pharmacy that dispensed the prescription drug and the date on which the prescription drug was dispensed;

(c) The identity of the practitioner who prescribed the prescription drug and the date on which the prescription drug was prescribed;

(d) The national drug code number for the prescription drug;

(e) The prescription number assigned to the prescription drug;

(f) The quantity of the prescription drug dispensed;

(g) The number of days for which the prescription drug was dispensed;

(h) The number of refills of the prescription authorized by the practitioner and the number of the refill that the pharmacy dispensed; and

(i) The source of payment for the prescription drug.

(2) Notwithstanding subsection (1) of this section, the authority may not:

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

(a) Require the reporting of prescription drugs administered directly to a patient or dispensed pursuant to ORS 127.800 to 127.897; or

(b) Collect or use Social Security numbers in the prescription monitoring program.

(3) Upon receipt of the data reported pursuant to subsection (1) of this section, the authority shall record the data in the electronic system operated pursuant to the prescription monitoring program.

(4)(a) The authority may grant a pharmacy a waiver of the electronic submission requirement of subsection (1) of this section for good cause as determined by the authority. The waiver shall state the format, method and frequency of the alternate nonelectronic submissions from the pharmacy and the duration of the waiver.

(b) As used in this subsection, "good cause" includes financial hardship.

(5) This section does not apply to pharmacies in institutions as defined in ORS 179.010.

SECTION 2. ORS 431.966 is amended to read:

431.966. (1)(a) Except as provided under subsection (2) of this section, prescription monitoring information submitted under ORS 431.964 to the prescription monitoring program established in ORS 431.962:

(A) Is protected health information under ORS 192.553 to 192.581.

(B) Is not subject to disclosure pursuant to ORS 192.410 to 192.505.

(b) Except as provided under subsection [*(2)(a)(D)*] **(2)(a)(E)** of this section, prescription monitoring information submitted under ORS 431.964 to the prescription monitoring program may not be used to evaluate a practitioner's professional practice.

(2)(a) **To the extent that the law or regulation is applicable to the prescription monitoring program,** if a disclosure of prescription monitoring information complies with the federal Health Insurance Portability and Accountability Act of 1996 (P.L. 104-191) and regulations adopted under it, including 45 C.F.R. parts 160 and 164, federal alcohol and drug treatment confidentiality laws and regulations adopted under those laws, including 42 C.F.R. part 2, and state health and mental health confidentiality laws, including ORS 179.505, 192.517 and 192.553 to 192.581, the Oregon Health Authority shall disclose the information:

(A) [*To a practitioner or pharmacist who certifies*] **To a practitioner or pharmacist, or, if a practitioner or pharmacist authorizes the authority to disclose the information to a member of the practitioner's or pharmacist's staff, to a member of the practitioner's or pharmacist's staff. To receive information under this subparagraph, or to authorize the receipt of information by a staff member under this subparagraph, a practitioner or pharmacist must certify** that the requested information is for the purpose of evaluating the need for or providing medical or pharmaceutical treatment for a patient to whom the practitioner or pharmacist anticipates providing, is providing or has provided care.

(B) To a practitioner in a form that catalogs all prescription drugs prescribed by the practitioner according to the number assigned to the practitioner by the Drug Enforcement Administration of the United States Department of Justice.

[*(B)*] **(C)** To designated representatives of the authority or any vendor or contractor with whom the authority has contracted to establish or maintain the electronic system of the prescription monitoring program.

[*(C)*] **(D)** Pursuant to a valid court order based on probable cause and issued at the request of a federal, state or local law enforcement agency engaged in an authorized drug-related investigation involving a person to whom the requested information pertains.

[*(D)*] **(E)** To a health professional regulatory board that certifies in writing that the requested information is necessary for an investigation related to licensure, renewal or disciplinary action involving the applicant, licensee or registrant to whom the requested information pertains.

[*(E)*] **(F)** To a prescription monitoring program of another state if the confidentiality, security and privacy standards of the requesting state are determined by the authority to be equivalent to those of the authority.

(G) To the State Medical Examiner or designee of the State Medical Examiner, for the purpose of conducting medicolegal investigation or autopsy.

(b) The authority may disclose information from the prescription monitoring program that does not identify a patient, practitioner or drug outlet:

(A) For educational, research or public health purposes; [*and*]

(B) To a local public health authority, as defined in ORS 431.260; or

[*(B)*] **(C)** To officials of the authority who are conducting special epidemiologic morbidity and mortality studies in accordance with ORS 432.060 and rules adopted under ORS 431.110.

(c) The authority shall disclose information relating to a patient maintained in the electronic system operated pursuant to the prescription monitoring program established under ORS 431.962 to that patient at no cost to the patient within 10 business days after the authority receives a request from the patient for the information.

(d)(A) A patient may request the authority to correct any information about the patient that is erroneous. The authority shall grant or deny a request to correct information within 10 business days after the authority receives the request.

(B) If the authority denies a patient's request to correct information under this paragraph, or fails to grant a patient's request to correct information under this paragraph within 10 business days after the authority receives the request, the patient may appeal the denial or failure to grant the request. Upon receipt of an appeal under this subparagraph, the authority shall conduct a contested case hearing as provided in ORS chapter 183. Notwithstanding ORS 183.450, in the contested case hearing, the authority has the burden of establishing that the information included in the prescription monitoring program is correct.

(e) The information in the prescription monitoring program may not be used for any commercial purpose.

(f) In accordance with ORS 192.553 to 192.581 and federal privacy regulations, any person authorized to prescribe or dispense a prescription drug and who is entitled to access a patient's prescription monitoring information may discuss or release the information to other health care providers involved with the patient's care, in order to provide safe and appropriate care coordination.

(3)(a) The authority shall maintain records of the information disclosed through the prescription monitoring program including, but not limited to:

(A) The identity of each person who requests or receives information from the program and the organization, if any, the person represents;

(B) The information released to each person or organization; and

(C) The date and time the information was requested and the date and time the information was provided.

(b) Records maintained as required by this subsection may be reviewed by the Prescription Monitoring Program Advisory Commission.

(4) Information in the prescription monitoring program that identifies an individual patient must

be removed no later than three years from the date the information is entered into the program.

(5) The authority shall notify the Attorney General and each affected individual of an improper disclosure of information from the prescription monitoring program.

(6)(a) If the authority or a person or entity required to report or authorized to receive or release controlled substance prescription information under this section violates this section or ORS 431.964 or 431.968, a person injured by the violation may bring a civil action against the authority, person or entity and may recover damages in the amount of $1,000 or actual damages, whichever is greater.

(b) Notwithstanding paragraph (a) of this subsection, the authority and a person or entity required to report or authorized to receive or release controlled substance prescription information under this section are immune from civil liability for violations of this section or ORS 431.964 or 431.968 unless the authority, person or entity acts with malice, criminal intent, gross negligence, recklessness or willful intent.

(7) Nothing in ORS 431.962 to 431.978 and 431.992 requires a practitioner or pharmacist who prescribes or dispenses a prescription drug to obtain information about a patient from the prescription monitoring program. A practitioner or pharmacist who prescribes or dispenses a prescription drug may not be held liable for damages in any civil action on the basis that the practitioner or pharmacist did or did not request or obtain information from the prescription monitoring program.

SECTION 3. ORS 192.502, as amended by section 26, chapter 45, Oregon Laws 2012, is amended to read:

192.502. The following public records are exempt from disclosure under ORS 192.410 to 192.505:

(1) Communications within a public body or between public bodies of an advisory nature to the extent that they cover other than purely factual materials and are preliminary to any final agency determination of policy or action. This exemption shall not apply unless the public body shows that in the particular instance the public interest in encouraging frank communication between officials and employees of public bodies clearly outweighs the public interest in disclosure.

(2) Information of a personal nature such as but not limited to that kept in a personal, medical or similar file, if public disclosure would constitute an unreasonable invasion of privacy, unless the public interest by clear and convincing evidence requires disclosure in the particular instance. The party seeking disclosure shall have the burden of showing that public disclosure would not constitute an unreasonable invasion of privacy.

(3) Public body employee or volunteer addresses, Social Security numbers, dates of birth and telephone numbers contained in personnel records maintained by the public body that is the employer or the recipient of volunteer services. This exemption:

(a) Does not apply to the addresses, dates of birth and telephone numbers of employees or volunteers who are elected officials, except that a judge or district attorney subject to election may seek to exempt the judge's or district attorney's address or telephone number, or both, under the terms of ORS 192.445;

(b) Does not apply to employees or volunteers to the extent that the party seeking disclosure shows by clear and convincing evidence that the public interest requires disclosure in a particular instance;

(c) Does not apply to a substitute teacher as defined in ORS 342.815 when requested by a professional education association of which the substitute teacher may be a member; and

(d) Does not relieve a public employer of any duty under ORS 243.650 to 243.782.

(4) Information submitted to a public body in confidence and not otherwise required by law to

be submitted, where such information should reasonably be considered confidential, the public body has obliged itself in good faith not to disclose the information, and when the public interest would suffer by the disclosure.

(5) Information or records of the Department of Corrections, including the State Board of Parole and Post-Prison Supervision, to the extent that disclosure would interfere with the rehabilitation of a person in custody of the department or substantially prejudice or prevent the carrying out of the functions of the department, if the public interest in confidentiality clearly outweighs the public interest in disclosure.

(6) Records, reports and other information received or compiled by the Director of the Department of Consumer and Business Services in the administration of ORS chapters 723 and 725 not otherwise required by law to be made public, to the extent that the interests of lending institutions, their officers, employees and customers in preserving the confidentiality of such information outweighs the public interest in disclosure.

(7) Reports made to or filed with the court under ORS 137.077 or 137.530.

(8) Any public records or information the disclosure of which is prohibited by federal law or regulations.

(9)(a) Public records or information the disclosure of which is prohibited or restricted or otherwise made confidential or privileged under Oregon law.

(b) Subject to ORS 192.423, paragraph (a) of this subsection does not apply to factual information compiled in a public record when:

(A) The basis for the claim of exemption is ORS 40.225;

(B) The factual information is not prohibited from disclosure under any applicable state or federal law, regulation or court order and is not otherwise exempt from disclosure under ORS 192.410 to 192.505;

(C) The factual information was compiled by or at the direction of an attorney as part of an investigation on behalf of the public body in response to information of possible wrongdoing by the public body;

(D) The factual information was not compiled in preparation for litigation, arbitration or an administrative proceeding that was reasonably likely to be initiated or that has been initiated by or against the public body; and

(E) The holder of the privilege under ORS 40.225 has made or authorized a public statement characterizing or partially disclosing the factual information compiled by or at the attorney's direction.

(10) Public records or information described in this section, furnished by the public body originally compiling, preparing or receiving them to any other public officer or public body in connection with performance of the duties of the recipient, if the considerations originally giving rise to the confidential or exempt nature of the public records or information remain applicable.

(11) Records of the Energy Facility Siting Council concerning the review or approval of security programs pursuant to ORS 469.530.

(12) Employee and retiree address, telephone number and other nonfinancial membership records and employee financial records maintained by the Public Employees Retirement System pursuant to ORS chapters 238 and 238A.

(13) Records of or submitted to the State Treasurer, the Oregon Investment Council or the agents of the treasurer or the council relating to active or proposed publicly traded investments under ORS chapter 293, including but not limited to records regarding the acquisition, exchange or

liquidation of the investments. For the purposes of this subsection:

(a) The exemption does not apply to:

(A) Information in investment records solely related to the amount paid directly into an investment by, or returned from the investment directly to, the treasurer or council; or

(B) The identity of the entity to which the amount was paid directly or from which the amount was received directly.

(b) An investment in a publicly traded investment is no longer active when acquisition, exchange or liquidation of the investment has been concluded.

(14)(a) Records of or submitted to the State Treasurer, the Oregon Investment Council, the Oregon Growth Account Board or the agents of the treasurer, council or board relating to actual or proposed investments under ORS chapter 293 or 348 in a privately placed investment fund or a private asset including but not limited to records regarding the solicitation, acquisition, deployment, exchange or liquidation of the investments including but not limited to:

(A) Due diligence materials that are proprietary to an investment fund, to an asset ownership or to their respective investment vehicles.

(B) Financial statements of an investment fund, an asset ownership or their respective investment vehicles.

(C) Meeting materials of an investment fund, an asset ownership or their respective investment vehicles.

(D) Records containing information regarding the portfolio positions in which an investment fund, an asset ownership or their respective investment vehicles invest.

(E) Capital call and distribution notices of an investment fund, an asset ownership or their respective investment vehicles.

(F) Investment agreements and related documents.

(b) The exemption under this subsection does not apply to:

(A) The name, address and vintage year of each privately placed investment fund.

(B) The dollar amount of the commitment made to each privately placed investment fund since inception of the fund.

(C) The dollar amount of cash contributions made to each privately placed investment fund since inception of the fund.

(D) The dollar amount, on a fiscal year-end basis, of cash distributions received by the State Treasurer, the Oregon Investment Council, the Oregon Growth Account Board or the agents of the treasurer, council or board from each privately placed investment fund.

(E) The dollar amount, on a fiscal year-end basis, of the remaining value of assets in a privately placed investment fund attributable to an investment by the State Treasurer, the Oregon Investment Council, the Oregon Growth Account Board or the agents of the treasurer, council or board.

(F) The net internal rate of return of each privately placed investment fund since inception of the fund.

(G) The investment multiple of each privately placed investment fund since inception of the fund.

(H) The dollar amount of the total management fees and costs paid on an annual fiscal year-end basis to each privately placed investment fund.

(I) The dollar amount of cash profit received from each privately placed investment fund on a fiscal year-end basis.

(15) The monthly reports prepared and submitted under ORS 293.761 and 293.766 concerning the Public Employees Retirement Fund and the Industrial Accident Fund may be uniformly treated as

exempt from disclosure for a period of up to 90 days after the end of the calendar quarter.

(16) Reports of unclaimed property filed by the holders of such property to the extent permitted by ORS 98.352.

(17)(a) The following records, communications and information submitted to the Oregon Business Development Commission, the Oregon Business Development Department, the State Department of Agriculture, the Oregon Growth Account Board, the Port of Portland or other ports as defined in ORS 777.005, or a county or city governing body and any board, department, commission, council or agency thereof, by applicants for investment funds, grants, loans, services or economic development moneys, support or assistance including, but not limited to, those described in ORS 285A.224:

(A) Personal financial statements.

(B) Financial statements of applicants.

(C) Customer lists.

(D) Information of an applicant pertaining to litigation to which the applicant is a party if the complaint has been filed, or if the complaint has not been filed, if the applicant shows that such litigation is reasonably likely to occur; this exemption does not apply to litigation which has been concluded, and nothing in this subparagraph shall limit any right or opportunity granted by discovery or deposition statutes to a party to litigation or potential litigation.

(E) Production, sales and cost data.

(F) Marketing strategy information that relates to applicant's plan to address specific markets and applicant's strategy regarding specific competitors.

(b) The following records, communications and information submitted to the State Department of Energy by applicants for tax credits or for grants awarded under ORS 469B.256:

(A) Personal financial statements.

(B) Financial statements of applicants.

(C) Customer lists.

(D) Information of an applicant pertaining to litigation to which the applicant is a party if the complaint has been filed, or if the complaint has not been filed, if the applicant shows that such litigation is reasonably likely to occur; this exemption does not apply to litigation which has been concluded, and nothing in this subparagraph shall limit any right or opportunity granted by discovery or deposition statutes to a party to litigation or potential litigation.

(E) Production, sales and cost data.

(F) Marketing strategy information that relates to applicant's plan to address specific markets and applicant's strategy regarding specific competitors.

(18) Records, reports or returns submitted by private concerns or enterprises required by law to be submitted to or inspected by a governmental body to allow it to determine the amount of any transient lodging tax payable and the amounts of such tax payable or paid, to the extent that such information is in a form which would permit identification of the individual concern or enterprise. Nothing in this subsection shall limit the use which can be made of such information for regulatory purposes or its admissibility in any enforcement proceedings. The public body shall notify the taxpayer of the delinquency immediately by certified mail. However, in the event that the payment or delivery of transient lodging taxes otherwise due to a public body is delinquent by over 60 days, the public body shall disclose, upon the request of any person, the following information:

(a) The identity of the individual concern or enterprise that is delinquent over 60 days in the payment or delivery of the taxes.

(b) The period for which the taxes are delinquent.

(c) The actual, or estimated, amount of the delinquency.

(19) All information supplied by a person under ORS 151.485 for the purpose of requesting appointed counsel, and all information supplied to the court from whatever source for the purpose of verifying the financial eligibility of a person pursuant to ORS 151.485.

(20) Workers' compensation claim records of the Department of Consumer and Business Services, except in accordance with rules adopted by the Director of the Department of Consumer and Business Services, in any of the following circumstances:

(a) When necessary for insurers, self-insured employers and third party claim administrators to process workers' compensation claims.

(b) When necessary for the director, other governmental agencies of this state or the United States to carry out their duties, functions or powers.

(c) When the disclosure is made in such a manner that the disclosed information cannot be used to identify any worker who is the subject of a claim.

(d) When a worker or the worker's representative requests review of the worker's claim record.

(21) Sensitive business records or financial or commercial information of the Oregon Health and Science University that is not customarily provided to business competitors.

(22) Records of Oregon Health and Science University regarding candidates for the position of president of the university.

(23) The records of a library, including:

(a) Circulation records, showing use of specific library material by a named person;

(b) The name of a library patron together with the address or telephone number of the patron; and

(c) The electronic mail address of a patron.

(24) The following records, communications and information obtained by the Housing and Community Services Department in connection with the department's monitoring or administration of financial assistance or of housing or other developments:

(a) Personal and corporate financial statements and information, including tax returns.

(b) Credit reports.

(c) Project appraisals.

(d) Market studies and analyses.

(e) Articles of incorporation, partnership agreements and operating agreements.

(f) Commitment letters.

(g) Project pro forma statements.

(h) Project cost certifications and cost data.

(i) Audits.

(j) Project tenant correspondence.

(k) Personal information about a tenant.

(L) Housing assistance payments.

(25) Raster geographic information system (GIS) digital databases, provided by private forestland owners or their representatives, voluntarily and in confidence to the State Forestry Department, that is not otherwise required by law to be submitted.

(26) Sensitive business, commercial or financial information furnished to or developed by a public body engaged in the business of providing electricity or electricity services, if the information is directly related to a transaction described in ORS 261.348, or if the information is directly related to a bid, proposal or negotiations for the sale or purchase of electricity or electricity services, and

disclosure of the information would cause a competitive disadvantage for the public body or its retail electricity customers. This subsection does not apply to cost-of-service studies used in the development or review of generally applicable rate schedules.

(27) Sensitive business, commercial or financial information furnished to or developed by the City of Klamath Falls, acting solely in connection with the ownership and operation of the Klamath Cogeneration Project, if the information is directly related to a transaction described in ORS 225.085 and disclosure of the information would cause a competitive disadvantage for the Klamath Cogeneration Project. This subsection does not apply to cost-of-service studies used in the development or review of generally applicable rate schedules.

(28) Personally identifiable information about customers of a municipal electric utility or a people's utility district or the names, dates of birth, driver license numbers, telephone numbers, electronic mail addresses or Social Security numbers of customers who receive water, sewer or storm drain services from a public body as defined in ORS 174.109. The utility or district may release personally identifiable information about a customer, and a public body providing water, sewer or storm drain services may release the name, date of birth, driver license number, telephone number, electronic mail address or Social Security number of a customer, if the customer consents in writing or electronically, if the disclosure is necessary for the utility, district or other public body to render services to the customer, if the disclosure is required pursuant to a court order or if the disclosure is otherwise required by federal or state law. The utility, district or other public body may charge as appropriate for the costs of providing such information. The utility, district or other public body may make customer records available to third party credit agencies on a regular basis in connection with the establishment and management of customer accounts or in the event such accounts are delinquent.

(29) A record of the street and number of an employee's address submitted to a special district to obtain assistance in promoting an alternative to single occupant motor vehicle transportation.

(30) Sensitive business records, capital development plans or financial or commercial information of Oregon Corrections Enterprises that is not customarily provided to business competitors.

(31) Documents, materials or other information submitted to the Director of the Department of Consumer and Business Services in confidence by a state, federal, foreign or international regulatory or law enforcement agency or by the National Association of Insurance Commissioners, its affiliates or subsidiaries under ORS 86A.095 to 86A.198, 697.005 to 697.095, 697.602 to 697.842, 705.137, 717.200 to 717.320, 717.900 or 717.905, ORS chapter 59, 723, 725 or 726, the Bank Act or the Insurance Code when:

(a) The document, material or other information is received upon notice or with an understanding that it is confidential or privileged under the laws of the jurisdiction that is the source of the document, material or other information; and

(b) The director has obligated the Department of Consumer and Business Services not to disclose the document, material or other information.

(32) A county elections security plan developed and filed under ORS 254.074.

(33) Information about review or approval of programs relating to the security of:

(a) Generation, storage or conveyance of:

(A) Electricity;

(B) Gas in liquefied or gaseous form;

(C) Hazardous substances as defined in ORS 453.005 (7)(a), (b) and (d);

(D) Petroleum products;

(E) Sewage; or

(F) Water.

(b) Telecommunication systems, including cellular, wireless or radio systems.

(c) Data transmissions by whatever means provided.

(34) The information specified in ORS 25.020 (8) if the Chief Justice of the Supreme Court designates the information as confidential by rule under ORS 1.002.

(35)(a) Employer account records of the State Accident Insurance Fund Corporation.

(b) As used in this subsection, "employer account records" means all records maintained in any form that are specifically related to the account of any employer insured, previously insured or under consideration to be insured by the State Accident Insurance Fund Corporation and any information obtained or developed by the corporation in connection with providing, offering to provide or declining to provide insurance to a specific employer. "Employer account records" includes, but is not limited to, an employer's payroll records, premium payment history, payroll classifications, employee names and identification information, experience modification factors, loss experience and dividend payment history.

(c) The exemption provided by this subsection may not serve as the basis for opposition to the discovery documents in litigation pursuant to applicable rules of civil procedure.

(36)(a) Claimant files of the State Accident Insurance Fund Corporation.

(b) As used in this subsection, "claimant files" includes, but is not limited to, all records held by the corporation pertaining to a person who has made a claim, as defined in ORS 656.005, and all records pertaining to such a claim.

(c) The exemption provided by this subsection may not serve as the basis for opposition to the discovery documents in litigation pursuant to applicable rules of civil procedure.

(37) Except as authorized by ORS 408.425, records that certify or verify an individual's discharge or other separation from military service.

(38) Records of or submitted to a domestic violence service or resource center that relate to the name or personal information of an individual who visits a center for service, including the date of service, the type of service received, referrals or contact information or personal information of a family member of the individual. As used in this subsection, "domestic violence service or resource center" means an entity, the primary purpose of which is to assist persons affected by domestic or sexual violence by providing referrals, resource information or other assistance specifically of benefit to domestic or sexual violence victims.

(39) Information reported to the Oregon Health Authority under ORS 431.964, information disclosed by the authority under ORS 431.966 and any information related to disclosures made by the authority under ORS 431.966, including information identifying the recipient of the information.

SECTION 4. ORS 192.502, as amended by section 26, chapter 45, Oregon Laws 2012, and sections 19 and 30, chapter 90, Oregon Laws 2012, is amended to read:

192.502. The following public records are exempt from disclosure under ORS 192.410 to 192.505:

(1) Communications within a public body or between public bodies of an advisory nature to the extent that they cover other than purely factual materials and are preliminary to any final agency determination of policy or action. This exemption shall not apply unless the public body shows that in the particular instance the public interest in encouraging frank communication between officials and employees of public bodies clearly outweighs the public interest in disclosure.

(2) Information of a personal nature such as but not limited to that kept in a personal, medical

or similar file, if public disclosure would constitute an unreasonable invasion of privacy, unless the public interest by clear and convincing evidence requires disclosure in the particular instance. The party seeking disclosure shall have the burden of showing that public disclosure would not constitute an unreasonable invasion of privacy.

(3) Public body employee or volunteer addresses, Social Security numbers, dates of birth and telephone numbers contained in personnel records maintained by the public body that is the employer or the recipient of volunteer services. This exemption:

(a) Does not apply to the addresses, dates of birth and telephone numbers of employees or volunteers who are elected officials, except that a judge or district attorney subject to election may seek to exempt the judge's or district attorney's address or telephone number, or both, under the terms of ORS 192.445;

(b) Does not apply to employees or volunteers to the extent that the party seeking disclosure shows by clear and convincing evidence that the public interest requires disclosure in a particular instance;

(c) Does not apply to a substitute teacher as defined in ORS 342.815 when requested by a professional education association of which the substitute teacher may be a member; and

(d) Does not relieve a public employer of any duty under ORS 243.650 to 243.782.

(4) Information submitted to a public body in confidence and not otherwise required by law to be submitted, where such information should reasonably be considered confidential, the public body has obliged itself in good faith not to disclose the information, and when the public interest would suffer by the disclosure.

(5) Information or records of the Department of Corrections, including the State Board of Parole and Post-Prison Supervision, to the extent that disclosure would interfere with the rehabilitation of a person in custody of the department or substantially prejudice or prevent the carrying out of the functions of the department, if the public interest in confidentiality clearly outweighs the public interest in disclosure.

(6) Records, reports and other information received or compiled by the Director of the Department of Consumer and Business Services in the administration of ORS chapters 723 and 725 not otherwise required by law to be made public, to the extent that the interests of lending institutions, their officers, employees and customers in preserving the confidentiality of such information outweighs the public interest in disclosure.

(7) Reports made to or filed with the court under ORS 137.077 or 137.530.

(8) Any public records or information the disclosure of which is prohibited by federal law or regulations.

(9)(a) Public records or information the disclosure of which is prohibited or restricted or otherwise made confidential or privileged under Oregon law.

(b) Subject to ORS 192.423, paragraph (a) of this subsection does not apply to factual information compiled in a public record when:

(A) The basis for the claim of exemption is ORS 40.225;

(B) The factual information is not prohibited from disclosure under any applicable state or federal law, regulation or court order and is not otherwise exempt from disclosure under ORS 192.410 to 192.505;

(C) The factual information was compiled by or at the direction of an attorney as part of an investigation on behalf of the public body in response to information of possible wrongdoing by the public body;

(D) The factual information was not compiled in preparation for litigation, arbitration or an administrative proceeding that was reasonably likely to be initiated or that has been initiated by or against the public body; and

(E) The holder of the privilege under ORS 40.225 has made or authorized a public statement characterizing or partially disclosing the factual information compiled by or at the attorney's direction.

(10) Public records or information described in this section, furnished by the public body originally compiling, preparing or receiving them to any other public officer or public body in connection with performance of the duties of the recipient, if the considerations originally giving rise to the confidential or exempt nature of the public records or information remain applicable.

(11) Records of the Energy Facility Siting Council concerning the review or approval of security programs pursuant to ORS 469.530.

(12) Employee and retiree address, telephone number and other nonfinancial membership records and employee financial records maintained by the Public Employees Retirement System pursuant to ORS chapters 238 and 238A.

(13) Records of or submitted to the State Treasurer, the Oregon Investment Council or the agents of the treasurer or the council relating to active or proposed publicly traded investments under ORS chapter 293, including but not limited to records regarding the acquisition, exchange or liquidation of the investments. For the purposes of this subsection:

(a) The exemption does not apply to:

(A) Information in investment records solely related to the amount paid directly into an investment by, or returned from the investment directly to, the treasurer or council; or

(B) The identity of the entity to which the amount was paid directly or from which the amount was received directly.

(b) An investment in a publicly traded investment is no longer active when acquisition, exchange or liquidation of the investment has been concluded.

(14)(a) Records of or submitted to the State Treasurer, the Oregon Investment Council, the Oregon Growth Account Board or the agents of the treasurer, council or board relating to actual or proposed investments under ORS chapter 293 or 348 in a privately placed investment fund or a private asset including but not limited to records regarding the solicitation, acquisition, deployment, exchange or liquidation of the investments including but not limited to:

(A) Due diligence materials that are proprietary to an investment fund, to an asset ownership or to their respective investment vehicles.

(B) Financial statements of an investment fund, an asset ownership or their respective investment vehicles.

(C) Meeting materials of an investment fund, an asset ownership or their respective investment vehicles.

(D) Records containing information regarding the portfolio positions in which an investment fund, an asset ownership or their respective investment vehicles invest.

(E) Capital call and distribution notices of an investment fund, an asset ownership or their respective investment vehicles.

(F) Investment agreements and related documents.

(b) The exemption under this subsection does not apply to:

(A) The name, address and vintage year of each privately placed investment fund.

(B) The dollar amount of the commitment made to each privately placed investment fund since

inception of the fund.

(C) The dollar amount of cash contributions made to each privately placed investment fund since inception of the fund.

(D) The dollar amount, on a fiscal year-end basis, of cash distributions received by the State Treasurer, the Oregon Investment Council, the Oregon Growth Account Board or the agents of the treasurer, council or board from each privately placed investment fund.

(E) The dollar amount, on a fiscal year-end basis, of the remaining value of assets in a privately placed investment fund attributable to an investment by the State Treasurer, the Oregon Investment Council, the Oregon Growth Account Board or the agents of the treasurer, council or board.

(F) The net internal rate of return of each privately placed investment fund since inception of the fund.

(G) The investment multiple of each privately placed investment fund since inception of the fund.

(H) The dollar amount of the total management fees and costs paid on an annual fiscal year-end basis to each privately placed investment fund.

(I) The dollar amount of cash profit received from each privately placed investment fund on a fiscal year-end basis.

(15) The monthly reports prepared and submitted under ORS 293.761 and 293.766 concerning the Public Employees Retirement Fund and the Industrial Accident Fund may be uniformly treated as exempt from disclosure for a period of up to 90 days after the end of the calendar quarter.

(16) Reports of unclaimed property filed by the holders of such property to the extent permitted by ORS 98.352.

(17)(a) The following records, communications and information submitted to the Oregon Business Development Commission, the Oregon Business Development Department, the State Department of Agriculture, the Oregon Growth Account Board, the Port of Portland or other ports as defined in ORS 777.005, or a county or city governing body and any board, department, commission, council or agency thereof, by applicants for investment funds, grants, loans, services or economic development moneys, support or assistance including, but not limited to, those described in ORS 285A.224:

(A) Personal financial statements.

(B) Financial statements of applicants.

(C) Customer lists.

(D) Information of an applicant pertaining to litigation to which the applicant is a party if the complaint has been filed, or if the complaint has not been filed, if the applicant shows that such litigation is reasonably likely to occur; this exemption does not apply to litigation which has been concluded, and nothing in this subparagraph shall limit any right or opportunity granted by discovery or deposition statutes to a party to litigation or potential litigation.

(E) Production, sales and cost data.

(F) Marketing strategy information that relates to applicant's plan to address specific markets and applicant's strategy regarding specific competitors.

(b) The following records, communications and information submitted to the State Department of Energy by applicants for tax credits or for grants awarded under ORS 469B.256:

(A) Personal financial statements.

(B) Financial statements of applicants.

(C) Customer lists.

(D) Information of an applicant pertaining to litigation to which the applicant is a party if the complaint has been filed, or if the complaint has not been filed, if the applicant shows that such

litigation is reasonably likely to occur; this exemption does not apply to litigation which has been concluded, and nothing in this subparagraph shall limit any right or opportunity granted by discovery or deposition statutes to a party to litigation or potential litigation.

(E) Production, sales and cost data.

(F) Marketing strategy information that relates to applicant's plan to address specific markets and applicant's strategy regarding specific competitors.

(18) Records, reports or returns submitted by private concerns or enterprises required by law to be submitted to or inspected by a governmental body to allow it to determine the amount of any transient lodging tax payable and the amounts of such tax payable or paid, to the extent that such information is in a form which would permit identification of the individual concern or enterprise. Nothing in this subsection shall limit the use which can be made of such information for regulatory purposes or its admissibility in any enforcement proceedings. The public body shall notify the taxpayer of the delinquency immediately by certified mail. However, in the event that the payment or delivery of transient lodging taxes otherwise due to a public body is delinquent by over 60 days, the public body shall disclose, upon the request of any person, the following information:

(a) The identity of the individual concern or enterprise that is delinquent over 60 days in the payment or delivery of the taxes.

(b) The period for which the taxes are delinquent.

(c) The actual, or estimated, amount of the delinquency.

(19) All information supplied by a person under ORS 151.485 for the purpose of requesting appointed counsel, and all information supplied to the court from whatever source for the purpose of verifying the financial eligibility of a person pursuant to ORS 151.485.

(20) Workers' compensation claim records of the Department of Consumer and Business Services, except in accordance with rules adopted by the Director of the Department of Consumer and Business Services, in any of the following circumstances:

(a) When necessary for insurers, self-insured employers and third party claim administrators to process workers' compensation claims.

(b) When necessary for the director, other governmental agencies of this state or the United States to carry out their duties, functions or powers.

(c) When the disclosure is made in such a manner that the disclosed information cannot be used to identify any worker who is the subject of a claim.

(d) When a worker or the worker's representative requests review of the worker's claim record.

(21) Sensitive business records or financial or commercial information of the Oregon Health and Science University that is not customarily provided to business competitors.

(22) Records of Oregon Health and Science University regarding candidates for the position of president of the university.

(23) The records of a library, including:

(a) Circulation records, showing use of specific library material by a named person;

(b) The name of a library patron together with the address or telephone number of the patron; and

(c) The electronic mail address of a patron.

(24) The following records, communications and information obtained by the Housing and Community Services Department in connection with the department's monitoring or administration of financial assistance or of housing or other developments:

(a) Personal and corporate financial statements and information, including tax returns.

(b) Credit reports.

(c) Project appraisals.

(d) Market studies and analyses.

(e) Articles of incorporation, partnership agreements and operating agreements.

(f) Commitment letters.

(g) Project pro forma statements.

(h) Project cost certifications and cost data.

(i) Audits.

(j) Project tenant correspondence.

(k) Personal information about a tenant.

(L) Housing assistance payments.

(25) Raster geographic information system (GIS) digital databases, provided by private forestland owners or their representatives, voluntarily and in confidence to the State Forestry Department, that is not otherwise required by law to be submitted.

(26) Sensitive business, commercial or financial information furnished to or developed by a public body engaged in the business of providing electricity or electricity services, if the information is directly related to a transaction described in ORS 261.348, or if the information is directly related to a bid, proposal or negotiations for the sale or purchase of electricity or electricity services, and disclosure of the information would cause a competitive disadvantage for the public body or its retail electricity customers. This subsection does not apply to cost-of-service studies used in the development or review of generally applicable rate schedules.

(27) Sensitive business, commercial or financial information furnished to or developed by the City of Klamath Falls, acting solely in connection with the ownership and operation of the Klamath Cogeneration Project, if the information is directly related to a transaction described in ORS 225.085 and disclosure of the information would cause a competitive disadvantage for the Klamath Cogeneration Project. This subsection does not apply to cost-of-service studies used in the development or review of generally applicable rate schedules.

(28) Personally identifiable information about customers of a municipal electric utility or a people's utility district or the names, dates of birth, driver license numbers, telephone numbers, electronic mail addresses or Social Security numbers of customers who receive water, sewer or storm drain services from a public body as defined in ORS 174.109. The utility or district may release personally identifiable information about a customer, and a public body providing water, sewer or storm drain services may release the name, date of birth, driver license number, telephone number, electronic mail address or Social Security number of a customer, if the customer consents in writing or electronically, if the disclosure is necessary for the utility, district or other public body to render services to the customer, if the disclosure is required pursuant to a court order or if the disclosure is otherwise required by federal or state law. The utility, district or other public body may charge as appropriate for the costs of providing such information. The utility, district or other public body may make customer records available to third party credit agencies on a regular basis in connection with the establishment and management of customer accounts or in the event such accounts are delinquent.

(29) A record of the street and number of an employee's address submitted to a special district to obtain assistance in promoting an alternative to single occupant motor vehicle transportation.

(30) Sensitive business records, capital development plans or financial or commercial information of Oregon Corrections Enterprises that is not customarily provided to business competitors.

(31) Documents, materials or other information submitted to the Director of the Department of Consumer and Business Services in confidence by a state, federal, foreign or international regulatory or law enforcement agency or by the National Association of Insurance Commissioners, its affiliates or subsidiaries under ORS 86A.095 to 86A.198, 697.005 to 697.095, 697.602 to 697.842, 705.137, 717.200 to 717.320, 717.900 or 717.905, ORS chapter 59, 723, 725 or 726, the Bank Act or the Insurance Code when:

(a) The document, material or other information is received upon notice or with an understanding that it is confidential or privileged under the laws of the jurisdiction that is the source of the document, material or other information; and

(b) The director has obligated the Department of Consumer and Business Services not to disclose the document, material or other information.

(32) A county elections security plan developed and filed under ORS 254.074.

(33) Information about review or approval of programs relating to the security of:

(a) Generation, storage or conveyance of:

(A) Electricity;

(B) Gas in liquefied or gaseous form;

(C) Hazardous substances as defined in ORS 453.005 (7)(a), (b) and (d);

(D) Petroleum products;

(E) Sewage; or

(F) Water.

(b) Telecommunication systems, including cellular, wireless or radio systems.

(c) Data transmissions by whatever means provided.

(34) The information specified in ORS 25.020 (8) if the Chief Justice of the Supreme Court designates the information as confidential by rule under ORS 1.002.

(35)(a) Employer account records of the State Accident Insurance Fund Corporation.

(b) As used in this subsection, "employer account records" means all records maintained in any form that are specifically related to the account of any employer insured, previously insured or under consideration to be insured by the State Accident Insurance Fund Corporation and any information obtained or developed by the corporation in connection with providing, offering to provide or declining to provide insurance to a specific employer. "Employer account records" includes, but is not limited to, an employer's payroll records, premium payment history, payroll classifications, employee names and identification information, experience modification factors, loss experience and dividend payment history.

(c) The exemption provided by this subsection may not serve as the basis for opposition to the discovery documents in litigation pursuant to applicable rules of civil procedure.

(36)(a) Claimant files of the State Accident Insurance Fund Corporation.

(b) As used in this subsection, "claimant files" includes, but is not limited to, all records held by the corporation pertaining to a person who has made a claim, as defined in ORS 656.005, and all records pertaining to such a claim.

(c) The exemption provided by this subsection may not serve as the basis for opposition to the discovery documents in litigation pursuant to applicable rules of civil procedure.

(37) Except as authorized by ORS 408.425, records that certify or verify an individual's discharge or other separation from military service.

(38) Records of or submitted to a domestic violence service or resource center that relate to the name or personal information of an individual who visits a center for service, including the date of

service, the type of service received, referrals or contact information or personal information of a family member of the individual. As used in this subsection, "domestic violence service or resource center" means an entity, the primary purpose of which is to assist persons affected by domestic or sexual violence by providing referrals, resource information or other assistance specifically of benefit to domestic or sexual violence victims.

(39) Information reported to the Oregon Health Authority under ORS 431.964, information disclosed by the authority under ORS 431.966 and any information related to disclosures made by the authority under ORS 431.966, including information identifying the recipient of the information.

SECTION 5. (1) The amendments to ORS 431.964 by section 1 of this 2013 Act apply to prescription drugs dispensed on or after the effective date of this 2013 Act.

(2) The amendments to ORS 192.502 and 431.966 by sections 2 to 4 of this 2013 Act apply to information related to prescription drugs dispensed before, on or after the effective date of this 2013 Act.

Senate Bill 5516

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with presession filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Oregon Department of Administrative Services)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced.**

Limits biennial expenditures from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by Oregon Board of Dentistry.

Declares emergency, effective July 1, 2013.

A BILL FOR AN ACT

Relating to the financial administration of the Oregon Board of Dentistry; limiting expenditures; and declaring an emergency.

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

SECTION 1. Notwithstanding any other law limiting expenditures, the amount of $2,614,968 is established for the biennium beginning July 1, 2013, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by the Oregon Board of Dentistry.

SECTION 2. This 2013 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect July 1, 2013.

Note: For budget, see 2013-2015 Biennial Budget

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

Patrick Braatz

From: Jill Mason [masonj@ohsu.edu]
Sent: Thursday, December 20, 2012 1:06 PM
To: Paul Kleinstub
Cc: Patrick Braatz
Subject: RE: Tobacco cessation prescriptions

Hmmmm Time for another update.

Patrick can we put this on the Board agenda for discussion? 1997 was a long time ago and the field has progressed significantly since then.

From: Paul Kleinstub [mailto:Paul.Kleinstub@state.or.us]
Sent: Thursday, December 20, 2012 11:53 AM
To: Jill Mason
Cc: Patrick Braatz
Subject: RE: Tobacco cessation prescriptions

The changes were drug specific.

From: Jill Mason [mailto:masonj@ohsu.edu]
Sent: Thursday, December 20, 2012 11:27 AM
To: Paul Kleinstub
Subject: RE: Tobacco cessation prescriptions

Were the changes related to a specific drug, ie Nicorette and Buproprion, or would it also apply generally to the whole gamut of drugs used for that purpose currently and in the future as others come on the market?

Jill

From: Paul Kleinstub [mailto:Paul.Kleinstub@state.or.us]
Sent: Thursday, December 20, 2012 11:22 AM
To: Jill Mason
Cc: Patrick Braatz
Subject: RE: Tobacco cessation prescriptions

Jill,

In May 1988, the Board determined that the prescribing of Nicorette for tobacco cessation was within the scope of practice of Dentistry. This issue was later addressed in September 1997, when the Board added Buproprion as an approved medication for dentists to prescribe for the treatment of tobacco addition.

Obviously the treatment of depression is not within the scope of the practice of Dentistry.

Paul Kleinstub, M.S., D.D.S.
Dental Director/Chief Investigator
Oregon Board of Dentistry
1600 SW 4th Avenue, Suite 770
Portland, OR 97201-5519
(971) 673-3200
Fax: (971) 673-3202

From: Jill Mason [mailto:masonj@ohsu.edu]
Sent: Thursday, December 20, 2012 11:06 AM
To: Paul Kleinstub
Subject: Tobacco cessation prescriptions

Paul,

I want to confirm that it is within the purview of a dentist to prescribe drugs for tobacco cessation, ie. Buproprion or Chantix or others that may be on the market. I assume it has to be because of a dental-related risk or diagnosis, not some other prescribed use, such as depression.

Jill Mason, MPH, RDH, EPP
Associate Professor
Dept. of Community Dentistry
OHSU School of Dentistry
611 SW Campus Dr.
Portland,OR 97239-3097
503-494-5850
masonj@ohsu.edu

Oregon
John A. Kitzhaber, MD, Governor

Department of Administrative Services
Chief Financial Office
155 Cottage St NE U10
Salem, OR 97301-3963

Date: January 31, 2013

To: Patrick Braatz, Executive Director
Oregon Board of Dentistry
1600 SW 4th Avenue, Suite 770
Portland, OR 97201

Re: **FY 2012 GOLD STAR CERTIFICATE**

It is a great pleasure to inform you that your agency has earned the Chief Financial Office's Gold Star Certificate for fiscal year 2012.

The Chief Financial Office's Gold Star Certificate is awarded to state agencies that provide accurate and complete fiscal year end information in a timely manner. Clearly, the Gold Star is a challenge to earn, and its achievement is due primarily to your agency's diligent efforts to maintain accurate and complete accounting records throughout the year.

Your agency's participation in the Gold Star Certificate program is important in meeting statewide fiscal performance goals and key to the timely preparation of Oregon's Comprehensive Annual Financial Report (CAFR) and the statewide Schedule of Expenditures of Federal Awards. Your agency's success in accounting and financial reporting is also critical to Oregon's success in receiving a favorable audit opinion on both statewide documents.

The Chief Financial Office's Gold Star Certificate is Oregon's equivalent to the nationally recognized GFOA Certificate of Achievement for Excellence in Financial Reporting. Through the collaborative team effort of state agencies and the Chief Financial Office, Oregon has earned the GFOA Certificate every year since 1992. *Gold Star agencies* are key to making this possible.

The Gold Star Certificate was delivered to your agency's lead CAFR accountant, **Angelique Bowers**. Congratulations to your agency and your fiscal team for this outstanding work!

Sincerely,

George Naughton, Chief Financial Officer
Chief Financial Office

Kathryn Ross, Manager
Statewide Accounting and Reporting Services

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Governor John A. Kitzhaber, M.D.
2013 State of the State

Thank you Speaker Kotek, President Courtney and the entire Oregon Legislature for having me here today.

Let me start by taking a moment to recognize a distinguished Oregonian, a man who has served his state and his country for over five decades. Major General Raymond F. Rees will complete his third and final tour of duty as Oregon's Adjutant General in July of this year. General Rees has served with great distinction and honor, commanding our national guard, overseeing Oregon's emergency management response and serving as my homeland security advisor. General, on behalf of all Oregonians I extend to you our thanks for your outstanding service to Oregon and to the United States of America.

I also want to acknowledge and thank Jim Willis, who is retiring as director of the Oregon Department of Veterans Affairs after almost a decade of service. And to our veterans – and to all the men and women who wear the uniform of our country – we extend our gratitude, and especially to those serving overseas: our thoughts and prayers.

Also with us here today we have some of Oregon's finest first responders. Like all Oregonians, I was shocked and saddened by the tragic Clackamas Town Center shooting in December. We have learned from the horrifying details that if it were not for the courageous and immediate work done by local and state first responders, this incident could have been much, much worse. Please join me in recognizing Clackamas County Sheriff Craig Roberts, State Police Superintendent Rich Evans, State Fire Marshal Mark Wallace, and Fairview Police Department Chief Ken Johnson, President of the Oregon Association of Chiefs of Police.

There are not words to express my sorrow for the families who lost loved ones, their friends and the broader community impacted by this tragedy, a sorrow that extends to the people of Newtown, Connecticut. Please join me in taking a moment of silence for the victims of gun violence everywhere – and a prayer that, together, we can lift this stain from our land.

Today we welcome Oregon's 77th Legislative Assembly, and I am reminded of the rich history of this institution. It's a history that winds all the way back to Champoeg in 1841 and the first conversations about the formation of a Provisional Government. In the retelling, the tendency has been to elevate certain dates and events, creating a narrative – however incomplete – for Oregonians, as Oregonians. From statehood in 1859, to the Progressive Era and the creation of our initiative and referendum system at the turn of the 20th century, to more recent legislative history, like the oft-told stories about the Bottle Bill and the birth of land use planning – these have been touchstones that help define this state and our image of ourselves.

Much has been said and written about our state's record of landmark legislation, but too little about the legislators behind it. Because the real history of this body and the true strength of this institution is that for more than 150 years, this has been a place of citizen legislators. This is the people's institution, and it has represented well the hopes and dreams, the priorities, and yes, the prejudices, of Oregonians.

The very first Legislative Assembly was a group of ranchers, shop owners, and farmers – so many farmers, in fact, that the very timing of the sessions was influenced by harvest schedules. Those early citizen legislators did not check their day jobs at the door. And it has been the same ever since.

Betty Roberts was one such Oregon pioneer, relying on her own experience to guide her and using her time in the Oregon House and Senate to champion equal rights for women.

As the Oregonian's Susan Nielsen wrote in a tribute after Betty's death: "She tackled everything, large and small: the ability to keep one's name, the power to make financial decisions without a

man's permission, the option to escape an abusive marriage – and yes, the right to reproductive choice."

Another pioneer was Representative Paul Hanneman, who served for 13 consecutive terms – 26 years. It is not possible to fully understand the history of the Bottle Bill and the motivation for its passage without knowing the story of Hanneman and his constituent, Richard Chambers (the father of Representative Vicki Berger). They spent fours years fighting for the bill's passage. Hanneman, a Dory Fisherman, brought Tillamook County with him when he came to this building, and Oregon is the better for it.
The giants of this institution, the heroes, have been those who caucused as Democrats or Republicans, but legislated as Oregonians. Astoria and Pendleton and Ashland and Portland were in their bones, but Oregon was in their hearts.

The 77th Oregon Legislative Assembly has that potential. You are farmers and ranchers and small business owners. You are educators and caregivers – doctors and dentists, teachers and librarians. You are parents and you are retirees, from law enforcement and fire fighting and the military, and your unique experiences and wisdom are critical to tackling the challenges we face in getting Oregonians back to work and strengthening our communities.

The state of our state is strong in large part due to the courage and commitment of its citizen legislators. You defy cynicism – all too common today – about a government somehow divorced from its people.

And more than at any other time in Oregon history, this Legislative Assembly lives up to the ideal of being representative of all Oregonians. That's not a guarantee of perfection, and it certainly is not a guarantee of agreement, but it does ensure a debate more inclusive of the diverse voices and needs of communities across the state. Do not underestimate the significance of this body continuing to look more and more like the state and the people you represent.

When I was Senate President, I often drew inspiration from John F. Kennedy, who said, "Where nature makes natural allies of us all, we can demonstrate that beneficial relations are possible even with those with whom we most deeply disagree."

Over the past two years, you have shown that it's not only possible to disagree agreeably, it's also possible to move beyond what divides us and build instead on what unites us: a shared vision of a strong middle class, equal opportunity for every Oregonian in every community in the state, good schools and good jobs and a government that is fiscally disciplined and efficient.

With this common vision, we have made much progress on behalf of Oregonians. It was just two years ago that our state faced a $3.5 billion revenue shortfall, double-digit unemployment, and an uncertain future. And here at the Capitol, we faced a divided Legislature, prompting many to say that any significant progress was unlikely.

But then we discovered that our divided Legislature wasn't that divided after all.

Setting an example for the nation, members from both parties, and from both chambers, came together and did not shy away from the hard decisions necessary to set Oregon's economy on an upward trajectory. We erased one of the largest per capita budget deficits in the nation with civility, not rancor; with bipartisanship, not gridlock --and we did it with a balanced budget that was built on priorities, not programs.

Reforms in education and health care -- and key investments in innovation – embody the change necessary to accelerate Oregon's economic recovery and restore our shared prosperity.

Today – compared to where we were two years ago – Oregon is clearly on the right track. We have gone from a $3.5 billion budget deficit in January 2011 to a balanced budget today and improved our

state credit rating from AA to AA+. We have cut our unemployment rate more that two points and created nearly 40,000 jobs while being home to the second fastest growing economy in the nation.

We have come a long way since 2011, and we should celebrate our progress because we did it together, and it did not come easy. But at the same time we must acknowledge that in spite of our efforts we are still leaving far too many of our fellow Oregonians behind.
Our great challenge is to ensure that the next phase of Oregon's economic "recovery" reaches all Oregonians and ends the income stagnation that continues to erode the middle class, exacerbates inequality, and for the first time threatens a generation of Oregonians with the prospect of a declining standard of living.

We cannot settle for an uneven, unequal and hesitant "recovery." The word "recovery" loses any useful meaning if it describes a state where the Portland metro area returns to pre-recession employment levels, while much of rural Oregon continues to suffer the economic and social consequences of double-digit unemployment, outdated infrastructure and an aging workforce. The word "recovery" is warped if it is used at a time when the unemployment rate for white Oregonians is falling, but for African Americans and Latino Oregonians it continues to rise. The word "recovery" is the wrong word to use for a state with a 24 percent child poverty rate.

We still have much work to do. Oregon will not be a great place for any of us to live until it is a great place for all of us to live.

There may be no quick fix, but you can be sure there can only be a fix with an intentional strategy that is not limited to getting Oregonians back to work. It must also include raising per capita income and reducing poverty in all communities in Oregon. This is the legislative session to ask and answer the tough questions about what it will take to deliver that

- How do we ensure more of the jobs created in Oregon are living wage jobs?
- And how do we get more of those jobs in rural communities?
- What will it take to put people in poverty on a path to living wage jobs?
- How can the state help to eliminate barriers to growth and success for our homegrown small businesses?
- How do we better align our fragmented workforce training programs to deliver better results for more Oregonians and better meet the needs of expanding businesses?

The Oregon Business Plan, which has guided our work over the past two years, is built on three pillars: creating 25,000 jobs per year through 2020; raising Oregon's personal income levels above the national average by 2020; and reducing Oregon's poverty rate to 10 percent by 2020. These three pillars recognize that private sector job creation is the foundation of an enduring prosperity – but they also recognize that prosperity must lift people in every community in every corner of our state; and that without reducing poverty, all Oregonians will not have their shot at the American Dream.

And that means that over the next two years, our commitment to these second two pillars must be no less than our commitment to the first.

Far too many Oregonians continue to struggle with unemployment, debt and the rising cost of health care. That is the urgency you bring with you to the 77th Legislative Assembly. And that sense of urgency is at the core of the budget I sent you last month – a budget that reflects the priorities that have guided us over the past two years: putting children, families and education first; investing in jobs and innovation; and reducing the cost of government. It is also a budget built on the assumption that even with constrained resources, we cannot wait to begin reinvesting in children, in families and in education.

When I first came to the Legislature in 1979, kids could drop out of Roseburg High School in the 10th or 11th grade and get jobs in the woods and the mills with good wages and benefits. Those days are long gone – and over the past few decades, the economic benefits of education have steadily grown. In 1979, the average college graduate made 38 percent more than the average high school graduate. Now, the average college graduate makes over 75 percent more. And more than 60 percent of the jobs in the next decade will require at least a technical certificate or associates degree – yet only 67 percent of our students are graduating from high school, taking them off the path to economic security.

If, as I believe, it is the promise of equal opportunity that lies at the heart of the American Dream – the promise of upward mobility; the promise that if you work hard you can build a better life for yourself and your family; the promise that each subsequent generation will be better off than the last one – then public education is the vehicle through which the American Dream is most directly fulfilled today.

Although we have made huge progress – moving toward a seamless integrated educational system from early childhood through college and career – we've not yet had the resources to seriously invest in our 40-40-20 goals. It is clear to me that the entire enterprise of public education is underfunded at all levels. And it's also clear that we can't meet our 40-40-20 goals without a significant reinvestment of resources into the classroom.

To make that happen, a couple of things are required. In the long term, we need comprehensive reform of Oregon's system of public finance. That's going to take time, it's going to take a strategic approach, it's going to take discipline – and over the past eight months, we have begun to build the coalitions and the infrastructure necessary to make that happen.

But we can't wait for comprehensive revenue reform to begin to reinvest in the classroom if we hope to achieve the educational and economic goals we have set for our state. It will not be an easy task but it is an urgent one. We may have succeeded in erasing our budget deficit, but we continue to face severe fiscal constraints – which means we need to make room in our current budget to being reinvesting in the classroom and other in other crucial public services today.

I am prepared to stand with you in making the difficult choices that will be necessary to do so, which include: reducing the cost of health care and corrections; reducing the cost drivers that are diverting resources from the classroom; and undertaking serious review of Oregon' tax expenditures.

Let me start with health care, which is perhaps the fastest growing cost for individuals, families, businesses and state government. The new care model being developed by our Coordinated Care Organizations is projected to hold medical inflation in the Medicaid program to 3.4 percent starting in the second year of this biennium. That will save $100 million in the general fund in 2013-15; nearly $200 million in the 2015-17 biennium and $400 million the following biennium. In other words, the delta created by holding medical inflation constant creates a huge and growing opportunity for reinvestment as we go forward.

Therefore, our long-term ability to reinvest in public education depends to a large extent on our success in proving up this care model in the next biennium and then to extend it into the private market. If, for example, we could move public school teachers and state employees into the same kind of high quality, low cost care model being developed by our CCOs, the estimated ten year state savings could be as much as $5 billion. This would be a game changer for state finances and could lead to a huge competitive advantage for Oregon businesses both large and small.

Corrections is the second area where cost reduction is both needed and possible. Along with the cost of health care, the relentless growth in the Department of Corrections is one of the major reasons we cannot adequately invest in education; or in community corrections and other proven crime prevention measures at the local level.

It cost $10,000 a year to keep a child in school but $30,000 a year to keep someone in prison. Our prison forecast predicts the need to build 2,300 new beds over the next decade at a cost of $600 million – and that most of those beds will be occupied by non-violent offenders. And the fact is that this $600 million – if spent on public education – would keep hundreds of people out of the criminal justice system in the first place.

That is why Oregonians deserve the careful and objective consideration of the policy options forwarded by the Public Safety Commission to keep our communities safe while reducing the cost of corrections. There is an opportunity here to find alternative and effective ways to sanction non-violent offenders, invest in proven crime prevention and community corrections strategies instead of additional prison beds.

I recognize that the politics around public safety reform are often difficult – the fear of being labeled "soft on crime" in the next election cycle. But I am asking you to find the courage and the honesty to recognize that if are unwilling act on this issue we will, by default, be choosing prisons over schools and condemning untold numbers of today's students to a future in our system of corrections rather than in our system of postsecondary education. We can do better – and the need has never been greater for the thoughtful deliberation of citizen legislators.

Let me turn now to the need to reduce the cost drivers that are diverting resources from the classroom. I am well aware that my proposal to cap the cost of living adjustment for PERS retirees is controversial. At the same time, however, if we are serious about reinvesting in the classroom, we cannot ignore the fact that the crisis in school funding – as well as the crisis in funding things like child protective services and home health care – is not jus a revenue problem: it has also become a cost problem.

In this next biennium, the cost of primary and secondary education is going to increase by more that $1000 per student. Half of that $1000 –$500 per student – is accounted for by the increased cost of PERS alone; salary and other benefits account for another $430 per student. In short, we are faced with a situation in which we are going to increase our per pupil expenditure by $1000, and yet for this huge investment we will not see a reduction in average class size; we will not see the restoration of lost school days; and we will not be adding back programs like the arts or vocational studies.

Let me be clear: this is not about the value of our teachers. It is not about the value of our public employees. It is also not about a major overhaul of a retirement system that continues to be one of the best funded in the nation. It is simply about trying to have a conversation that allows us to strike a balance between the cost of our retirement system and our ability to put dollars in the classroom today to ensure that our students are successful tomorrow.

Like public safety, this issue, too, needs thoughtful deliberation by citizen legislators.

Finally, with regard to tax expenditures, I am prepared to work with you to pursue opportunities to boost revenue. It is easy to aggregate the billions of tax dollars now going out in credits, incentives and deductions. It is more difficult to find opportunities for significant revenue. However, I think a compelling case can be made to reconsider and reassess the policies of the past in light of current fiscal realities and the need to make a significant reinvestment in public education and in other crucial public services. I would include the Senior Medical Deduction; the level of state deductibility of federal Schedule A income; and the possibility of capping total deductions and credits as areas worth further discussion.

Again, this is yet another issue that can benefit from the thoughtful deliberation of citizen legislators.

It will take all of us working together to reinvest in education, create jobs today while positioning Oregon to be more competitive in the global economy of the 21st century. It will take all of us working together to drive the state's per capita income back up above the national average. And it

will take all of us working together to erase the troubling income disparities, which have existed for far too long in our communities of color and between our urban and rural communities.

Which brings me back to where we began: the simple premise that everyone in the state deserves their shot at that vision of Oregon we all share: a state with a commitment to equity and opportunity for all, with secure jobs with upward income mobility, and with safe, secure communities where people have a sense of common purpose and commitment to one another.

The same common purpose and commitment we see here in this building; and in this chamber today. And that should give us hope. In the words of Wallace Stegner:

"One cannot be pessimistic about the West. This is still the native home of hope. When it fully learns that cooperation, not rugged individualism, is the quality that most characterizes and preserves it, then it will have achieved itself and outlived its origins. Then it has a chance to create a society to match its scenery."

Here in Oregon, our Legislature – the men and women gathered together in this chamber today –is living proof that cooperation is the quality that best characterizes us; and that through cooperation, through trusting and relying on one another; and through hope, we can we "create a society to match our scenery."

It's easy, I think, for hope to fade when confronted with the list of all we have yet to accomplish. So for all of you in this grand room, and to people throughout our state, I want to leave you with this story. It's a story that I think offers perspective – both on how far we've come, but also on how far we still have to go.

When I was in Coos Bay last November at the Annual Government to Government Summit between the State of Oregon and our nine federally recognized tribes, Diane Teaman from the Burns Paiute Tribe rose to speak. Now, the Burns Paiute is a relatively poor tribe in some ways ... they don't have the wealth of the Grand Ronde or the land base of the Warm Springs. But they have something else ...

Diane told the story of her grandmother – then a pre-teen—who, after the Bannock war of 1878, was marched to Fort Boise, and then more than 300 miles to a reservation in Yakima. Shortly thereafter, she and another young girl escaped, swam the Columbia River, and made it another 300 miles back to Burns. It was there, where they no longer had any land or any resource, that they began to rebuild their tribe, and it is where Diane lives today.

Diane said that when she looks out at the other tribes that are better off than the Burns Paiute, she is not envious. She remembers her grandmother and thinks: look how far we have come.

There is a lesson here for us – and for our state. It was a long hard path from January 2011 to here, and a difficult and challenging road stretches out before us. So let us leave this place today – committed to partnership and a shared vision – so that when we gather together again in this chamber two years from now we can say once again: look how far we've come.

JOHN A. KITZHABER, M.D.
GOVERNOR

Governor's Budget Message

Education First • Good Jobs • Lower Costs

Fellow Oregonians,

My recommended budget for 2013-15 is guided by one simple premise: that all Oregonians deserve their shot at the American dream. It is a commitment to equity and opportunity for all, secure jobs with upward income mobility, and safe, secure communities where people have a sense of common purpose and commitment to one another.

While many of our assumptions about work, progress and fairness have been shaken by economic uncertainty, my optimism for a more prosperous future remains intact. Our great challenge lies in ending the income stagnation that erodes the middle class, exacerbates inequality, and for the first time threatens a generation of Oregonians with the prospect of a declining standard of living.

Over the past two years, we have gone a long way toward meeting this challenge. With bipartisan leadership, we have made tough choices to set Oregon's economy on an upward trajectory. We came together to close a $3.5 billion budget gap with a balanced budget built on priorities, not programs. Our priorities have been clear: putting children, families and education first; investing in jobs and innovation; and reducing the cost of government. We have begun to shift state investment from addressing problems after they develop to preventing them in the first place. Our reforms in education and health care and our investments in innovation embody the change necessary to accelerate Oregon's economic recovery and restore our shared prosperity.

We should be proud of what we have accomplished in such a short time, but there is much more to be done to rebuild a strong, secure middle class and further expand economic opportunity – particularly in rural Oregon and within our communities of color. That starts with reinvesting in public education by controlling the cost increases – including PERS – that divert resources from the classroom. It means lowering the

BUDGET HIGHLIGHTS

Putting Children, Families and Education First

Child Safety
$55 million increase for relief nurseries, child protective services and community mental health to improve the health and welfare of children.

Early Learning Reforms
Realigns childcare, health care and pre-school services to ensure all children are ready to learn when they get to kindergarten.

$8 Billion for Education
Reverses the trend of cuts and layoffs and better integrates Early Learning, K-12 and post-secondary education and career training.

More Teachers and School Days for K-12
$6.15 billion *plus $253 million in PERS savings* to begin to reinvest in K-12 education, enough to hire an additional 500 teachers.

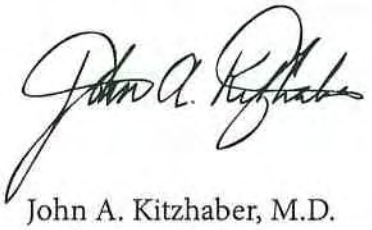
Post-Secondary Education and Training
Increases funding for Opportunity Grants to $113.7 million, expands dual credit and supports tuition equity to ensure every qualified Oregon high school graduate, regardless of immigration status, has access to affordable higher education.

Highlights continued ...

cost of health care to make small businesses more competitive and better positioned to create jobs. And it requires state government to be disciplined with tax dollars to maintain critical services for families still facing economic uncertainty.

My recommended budget for 2013-15 includes cost savings in PERS compensation, in health care and in public safety to allow for strategic investments in education – including family stability and early childhood success – while keeping communities safe and improving Oregon's business climate for investment and growth. It emphasizes partnerships and community-based investments that move decision-making to the local level and get better leverage for public dollars. And it includes accountability measures to track results over the next decade.

There is no quick fix to the economic challenges Oregonians have faced over the last four years. Central to our success will be having the courage and discipline to look beyond the next two years to where we want Oregon to be in a decade and beyond. We share a vision that includes a strong middle class and expanding economic opportunity for every Oregonian in every community in the state. We share an expectation to raise our families in safe, vibrant neighborhoods with excellent, well-funded schools. And we are committed to the future generations of Oregonians whose prosperity depends on the decisions we are making today to wisely deploy the natural, human and financial capital of this great State. Let's take the next steps together.



John A. Kitzhaber, M.D.
Governor

BUDGET HIGHLIGHTS

Investing in Jobs and Innovation

Over $1 Billion for Core Infrastructure Projects
Funds the Interstate 5 bridge replacement, water projects, university buildings, airport, marine and rail improvements, seismic upgrades, and technology infrastructure projects that get Oregonians back to work.

$90 Million for Proven Innovation Partnerships
Increases funding for the Oregon Innovation Council, Signature Research Centers and maintains university-based innovation, agriculture and forestry research programs.

Workforce Training
$10 million to better align programs with employer needs.

Regulatory Reforms
Removes barriers to private investment and job creation.

From Poverty to Prosperity
Increases the Earned Income Tax Credit by more than 30 percent and funds Employment Related Day Care to help working families keep more of what they earn and move up the income ladder.

Lowering the Cost of Government

$865 Million in PERS Savings
Adjusts out-of-state benefits and caps cost-of-living increases to gain system-wide savings and ensure the long-term viability of public retirement benefits.

$11 Billion in Expected Health Care Savings Over the Next Decade
Implements health care reforms for better care at lower cost.

$600 Million in Avoided Prison Costs Over the Next Decade
Reduces the cost of corrections through public safety reforms and investments in proven crime prevention and community corrections strategies.

JOHN A. KITZHABER, M.D.
GOVERNOR

"We must address the immediate challenge of **creating jobs** now while positioning Oregon to be more competitive in the global economy."

A Locally-Driven Approach

Many business opportunities first present themselves at the city, county or regional level.

The Governor's Budget funds **Regional Solutions** to develop a regional, multi-state financing mechanism to accelerate decision-making, obtain measurable results, resolve conflicts and leverage funds.

Strategic Infrastructure

A robust infrastructure system is a crucial component underlying regional competitiveness, business attraction and retention, and job creation.

The Governor's Budget has **over $1 Billion for infrastructure projects** like the I-5 bridge replacement, multi-purpose water projects, university buildings, seismic upgrades, and airport, marine and rail improvements.

Oregon's Innovation Economy

$90 million for proven partnerships that bring together leaders from private business and the state's research universities to develop the state's innovation strategy.

Partnerships include the Oregon Innovation Council, Oregon's Signature Research Centers, and University-based innovation, agriculture, and forestry research initiatives.

Workforce Development

$10 million to better align workforce programs with employer needs.

These initiatives will assure that more Oregonians have the foundational and problem-solving skills to compete for jobs in growing businesses and are able to gain industry-specific training.

Regulatory Reform

Regulatory reforms to streamline permitting and remove barriers to private investment and job creation.

From Poverty to Prosperity

30 percent increase to the Earned Income Tax Credit and funding for Employment Related Day Care to help working families keep more of what they earn.

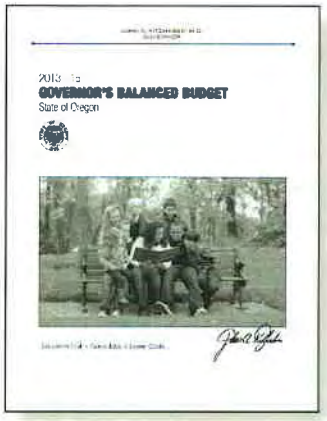
JOHN A. KITZHABER, M.D.
GOVERNOR

Governor Kitzhaber's Balanced Budget **Delivers** for Oregonians

Education First

- **$8 Billion for Education**
  Reverses the trend of cuts and layoffs from pre-school to K-12 to college and career.
- **Early Learning Reforms**
  Realigns childcare, health care and pre-school services to ensure all children are ready to learn.
- **More Teachers and School Days for K-12**
  $6.15 billion *plus $253 million in PERS savings* to begin to reinvest in K-12, enough to hire 500 teachers.
- **Post-Secondary Education and Training**
  Expands Opportunity Grants and Dual Credit Programs, and supports Tuition Equity.

Good Jobs



- **Over $1 Billion for Core Infrastructure Projects**
  Funds critical projects that get Oregonians back to work.
- **$90 Million for Proven Innovation Partnerships**
  Increases funding for proven job creators like Oregon Innovation Council and Oregon's Signature Research Centers.
- **Workforce Training**
  $10 million to better align programs with employer needs.
- **Regulatory Reforms**
  Removes barriers to private investment and job creation.
- **From Poverty to Prosperity**
  Increases the Earned Income Tax Credit by more than 30%.

More at **budget.oregon.gov**

Lower Costs

- **$865 million in PERS savings**
  Adjusts out-of-state benefits and caps cost-of-living increases to gain system-wide savings and ensure the long-term viability of public retirement benefits.
- **$11 billion in expected health care savings *over the next decade***
  Implements health care reforms for better care at lower cost.
- **$600 million in avoided prison costs *over the next decade***
  Reduces the cost of corrections through public safety reforms and local investment.

Attachment # 7

Reliant Behavioral Health, LLC
Health Professionals' Services Program (HPSP)
Satisfaction Report

1st Semi-Annual Report, Year 3: July 1, 2012 – December 31, 2012

RBH Health Professionals' Services Program
1220 SW Morrison Street, Suite 600
Portland, Oregon 97205
1.888.802.2843
Fax: 503.961.7142

Executive Summary

Health Professionals' Services Program Satisfaction Survey: Semi-Annual Report Year 3

Overview: This Health Professionals' Services Program report details the survey results from the first period of the third year of the program, covering July 1, 2012 through December 31, 2012. Surveys were sent to the following groups of stakeholders at the beginning of January 2013: Licensees, Employers (Workplace Monitors), Treatment Providers, Health Associations and the Boards. Each of these groups of stakeholders will be surveyed again at the end of July 2013. Licensees also were surveyed in October 2012.

An overview of the number of surveys sent, number of responses received, and the response rate for each group of stakeholders in January is displayed below:

Table 1: Response Rate - January 2013	Licensees	Employers (Workplace Monitors)	Treatment Programs	Health Associations	Boards
# Sent	309	197	107	5	9
# of Responses	96	32	9	0	4
Response Rate	31.1%	16.2%	8.4%	0.0%	44.4%

Highlights:

This is the first satisfaction survey sent to all stakeholders for year three. The Advisory Committee has determined that licensees will no longer be surveyed quarterly but will be surveyed semi-annually. Licensees and the other stakeholders will be surveyed again at the end of July 2013.

The response rate for the licensees was strong at 31.1%. This is the highest response rate to date. Licensees from the Board of Nursing responded in the greatest number followed by licensees from the Medical Board, Pharmacy Board and Dental Board. The results from the licensees indicate that satisfaction with the program continues to improve. When rating overall satisfaction with the program, HPSP received the highest rating to date: 57.3% of licensees surveyed rated the service Excellent or Above Average, compared with 43.2% of licensees surveyed in October 2012, and 42% of the licensees surveyed at the end of year two.

We did not hear from any associations but did receive a 16% response from the workplace monitors. This is an increase from 13% at the end of year two. The responses were also more positive than at the end of year 2. Almost 77% of the workplace monitors rated the overall service as Excellent or Above Average. Two supervisors commented on how much they liked the supervisory educational training. Although it is only two supervisors, it is interesting that the feedback was positive. We have never received negative feedback regarding the supervisory training. HPSP was rated higher in every category with this survey. There was one comment that the workplace monitor had had no contact with the agreement monitor and that is a concern. This will become a focus for the Monitoring Manager moving forward.

There was not a strong response from treatment providers. There were 107 surveys sent to providers and only 9 responded. The results are not statistically significant but we do take the

comments of the responders seriously. There were two respondents who were group monitoring consultants. On 1/25/13, there was a meeting of Group Monitoring consultants and Periodic Monitoring Consultants with the Reliant staff, including the agreement monitors who work with Medical Board licensees. Communication was a primary topic. From the feedback received from the meeting, it appears that communication gaps that occurred in the past are in process of being closed.

Three of the four Boards responded to the survey. There was no response from the Dental Board for this report. Of the Boards that responded, two Boards rated the overall service as excellent or above average. There was one Board that rated the program as below average. There will be follow-up with this Board to determine in what ways Reliant can improve the quality of service. Reliant meets monthly with this particular Board so there is already a process in place to discuss and resolve problems.

Reliant Behavioral Health
Health Professionals' Services Program (HPSP)
Satisfaction of LICENSEES

Purpose

The purpose of assessing participants (Licensees) of the Health Professionals' Services Program (HPSP) is to obtain constructive feedback that can be used to improve and maintain the quality, effectiveness, and efficiency of the HPSP Program. In order to provide continuous quality services, RBH evaluates Licensees' satisfaction with the HPSP Program on a twice-yearly basis.

Feedback is obtained from Licensees via a satisfaction survey that is mailed or emailed to each Licensee. When mailed, Licensees are given the option of completing the enclosed survey and mailing it back to the RBH offices in the postage-paid envelope, or going through the link to the survey and completing it online. The survey is short and can be completed in 2-3 minutes.

Feedback includes information about RBH customer service, Agreement Monitors, service components, and overall services.

In reviewing the survey results, the Reliant Quality Management Committee (QMC) will identify opportunities for improvement and develop appropriate action plans where necessary. The QMC will monitor Program performance at specified intervals following the implementation of the action plans.

Data Results

Response Rate

Table 1: Response Rate	January 2013	October 2012	Year 2
# Sent	309	314	1330
# of Responses	96	81	367
Response Rate	31.1%	25.8%	27.6%

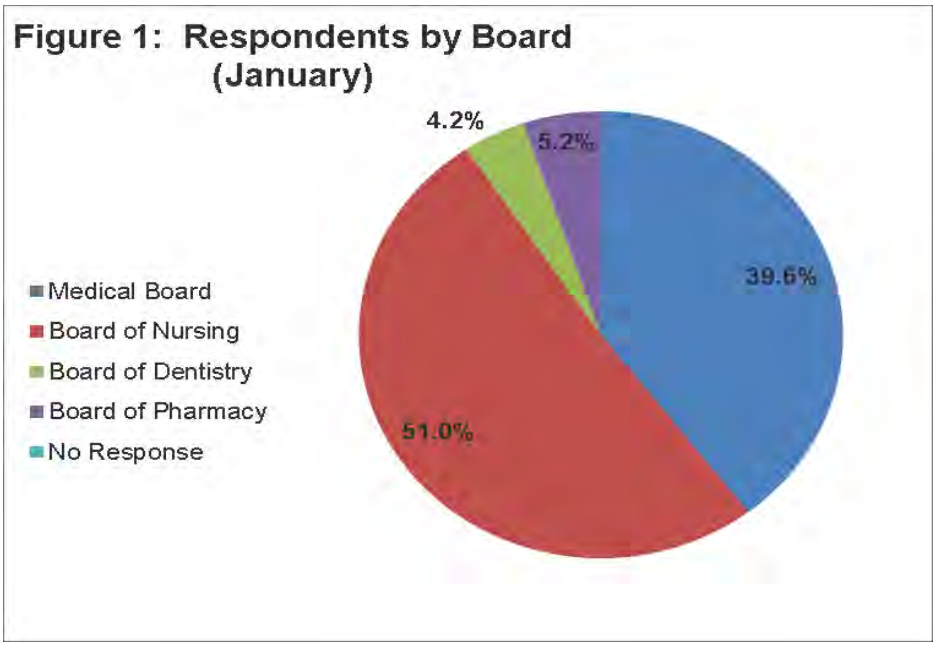
The HPSP Licensee Satisfaction Survey was issued to the Licensees enrolled in the HPSP Program at the end of December 2012. The survey was emailed to 265 licensees and mailed to 44. A total of 96 responses were received,

representing a response rate of 31.1%. October's response rate was 25.8% and Year 2's average response rate, which includes surveys sent each quarter, was 27.6%. The response rate has continued to grow stronger since the program's inception.

Respondents

51% of respondents this quarter were representatives of the Board of Nursing, followed by the Medical Board with 39.6%. The Board of Pharmacy was represented by 5.2% of the respondents and the Board of Dentistry by 4.2%.

Table 2: Respondents by Board	January		October		Year 2 (n=367)	
	#	%	#	%	#	%
Medical Board	38	39.6%	37	45.7%	105	28.6%
Board of Nursing	49	51.0%	33	40.7%	222	60.5%
Board of Dentistry	4	4.2%	7	8.6%	16	4.4%
Board of Pharmacy	5	5.2%	2	2.5%	17	4.6%
No Response			2	2.5%	7	1.9%



The January breakdown is comparable to the percent of enrollees, with only a slight skew towards those licensed by the Medical Board. (See Table 3)

Table 3: Comparison of Enrollees to Respondents	Percent of Enrollees (December 26, 2012)	Percent of Respondents (January)
Medical Board	33.2%	39.6%
Board of Nursing	54.6%	51.0%
Board of Dentistry	5.9%	4.2%
Board of Pharmacy	6.3%	5.2%

Customer Service

This question asks respondents to "Think about [their] most recent call to RBH……" and evaluate 2 statements.

Data Tables 4 (a, b and c): The mode (most frequent) response is in red (not all items have a mode):

Table 4a: January (n=96)	Strongly Agree		Agree		Disagree		Strongly Disagree		N/A		No Response	
	#	%	#	%	#	%	#	%	#	%	#	%
Questions and/or Concerns Were Responded to within one business day	43	44.8%	43	44.8%	4	4.2%	3	3.1%	3	3.1%		
Information was Communicated Clearly and Professionally	37	38.5%	**38**	**39.6%**	7	7.3%	6	6.3%	2	2.1%	6	6.3%

This survey's response shows an equal number of "Strongly Agree" and "Agree" responses to the first item and 1 more "Agree" response then "Strongly Agree" response to the second. Although the mode has slipped slightly from the previous survey (see Table 4b), the total percentage of positive responses ("Strongly Agree" and "Agree") has improved by 10 percentage points:

- Questions and/or Concerns were responded to within one business day: 89.6% positive responses in January compared to 74.1% in October.
- Information was Communicated Clearly and Professionally: 78.1% positive responses in January compared to 69.1% in October

January's results are also displayed in figures 2 and 3 on the next page.

Table 4b: October 2012 (n=81)	Strongly Agree		Agree		Disagree		Strongly Disagree		N/A		No Response	
	#	%	#	%	#	%	#	%	#	%	#	%
My Questions and/or Concerns Were Responded to within one business day	**34**	**42.0%**	26	32.1%	5	6.2%	13	16.0%	3	3.7%	0	0.0%
Information was Communicated Clearly and Professionally	**33**	**40.7%**	23	28.4%	9	11.1%	7	8.6%	3	3.7%	6	7.4%

Table 4c: End of Year 2 (n=367)	Strongly Agree		Agree		Disagree		Strongly Disagree		N/A		No Response	
	#	%	#	%	#	%	#	%	#	%	#	%
Questions and/or Concerns Were Responded to within one business day	119	32.4%	**156**	**42.5%**	39	10.6%	39	10.6%	12	3.3%	2	0.5%
Information was Communicated Clearly and Professionally	116	31.6%	**165**	**45.0%**	30	8.2%	35	9.5%	12	3.3%	9	2.5%

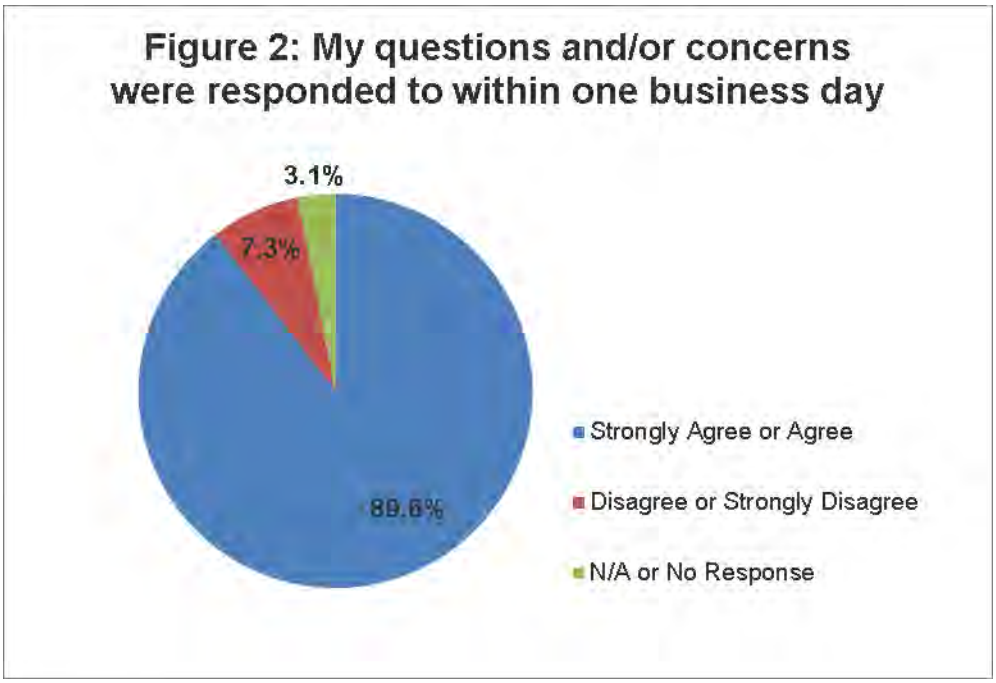


Figure 2: My questions and/or concerns were responded to within one business day
3.1%
7.3%
89.6%
Strongly Agree or Agree
Disagree or Strongly Disagree
N/A or No Response

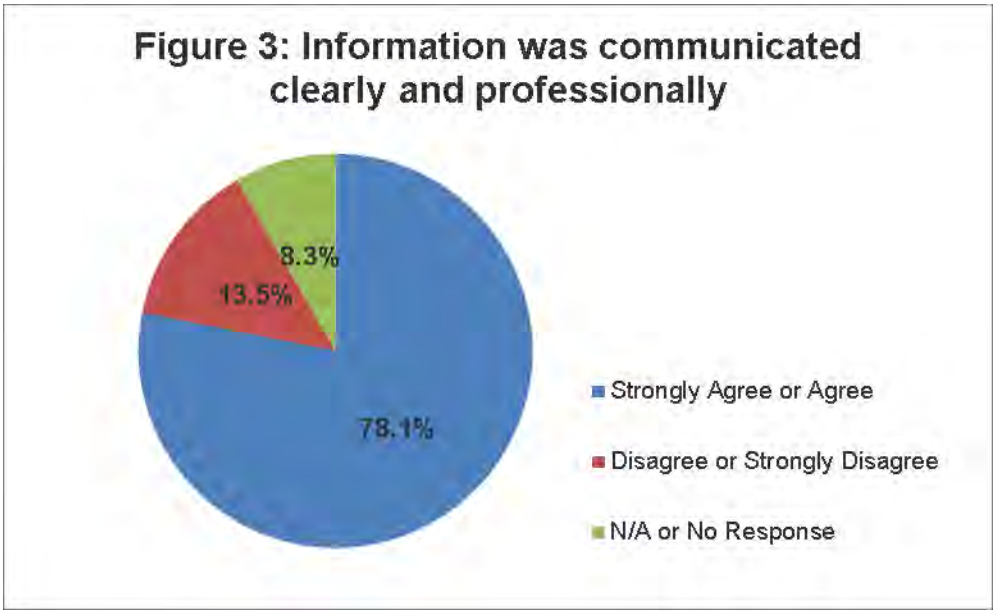


Figure 3: Information was communicated clearly and professionally
8.3%
13.5%
78.1%
Strongly Agree or Agree
Disagree or Strongly Disagree
N/A or No Response

Agreement Monitors

The next item asked respondents to react to the following: "Regarding our Agreement Monitors, to what extent do you agree that..."

Data Tables 5 (a, b and c): The mode (most frequent) response is in red (not all items have a mode):

Table 5a: January 2013 (n=96)	Strongly Agree		Agree		Disagree		Strongly Disagree		N/A		No Response	
	#	%	#	%	#	%	#	%	#	%	#	%
My Agreement Monitor is knowledgeable about my case	**43**	**44.8%**	38	39.6%	7	7.3%	6	6.3%	2	2.1%		
My needs and concerns are understood	35	36.5%	**38**	**39.6%**	11	11.5%	9	9.4%	1	1.0%	2	2.1%

The mode response in January was "Strongly Agree" for the first item and "Agree" for the second item. Although the mode on the second item slipped back from "Strongly Agree" in October (see table 5b below), the percentage of all positive responses (Agree / Strongly Agree) again improved:

- My Agreement Monitor is knowledgeable about my case: 84% positive responses in January compared to 81% in October.
- My needs and concerns are understood: 76% positive responses in January compared to 71% in October.

January's results are also displayed in figures 4 and 5 on the next page.

Table 5b: October 2012 (n=81)	Strongly Agree		Agree		Disagree		Strongly Disagree		N/A		No Response	
	#	%	#	%	#	%	#	%	#	%	#	%
My Agreement Monitor is knowledgeable about my case	**35**	**43.2%**	31	38.3%	8	9.9%	7	8.6%	0	0.0%	0	0.0%
My needs and concerns are understood	**35**	**43.2%**	23	28.4%	9	11.1%	12	14.8%	0	0.0%	2	2.5%

Table 5c: End of Year 2 (n=367)	Strongly Agree		Agree		Disagree		Strongly Disagree		N/A		No Response	
	#	%	#	%	#	%	#	%	#	%	#	%
My Agreement Monitor is knowledgeable about my case	123	33.5%	**165**	**45.0%**	40	10.9%	26	7.1%	9	2.5%	4	1.1%
My needs and concerns are understood	127	34.6%	**143**	**39.0%**	42	11.4%	38	10.4%	6	1.6%	11	3.0%

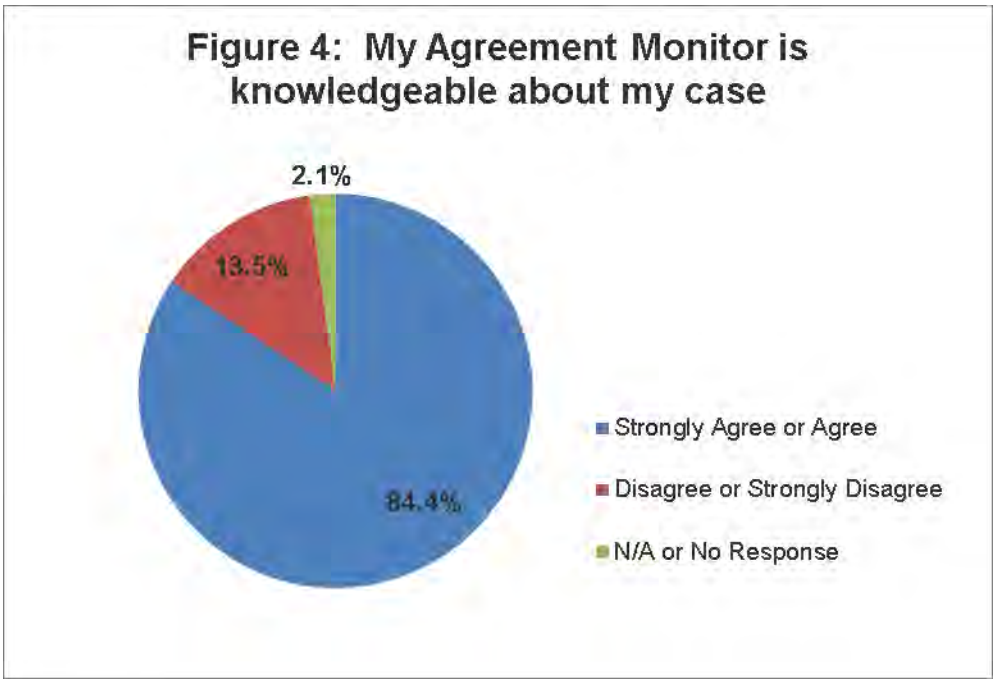


Figure 4: My Agreement Monitor is knowledgeable about my case
2.1%
13.5%
84.4%
Strongly Agree or Agree
Disagree or Strongly Disagree
N/A or No Response

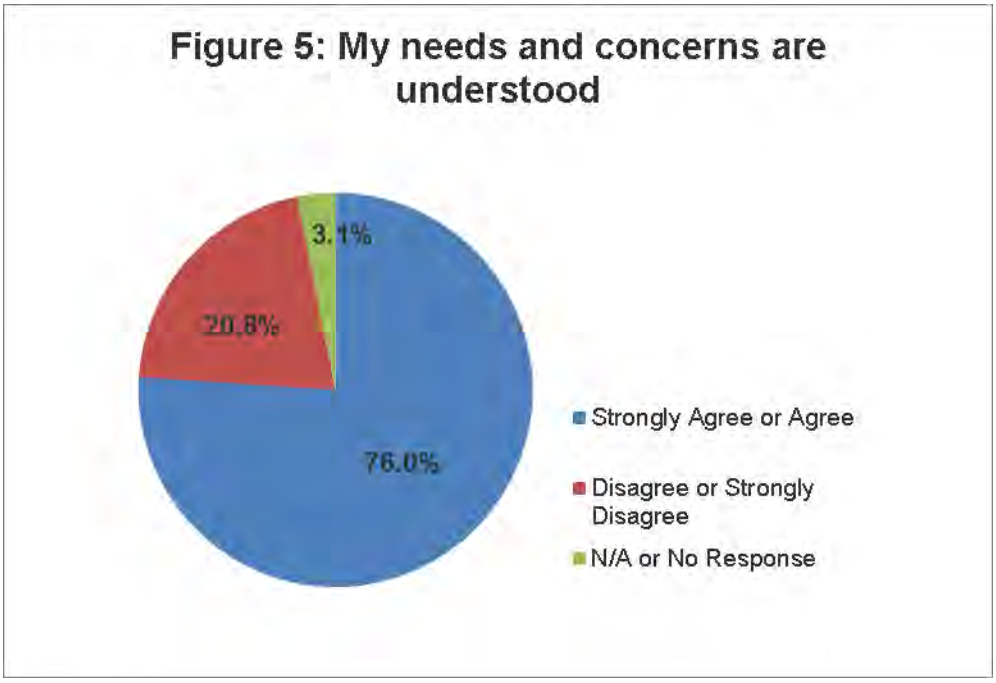


Figure 5: My needs and concerns are understood
3.1%
20.8%
76.0%
Strongly Agree or Agree
Disagree or Strongly Disagree
N/A or No Response

Service Components

This item asked respondents to "Please rate the following services as they contribute to your successful completion of the program."

Data Tables 6 (a, b and c): The mode (most frequent) response is in red (not all items have a mode):

Table 6a: January (n=96; OMB licensee only questions n=38)	Extremely Helpful		Helpful		Unhelpful		Extremely Unhelpful		No Response	
	#	%	#	%	#	%	#	%	#	%
Agreement Monitor contacts	21	21.9%	**49**	**51.0%**	22	22.9%	4	4.2%		
Newsletter	8	8.3%	**48**	**50.0%**	33	34.4%	5	5.2%	2	2.1%
Toxicology testing	15	15.6%	**50**	**52.1%**	23	24.0%	7	7.3%	1	1.0%
Website	8	8.3%	**38**	**39.6%**	36	37.5%	7	7.3%	7	7.3%
Individual Monitoring Consultants (OMB licensees)	9	23.7%	**14**	**36.8%**	9	23.7%	4	10.5%	2	5.3%
Group Monitoring (OMB licensees)	7	18.4%	**12**	**31.6%**	9	23.7%	5	13.2%	5	13.2%

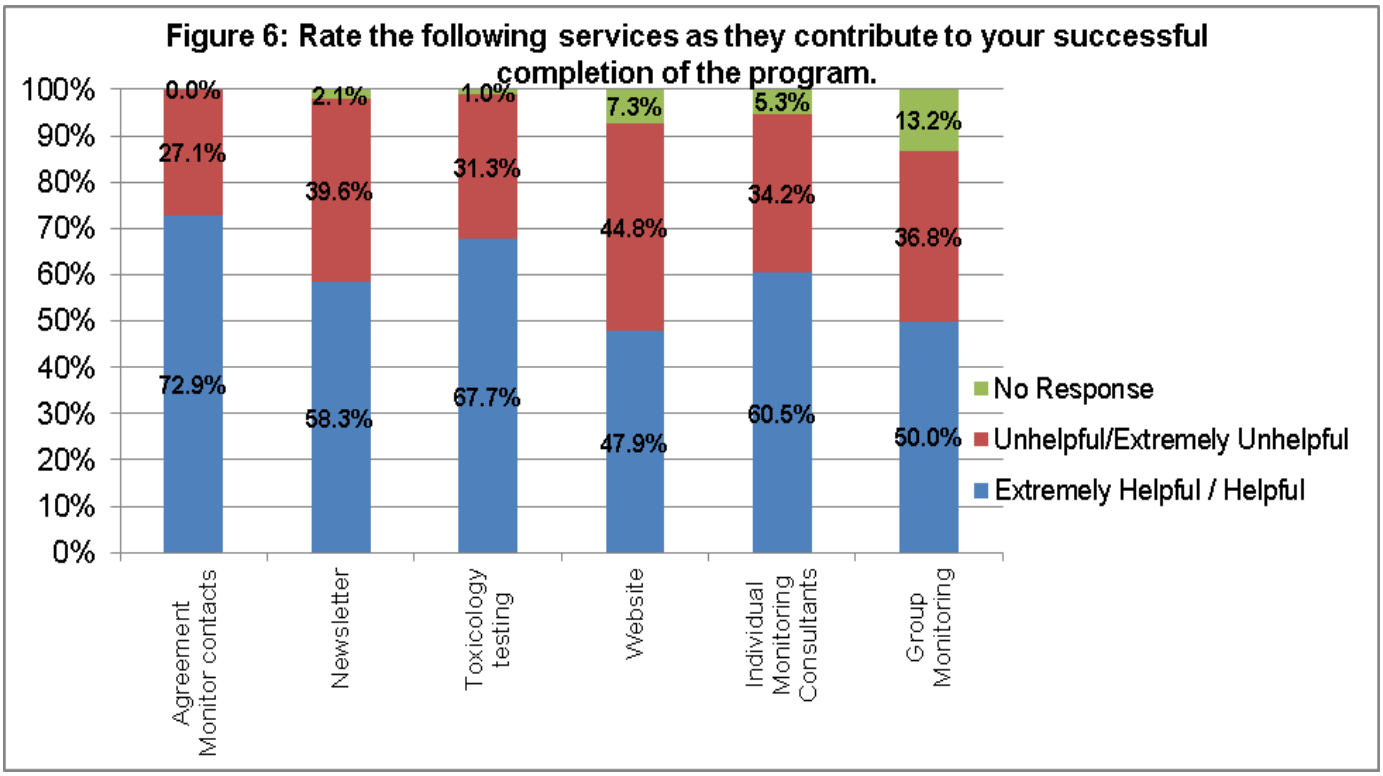
Again in January we see that all items received a mode response of "Helpful" as they did in October (see table 6b next page). In 4 of the 6 items, we find that the percentage of postive responses (in this case, "Extremely Helpful" and "Helpful") improved from the October survey (the stronger percentage is highlighted in red):

	January	October
• Agreement Monitor Contacts	72.9%	63.0%
• Newsletter	58.3%	67.9%
• Toxicology Testing	67.7%	56.8%
• Website	47.9%	49.3%
• Individual Monitoring Consultants	60.5%	50.0%
• Group Monitoring	50.0%	47.4%

Thus, in descdending order, respondents found the following service components the most helpful (again combining the "Extremely Helpful" and "Helpful" responses): Agreement Monitor Contacts, Toxicology Testing, Individual Monitoring Consultants, Newsletter, Group Monitoring, and the Website. January's responses are also displayed in Figure 6 on the next page.

Table 6b: October (n=81; OMB licensee only questions n=38)	Extremely Helpful		Helpful		Unhelpful		Extremely Unhelpful		No Response	
	#	%	#	%	#	%	#	%	#	%
Agreement Monitor contacts	19	23.5%	**32**	**39.5%**	19	23.5%	8	9.9%	3	3.7%
Newsletter	7	8.6%	**48**	**59.3%**	16	19.8%	8	9.9%	2	2.5%
Toxicology testing	11	13.6%	**35**	**43.2%**	21	25.9%	11	13.6%	3	3.7%
Website	4	4.9%	**36**	**44.4%**	24	29.6%	12	14.8%	5	6.2%
Individual Monitoring Consultants (OMB licensees)	4	10.5%	**15**	**39.5%**	7	18.4%	7	18.4%	5	13.2%
Group Monitoring (OMB licensees)	5	13.2%	**13**	**34.2%**	8	21.1%	6	15.8%	6	15.8%

Table 6c: Year 2 (n=367)	Extremely Helpful		Helpful		Unhelpful		Extremely Unhelpful		No Response	
	#	%	#	%	#	%	#	%	#	%
Agreement Monitor contacts	78	21.3%	**178**	**48.5%**	78	21.3%	30	8.2%	3	0.8%
Newsletter	26	7.1%	**204**	**55.6%**	101	27.5%	26	7.1%	10	2.7%
Toxicology testing	58	15.8%	**192**	**52.3%**	61	16.6%	51	13.9%	5	1.4%
Website	9	2.5%	**153**	**41.7%**	141	38.4%	39	10.6%	25	6.8%



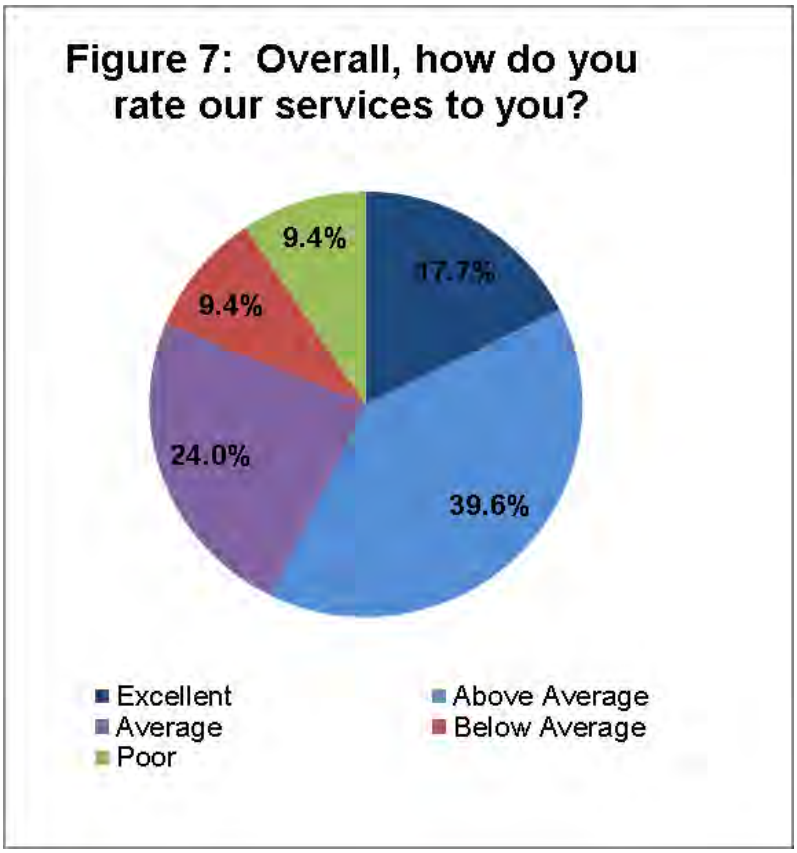
Overall Rating of Services

Respondents were asked to rate the overall services. The mode response to this question continues to be "Above Average" (39.6% in January.) The percentage who rated the program "Excellent" or "Above Average" combined continues to improve:

- January – 57.3%
- October – 43.2%
- Year 2 – 42.0%

Table 7: Overall Rating	January (n=96)		October (n=81)		Year 2 (n=367)	
	#	%	#	%	#	%
Excellent	17	17.7%	11	13.6%	52	14.2%
Above Average	38	39.6%	24	29.6%	102	27.8%
Average	23	24.0%	16	19.8%	125	34.1%
Below Average	9	9.4%	15	18.5%	44	12.0%
Poor	9	9.4%	12	14.8%	40	10.9%
No Response			3	3.7%	4	1.1%

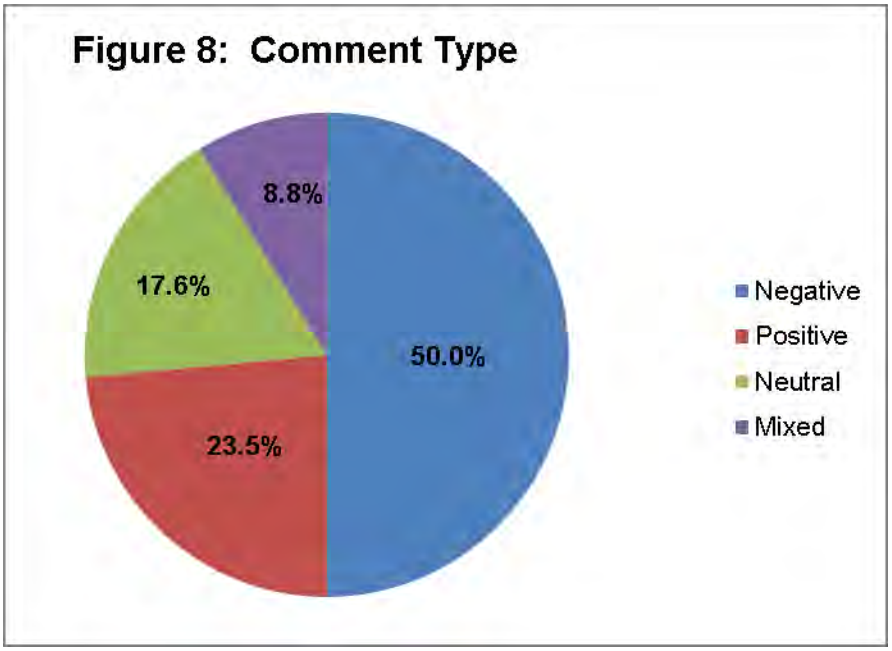
Figure 7 displays the January ratings.



Additional Comments

At the conclusion of the survey, respondents are asked for any additional comments. Thirty-four (34) comments were received, reviewed, and categorized in January. Comments were received from 35.4% of respondents compared to 40.7% in October.

Comments were first categorized with an overall type: positive, negative, neutral or mixed (containing both positive and negative). (See Figure 8)



In summary:

- 50% of comments were negative which is a significant decrease from 64% in October;
- 24% were positive which is an increase from 15% in October;
- 18% were neutral which is similar to 15% in October;
- 9% were mixed (both positive and negative) which is similar to 6% in October.

Overall, then, although there were less comments than in October, they were more positive and less negative.

Comments were then categorized by area (see Data Table 8, next page). Each issue within a comment was categorized to maximize the ability to capture all feedback. Negative comments about the Program Structure continue to be the most frequent with 25% (27% in October). There were 3 (7%) positive comments about Program Structure in January however (none in October). Negative comments regarding Toxicology/Lab Locations are the second most frequent with 11% (16% in October).

Table 8: Categories of Comments Received		January		October	
		#	%	#	%
Communication	Positive				
	Negative	2	4.5%	2	4.4%
Financial Comp	Positive				
	Negative	1	2.3%	2	4.4%
General	Positive	5	11.4%	3	6.7%
	Negative	3	6.8%	4	8.9%
	Neutral	2	4.5%	1	2.2%
Mental Health Component	Positive				
	Negative	1	2.3%	1	2.2%
Program Structure	Positive	3	6.8%		
	Negative	**11**	**25.0%**	**12**	**26.7%**
	Neutral	3	6.8%	1	2.2%
Staff – Account Manager	Positive	2	4.5%	4	8.9%
	Negative	4	9.1%	1	2.2%
	Neutral	1	2.3%	1	2.2%
Staff - General	Positive	1	2.3%		
	Negative			1	2.2%
Staff Availability & Responsiveness	Positive			1	2.2%
	Negative			1	2.2%
Toxicology / Lab Locations	Positive				
	Negative	5	11.4%	7	15.6%
	Neutral			2	4.4%
Website	Positive				
	Negative			1	2.2%

Actual Comments Received – January 2013

***Note that comments are shown as the respondent typed or wrote them. Spelling, punctuation and grammar have not been corrected.*

1. On your questions regarding our use of optional services such as the web site or newsletter, one of the responses should be "Do not use".
2. I have been in the program for 2 years now without non-compliance of any sorts. I was initially referred to the program by a 3rd party evaluator after being diagnosed with substance abuse. I was told by the evaluator (the "professional") that this was completely different from a chemical dependency diagnosis and I was reccomended 12 weeks of classes (the lowest they recomend) and explained that the classes were meant for people that had used drugs or alcohol and it had affected their lives in a negative way. I was told by the 3rd party evaluator that I did not need to identify as an "addict." I wonder sometimes if why I am in this program, where I DO have to identify as an addict, when the "professional" told me different. And I wonder if people ever graduate early based on their case. Just some thoughts from a licensee that used substances in a negative way, but did not require in patient rehabilitation, etc. Maybe something to consider discussing in a future newsletter.
3. The program is not designed to be helpful to someone in my situation. I have no drug or alcohol problems and your program is specifically designed for those.
4. I see that this streamlined program can help the Board to be out of the loop for ease. I feel there is no understanding of the cost of the parts that are required, ie UAs. I could get them at half the price that is being offered to ship my urine to Minnesota. There is a certain cold attitude of non-compliance without proper understanding of living a life with children and a job etc. I appreciate the concerns of keeping the public safe, but I am afraid of non compliance because I don't have enough money to pay for the $6-8 +K that this will cost.
5. It's an easy program if you have the want and desire to make it easy.
6. paperwork frequently lost or misplaced. Takes sending important paper work several times. Constant threats of being non compliant. Case worker very condescending.
7. It is amazing to me that a mental health organization is part of the punishment mentality of the board. You are the means that the board uses to do nothing to protect the public (there is NO evidence to support this claim) while causing PTSD in all of us, punishing us for having a mental health disorder. Way to go! Many of us would rather have you just put us to death, remove our testicles, or give us 100 lashings. It would be much more humane than the way we are treated. Way to go Reliant for getting the big bucks to do us harm.
8. I live and work on the southern and central Oregon coast. The lack of testing sites for the coast is a challenge and potential problem for compliance with my contract.
9. All of the employees are extremely helpfull and friendly.
10. Why only average? Because RBH must tread the fine line between just being a monitoring agency and providing help in recovery. Mostly, it is just the former. I find the Agreement monitor contacts "helpful" when I have questions or concerns in that there is someone who knows my history a little bit and is friendly. I do not find it "helpful" to call in weekly. Similarly, quarterly consultant meeting are not particularly "helpful" in my recovery, but are required to provide assurances that I am active in my recovery. I do not find the monthly employer forms to be helpful or useful in any way, and (despite reasons cited in the Newsletter) they do not provide additional assurances to anyone, since my employer can call at anytime if they have concerns. HPP could provide letters of compliance without this additional requirement, and HPSP can as well. They simply choose not to.Finally, the use of the call in message wherein a licensee is "NOT in compliance" when there is an outstanding balance is needlessly harsh. Since HPSP participants are required to call their agreement monitor weekly, this would be an appropriate venue to discuss matters of credit card numbers or other financial issues, particularly if the need is not pressing or there is no evidence of intentional lack of payment.
11. certain instances call for individualized consideration and overall review for best service to individual and public at large...current system does not allow for such
12. HPSP has improved, I think, over last 6 mos or so. Seems more aware of nuances of my own treatment and treats me as a person.
13. Changing the rules all the time and not being flexible when a participant asks for a change seems rather hypocritical
14. Question: It is my understanding that programs associated with the Oregon Health Authority are required to employ evidence-based practices in their services. Random toxicology testing has been shown to be effective in increasing abstinence rates. However, I'm not aware of any evidence supporting the use of monitoring groups, periodic monitoring consultants, or weekly check-ins with agreement monitors; could you provide appropriate references supporting these practices? Thank you.

15. My medication monitor is excellent. Since I am only enrolled for "monitoring" and do not have a substance abuse diagnosis, the services listed do not assist me. I continue to obtain the care from my usual doctors as I have done for many years. Nevertheless, I am impressed with the manner in which your services are implemented and feel very supported by contact person. The greatest value to me is the programs ability to document my compliance for the medical board. I am confused by the the Board's ability to refer simply on the basis of their order for "monitoring" for 5 years in the absence of a substance abuse diagnosis or an impairing mental health diagnosis and believe that this is inappropriate. This indicates to me that the medical board does not have to provide the HPSP with a diagnosis to support the referral. Nevertheless, I am pleased to say that the RBH is doing a good job.
16. thank you
17. Would really like to meet my agreement monitor face to face.
18. Agreement monitor is not knowledgeable. In second year, voluntary, program is too rigid and while it keeps the public safe from my drug addiction is an excessive stressor on my life.
19. Not fully enrolled in system- can only evaluate the beginning entrance component
20. I have had requirements in the recent past that I have requested from my agreement monitor on multiple occasions have continually not been taken care of (UA results to be sent to my treatment counselor). I feel that I am completing my requirements in a timely manner but do not always have the same done back for me from my agreement monitor. This has not seemed to negatively impact my progress with the program or my recovery but is something I'm very aware of (and continually trying to address and stay on top of).
21. No helpful plans for non-ill mentally ill physicians not referred for being an impaired physician. In fact some of requirements are harmful.
22. Your services are fine. The board is totally negative, damaging and useless.
23. I feel that my monitor [Name] is thorough and a positive person to talk with.
24. [Name of Agreement Monitor] does a great job being fair and non-judgemental. She is friendly and professional.
25. Inconsistencies in how policies are applied can be a source of frustration especially around where to test and when. Requirements for saturday testing should be applied to all (including those that live 100 plus miles from a test site) or to none. More testing sites that do not need COC forms with longer hours of operation would also be helpful.
26. I am grateful for this program however I am finding this program is not well supported. I have found it difficult to gain employment and keep it as well. I understand the positives this program brings but upper managers do not. It is unfortunate. I wish there was a way to have this program a bit more confidential.
27. I live and work on the southern and central Oregon coast. The lack of testing sites is a concern and a potential problem for compliance with my contract.
28. [1] "If you don't pay us, you will lose your RN license & you will never be able to get it back." Legally, this constitutes extortion.
    [2] One's recovery is secondary to profits, and the stress caused by 'pay or else' seriously jeopardizes the recovery process.
    [3] Testing is NOT random! I can expect to be tested on Mondays & Fridays. Three tests in one week is not random. I've done the stats on this phenomenon.
    [4] The Oregon State Board of Nursing should replace RBH, LLC, which is owned by a nationwide corporation, with a caring entity that puts recovery ahead of profits.
29. Having spent a professional lifetime in healthcare, I remain continually confounded at RBH and the board's philosophy regarding addiction and recovery treatment. In the future we will look back on the punitive nature of this philosophy with disbelief. In light of all the science known about compulsive behaviors it is remarkable that we cling to antiquated notions of intimidation, punishment, and fear as methods used to maintain compliance. Instead of approaching this disease from a standpoint of education, understanding, and research based treatment, what we have is a discipline based model. It is no different than the finger wagging lectures and 'spanking' from parental authorities that led many of us to lives of unrelenting anxiety. The very same anxiety that contributed to self-medication and addiction in the first place.
30. Not sure why finger printing every year is important
31. There is no transparency to this program. Every question I have asked is returned with an explanation that is vaugue and not really an answer to the question. That's even if you get an answer. This program is extremely subpar.
32. HPSP is helpful. The board is useless.
33. Agreement monitor is not knowledgeable. Program too rigid.
34. New creatinine level requirements too strict. Results in uneccessary testing and expense. I am an alcoholic. If I drink, you will not need to look at creatinine or test to lowest levels. It will be obvious. Moderation is impossible.

Summary Analysis

The licensee survey response rate was 31.1% in January based on the 96 responses received. The response rate has continued to grow stronger since the program's inception. 51% of respondents this quarter were representatives of the Board of Nursing, followed by the Medical Board with 39.6%. The breakdown of respondents by board is representative of the percentage of licensees enrolled in the program, with only a slight skew toward the Medical Board.

When thinking about their most recent call to RBH, 89.6% of respondents indicate that they "Agree" or "Strongly Agree" that their questions/concerns were responded to promptly. Similarly, 78.1% indicate that they "Agree" or "Strongly Agree" that information was communicated clearly and professionally. Both of these figures improved from the October survey.

Agreement Monitors continued to receive strong ratings: 84% of respondents "Agree" or "Strongly Agree" that (his/her) Agreement Monitor is knowledgeable about (his/her) case. Similarly, 76% of respondents "Agree" or "Strongly Agree" that (his/her) needs and concerns are understood.

When rating how various components contribute towards the successful completion of the program, all of the listed components received a mode response of "Helpful." Agreement Monitor contacts continue to be rated the most helpful which underscores the strong ratings noted previously. Toxicology testing is rated the next most helpful.

Overall, 57.3% of respondents rated the services as "Excellent" or "Above Average." This figure continues to show significant improvement between each survey.

34 comments were received, which represents 35% of respondents. Of these, 50% were negative, 24% were positive, 18% were neutral and 9% were mixed (both positive and negative.) Negative comments about the Program Structure continue to be the most frequent with 25%, although there were also positive comments about Program Structure this survey (7%). Negative comments regarding Toxicology/Lab Locations were the second most frequent with 11%.

Reliant Behavioral Health
Health Professionals' Services Program (HPSP)
Satisfaction of EMPLOYERS / WORKPLACE MONITORS

Purpose

The purpose of assessing Employers / Workplace Monitors is to obtain constructive feedback that can be used to improve the services provided by the HPSP Program. RBH strives to maintain the quality, effectiveness, and efficiency of the program, and thus evaluates Employers' / Workplace Monitors' satisfaction with the HPSP Program on a twice yearly basis.

Feedback is obtained from Employers / Workplace Monitors via a satisfaction survey that is emailed or mailed to Employers / Workplace Monitors who are asked to complete the survey online. The survey is short and can be completed in 2-3 minutes.

Feedback includes information about timeliness of response, knowledge level of staff, the monthly safe practice form, and their overall rating of RBH's support of their supervision of licensees. Also, the survey asks for any additional comments.

In reviewing the survey results, the Reliant Quality Management Committee (QMC) will identify opportunities for improvement and develop appropriate action plans where necessary. The QMC will monitor Program performance at specified intervals following the implementation of the action plans.

Data Results

Response Rate

Table 1: Response Rate	Semi-annual report 1/13 Year 3	Year 2
# Sent	197	387
# Responses	32	53
Response Rate	16.2%	13.7%

The HPSP Employers Satisfaction Survey was distributed to Workplace Monitors through email. Out of the total 197 surveys distributed, 32 responses were received for a response rate of 16.2%. This shows a continuation of the trend of a strengthening response rate from this population.

Type of Service Provided by Employer

Respondents are first asked the type of services provided by their organization. Nursing represented the largest percentage of responses, at 59.4% (19), followed by medical at 37.5% (12). These were the most frequent responses in year 2 as well, although there were more medical responses than nursing last year. This is the first survey in which a respondent has indicated they provided "pharmacy" services.

Data Table 2: The mode (most frequent) response is highlighted in red:

Table 2: Type of Services Provided	Semi-annual report 1/13, Year 3 (n=32)		Year 2 (n=53)	
	#	%	#	%
Medical	12	37.5%	**24**	**45.3%**
Nursing	**19**	**59.4%**	19	35.8%
Dental			2	3.8%
Pharmacy	1	3.1%		
Other			7	13.2%
No Response			1	1.9%

Customer Service

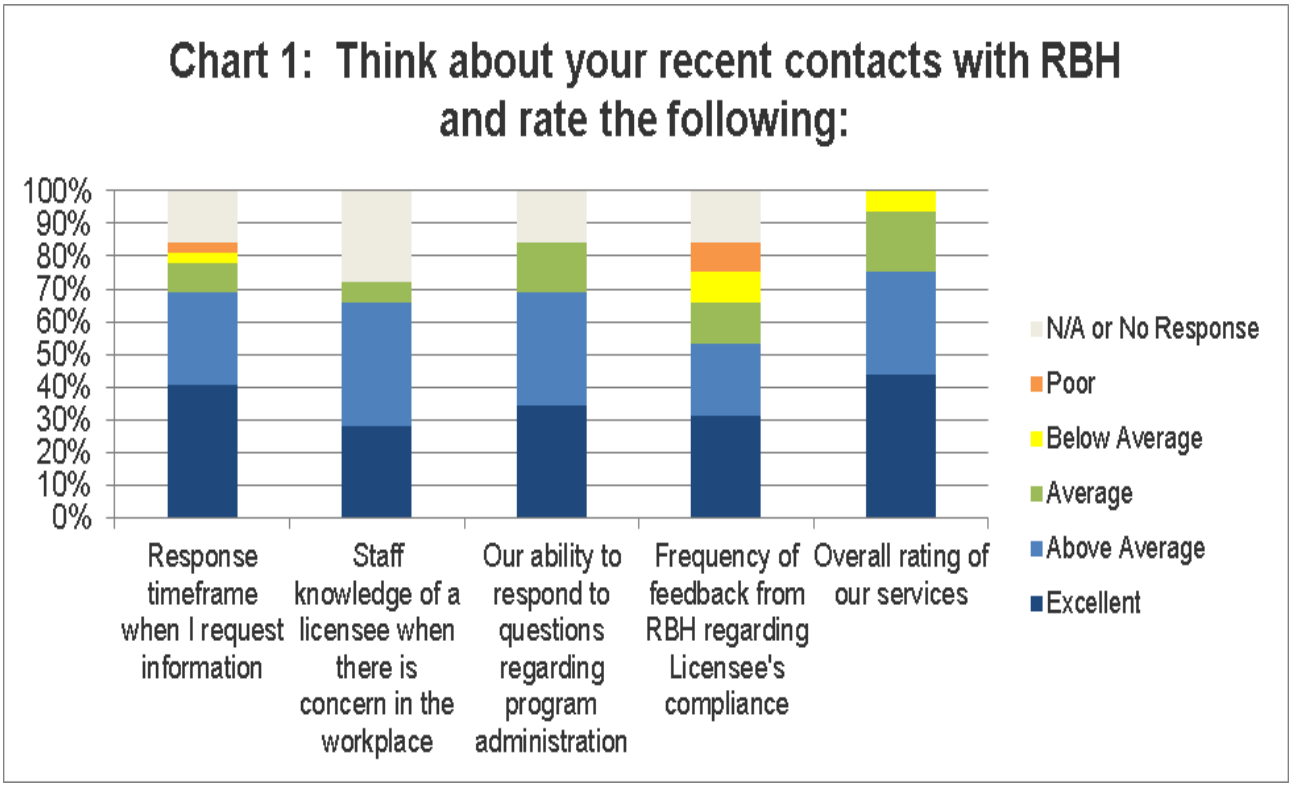
Respondents are then asked to rate HPSP's customer service based upon their recent contacts with the program. Components evaluated include timeliness of response and knowledge of licensee. This year, the 3rd item was modified from "Our ability to respond to concerns regarding program administration" to "Our ability to respond to questions regarding program administration." In addition, a new item "Frequency of feedback from RBH regarding Licensee's compliance," was added. Finally, an overall rating is requested.

Data Tables 3 (a and b): The mode (most frequent) response is in red (not all items have a mode):

Table 3a This Period (n=17)	Excellent		Above Average		Average		Below Average		Poor		N/A or No Response	
	#	%	#	%	#	%	#	%	#	%	#	%
Response timeframe when I request information	**13**	**40.6%**	9	28.1%	3	9.4%	1	3.1%	1	3.1%	5	15.6%
Staff knowledge of a licensee when there is concern in the workplace	9	28.1%	**12**	**37.5%**	2	6.3%					9	28.1%
Our ability to respond to questions regarding program administration	11	34.4%	11	34.4%	5	15.6%					5	15.6%
Frequency of feedback from RBH regarding Licensee's compliance	**10**	**31.3%**	7	21.9%	4	12.5%	3	9.4%	3	9.4%	5	15.6%
Overall rating of our services	**14**	**43.8%**	10	31.3%	6	18.8%	2	6.3%				

For this period, the mode response to all items was “Above Average” or “Excellent.” One item did not have a mode because there were an equal number of “Excellent” responses as “Above Average” responses. Last year, the mode response to all items was “Above Average.” Data from the January survey is also displayed below in Chart 1.

Table 3b Year 2 (n=53)	Excellent		Above Average		Average		Below Average		Poor		N/A or No Response	
	#	%	#	%	#	%	#	%	#	%	#	%
Response timeframe when I request information	12	22.6%	**15**	**28.3%**	6	11.3%	2	3.8%	2	3.8%	16	30.2%
Staff knowledge of a licensee when there is concern in the workplace	10	18.9%	**13**	**24.5%**	9	17.0%	1	1.9%			20	37.7%
Our ability to respond to concerns regarding program administration	8	15.1%	**17**	**32.1%**	7	13.2%	2	3.8%			19	35.8%
Overall rating of our services	13	24.5%	**23**	**43.4%**	11	20.8%	3	5.7%			3	5.7%



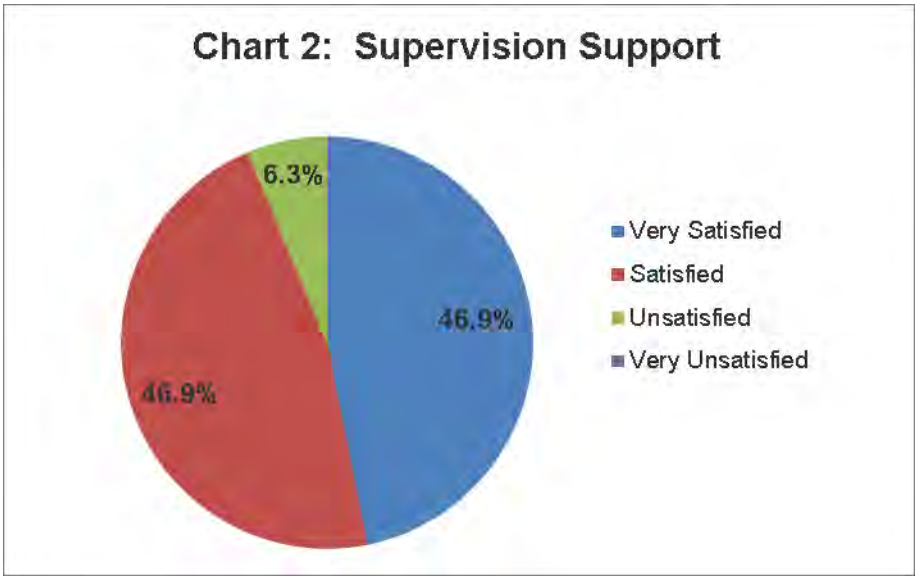
Supervision Support

The next item reads: "RBH supports your supervision of licensees. How satisfied are you with our support?" Nearly 47% of respondents indicated they were "Very Satisfied," and another nearly 47% indicated they were "Satisfied." Two (2) respondents indicated they were "Unsatisfied." These results are similar to Year 2's, although slightly more positive.

Data Table 4: The mode (most frequent) response is highlighted in red. Not all items have a mode response:

Table 4: Supervision Support	Period 1, Year 3 (n=32)		Year 2 (n=53)	
	#	%	#	%
Very Satisfied	15	46.9%	21	39.6%
Satisfied	15	46.9%	**26**	**49.1%**
Unsatisfied	2	6.3%	3	5.7%
Very Unsatisfied				
No Response			3	5.7%

Chart 2 displays the Period 1 results from January:



Workplace Safety

A new item was added to the survey this period: "How would you rate RBH's ability to monitor the licensee to ensure safety in the workplace?" The mode response was "Excellent" at nearly 42%, followed by "Above Average" (29%) and "Average" (22.6%).

Data Table 5: The mode (most frequent) response is highlighted in red:

Table 5: Workplace Safety	Period 1, Year 3 (n=32)		Year 2 N/A – Not Asked	
	#	%	#	%
Excellent	13	41.9%		
Above Average	9	29.0%		
Average	7	22.6%		
Below Average	2	6.5%		
Poor				
No Response				

A follow-up question requests any suggested changes or recommendations. Three were provided as follows:

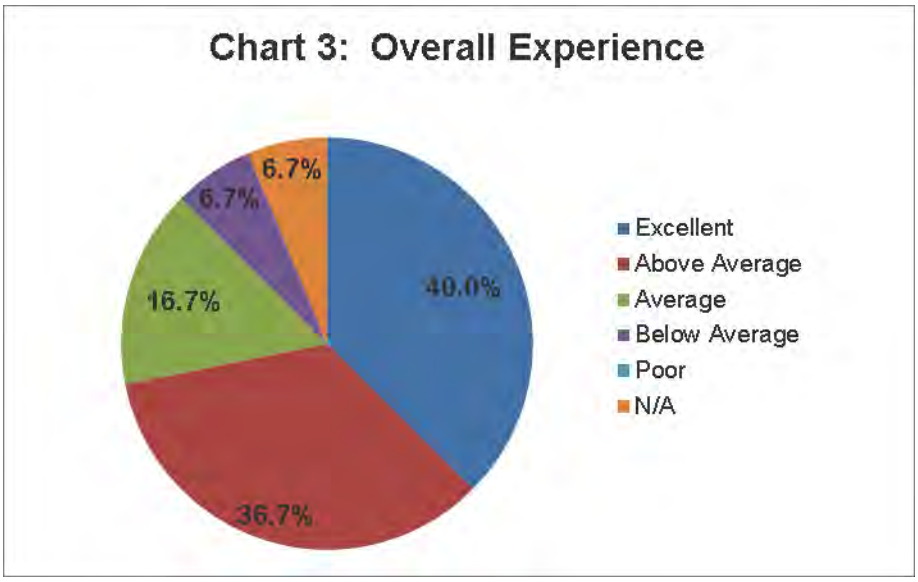
1. I think that the training I participated in through Fit 2 Perform was very helpful and should be offered to all managers when embarking on a long-term monitoring of staff members in your program.
2. Continue to provide education to workplace monitors.
3. It takes a long time for people to get back to you - and then the person who calls back often doesn't know the answer and there is more delay

Overall Experience

Respondents are asked to rate their overall experience working with RBH. Responses this period mirror those of Year 2, with a mode response of "Excellent" (40%) followed closely by "Above Average" (36.7%). During Year 2, the total respondents rating the overall experience "Excellent" or "Above Average" was nearly 69%; this period it is nearly 77%.

Table 6: Overall Experience	This Period (n=32)		Year 2 (n=53)	
	#	%	#	%
Excellent	12	40.0%	19	35.8%
Above Average	11	36.7%	17	32.1%
Average	5	16.7%	12	22.6%
Below Average	2	6.7%	3	5.7%
Poor				
N/A or No Response	2	6.7%	2	3.8%

This period's responses (January) are also displayed in Chart 3:



Additional Comments

Actual Comments (This Period)

1. Since starting the monitoring process, I have had no contact from RBH initiated by RBH - I have called with questions, but the only sense of "support" is that I'm sure RBH would respond if I called. You might touch base with monitors by phone (a personal connection) occasionally.
2. It would be helpful if the day of testing for the employee wasn't on a day that she has to go to another town 65 miles away after working all night, and having to come back the following night to work. Is there a way to prevent that?
3. I am the contact person for two members of my group. Each month I receive an email from you with one form. Then, both of the people in my group also give me a paper form. It would be best to send both to me via email, with the information about the person already pre-populated. There should also be a way to sign the form electronically so that I don't have to print and fax. Thanks. [Name]

Summary Analysis

The HPSP Employers Satisfaction Survey had a response rate of 16.2% this period, an increase from the 13.7% for Year 2. Respondents indicated that their organizations primarily provide Nursing services (59.4%) followed by Medical services (37.5%); this is consistent with the licensee population.

The mode response to all items regarding HPSP's customer service was either "Above Average" or "Excellent." This series of items looks at HPSP's timeliness of responses, knowledge of licensees, ability to respond to questions regarding program administration and frequency of feedback regarding Licensee's compliance.

42% of respondents indicated that they thought that RBH's ability to monitor the licensee to ensure safety in the workplace is "Excellent," followed by 29% who indicated that it is "Above Average." Two Workplace Monitors commented that continued training or monitors should be provided to further support workplace safety. One Monitor expressed concern about the timeliness of responses.

Overall, nearly 77% rate their overall experience working with RBH HPSP as "Excellent" or "Above Average."

Three additional comments were received, 1 about testing, 1 about contact with RBH and 1 about the Monthly Safe Practice Form.

RBH plans to initiate a follow-up plan on the concerns expressed regarding contact with Workplace Monitors to ensure that each Monitor feels supported in the workplace. RBH is committed to continue to provide training to the Workplace Monitors.

Reliant Behavioral Health
Health Professionals' Services Program (HPSP)
Satisfaction of PROFESSIONAL ASSOCIATIONS

Purpose

The purpose of assessing representatives from the Oregon Medical Association, Oregon Nursing Association, Oregon Pharmacy Association, and the Oregon Dental Association is to obtain constructive feedback that can be used to improve and maintain the quality, effectiveness, and efficiency of the HPSP Program. In order to provide continuous quality services, RBH evaluates this stakeholder group's satisfaction with the HPSP Program on a twice yearly basis.

Feedback is obtained from Association representatives via a satisfaction survey that is emailed to representatives who are asked to complete the survey online. The survey is short and can be completed in 2-3 minutes.

Feedback includes information about the timeliness of response, knowledge level of staff, ability to enroll licensees, and an overall rating of RBH services. Also, the survey asks about the value of the HPSP Program to their membership, and asks for any additional comments.

In reviewing the survey results, the Reliant Quality Management Committee (QMC) will identify opportunities for improvement and develop appropriate action plans where necessary. The QMC will monitor Program performance at specified intervals following the implementation of the action plans.

Data Results

Response Rate

The HPSP Satisfaction survey was distributed to 1 representative of each Professional Association, plus a second representative from the Oregon Nursing Association. A total of 5 surveys were emailed in January. Unfortunately, no responses were received. There were not any responses received last year either.

Summary Analysis

There were not any responses to this survey. RBH plans to reach out to the Professional Associations. It is recommended that RBH explore ways to increase the response rate.

Reliant Behavioral Health
Health Professionals' Services Program (HPSP)
Satisfaction of TREATMENT PROGRAMS

Purpose

The purpose of assessing representatives from Treatment Programs is to solicit feedback that can be used to improve the services provided through the HPSP Program. RBH strives to maintain the quality, effectiveness, and efficiency of the program, and evaluates the Treatment Programs' satisfaction with the HPSP Program on a twice yearly basis.

Feedback is obtained from Treatment Program representatives via a satisfaction survey that is emailed or mailed to representatives who are asked to complete the survey online. The survey is short and can be completed in 2-3 minutes.

Feedback includes information about RBH's communication, responsiveness of staff, overall rating of experience, and any additional comments.

In reviewing the survey results, the Quality Management Committee (QMC) will identify opportunities for improvement and develop interventions if necessary. The QMC continues to monitor performance at specified intervals following the implementation of the intervention(s).

Data Results

Response Rate

Table 1: Response Rate	Semi-Annual Report 1/13 Year 3	Year 2
# Sent	107	62
# Responses	9	5
Response Rate	8.4%	8.1%

The HPSP Treatment Program Satisfaction Survey was distributed to representatives at various treatment programs that provide services to Licensees enrolled in HPSP. 107 surveys were sent through a combination of mail and email. Nine responses were received, representing an 8.4% response rate. A significantly larger population received the survey this period than last year. Although the response rate is slowly trending upward, this does not provide a representative sample of the population surveyed. *The results are below for informational purposes only since the sample size is not representative.*

Role of Respondent

The survey was modified this period to include an additional question which asked "In what capacity were you working with the licensee?" The following responses were received:

- Counselor
- Independent psychiatrist
- Therapist / PMC
- Group Monitor (GMC) (2)
- Consultant, Therapist
- Treating physician
- Outpatient substance abuse counseling
- Chemical Dependency Treatment

Customer Service and Communication

Survey respondents are asked to rate three different statements relating to customer service, particularly communication between HPSP and the provider.

Data Table 2a and b: The mode (most frequent) response is highlighted in red:

Table 2a: Period 1, Year 3 (n=9)	Strongly Agree		Agree		Disagree		Strongly Disagree		N/A		No Response	
	#	%	#	%	#	%	#	%	#	%	#	%
My questions and/or concerns were responded to promptly	3	33.3%	**5**	**55.6%**					1	11.1%		
Information was communicated clearly and professionally	2	22.2%	**4**	**44.4%**	3	33.3%						
I had all the information I needed when I saw the licensee	2	22.2%	3	33.3%	**4**	**44.4%**						

The mode response for 2 of the 3 items was "Agree" as seen last year. The mode response for "I had all the information I needed when I saw the licensee" was "Disagree" although the average (mean) response would be "Agree" due to the 2 "Strongly Agree" responses.

Last year there were not any "Strongly Agree" responses to any of the 3 statements and this period they represented 20-30% of the responses to each one.

Table 2b: Year 2 (n=5)	Strongly Agree		Agree		Disagree		Strongly Disagree		N/A		No Response	
	#	%	#	%	#	%	#	%	#	%	#	%
My questions and/or concerns were responded to promptly			**4**	**80%**					1	20%		
Information was communicated clearly and professionally			**5**	**100%**								
I had all the information I needed when I saw the licensee			**4**	**80%**	1	20%						

Overall Experience

Respondents are next asked "Overall, how would you rate your experience working with RBH staff of the HPSP program?"

Data Table 3: The mode (most frequent) response is highlighted in red:

Table 3: Overall Rating	Period 1, Year 3 (n = 9)		Year 2 (n=5)	
	#	%	#	%
Excellent	2	25.0%		
Above Average	1	12.5%	2	40.0%
Average	**3**	**37.5%**	**3**	**60.0%**
Below Average	2	25.0%		
Poor				
No Response	1	12.5%		

This period, 75% of respondents rated their overall experience "Average" or better. The mode response was "Average" with 3 responses (37.5%). Notable, two respondents rate their overall experience "Excellent."

Last year, 40% (2) of respondents rated their overall experience as "Above Average" and 60% (3) rated it "Average."

Additional Comments

1. You have a hard act to follow. Former HPP program was great at communicating, and you lost Tom Foster when you were getting going. I don't really recall particulars of case, but don't think we had good interaction with you.
2. I have had a great working relationship with RBH and the HPSP staff. I hope to continue providing services for the RBH/HPSP team.
3. It is difficult to get specific information for licensees. Also there has been a lack of supportive information. For example I didn't know there was a news letter until licensee's told me after I had been doing groups for six months.
4. I don't recall ever receiving any communications, written or verbal from RBH. I'm not sure whether I should have received any communication as it has never been clear to me what I should expect of RBH. Perhaps I should expect to hear from RBH only if there is a problem? My understanding is I'm supposed to send updates. It would be helpful if the nature of our professional relationship was more clear. It would be nice to see any reports from others involved in my patient's care, and the results of urine drug tests.
5. Participants state that they are often leaving messages and not talking to their assigned in house staff person. Not sure how this could be improved, but it has been portrayed to me that they feel unimportant and like a number.
6. Notice more reliable responses as personnel changes are happening less frequently.

Summary Analysis

The response rate to the HPSP Treatment Program Satisfaction Survey was 8.3% which represents a continued slight improvement; however, this does not provide a representative sample of the population surveyed. Due to the low response rate, results should not be considered valid for the total population.

The respondents indicated that they worked with the licensees in a variety of roles.

The mode response for both “My questions and/or concerns were responded to promptly” and “Information was communicated clearly and professionally” was “Agree.” The mode response for “I had all the information I needed when I saw the licensee” was “Disagree” although when the positive responses are combined (“Agree” and “Strongly Agree”) they outnumbered the “Disagree” responses.

It is recommended that the RBH reach out to the providers in order to continue to work on improving the response rate of this population and address the concerns expressed in the comments section.

Reliant Behavioral Health
Health Professionals' Services Program (HPSP)
Satisfaction of BOARDS

Purpose

The purpose of assessing representatives from the Medical Board, Board of Nursing, Board of Dentistry, and the Board of Pharmacy, is to obtain constructive feedback that can be used to improve and maintain the quality, effectiveness, and efficiency of the HPSP Program. In order to provide continuous quality services, RBH evaluates satisfaction with the HPSP Program on a twice yearly basis.

Feedback is obtained from Board representatives via a satisfaction survey that is emailed to representatives who are asked to complete the survey online. The survey is short and can be completed in 2-3 minutes.

Feedback includes information about the overall program and staff, timeliness of our responses to inquiries, knowledge level of our staff, our ability to enroll referred licensees, and our ability to administer the program.

In reviewing the survey results, the Reliant Quality Management Committee (QMC) will identify opportunities for improvement and develop appropriate action plans where necessary. The QMC will monitor Program performance at specified intervals following the implementation of the action plans.

Data Results

Response Rate

Table 1: Response Rate	1st Period, Year 3	Year 2
# Sent	9	16
# Returned	4	8
Response Rate	44.4%	50.0%

The HPSP Boards Satisfaction Survey was emailed to representatives at 100% of the participating Boards in January. The response rate for July was 44.4%, representing 4 responses to 9 surveys sent. Last year, a total of 8 responses were received out of 16 possible, resulting in a 50.0% response rate.

Respondents

The Board of Dentistry did not provide any responses this period; The Medical Board provided 2 or 50% of the total responses.

Table 2: Respondents by Board	1st Period, Year 3 (n=4)		Year 2 (n=8)	
	#	%	#	%
Medical Board	2	50%	3	37.5%
Board of Nursing	1	25%	2	25%
Board of Dentistry	0	0%	1	12.5%
Board of Pharmacy	1	25%	2	25%

Services

Respondents were asked to rate four different service components based on their experience.

Data Table 2a and b: The mode (most frequent) response is highlighted in red:

Table 2a – Semi-Annual Report 1/13, Year 3 (n=4)	Excellent		Above Average		Average		Below Average		Poor		N/A or No Response	
	#	%	#	%	#	%	#	%	#	%	#	%
Staff knowledge of the case when I need to discuss a board referred licensee	**2**	**50%**	1	25%	1	25%						
Response timeframe when I request information	**2**	**50%**	1	25%			1	25%				
Our ability to respond to Board concerns regarding program administration	1	25%	1	25%	1	25%					1	25%
Overall, how do you rate our services	**2**	**50%**	1	25%			1	25%				

The mode response for 3 of the 4 items rated was "Excellent" this quarter, which shows significant improvement from the past. The fourth item, "Our ability to respond to Board concerns regarding program administration" received split responses including "Excellent", "Above Average," "Average" and "N/A."

Table 2b – Year 2 (n=8)	Excellent		Above Average		Average		Below Average		Poor		N/A or No Response	
	#	%	#	%	#	%	#	%	#	%	#	%
Staff knowledge of the case when I need to discuss a board referred licensee	**5**	**62.5%**	2	25.0%	1	12.5%						
Response timeframe when I request information	2	25.0%	**4**	**50.0%**	2	25.0%						
Our ability to respond to Board concerns regarding program administration	3	37.5%	3	37.5%	2	25.0%						
Overall, how do you rate our services	3	37.5%	3	37.5%	2	25.0%						

What Should We Improve?

Actual Comments – January:

1. Improve understanding of Board Rules. There is variability in responses from Agreement monitors (timeliness, knowledge of case). Criteria linked to frequency of testing not clear.
2. If we could come up with a standardized packet of information that is transmitted like when approval for completion is requested, that would be great. It would cut down on us having to ask for things piecemeal.

Additional Comments

Actual Comments – January:

1. Communication with Board Staff are kept open. There is a willingness to work on policy issues!
2. I continue to see improvement in processes and feel I have an excellent relationship with the staff I have daily (or nearly) contact with.
3. Case managers have been responsive to our requests for information and clarification. Their help is greatly appreciated.

Summary Analysis

The overall response rate was 44.4%, representing 4 responses out of a possible 9. When asked to rate various service components, three of the 4 components received a mode response of "Excellent;" this included the rating of overall services. "Our ability to respond to Board concerns…" did not have a clear mode. Two recommendations for improvement were made and three positive comments were received.

Oregon Board of Dentistry

Patrick D. Braatz, Executive Director
1600 SW 4th Ave, Suite 770
Portland OR, 97201
(971)-673-3200

Affirmative Action Plan
2013 – 2015 Biennium

Oregon

John A. Kitzhaber, MD, Governor

Oregon Board of Dentistry
1600 SW 4th Ave. Suite770
Portland, OR 97201
Phone: 971 / 673-3200
Fax: 971 / 673-3201
E-mail: www.Oregon.gov/dentistry

November 1, 2012

The Honorable John A. Kitzhaber
Office of the Governor
155 Cottage Street NE
Salem, OR 97301

Dear Governor Kitzhaber:

I am pleased to submit to your office the 2013-2015 Affirmative Action Plan for the Oregon Board of Dentistry.

If you have any questions, please feel free to contact me.

Sincerely yours,

Patrick D. Braatz
Executive Director

BOARD OF DENTISTRY
AFFIRMATIVE ACTION PLAN
2013-2015 BIENNIUM

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I. DESCRIPTION OF AGENCY

A. Mission and Objectives

The mission: The Mission of the Oregon Board of Dentistry is to protect the public by assuring that the citizens of Oregon receive the highest possible quality oral health care.

Statutory Authority:

The first Act regulating the practice of dentistry was adopted by the Oregon Legislature on February 23, 1887. The Oregon Dental Practice Act is comprised of Oregon Revised Statutes, Chapters 679, 680.010 to 680.210 and 680.990. These statutes, enacted by the Oregon Legislature authorize the Board to regulate the practice of dentistry and dental hygiene. Administrative Rules of the Board are found in OAR 818-001-0000 through 818-042-0130

B. Name of Agency Director/Administrator

The current Executive Director of the Oregon Board of Dentistry is:

Mr. Patrick D. Braatz
1600 SW 4th Ave. Suite 770
Portland, OR 97201
Phone number 971-673-3200

C. The Governor's Policy Advisor

The Governor's Policy Advisor for the Oregon Board of Dentistry is:
Mr. Sean Kolmer Phone number 503-378-1558

D. The Affirmative Action Representative

The Affirmative Action Representative for the Oregon Board of Dentistry is:
Patrick D. Braatz
Phone number 971-673-3200

E. Name of Diversity & Inclusion Representative

None

Agency Staffing:

The Oregon Board of Dentistry was created in 1887 and administers the Dental Practice Act and rules of the board, establishes standards for licensure, and examines and licenses dentists and dental hygienists. The board regulates the use of anesthesia in the dental office and certifies dental assistants in radiologic proficiency and expanded functions. The board investigates alleged violations of the Dental Practice Act and may discipline licensees. Members of the Board of Dentistry are appointed by the governor and confirmed by the senate. There are ten board members: six dentists, one of whom must be a specialist, two dental hygienists and two public members. Members serve for four years.

The board is supported solely by revenues received from licensees, including application, license, permit and certification fees. The 2013 -2015 biennial budget $2.67 million dollars.

The Executive Director directly supervises the Dental Director/Chief Investigator and the Office manager and answers to the President of the Board. The Dental Director supervises the Investigators and all of their activities. The Office Manager directly supervises the Licensing Manager and Office Specialist.

A current organizational chart for the Oregon Board of Dentistry follows this page.

Board of Dentistry
10 Members

Executive Director
Principal Executive/Manager
Patrick D. Braatz
Z7008 Pos 521 1.0 FTE

INVESTIGATION AND COMPLIANCE MONITORING

Dental Director/Chief Investigator - Principle Executive/Manager
Paul Kleinstub, D.D.S., M.S.

Investigator 2- C5232 Pos 528 1.0FTE
Daryll Ross

Investigator 2- C5232 Pos 530 1.0 FTE
Harvey Wayson

Investigator/Consultant
Michelle Lawrence, D.D.S.

Office Manager - 2 X806 Pos 524 1.0 FTE
Stephen Prisby

Licensing & Examination Manager Pos 525 1.0 FTE
Teresa Haines

Office Specialist -2 C0104 Pos 529 1.0 FTE
Lisa Warwick

II. AFFIRMATIVE ACTION PLAN

A. Agency Affirmative Action Policy Statement

Introduction

The purpose of this plan is to update and maintain the previously initiated affirmative action program for the Oregon Board of Dentistry, in keeping with the directive of the Governor, state and federal laws and regulations, executive orders of the President of the United States of America concerning affirmative action, discrimination/non-discrimination guidelines appropriate under the Civil Rights Acts, equal employment opportunity (EEO) policies, and the Americans with Disabilities Act by which our good faith efforts must be directed.

Policy Statement

The Oregon Board of Dentistry affirms and supports the Governor's Affirmative Action Plan and is dedicated to creating a work environment, which will attract and retain employees who represent the broadest possible spectrum of society including women, minorities and the disabled.

The Oregon Board of Dentistry will not tolerate discrimination or harassment on the basis of race, color, sex, marital status, religion, national origin, age, mental or physical disability, sexual orientation, or any reason prohibited by state or federal statute.

The Oregon Board of Dentistry has charged the Executive Director with the enforcement of the Affirmative Action Policy as well as the investigation of any violations of the Affirmative Action Policy in accordance with all laws, rules and regulations established by the State of Oregon.

The Affirmative Action Statement is posted on the Employee Bulletin Board located in the Oregon Board of Dentistry's Work Room.

The Affirmative Action Statement and the Affirmative Action Plan is given to each employee and Board Members and is on file in the Oregon Board of Dentistry Office and is made available to anyone who requests a copy via electronic or paper copy.

The Oregon Board of Dentistry expects all supervisors, managers and employees to follow the Affirmative Action Statement and the Affirmative Action Policy and requires management to note compliance during annual employee performance reviews.

The Oregon Board of Dentistry and its management further adopts and affirms the Governor's beliefs that the State has a commitment to the right of all persons to work and advance on the basis of merit, ability and potential.

The Oregon Board of Dentistry will not tolerate discrimination or harassment on the basis of age, color, marital status, mental or physical disability, national origin, race, religion, sex, sexual orientation, or any reason prohibited by state or federal statute. Nor shall the Board do business with any vendor/provider for the state of Oregon who discriminates or harasses in the above-described manner. All personnel actions of the Oregon Board of Dentistry, and all licensing actions and disciplinary actions concerning licensees, shall be administered according to this policy.

All staff of the Oregon Board of Dentistry shall adhere to the Affirmative Action Policy and Plan. Supervisory and management staff, in particular, shall assure that the intent as well as the stated requirements are implemented in all employee relationships and personnel practices. In addition, it is the duty of every employee of the Oregon Board of Dentistry to create a job environment atmosphere which is conducive to non-discrimination policies and free of any form of discrimination or harassment. The application of this policy is the individual responsibility of all administrative and supervisory staff, and each shall be evaluated on his/her performance in achieving this affirmative action policy as well as in other job performance criteria. The Affirmative Action Plan is posted on the Board's website; a hard copy is placed in the reception area, and in the Executive Director's and Office Manager's offices. The Affirmative Action Policy Statement is posted on the bulletin board where all other required posters are located. Failure to meet our Affirmative Action standards will be subject to disciplinary actions.

All employees shall be advised of the procedure for lodging a discrimination/ harassment complaint, and all employees with concerns of any kind related to affirmative action shall be encouraged to bring them to the attention of the Executive Director or the Office Manager. Our internal procedure supports the statewide policy and is located on A-13 of this plan.

It is further the policy of the Oregon Board of Dentistry to establish and maintain this program of affirmative action to provide for a method of eliminating any effects of past or present discrimination, intended or unintended, which may be indicated by analysis of present employment patterns, practices, or policies.

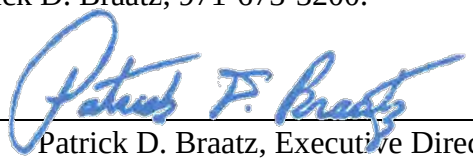
B. Agency Diversity & Inclusion Statement

The Executive and Management Staff of the Oregon Board of Dentistry ensure that the agency has created, maintains and embeds a diverse and inclusive environment and organizational culture throughout the state delivery system. Our office also ensures that all Oregonians, regardless of gender, age, race, national origin, color, ethnicity, religion, people with disabilities, sexual orientation, veterans (etc.), have a fair and equal chance for available job opportunities at the agency.
We work both inside and outside of state government with everyone from state agency heads, human resources and on-the-ground staff to community-based organizations and the general public. This not only identifies systemic barriers and weaknesses that stand in the way of a diverse and inclusive workforce, but also finds and implements effective solutions that will fix the problems and improve the performance and service delivery of state organizations.

While the Governor's Diversity & Inclusion and Affirmative Action Office was created by federal and state laws, we are working to build an organization that uses the concepts of Diversity & Inclusion, e.g. problem-solving, innovation, organizational development, to create workplaces that are stronger, better functioning, and more dynamic – and can deliver the best possible service to the people of Oregon.

Duration of Plan

This revision of the Board's Affirmative Action Plan is effective July 1, 2013 and shall be evaluated annually or as needed when statewide changes occur. The Board's Affirmative Action Representative is Patrick D. Braatz, 971-673-3200.



Patrick D. Braatz, Executive Director — November 1, 2012 Date

C. Training, Education and Development Plan (TEDP):

1. Staff

The Oregon Board of Dentistry is a very small agency of only seven employees. All employees are made aware of any Affirmative Action and Diversity training via state e-mail, the posting of training information on the employee bulletin board and announcement at weekly staff meetings.

Employees are encouraged to attend Affirmative Action and Diversity training.

2. Board Members

a. Provide new Board Members with a copy of the Affirmative Action Plan or direct them to the Board's website where the Plan is available for public viewing.
b. Invite them to participate in the Board's cultural diversity training sessions.

3. Providers and Volunteers

The Oregon Board of Dentistry does not have any Providers or Volunteers.

4. Contractors/Vendors

When contracts are established or renewed, the Oregon Board of Dentistry provides vendors with a copy of the Affirmative Action Plan or directs them to the Board's website where the Plan is available for public viewing.

D. Programs

The Oregon Board of Dentistry uses a number of approaches in executing its diversity and inclusion program and bringing new people into the work force, creating opportunities for existing employees, and promoting an environment that is welcoming, tolerant and supportive. Some of the initiatives and activities include:

- Communicating to all staff in a variety of mediums the importance of diversity and inclusion;
- Drawing upon different sources to advertise our recruitments such as the new state recruiting system E-Recruit, and increase awareness of our openings by contacting minority and community organizations.
- Promoting a respectful workplace by offering training on diversity awareness, improving communications, conflict management, and an open atmosphere to talk about problems and ideas;
- Creating a welcoming environment by fostering an acceptance of people's differences and treating everyone with respect and professionalism whether they are staff or customer;
- Posting notices and forwarding e-mails that talk about cultural activities and other information that supports diversity and tolerance; and
- Displaying the agency's commitment to the Affirmative Action Plan by publicizing it on their website and having hard copies available in strategic locations for everyone to read.

E. Update: Executive Order 08-18

1. Cultural Competency Assessment and Implementation Services

As part of the Oregon Board of Dentistry's 2013-2015 Affirmative Action Plan, the agency will increase multicultural training through staff meetings and strive to seek diversity and cultural competency within our staff and Board Members.
The Board will work towards implementing a Cultural Competency Assessment within existing budget limitation. We anticipate that this assessment will help determine where OBD's culture lies in the spectrum from culturally unaware to culturally competent. A culturally competent organization is able to use the policies, people and resources it has to systematically anticipate, recognize and respond to varying expectations of customers and employees. A culturally competent organization values individuals for their differences instead of expecting individuals to adapt to the organizations culture. The OBD, its employees and customers will immediately benefit from their movement along the spectrum towards cultural competence.

The Oregon Board of Dentistry will develop a plan to enhance its cultural competence over the 2013-2015 Biennium. Implementation of the plan will result in:

- People of diverse backgrounds and experience effectively working together;
- People understanding and appreciating one another's differences;
- People effectively communicating with and being respectful of those differences; and

The plan will focus on:

- Licensees understanding and appreciating the value of the Board's requirements.
- Greater awareness among the members of OBD's workforce;
- Possible changes to policies and procedures that will enhance effective communication and utilize differing strengths;
- Identifying training events that all employees will enjoy and participate in; and
- An increased respect for and understanding of diverse cultures within the workforce.

The Oregon Board of Dentistry will benefit from this plan by:

- Utilizing unique strengths and perspectives to solve problems and enrich the work environment;
- Creating a climate of cultural awareness and a welcoming environment that honors diversity;
- Making a stronger and more cohesive workforce rallied together by a common goal of success;
- Having a greater understanding of the world in which we work and the customers we serve; and
- Preventing and overcoming misunderstandings, lost opportunities and conflict.

2. Statewide Exit Interview Survey

The Oregon Board of Dentistry offers exit interviews to all departing staff. Discuss and follow-up with the Executive Director on any concerns or trends. Ensure each departing employee is sent the link to the State's exit interview survey monkey as required by the Governor's Affirmative Action Office.

3. **Performance Evaluations of all Management Personnel**

The Oregon Board of Dentistry remains committed to compliance with the Governor's executive orders requiring the inclusion of diversity and affirmative action requirements in position descriptions and annual performance evaluations. Performance accountability in the areas of Affirmation Action and Diversity will be reviewed during annual evaluations.

F. Status of contracts to Minority Businesses (ORS 659A.015)

The Oregon Board of Dentistry issues a small number of contracts which are very specific individual personal contracts. All contracts are prepared internally and the type of individuals that the Oregon Board of Dentistry needs are not found on the OMWESB Certified Firms List.

III. ROLES FOR IMPLEMENTATION OF AFFIRMATIVE ACTION PLAN

A. Responsibilities and Accountabilities

1. **Executive Director**

   a. Foster and promote to employees the importance of a diverse and discrimination and harassment free workplace. Participate in cultural diversity trainings, orientations, and be an example of cultural sensitivity.
   b. Meet as needed, with the Board's Office Manager to review equal employment opportunities, evaluate affirmative action and diverse work environment progress, and identify problems. Approve strategies and timetables for meeting goals.
   c. Annual performance reviews will include ratings on the Director's support and effectiveness of the agency's Affirmative Action Plan.
   d. Hold managers accountable for participating in and promoting affirmative action activities and for communicating this same responsibility to their subordinate supervisors and employees. The effectiveness of managers and supervisors in promoting the affirmative action activities, goals and objectives for OBD will be included in their annual performance appraisals. ORS 659.025(1) states:

"To achieve the public policy of the State of Oregon for persons in the state to attain employment and advancement without discrimination because of race, religion, color, sex, marital status, national origin, handicap or age, every state agency shall be required to include in the evaluation of all management personnel the manager's or supervisor's effectiveness in achieving affirmative action objectives as a key consideration of the manager's or supervisor's performance.

2. **Managers and Supervisors**

   a. Foster and promote to employees the importance of a diverse and discrimination and harassment free workplace.
   b. Managers and supervisors will receive an orientation on the Board's affirmative action goals, understand their own responsibilities, and evaluate how well they are achieving the Board's affirmative action goals and objectives. They will attend

cultural competency training, attend orientations, and promote cultural awareness.

c. Subordinate supervisors will be evaluated on their effectiveness in carrying out the responsibilities they have for participating in and promoting affirmative action activities.

d. In undertaking these evaluations, managers will consider how well the supervisor fosters and promotes a diverse workforce, how well s/he promotes the affirmative action goals and objectives, and that his/her staff are knowledgeable about OBD policies and procedures that encourage a welcoming environment.

e. Inform applicants for vacant positions that the Board is an equal employment employer committed to workforce diversity. Have a copy of the Board's Affirmative Action Plan available for applicants to review on request.

f. Work with the Human Resources Section to utilize State of Oregon procedures and rules in filling vacancies.

g. Attend equal opportunity, affirmative action and other diversity and inclusion-related training in order to be informed of current issues.

h. Display the Board's Affirmative Action Policy Statement and have available a hard copy of the Affirmative Action Plan in the office. An electronic copy of the Board's Affirmative Action Policy Statement will also be maintained on the OBD website.

i. Act in a timely manner if they become aware of any Board employee engaging in any type of harassment.

j. Periodically report to employees on the Board's progress in attaining its' affirmative action goals and on other affirmative action matters.

k. Be held accountable for promoting affirmative action on their annual performance evaluations.

3. **Affirmative Action Officer and/or Designee**

a. Work with the Executive Director, managers and supervisors to promote a diverse workforce environment and help attain the AA goals of the Board. Encourage the retention of existing employees and create new learning opportunities for them.

b. Report AA activities to the Executive Director in one-on-one meetings as well as staff meetings. Obtain support for proposed changes to the AA Plan to reach goals and objectives. Respond to AA issues and attend AA meetings on behalf of the Director.

c. Emphasize the Board's support of equal employment opportunity, affirmative action and the benefits of a diverse workforce.

d. Train managers to have diverse interview panels including, when possible, one member who works outside the hiring section/division and one member from a protected class.

e. Research training opportunities and topics for presentation to all staff. Actively participate in those trainings.

f. Have hard copies and/or electronic copies of the Board's Affirmative Action Policy Statement and Plan available for review by all managers, supervisors and employees. Make hard or electronic copies available to applicants for employment on request. Recommend changes to the Plan and update it as required. Compile statistics and keep management informed of the Board's AA status during management meetings. Solicit comments from managers requesting how Human Resources can assist them in promoting affirmative action activities and how best to create a more diverse workforce.

g. Discuss the State of Oregon/Board Affirmative Action Plan and Policy in New

Employee Orientation. Make the orientation as welcoming as possible. Include in the discussion:

- Our expectations surrounding a respectful workplace and talk about what that means to the agency as well as the employee.
- Our commitment to supporting the personal and professional growth of our employees.
- Our encouragement to contribute and participate in agency activities that will assist the agency in meeting its objectives.
- And our doors are always open for questions and concerns.

i. Train and inform managers, supervisors and employees at New Employee Orientation as to their rights and responsibilities under the Board's affirmative action policy and other Board policies to eliminate any harassment based on race, sex, age, religion, sexual orientation, or disability.
j. Respond to and investigate complaints. Enforce policies and procedures.
k. Offer the Statewide Exit Interview Survey to all terminated employees. Analyze for trends. If it appears that discrimination or harassment was a factor in employee separation, conduct an investigation and take appropriate action. Inform the Executive Director of the results.
l. Evaluate revised and new policies for possible adverse impact on the Board's commitment to affirmative action and equal employment opportunities.
m. Serve as a liaison between the Board, the state and federal agencies that protect civil rights.

IV. JULY 1, 2010-JUNE 30, 2012

A. Affirmative Action Report

Affirmative Action Report

Agency Affirmative Action Policy: The Board of Dentistry affirms and supports the Governor's Affirmative Action Plan and is dedicated to creating a work environment, which will attract and retain employees who represent the broadest possible spectrum of society including women, minorities and the disabled. The Board of Dentistry will not tolerate discrimination or harassment on the basis of race, color, sex, marital status, religion, national origin, age, mental or physical disability, or any reason prohibited by state or federal statute.

The Board and its management further adopts and affirms the Governor's beliefs that the State has a commitment to the right of all persons to work and advance on the basis of merit, ability and potential.

The Board of Dentistry has seven positions budgeted at 7.0 FTE.
Status of 7.0 staff positions at June 30, 2012:

Official/Administrator	1.0 White/Male/over 40
Professional/Technical	4.0 White/male/over 40
Administrative/Support	1.0 White/female/over 40
	1.0 White/female/under 40

The nine members of the Board are appointed by the Governor and confirmed by the Senate to four-year terms. By statute, six members are licensed dentists, two are licensed hygienists and one is a public member.

V. SB 786 – Diversity Report

Senate Bill 786 (ORS Chapter 973), passed by the 2001 Legislature, requires that the health professional regulatory boards listed in ORS 676.160 collect and maintains information regarding racial, ethnic and bilingual status of licensees and applicants and report to the 2003 Legislature. Provision of the information by licensees is voluntary.

This law was the result of a study performed by the Governor's Racial and Ethnic Health Task Force, which determined that access to health care by racial and ethnic minorities, is inadequate to address the chronic health issues these communities face. People of color and people with native languages other than English experience extreme difficulty accessing health services. Culturally competent health care providers are critical in providing appropriate health care and the collection of the information requested below will assist decision makers in developing programs to address the disparity in access to health care experienced by various

In 2002, the Board participated in the Oregon Health Workforce Project conducted by OHSU, Area Health Education Centers Program, to determine the workforce and demographic makeup of several health care professions. Results of that survey are shown in the following tables:

VI. Race	**Dentists**	**Hygienists**
American Indian/Alaska Native	**.6%**	**.2%**
Asian	**8%**	**2%**
Black or African American	**.6%**	**0%**
Native Hawaiian or other Pacific Islander	**.2%**	**.4%**
Multi-ethnic	**1%**	**.5%**
White (not Hispanic)	**89%**	**96%**
Other	**1%**	**1%**
VII. Gender		
Female	**14%**	**98%**
Male	**86%**	**2%**

Languages Spoken	**Dentists**	**Hygienists**
A. Spanish	**15%**	**7%**
B. Chinese	**2%**	**.2%**
Vietnamese	**2%**	**1%**
Russian	**1%**	**1%**
Korean	**.4%**	**.1%**
C. Cambodian	**.1%**	**0%**
D. Laotian	**0%**	**0%**
English	**74%**	**89%**

To comply with the requirements of SB 786, a survey instrument was developed in collaboration with other health licensing boards in late 2001. The Board of Dentistry decided that the most economical way to gather this information would be to include the survey with renewal applications. Approximately one-half of all licensees renew their licenses each year. (Dentists renew their licenses every two years by March 30 based on even or odd-numbered year of issue and Dental Hygiene licenses are renewed by September 30 in the same manner.) For the purposes of compliance with the requirements of SB 786, it will take two years to complete the survey of all licensees.

Starting in January 2002, the survey was included in the renewal mailings for all licensees during the 2 year renewal cycle which ended September 30, 2003, a total of 3,478 licensees responded. Also effective January 2002, the survey form was included in application packets for new licenses.

Results of OBD surveys returned as of July1, 2012:

Race	**Total**	**% of those Responding**	**Speak a language other than English**
American Indian/Alaska Native	**33**	**.004%**	**8**
Asian/Pacific Islander	**311**	**3.5%**	**198**
Black (not Hispanic)	**15**	**.002%**	**2**
Hispanic	**90**	**.009%**	**59**
Other (Multi-ethnic)	**31**	**.004%**	**12**
White (not Hispanic)	**3315**	**44%**	**416**
Not specific	**3946**	**50%**	**13**
Total	**7741**		**708**

In addition to implementation of the survey, the Board has met with the Oregon Dental Association and the Dean of the OHSU School of Dentistry to discuss ways in which these three organizations can partner to advance the purposes of SB 786 in attracting people of ethnic and racial background to the professions of dentistry and dental hygiene. Several meetings have also been held with representatives of the affected licensing boards, the Office of Multicultural Health, Department of Administrative Services Diversity Outreach and Executive Recruitment section. Representatives from the Commission on Black Affairs, Commission on Asian Affairs and Commission on Indian Services were also invited to attend. Discussions were conducted to develop strategies for collaborative outreach efforts to recruit Board members from ethnic and racially diverse populations and to educate these populations about opportunities in health professional.

OREGON BOARD OF DENTISTRY GOALS,
STRATEGIES AND ACCOMPLISHMENTS
AFFIRMATIVE ACTION PLAN July 1, 2010 – June 30, 2012

The Affirmative Action goals of the Oregon Board of Dentistry for the 2009-2011 biennium were to:

1. Educate and provide strategies to hire more employees from diverse backgrounds.

   One employee vacancy occurred during the 2011-2012 biennium.

2. Utilize creative means to advertise vacancies to people of color, disabled individuals and women.

   One employee vacancy occurred during the 2011-2013 biennium.

3. Continue the focus on developing an OBD work environment that is attractive to a diverse pool of applicants, retains employees, and is accepting and respectful of employees' differences.

   The OBD provides a good work environment which is why there has been no turnover in staff and employees remain for many years.

4. Offer career development and training opportunities for employees of color, employees with disabilities and female employees to prepare them for advancement.

   Employees are informed of all development and training opportunities.

5. Develop/utilize strategies for filling entry-level positions with individuals in protected classes.

   One employee vacancy occurred during the 2011-2013 biennium.

6. Encourage employees to avail themselves of promotional and job developmental opportunities within Oregon State Government.

   Employees are made aware of all vacancies outside of the OBD.

7. Attend or sponsor outreach events targeting people of color, disabled individuals and women.

   Employees are made aware of programs that target people of color, disabled individuals and women that occurred during 2011 -2013 biennium.

OREGON BOARD OF DENTISTRY
AFFIRMATIVE ACTION PLAN
July 1, 2013 – June 30, 2015

Mission Statement: The mission of the Oregon Board of Dentistry is to assure that all citizens of Oregon receive the highest possible quality oral health care.

ORGANIZATIONAL STRUCTURE
AND RESPONSIBILITIES FOR PLAN IMPLEMENTATION

The Affirmative Action goals of the Oregon Board of Dentistry for the 2013-2015 biennium are to:

1. Educate and provide strategies to hire more employees from diverse backgrounds.

2. Utilize creative means to advertise vacancies to people of color, disabled individuals and women.

3. Continue the focus on developing an OBD work environment that is attractive to a diverse pool of applicants, retains employees, and is accepting and respectful of employees' differences.

4. Offer career development and training opportunities for employees of color, employees with disabilities and female employees to prepare them for advancement.

5. Develop/utilize strategies for filling entry-level positions with individuals in protected classes.

6. Encourage employees to avail themselves of promotional and job developmental opportunities within Oregon State Government.

7. Attend or sponsor outreach events targeting people of color, disabled individuals and women.

OREGON BOARD OF DENTISTRY
STRATEGIES FOR IMPLEMENTATION OF
2013-2015 AFFIRMATIVE ACTION PLAN

The Affirmative Action goals of the Oregon Board of Dentistry for the 2013-2015 biennium are to:

1. Educate and provide strategies to hire more employees from diverse backgrounds.

   OBD will comply with all OBD and DAS HRSD Hiring Policies and Rules once a vacancy exists.

2. Utilize creative means to advertise vacancies to people of color, disabled individuals and women.

   OBD will use the services of DAS HRSD to advertise according to DAS HRSD Policies and Rules once a vacancy exists.

3. Continue the focus on developing an OBD work environment that is attractive to a diverse pool of applicants, retains employees, and is accepting and respectful of employees' differences.

The OBD continues to provide a good work environment for all employees.

4. Offer career development and training opportunities for employees of color, employees with disabilities and female employees to prepare them for advancement.

   Employees are informed of all employment opportunities within state government. Current OBD Position Descriptions do not provide for specific position advancement with the OBD.

5. Develop/utilize strategies for filling entry-level positions with individuals in protected classes.

   OBD will confer with DAS HRSD to put into place statewide recruitment opportunities for all vacancies.

6. Encourage employees to avail themselves of promotional and job developmental opportunities within Oregon State Government.

   Employees are made aware of all vacancies outside of the OBD.

7. Attend or sponsor outreach events targeting people of color, disabled individuals and women.

   Employees are made aware and encouraged to attend programs.

OREGON BOARD OF DENTISTRY
POLICY 834-413-016
AMERICAN WITH DISABILITIES ACT
&
REASONABLE ACCOMMODATIONS

Purpose: To define Agency policy regarding The American with Disabilities Act & Reasonable Accommodations. References - The American with Disabilities Act.

The Oregon Board of Dentistry supports the employment and advancement of qualified individuals with disabilities. The Board shall make reasonable accommodations to the known physical or mental limitations of a participating member of the public, a consumer of agency services, or an agency job applicant or employee, unless to do so would create an undue hardship on the agency, as provided under the Americans with Disabilities Act (ADA).

The Board will make every effort to furnish appropriate and necessary auxiliary aids to ensure that individuals with disabilities will have equal opportunities to participate in activities and to receive program services.

Reasonable Accommodation: is "any modification or adjustment to a job or the work environment that will enable a qualified applicant or employee with a disability to perform essential job functions. Reasonable accommodations also includes adjustments to assure that a qualified individual with a disability has the same rights and privileges in employment as non-disabled employees."

Person With a Disability: a person who has a physical or mental impairment which substantially limits one or more major life activities, has a record of such impairment or is regarded as having such an impairment.

Undue Hardship: significant difficulty, expense, or impact on the agency when considered in light of a number of factors that include the nature and cost of the accommodation in relation to the size, resources, and structure of the agency.

ADA Coordinator: the Executive Director is designated as the ADA Coordinator pursuant to part 35.107 of the Americans with Disabilities Act.

In compliance with ADA guidelines, the Board will provide special materials, services or assistance to individuals with a disability upon sufficient notice to the Board office. The Oregon Relay Service - 711 - is available to assist individuals with speech or hearing disabilities. In addition, the Speech to Speech Relay Service supplies Oregon with a toll-free number (1-877-735-7525) to assist individuals whose speech may be difficult to understand. If an individual does not request an accommodation, the Board is not obligated to provide one.

No employee of the Board nor any entity contracting with it may coerce, intimidate, threaten, or interfere with any individual who has opposed any act or practice prohibited by the ADA; participated in any investigation; or aided or encouraged others to assert rights granted under the ADA.

An individual who believes they have been discriminated due to their disability should contact the ADA Coordinator, Board President, or other board member(s). If the issue is not resolved to the individual's satisfaction, they may file a grievance with the:

- U.S. Dept of Justice Civil Rights Division - PO Box 6618, Washington, D.C., 20530
- Equal Employment Opportunity Commission - 1801 L. St. NW #9024, Washington, D.C. 20507

VIII. APPENDIX A

A. Agency's Policy Documentation

1. **ADA and Reasonable Accommodation in Employment (No.50.020.10)**
2. **Discrimination and Harassment Free Workplace (No. 50.010.01)**
3. **Agency Employee and Training Policy**
4. **Veterans Preference in Employment (105-040-0015)**
5. **Other agency documentation in support of its affirmative action plan**

IX. APPENDIX B

1. **Age Discrimination in Employment Act of 1967 (ADEA)**
2. **Disability Discrimination Title I of the Americans with Disability Act of 1990**
3. **Equal Pay and Compensation Discrimination Equal Pay Act of 1963, and Title VII of the Civil Rights Act of 1964**
4. **Genetic Information Discrimination Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA)**
5. **National Origin Discrimination Title VII of the Civil Rights Act of 1964**
6. **Pregnancy Discrimination Title VII of the Civil Rights Act of 1964**
7. **Race/Color Discrimination Title VII of the Civil Rights Act of 1964**
8. **Religious Discrimination Title VII of the Civil Rights Act of 1964**
9. **Retaliation Title VII of the Civil Agency Affirmative Action Policy**
10. **Sex-Based Discrimination Title VII of the Civil Rights Act of 1964**
11. **Sexual Harassment Title VII of the Civil Rights Act of 1964**

DAS DEPARTMENT OF ADMINISTRATIVE SERVICES

Statewide Policy

SUBJECT:	ADA and Reasonable Accommodation in Employment	**NUMBER:**	50.020.10
DIVISION:	Human Resource Services Division	**EFFECTIVE DATE:**	6/7/10

APPROVED: Signature on file with Human Resource Services Division

POLICY STATEMENT:

Oregon state government follows the clear mandate in state law and the Americans with Disabilities Act (ADA) of 1990, as amended by the ADA Amendments Act of 2008, to remove barriers that prevent qualified people with disabilities from enjoying the same employment opportunities that are available to people without disabilities.

Oregon state government provides equal access and equal opportunity in employment. Its agencies do not discriminate based on disability. Oregon state government uses only job-related standards, criteria, and methods of administration that are consistent with business necessity. These standards, criteria and methods do not discriminate or perpetuate discrimination based on disability.

According to OAR 105-040-0001 Equal Employment Opportunity and Affirmative Action, Oregon state government takes positive steps to recruit, hire, train, and provide reasonable accommodation to applicants and employees with disabilities.

AUTHORITY:

ORS 240.145; 240.240; 240.250; ORS 659A.103 -145; 243.305; 243.315; The Americans with Disabilities Act (ADA) of 1990 as amended by the Americans with Disabilities Act Amendments Act (ADAAA) of 2008; Civil Rights Act of 1991; and 42 U.S.C. §12101 *et seq.*

APPLICABILITY:

This policy applies to all state employees, including state temporary employees, according to provisions of federal and state law.

ATTACHMENTS:

ADA Accommodation Tool Kit

DEFINITIONS:

See State HR Policy 10.000.01 Definitions and OAR 105-010-0000

The following definitions apply to terms referenced in this policy and its attachments:

Americans with Disabilities Act (ADA) –The ADA is a federal civil rights statute that removes barriers that prevent qualified people with disabilities from enjoying the same employment opportunities available to people without disabilities. References to ADA also refer to amendments to that Act.

Essential Functions – These include, but are not limited to, duties that are necessary because:

- The primary reason the position exists is to perform these duties.
- A limited number of employees are available who can perform these duties.
- The incumbent is hired or retained to perform highly specialized duties.

Individual with a Disability – This term means a person to whom one or more of the following apply:

- A person with a physical or mental impairment that substantially limits one or more of the major life activities of such a person without regard to medications or other assistive measures a person might use to eliminate or reduce the effect of impairment.
- A person with a record of such an impairment
- A person regarded as having such impairment.

Major Life Activities – This term means the basic activities the average person in the general population can perform with little or no difficulty. These including breathing; walking;
hearing; thinking; concentrating; seeing; communicating; speaking; reading; learning; eating; self-care; performing manual tasks such as reaching, bending, standing and lifting; sleeping; or working (working in general, not the ability to perform a specific job). The term also includes but not limited to "major bodily functions," such as functions of the
immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

Physical or Mental Impairment – This term refers to any of the following:

- Physiological disorder, condition, cosmetic disfigurement, or anatomical loss that affects one or more bodily systems, including neurological, musculoskeletal, special sense organs, respiratory, cardiovascular or reproductive
- Mental or psychological disorder including but not limited to mental retardation, organic brain syndrome, emotional or mental illness or specific learning disability
- Disease or condition including orthopedic, visual, speech and hearing impairment, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, HIV disease or alcoholism
- Any other physical or mental impairment listed under the ADA.

Qualified Person – This term means a person who has the personal and professional attributes, including skill, experience, education, physical and mental ability, medical, safety and
other requirements to hold the position.

"Qualified person" does not include people who currently engage in illegal use of drugs. A person may qualify, however, if he or she is currently enrolled in or has completed a rehabilitation program, and continues to abstain from illegal use of drugs.

Reasonable Accommodation – This term means change or adjustment to a job or work environment that enables a qualified employee with a disability to perform the essential functions of a job, or enjoy the benefits and privileges of employment equal to those enjoyed by
employees who have no disabilities. "Reasonable accommodation" does not include modifications or adjustments that cause an undue hardship to the agency.

"Reasonable accommodation" does not mean providing personal auxiliary aids or services, such as service dogs or hearing aids that person uses both on and off the job.

A reasonable accommodation does not include lowering production standards, promoting or assigning an employee to a higher-paying job, creating a position or reassigning essential functions to another worker.

Undue Hardship – This term means significant difficulty or expense. Whether a particular accommodation imposes undue hardship is determined on a case-by-case basis, with consideration of such factors as the following:

- The nature and cost of the accommodation needed
- The agency's size, employee's official worksite, and financial resources
- The agency's operation, structure, functions, and geographic separateness
- The agency's administrative or fiscal relationship to its facility responding to the accommodation request and to the other state agencies
- The impact of the accommodation on the operation of the agency or its facility.

POLICY

(1) Each state agency director or authorized designee (agency) administers State HR Policy 50.020.10 as the agency's policy. Compliance with the ADA is mandatory.

(a) Each agency identifies an ADA Coordinator for the agency to coordinate ADA accommodation requests and function as an agency resource on ADA matters.

(b) Each agency develops and follows its own procedures for receiving, processing and documenting accommodation requests under this policy. The attached tool kit will assist in this process.

(2) An employee may request an accommodation under this policy by following agency procedures.

(3) The agency must review and respond in a timely manner to each request for accommodation. The agency must engage in an interactive dialogue with the employee to determine whether the accommodation is necessary and will be effective.

(4) Each accommodation is unique to the person, the disability and the nature of the job. No specific form of accommodation can guarantee success for all people in any particular job. The agency must give primary consideration to the specific accommodation requested by the employee. Through the interactive process the agency may identify and provide an alternative accommodation.

(5) The duty to provide reasonable accommodation is ongoing. The agency and the employee must engage in the interactive process again if an accommodation proves ineffective.

(6) The agency may deny an accommodation if it is not effective, if it will cause undue hardship to the agency, or if the agency identifies imminent physical harm or risk. The undue hardship exception is available only after careful consideration. The agency must consider alternative accommodations, should a requested accommodation pose undue hardship.

(7) Federal and state law prohibit retaliation against an employee with respect to hiring or any other term or condition of employment because the employee asked about, requested, or was previously accommodated under the ADA.

DAS DEPARTMENT OF ADMINISTRATIVE SERVICES

Statewide Policy

SUBJECT:	Discrimination and Harassment Free Workplace	NUMBER:	50.010.01
DIVISION:	Human Resource Services Division	**EFFECTIVE DATE:**	01/25/08

APPROVED: Signature on file with Human Resource Services Division

POLICY STATEMENT: **The State of Oregon is committed to a discrimination and harassment free work environment. This policy outlines types of prohibited conduct and procedures for reporting and investigating prohibited conduct.**

AUTHORITY: ORS 174.100, 240.086(1); 240.145(3); 240.250; 240.316(4); 240.321; 240.555; 240.560; 659A.029; 659A.030; Title VII; Civil Rights Act of 1964; Executive Order EO-93-05; Rehabilitation Act of 1973; Employment Act of 1967; Americans with Disabilities Act of 1990; and 29 CFR §37.

APPLICABILITY: All employees, state temporary employees and volunteers.

ATTACHMENTS: None

DEFINITIONS: See also HRSD State Policy 10.000.01, Definitions; and OAR 105-010-0000

Collective Bargaining Agreement (CBA): A written agreement between the State of Oregon, (Department of Administrative Services) and a labor union. References to CBAs contained in this policy are applicable only to employees covered by a CBA.

Complainant: A person or persons allegedly subjected to discrimination, workplace harassment or sexual harassment.

Contractor: For the purpose of this policy, a contractor is an individual or business with whom the State of Oregon has entered into an agreement or contract to provide goods or services. Qualified rehabilitation facilities who by contract provide temporary workers to state agencies are considered contractors. Contractors are not subject to ORS 240 but must comply with all federal and state laws.

Discrimination: Making employment decisions related to hiring, firing, transferring, promoting, demoting, benefits, compensation, and other terms and conditions of employment, based on or because of an employee's protected class status.

Employee: Any person employed by the state in one of the following capacities: management service, unclassified executive service, unclassified or classified unrepresented service, unclassified or classified represented service, or represented or unrepresented temporary service. For the purpose of this policy, this definition includes board and commission members, and individuals who volunteer their services on behalf of state government.

Higher Standard: Applies to managers and supervisors. Proactively taking an affirmative

posture to create and maintain a discrimination and harassment free workplace.

Manager/Supervisor: Those who supervise or have authority or influence to effect employment decisions.

Protected Class Under Federal Law: Race; color; national origin; sex (includes pregnancy-related conditions); religion; age (40 and older); disability; a person who uses leave covered by the Federal Family and Medical Leave Act; a person who uses Military Leave; a person who associates with a protected class; a person who opposes unlawful employment practices, files a complaint or testifies about violations or possible violations; and any other protected class as defined by federal law.

Protected Class Under Oregon State Law: All Federally protected classes, plus: age (18 and older); physical or mental disability; injured worker; a person who uses leave covered by the Oregon Family Leave Act; marital status; family relationship; sexual orientation; whistleblower; expunged juvenile record; and any other protected class as defined by state law.

Sexual Harassment: Sexual harassment is unwelcome, unwanted, or offensive sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1) Submission to such conduct is made either explicitly or implicitly a term or condition of the individual's employment, or is used as a basis for any employment decision (granting leave requests, promotion, favorable performance appraisal, etc.); or

2) Such conduct is unwelcome, unwanted or offensive and has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Examples of sexual harassment include but are not limited to: unwelcome, unwanted, or offensive touching or physical contact of a sexual nature, such as, closeness, impeding or blocking movement, assaulting or pinching; gestures; innuendoes; teasing, jokes, and other sexual talk; intimate inquiries; persistent unwanted courting; sexist put-downs or insults; epithets; slurs; or derogatory comments.

Sexual Orientation under Oregon State Law: An individual's actual or perceived heterosexuality, homosexuality, bisexuality or gender identity, regardless of whether the individual's gender identity, appearance, expression or behavior differs from that traditionally associated with the individual's sex at birth.

Workplace Harassment: Unwelcome, unwanted or offensive conduct based on or because of an employee's protected class status.

Harassment may occur between a manager/supervisor and a subordinate, between employees, and among non-employees who have business contact with employees. A complainant does not have to be the person harassed, but could be a person affected by the offensive conduct.

Examples of harassing behavior include, but are not limited to, derogatory remarks, slurs and jokes about a person's protected class status.

POLICY

(1) The State of Oregon is committed to a discrimination and harassment free work environment. This policy outlines types of prohibited conduct and procedures for reporting and investigating prohibited conduct.

(a) **Discrimination, Workplace Harassment and Sexual Harassment.** The State of Oregon provides a work environment free from unlawful discrimination or workplace harassment based on or because of an employee's protected class status. Additionally, the state of Oregon provides a work environment free from sexual harassment. Employees at every level of the organization, including state temporary employees and volunteers, must conduct themselves in a business-like and professional manner at all times and not engage in any form of discrimination, workplace harassment or sexual harassment.

(b) **Higher Standard.** Managers/supervisors are held to a higher standard and are expected to take a proactive stance to ensure the integrity of the work environment. Managers/supervisors must exercise reasonable care to prevent and promptly correct any discrimination, workplace harassment or sexual harassment they know about or should know about.

(c) **Reporting.** Anyone who is subject to or aware of what he or she believes to be discrimination, workplace harassment, or sexual harassment should report that behavior to the employee's immediate supervisor, another manager, or the agency, board, or commission Human Resource section, Executive Director, or chair, as applicable. A report of discrimination, workplace harassment or sexual harassment is considered a complaint. A supervisor or manager receiving a complaint should promptly notify the Human Resource section, Executive Director, or chair, as applicable.

(A) A complaint may be made orally or in writing.

(B) A complaint must be filed within one year of the occurrence.

(C) An oral or written complaint should contain the following:

(i) the name of the person filing the report;

(ii) the name of the complainant;

(iii) the names of all parties involved, including witnesses;

(iv) a specific and detailed description of the conduct or action that the employee believes is discriminatory or harassing;

(v) the date or time period in which the alleged conduct occurred; and

(vi) a description of the remedy the employee desires.

(d) **Other Reporting Options.** Nothing in this policy prevents any person from filing a formal grievance in accordance with a CBA, or a formal complaint with the Bureau of Labor and Industries (BOLI) or the Equal Employment Opportunity Commission (EEOC) **or if applicable, the United States Department of Labor (USDOL) Civil Rights Center**. However, some CBAs require an employee to choose between the complaint procedure outlined in the CBA and filing a BOLI or EEOC complaint.

(e) **Filing a Report with the USDOL Civil Rights Center. An employee whose position is funded by the Oregon Workforce Investment Act (WIA), such as employees of the Oregon Workforce One-stop System, may file a complaint under the WIA, Methods of Administration (MOA) with the State of Oregon WIA, MOA Equal Opportunity Officer or directly through the USDOL, Civil Rights Center. The**

complaint must be written, signed and filed within 180 days of when the alleged discrimination or harassment occurred.

(f) **Investigation.** The agency, board, or commission Human Resource section, Executive Director, or chair, as applicable, will coordinate and conduct or delegate responsibility for coordinating and conducting an investigation.

(A) All complaints will be taken seriously and an investigation will be initiated as quickly as possible.

(B) The agency, board or commission may need to take steps to ensure employees are protected from further potential discrimination or harassment.

(C) Complaints will be dealt with in a discreet and confidential manner, to the extent possible.

(D) All parties are expected to cooperate with the investigation and keep information regarding the investigation confidential.

(E) The agency, board or commission will notify the accused and all witnesses that retaliating against a person for making a report of discrimination, workplace harassment or sexual harassment will not be tolerated.

(F) The agency, board or commission will notify the complainant and the accused when the investigation is concluded.

(G) Immediate and appropriate action will be taken if a complaint is substantiated.

(H) The agency, board or commission will inform the complainant if any part of a complaint is substantiated and that action has been taken. The complainant will not be given the specifics of the action.

(I) The complainant and the accused will be notified by the agency, board or commission if a complaint is not substantiated.

(g) **Penalties.** Conduct in violation of this policy will not be tolerated.

(A) Employees engaging in conduct in violation of this policy may be subject to disciplinary action up to and including dismissal.

(B) State temporary employees and volunteers who engage in conduct in violation of this policy may be subject to termination of their working or volunteer relationship with the agency, board or commission.

(C) An agency, board or commission may be liable for discrimination, workplace harassment or sexual harassment if it knows of or should know of conduct in violation of this policy and fails to take prompt, appropriate action.

(D) Managers and supervisors who know or should know of conduct in violation of this policy and who fail to report such behavior or fail to take prompt, appropriate action may be subject to disciplinary action up to and including dismissal.

(E) An employee who engages in harassment of other employees while away from the workplace and outside of working hours may be subject to the provisions of this policy if that conduct has a negative impact on the work environment and/or working relationships.

(F) If a complaint involves the conduct of a contracted employee or a contractor, the agency, board, or commission Human Resource section, Executive Director, chair, or designee must inform the contractor

of the problem behavior and require prompt, appropriate action.

(G) If a complaint involves the conduct of a client, customer, or visitor, the agency, board or commission should follow its own internal procedures and take prompt, appropriate action.

(h) **Retaliation.** This policy prohibits retaliation against employees who file a complaint, participate in an investigation, or report observing discrimination, workplace harassment or sexual harassment.

(A) Employees who believe they have been retaliated against because they filed a complaint, participated in an investigation, or reported observing discrimination, workplace harassment or sexual harassment, should report this behavior to the employee's supervisor, another manager, the Human Resource section, the Executive Director, or the chair, as applicable. Complaints of retaliation will be investigated promptly.

(B) Employees who violate this policy by retaliating against others may be subject to disciplinary action, up to and including dismissal.

(C) State temporary employees and volunteers who retaliate against others may be subject to termination of their working or volunteer relationship with the agency, board or commission.

(i) **Policy Notification.** All employees including state temporary employees and volunteers shall:

(A) be given a copy or the location of Statewide Policy 50.010.01, Discrimination and Harassment Free Workplace;

(B) be given directions to read the policy;

(C) be provided an opportunity to ask questions and have their questions answered; and

(D) sign an acknowledgement indicating the employee read the policy and had the opportunity to ask questions.

(i) Signed acknowledgements are kept on file at the agency, board or commission.

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(1) Performance Measure:	Percent of employees informed of Policy 50.010.01, prohibited behavior and reporting procedures.
Performance Standard:	100%
(2) Performance Measure:	Percent of complaints where prompt, appropriate action is taken following investigation of a substantiated complaint.
Performance Standard:	100%

3. Employee and Training Policy

PURPOSE/POLICY:

Provide resources and learning opportunities for Oregon Board of Dentistry employees to perform the duties of their current position and to encourage their career development in state service. In accordance with the Oregon Benchmarks and State Policy, it is the goal of the Oregon Board of Dentistry provide all employees with at least 20 hours of training related to work skills and knowledge each fiscal year.

DEFINITIONS:

Training related to work skills – includes formal instruction that relates to an employee's competence to perform their specific job, an employee's work environment, or an employee's state government career.

Job required training – provides knowledge or skills specific to an employee's current job. It is needed for the successful performance of that job. Examples include technical knowledge, use of equipment, software applications, organizational skills and interpersonal skills.

Job related training – provides knowledge or skills an employee needs to meet agency or state performance expectations. Examples include understanding the agency or state mission and values, policies and procedures, customer service standards, safe work practices, valuing diversity and preventing harassment.

RESPONSIBILITIES:

Manager

1. Asses the training needs of their employees on an on-going basis.
2. Develop and implement individual employee development plans that enable employees to successfully perform their jobs and contribute to the achievement of the Board's mission and goals.
3. Job required and job related training shall be conducted without loss of pay to the employee and the employee shall be paid for the time as time worked.
4. Encourage employees to research training opportunities for consideration.

HR Manager

1. Schedule and provide agency-wide training programs that meet common needs.
2. Provide communication about internal and external training programs, services, resources and opportunities.
3. Track in-agency training completed by employees.
4. Support managers and employees in the goal of participation in at least 20 hours of training each year.

Employees

1. Identify and research training opportunities that are job required or job related. Share information with manager.

4. Veterans Preference in Employment

105-040-0015
Veteran's Preference in Employment

Applicability: Recruitment and selection processes for all State of Oregon positions in agencies subject to ORS 240, State Personnel Relations Law, including but not limited to promotional opportunities.

(1) Definitions: (See also HRSD Rule 105-010-0000 Definitions Applicable Generally to Personnel Rules and Policies.)

(a) Initial Application Screening: An agency's process of determining whether an applicant meets the minimum and special qualifications for a position. An Initial Application Screening may also include an evaluation of skills or grading of supplemental test questions if required on the recruiting announcement.

(b) Application Examination: The selection process utilized by an agency after Initial Application Screening. This selection process includes, but is not limited to, formal testing or other assessments resulting in a score as well as un-scored examinations such as interviews and reference checks.

(c) Veteran and Disabled Veteran: As defined by ORS 408.225 and 408.235.

(2) Application of preference points upon Initial Application Screening: Qualifying Veterans and Disabled Veterans receive preference points as follows;

(a) Five Veteran's Preference points are added upon Initial Application Screening when an applicant submits as verification of eligibility a copy of the Certificate of Release or Discharge from Active Duty (DD Form 214 or 215), or a letter from the US Department of Veteran's Affairs indicating the applicant receives a non-service connected pension with the State of Oregon Application; or

(b) Ten Disabled Veteran's points are added upon Initial Application Screening when an applicant submits as verification of eligibility a copy of the Certificate of Release or Discharge from Active Duty (DD Form 214 or 215) with the State of Oregon Application. Disabled Veterans must also submit a copy of their Veteran's disability preference letter from the US Department of Veteran Affairs, unless the information is included in the DD Form 214 or 215.

(c) Veteran's and Disabled Veteran's preference points are not added when a Veteran or Disabled Veteran fails to meet the minimum or the special qualifications for a position.

(3) Following an Initial Application Screening the agency generates a list of qualified applicants to consider for Appointment. An Appointing Authority or designee may then:

(a) Determine whether or not to interview all applicants who meet the minimum and special qualifications of the position (including all Veterans and Disabled Veterans); or

(b) Select a group of Veteran and Disabled Veteran applicants who most closely match the agency's purposes in filling the position. This group of applicants may be considered along with non-veteran applicants who closely match the purposes of the agency in filling the position as determined by:

(A) Scored Application Examinations (including scored interviews): If an agency utilizes, after an Initial Application Screening, a scored Application Examination to determine whom to consider further for Appointment, the agency will add (based on a 100-point scale) five points to a Veteran's score or 10 points to a Disabled Veteran's score or;

(B) Un-scored Application Examinations: Un-scored Application Examinations done by sorting into levels (such as "unsatisfactory," "satisfactory," "excellent") based on desired attributes or other criteria for further consideration will be accomplished by:

(i) Advancing the application of a Veteran one level;

(ii) Advancing an application of a Disabled Veteran two levels.

(4) Preference in un-scored interviews: A Veteran or Disabled Veteran who, in the judgment of the Appointing Authority or designee, meets all or substantially all of the agency's purposes in filling the position will continue to be considered for Appointment.

(5) If a Veteran or Disabled Veteran has been determined to be equal to the top applicant or applicants for a position by the Appointing Authority or designee then the Veteran or Disabled Veteran is ranked more highly than non-veteran applicants and, a Disabled Veteran is ranked more highly than non-veteran and Veteran applicants.

(6) Preference described in Sections 2 through 5 of this rule is not a requirement to appoint a Veteran or Disabled Veteran to a position. An agency may base a decision not to appoint the Veteran or Disabled Veteran solely on the Veteran's or Disabled Veteran's merits or qualifications.

(7) A Veteran or a Disabled Veteran applicant not appointed to a position may request an explanation from the agency. The request must be in writing and be sent within 30 calendar days of the date the Veteran or Disabled Veteran was notified that they were not selected. The agency will respond in writing with the reasons for not appointing the Veteran or Disabled Veteran.

[ED. NOTE: Forms referenced are available from the agency.]

Stat. Auth: ORS 240.145(3) & 240.250
Stats. Implemented: ORS 408.225, 408.230 & 408.235
Hist.: HRSD 3-2007(Temp), f. & cert ef. 9-5-07 thru 3-3-08; HRSD 1-2008, f. 2-27-08, cert. ef. 3-1-08; HRSD 3-2009, f. 12-30-09, cert. ef. 1-1-10

DAS DEPARTMENT OF ADMINISTRATIVE SERVICES

Statewide Policy

SUBJECT:	**Maintaining a Professional Workplace**	**NUMBER:**	**50.010.03**
DIVISION:	**Human Resource Services Division**	**EFFECTIVE DATE:**	**08/27/07**

APPROVED: Signature on file with the Human Resource Services Division

POLICY STATEMENT: **It is the policy of the State of Oregon to create and maintain a work environment that is respectful, professional and free from inappropriate workplace behavior.**

AUTHORITY: **ORS 240.145 and ORS 240.250**

APPLICABILITY: **All employees, including state temporary employees**

ATTACHMENTS: **N/A**

DEFINITIONS:

See also HRSD State Policy 10.000.01, Definitions; and OAR 105-010-0000

Agency: Refers to state agencies, boards and commissions

Professional Workplace Behavior: Supporting the values and mission of the State of Oregon and the agency, building positive relationships with others, communicating in a respectful manner, holding oneself accountable and pursuing change within the system.

Inappropriate Workplace Behavior: Unwelcome or unwanted conduct or behavior that causes a negative impact or disruption to the workplace or the business of the state, or results in the erosion of employee morale and is not associated with an employee's protected class status.

Examples of inappropriate workplace behavior include but are not limited to, comments or behaviors of an individual or group that disparage, demean or show disrespect for another employee, a manager, a subordinate, a customer, a contractor or a visitor in the workplace.

Inappropriate workplace behavior does not include actions of performance management such as supervisor instructions, expectations or feedback, administering of disciplinary actions, or investigatory meetings.

Inappropriate workplace behavior does not include assigned, requested or unsolicited constructive peer feedback on projects or work.

Protected Class Under Federal Law: Race; color; national origin; sex (includes pregnancy-related conditions); religion; age (40 and older); disability; a person who uses leave covered by the Federal Family and Medical Leave Act; a person who uses

Military Leave; a person who associates with a protected class; a person who opposes unlawful employment practices, files a complaint or testifies about violations or possible violations; and any other protected class as defined by federal law.

Protected Class Under Oregon State Law: All Federally protected classes, plus: age (18 and older); physical or mental disability; injured worker; a person who uses leave covered by the Oregon Family Leave Act; marital status; family relationship; sexual orientation; whistleblower; expunged juvenile record; and any other protected class as defined by state law.

POLICY

(1) It is the policy of the State of Oregon to create and maintain a work environment that is respectful, professional and free from inappropriate workplace behavior.

(a) Conduct Employees at every level of the agency should foster an environment that encourages professionalism and discourages disrespectful behavior. All employees are expected to behave respectfully and professionally and refrain from engaging in inappropriate workplace behavior.

(b) Addressing Inappropriate Workplace Behavior

(A) Supervisors must address inappropriate behavior that they observe or experience and should do so as close to the time of the occurrence as possible and appropriate.

(B) If an employee observes or experiences inappropriate workplace behavior and the employee feels comfortable in doing so, they should:

(i) redirect inappropriate conversations or behavior to workplace business; and/or

(ii) tell an offending employee his/her behavior is offensive and ask him/her to stop.

(c) Reporting Inappropriate Workplace Behavior

(A) An employee should report inappropriate workplace behavior he/she experiences or observes to his/her immediate supervisor as soon as practicable. If the employee's immediate supervisor is the one engaging in the inappropriate behavior, the employee should report the behavior to upper management, the agency head or Human Resource section, as soon as practicable. The report may be made orally or in writing.

(B) If past practice exists in the agency, an employee who is represented by a labor union may have a union representative present during regular work hours, when reporting inappropriate workplace behavior and through the process set forth in this policy. The union representative must not be a witness or party to the investigation.

(C) Reporting behavior or conduct directed toward an employee because of his/her protected class status is addressed in DAS Statewide Policy 50.010.01, Discrimination and Harassment Free Workplace.

(d) Responding to a Report of Inappropriate Workplace Behavior Inappropriate workplace behavior must be addressed and corrected before it becomes pervasive, causes further workplace disruption or lowers employee morale. Unless the agency decides otherwise, the supervisor of the employee allegedly engaging in the inappropriate workplace behavior must investigate the report as soon as possible.

(e) Consequences

(A) Any employee found to have engaged in inappropriate workplace behavior, will be counseled, or, depending on the severity of the behavior, may be subject to discipline, up to and including dismissal.

(B) A supervisor who fails to address inappropriate behavior, will be counseled, or, depending on the severity of the behavior, may be subject to disciplinary action, up to and including dismissal.

(f) Retaliation Retaliating against someone for reporting or addressing inappropriate workplace behavior is prohibited. The agency will investigate reports of retaliation. Any employee found to have engaged in retaliation may be subject to discipline, up to and including dismissal.

5. Other agency documentation in support of its affirmative action plan

Persons with Disabilities Policy and Complaint Procedure:

It is the policy of the Board to employ and advance in employment qualified individuals with disabilities. The Board shall make reasonable accommodations to the known physical or mental limitations of a participating member of the public, a consumer of agency services, or an agency job applicant or employee, unless to do so would create an undue hardship on the agency, as provided under the Americans with Disabilities Act (ADA).

The Board will make every effort to furnish appropriate and necessary auxiliary aids to ensure that individuals with disabilities will have equal opportunities to participate in activities and to receive the services of the department.

Definition of Person with a disability: A person who has a physical or mental impairment which substantially limits one or more major life activities, has a record of such impairment or is regarded as having such an impairment. The Agency Administrative Director is designated as the ADA Coordinator pursuant to part 35.107 of the American's with Disabilities Act.

In compliance with ADA guidelines, the Board will provide special materials, services or assistance to individuals with a disability upon sufficient notice to the Board office. For the hearing impaired, the Board may be contacted through Oregon Relay at 1-800-735-1232.

- An employee, volunteer, provider, or vendor who believes he/she has been discriminated due to their disability should contact the Administrative Director or Executive Director. If the issue is not resolved to the employee's satisfaction, they should file a complaint regarding employment with the Equal Employment Opportunity Commission; or a complaint regarding services with the U.S. Department of Justice, Civil Rights Division.

Harassment In The Workplace Policy And Complaint Procedure

(1) Discrimination prohibited. It is the policy of the Board of Dentistry to provide a work environment free from unlawful discrimination on the basis of race, color, religion, gender, sexual orientation, marital status, national origin, disability, age (18 or older), or because of the race, color, religion, gender, sexual orientation, marital status, national origin, disability or age of any other person with whom the individual associates, or any other factor that an employer is prohibited by law from considering when making employment decisions (protected class status). This policy applies to all matters relating to hiring, firing, transfer, promotion, benefits, compensation, and other terms and conditions of employment.

(2) Workplace harassment prohibited. It is also the policy of the Board of Dentistry that all employees should enjoy a work environment that is free from unlawful harassment (harassment based on the employee's protected class status). All employees are expected to refrain from sexual and other unlawful harassment.

(3) Retaliation prohibited**.** This policy prohibits retaliation against employees who report violations or potential violations of this policy or assist the Board in investigating matters raised under this policy. It also prohibits retaliation for testifying, assisting or participating in an investigation, proceeding or hearing conducted by the Oregon Bureau or Labor and Industries (BOLI) or the Equal Employment Opportunity Commission (EEOC).

(4) Penalties. Conduct in violation of this policy will not be tolerated, and may result in disciplinary action up to and including dismissal. Also, managers and supervisors who know or should have known of conduct in violation of this policy and who fail to promptly report such behavior are subject to disciplinary action up to and including dismissal.

(5) Harassment definition and examples: Harassment is conduct or a display (verbal, physical or visual) that demeans or shows hostility or aversion toward an individual or group because of the person's or group's race, color, religion, gender, sexual orientation, marital status, national origin, disability, age, or other protected class status and that: (1) has the purpose or effect of creating an intimidating, hostile, or offensive working environment; (2) has the purpose or effect of unreasonably interfering with an individual's work performance; or (3) otherwise adversely affects an individual's employment opportunities.

(a) Examples of prohibited harassment may include (these examples are not meant to be all-inclusive): epithets, jokes, slurs, negative stereotyping, demeaning comments or labels, or threatening, intimidating or hostile acts that relate to race, color, religion, gender, sexual orientation, marital status, national origin, disability, age, or other protected class status; written or graphic material that puts down or shows hostility or dislike toward an individual or group because of race, color, religion, gender, sexual orientation, marital status, national origin, disability, age, or other protected class status and is placed on walls, bulletin boards, computers or elsewhere on the employer's premises, or accessed or circulated in the workplace, electronically or otherwise.

(b) Sexual harassment is a form of unlawful workplace harassment. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical behavior of a sexual nature when:

(1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or used as a basis for any employment decision (e.g., granting a leave request, promotion, favorable performance appraisal); or

(2) Such conduct is unwelcome and has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

(3) Examples of prohibited sexual harassment may include (these examples are not intended to be all-inclusive): unwelcome touching or closeness of a personal nature, including sexual contact, leaning over, cornering, pinching, sexual innuendoes, teasing and other sexual talk such as jokes, intimate inquiries, persistent unwanted courting, sexist put-downs or insults, sexually suggestive comments, inappropriate use of state communication systems including email, internet and telephone, and written or graphic material of a sexual or sexist nature. See also the examples under part (a) above.

(6) Complaint Procedure:

(a) Complaint. An employee who is subject to or is aware of conduct which violates or might violate this policy should report that information immediately to his/her immediate supervisor, the Executive Director, the Human Resources Manager, or the Board Chair (if the complaint is against the Executive Director). If at all possible, the report should be made before the behavior becomes severe. The complaint should be reported verbally or in writing within 30 calendar days of the alleged act, preferably earlier. However, complaints filed late will still be investigated pursuant to this policy to the extent possible. All supervisors and managers shall promptly report complaints and incidents in

violation of or potential violation of this policy, or reported to the supervisor/manager as being or potentially being in violation of this policy, to the Executive Director, the Human Resources Manager, or the Board Chair (if the complaint is against the Executive Director).
Complaints should include the name of the complainant, the name(s) of the person(s) alleged to have been discriminated against or harassed (if different from the person bringing the complaint), the name(s) of the person(s) alleged to have engaged in the prohibited conduct, a specific and detailed description of the conduct that the employee believes is discrimination or harassment, and a description of the remedy the employee desires.

(b) Investigation. The recipient of a discrimination or harassment complaint shall promptly forward it to the Executive Director (or to the Board Chair in the event the complaint is about the Executive Director), who will coordinate in consultation with Human Resources, or delegate responsibility for coordinating, the Board of Pharmacy's investigation. The complaint will be given prompt and thorough attention including an initial inquiry into whether discrimination or harassment has occurred, steps to prevent any ongoing discrimination or harassment, and an impartial investigation. If the complaint is substantiated, prompt and appropriate corrective action will be taken. The affected parties will be informed that the investigation has concluded and, if the complaint is sustained, that appropriate corrective action will be or has been taken. All personnel can be assured that complaints will be taken seriously, will be investigated as necessary, and will to the extent possible consistent with applicable laws, rules, policies and investigatory needs, be dealt with in a confidential manner.

(c) Other complaints and grievances. Nothing in this policy precludes any person from filing a grievance in accordance with the SEIU Collective Bargaining Agreement, or a complaint with BOLI and/or the EEOC, or a lawsuit. Timelines for filing grievances, lawsuits, and/or complaints with BOLI/EEOC are different from those established in this policy. Employees should contact SEIU, private counsel, or BOLI/EEOC directly for specific guidance on filing deadlines and procedures.

The Age Discrimination in Employment Act of 1967

The Age Discrimination in Employment Act of 1967 (ADEA) protects individuals who are 40 years of age or older from employment discrimination based on age. The ADEA's protections apply to both employees and job applicants. Under the ADEA, it is unlawful to discriminate against a person because of his/her age with respect to any term, condition, or privilege of employment, including hiring, firing, promotion, layoff, compensation, benefits, job assignments, and training. The ADEA permits employers to favor older workers based on age even when doing so adversely affects a younger worker who is 40 or older.

It is also unlawful to retaliate against an individual for opposing employment practices that discriminate based on age or for filing an age discrimination charge, testifying, or participating in any way in an investigation, proceeding, or litigation under the ADEA.

The ADEA applies to employers with 20 or more employees, including state and local governments. It also applies to employment agencies and labor organizations, as well as to the federal government. ADEA protections include:

- **Apprenticeship Programs**
  It is generally unlawful for apprenticeship programs, including joint labor-management apprenticeship programs, to discriminate on the basis of an individual's age. Age limitations in apprenticeship programs are valid only if they fall within certain specific exceptions under the ADEA or if the EEOC grants a specific exemption.

- **Job Notices and Advertisements**
  The ADEA generally makes it unlawful to include age preferences, limitations, or specifications in job notices or advertisements. A job notice or advertisement may specify an age limit only in the rare circumstances where age is shown to be a "bona fide occupational qualification" (BFOQ) reasonably necessary to the normal operation of the business.

- **Pre-Employment Inquiries**
  The ADEA does not specifically prohibit an employer from asking an applicant's age or date of birth. However, because such inquiries may deter older workers from applying for employment or may otherwise indicate possible intent to discriminate based on age, requests for age information will be closely scrutinized to make sure that the inquiry was made for a lawful purpose, rather than for a purpose prohibited by the ADEA. If the information is needed for a lawful purpose, it can be obtained after the employee is hired.

- **Benefits**
  The Older Workers Benefit Protection Act of 1990 (OWBPA) amended the ADEA to specifically prohibit employers from denying benefits to older employees. Congress recognized that the cost of providing certain benefits to older workers is greater than the cost of providing those same benefits to younger workers, and that those greater costs might create a disincentive to hire older workers. Therefore, in limited circumstances, an employer may be permitted to reduce benefits based on age, as long as the cost of providing the reduced benefits to older workers is no less than the cost of providing benefits to younger workers.
  Employers are permitted to coordinate retiree health benefit plans with eligibility for Medicare or a comparable state-sponsored health benefit.

Source: U.S. Equal Employment Opportunity Commission (EEOC)
http://www.eeoc.gov/eeoc/publications/age.cfm

- **Waivers of ADEA Rights**
  An employer may ask an employee to waive his/her rights or claims under the ADEA. Such waivers are common in settling ADEA discrimination claims or in connection with exit incentive or other employment termination programs. However, the ADEA, as amended by OWBPA, sets out specific minimum standards that must be met in order for a waiver to be considered knowing and voluntary and, therefore, valid. Among other requirements, a valid ADEA waiver must:
    - be in writing and be understandable;
    - specifically refer to ADEA rights or claims;
    - not waive rights or claims that may arise in the future;
    - be in exchange for valuable consideration in addition to anything of value to which the individual already is entitled;
    - advise the individual in writing to consult an attorney before signing the waiver; and
    - provide the individual at least 21 days to consider the agreement and at least seven days to revoke the agreement after signing it.

If an employer requests an ADEA waiver in connection with an exit incentive or other employment termination program, the minimum requirements for a valid waiver are more extensive. *See* Understanding Waivers of Discrimination Claims in Employee Severance Agreements" at *http://www.eeoc.gov/policy/docs/qanda_severance-agreements.html*

Source: U.S. Equal Employment Opportunity Commission (EEOC)
http://www.eeoc.gov/eeoc/publications/age.cfm

Title I of the Americans with Disabilities Act of 1990 (ADA)

Title I of the Americans with Disabilities Act of 1990 prohibits private employers, state and local governments, employment agencies and labor unions from discriminating against qualified individuals with disabilities in job application procedures, hiring, firing, advancement, compensation, job training, and other terms, conditions, and privileges of employment. The ADA covers employers with 15 or more employees, including state and local governments. It also applies to employment agencies and to labor organizations. The ADA's nondiscrimination standards also apply to federal sector employees under section 501 of the Rehabilitation Act, as amended, and its implementing rules.

An individual with a disability is a person who:

- Has a physical or mental impairment that substantially limits one or more major life activities;
- Has a record of such an impairment; or
- Is regarded as having such an impairment.
- A qualified employee or applicant with a disability is an individual who, with or without reasonable accommodation, can perform the essential functions of the job in question. Reasonable accommodation may include, but is not limited to:
- Making existing facilities used by employees readily accessible to and usable by persons with disabilities.
- Job restructuring, modifying work schedules, reassignment to a vacant position;
- Acquiring or modifying equipment or devices, adjusting or modifying examinations, training materials, or policies, and providing qualified readers or interpreters.

An employer is required to make a reasonable accommodation to the known disability of a qualified applicant or employee if it would not impose an "undue hardship" on the operation of the employer's business. Reasonable accommodations are adjustments or modifications provided by an employer to enable people with disabilities to enjoy equal employment opportunities. Accommodations vary depending upon the needs of the individual applicant or employee. Not all people with disabilities (or even all people with the same disability) will require the same accommodation. For example:

- A deaf applicant may need a sign language interpreter during the job interview.
- An employee with diabetes may need regularly scheduled breaks during the workday to eat properly and monitor blood sugar and insulin levels.
- A blind employee may need someone to read information posted on a bulletin board.
- An employee with cancer may need leave to have radiation or chemotherapy treatments.

An employer does not have to provide a reasonable accommodation if it imposes an "undue hardship." Undue hardship is defined as an action requiring significant difficulty or expense when considered in light of factors such as an employer's size, financial resources, and the nature and structure of its operation.

An employer is not required to lower quality or production standards to make an accommodation; nor is an employer obligated to provide personal use items such as glasses or hearing aids.

An employer generally does not have to provide a reasonable accommodation unless an individual with a disability has asked for one. if an employer believes that a medical condition is causing a performance or conduct problem, it may ask the employee how to solve the problem and if the employee needs a reasonable accommodation. Once a reasonable accommodation is requested, the employer and the individual should discuss the individual's needs and identify the appropriate

Source: U.S. Equal Employment Opportunity Commission (EEOC)
http://www.eeoc.gov/eeoc/publications/fs-ada.cfm ; http://www.eeoc.gov/laws/types/disability.cfm

reasonable accommodation. Where more than one accommodation would work, the employer may choose the one that is less costly or that is easier to provide.

Title I of the ADA also covers:

- Medical Examinations and Inquiries
  Employers may not ask job applicants about the existence, nature, or severity of a disability. Applicants may be asked about their ability to perform specific job functions. A job offer may be conditioned on the results of a medical examination, but only if the examination is required for all entering employees in similar jobs. Medical examinations of employees must be job related and consistent with the employer's business needs.

  Medical records are confidential. The basic rule is that with limited exceptions, employers must keep confidential any medical information they learn about an applicant or employee. Information can be confidential even if it contains no medical diagnosis or treatment course and even if it is not generated by a health care professional. For example, an employee's request for a reasonable accommodation would be considered medical information subject to the ADA's confidentiality requirements.

- Drug and Alcohol Abuse
  Employees and applicants currently engaging in the illegal use of drugs are not covered by the ADA when an employer acts on the basis of such use. Tests for illegal drugs are not subject to the ADA's restrictions on medical examinations. Employers may hold illegal drug users and alcoholics to the same performance standards as other employees.

It is also unlawful to retaliate against an individual for opposing employment practices that discriminate based on disability or for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or litigation under the ADA.

Federal Tax Incentives to Encourage the Employment of People with Disabilities and to Promote the Accessibility of Public Accommodations

The Internal Revenue Code includes several provisions aimed at making businesses more accessible to people with disabilities. The following provides general – non-legal – information about three of the most significant tax incentives. (Employers should check with their accountants or tax advisors to determine eligibility for these incentives or visit the Internal Revenue Service's website, www.irs.gov, for more information. Similar state and local tax incentives may be available.)

- Small Business Tax Credit (Internal Revenue Code Section 44: Disabled Access Credit)
  Small businesses with either $1,000,000 or less in revenue or 30 or fewer full-time employees may take a tax credit of up to $5,000 annually for the cost of providing reasonable accommodations such as sign language interpreters, readers, materials in alternative format (such as Braille or large print), the purchase of adaptive equipment, the modification of existing equipment, or the removal of architectural barriers.

- Work Opportunity Tax Credit (Internal Revenue Code Section 51)
  Employers who hire certain targeted low-income groups, including individuals referred from vocational rehabilitation agencies and individuals receiving Supplemental Security Income (SSI) may be eligible for an annual tax credit of up to $2,400 for each qualifying employee who

Source: U.S. Equal Employment Opportunity Commission (EEOC)
http://www.eeoc.gov/eeoc/publications/fs-ada.cfm ; http://www.eeoc.gov/laws/types/disability.cfm

works at least 400 hours during the tax year. Additionally, a maximum credit of $1,200 may be available for each qualifying summer youth employee.

- Architectural/Transportation Tax Deduction (Internal Revenue Code Section 190 Barrier Removal):
  This annual deduction of up to $15,000 is available to businesses of any size for the costs of removing barriers for people with disabilities, including the following: providing accessible parking spaces, ramps, and curb cuts; providing wheelchair-accessible telephones, water fountains, and restrooms; making walkways at least 48 inches wide; and making entrances accessible.

Disability Discrimination

Disability discrimination occurs when an employer or other entity covered by the Americans with Disabilities Act, as amended, or the Rehabilitation Act, as amended, treats a qualified individual with a disability who is an employee or applicant unfavorably because she has a disability.

Disability discrimination also occurs when a covered employer or other entity treats an applicant or employee less favorably because she has a history of a disability (such as cancer that is controlled or in remission) or because she is believed to have a physical or mental impairment that is not transitory (lasting or expected to last six months or less) and minor (even if she does not have such an impairment).

The law requires an employer to provide reasonable accommodation to an employee or job applicant with a disability, unless doing so would cause significant difficulty or expense for the employer ("undue hardship").

The law also protects people from discrimination based on their relationship with a person with a disability (even if they do not themselves have a disability). For example, it is illegal to discriminate against an employee because her husband has a disability.
Note: Federal employees and applicants are covered by the Rehabilitation Act of 1973, instead of the Americans with Disabilities Act. The protections are mostly the same.

Disability Discrimination & Work Situations

The law forbids discrimination when it comes to any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoff, training, fringe benefits, and any other term or condition of employment.

Disability Discrimination & Harassment

It is illegal to harass an applicant or employee because he has a disability, had a disability in the past, or is believed to have a physical or mental impairment that is not transitory (lasting or expected to last six months or less) and minor (even if he does not have such an impairment). Harassment can include, for example, offensive remarks about a person's disability. Although the law doesn't prohibit simple teasing, offhand comments, or isolated incidents that aren't very serious, harassment is illegal when it is so frequent or severe that it creates a hostile or offensive work environment or when it results in an adverse employment decision (such as the victim being fired or demoted).

Source: U.S. Equal Employment Opportunity Commission (EEOC)
http://www.eeoc.gov/eeoc/publications/fs-ada.cfm ; http://www.eeoc.gov/laws/types/disability.cfm

The harasser can be the victim's supervisor, a supervisor in another area, a co-worker, or someone who is not an employee of the employer, such as a client or customer.

Disability Discrimination & Reasonable Accommodation

The law requires an employer to provide reasonable accommodation to an employee or job applicant with a disability, unless doing so would cause significant difficulty or expense for the employer.

A reasonable accommodation is any change in the work environment (or in the way things are usually done) to help a person with a disability apply for a job, perform the duties of a job, or enjoy the benefits and privileges of employment.
Reasonable accommodation might include, for example, making the workplace accessible for wheelchair users or providing a reader or interpreter for someone who is blind or hearing impaired.

While the federal anti-discrimination laws don't require an employer to accommodate an employee who must care for a disabled family member, the Family and Medical Leave Act (FMLA) may require an employer to take such steps. The Department of Labor enforces the FMLA. For more information, call: 1-866-487-9243.

Disability Discrimination & Reasonable Accommodation & Undue Hardship

An employer doesn't have to provide an accommodation if doing so would cause undue hardship to the employer.

Undue hardship means that the accommodation would be too difficult or too expensive to provide, in light of the employer's size, financial resources, and the needs of the business. An employer may not refuse to provide an accommodation just because it involves some cost. An employer does not have to provide the exact accommodation the employee or job applicant wants. If more than one accommodation works, the employer may choose which one to provide.

Definition Of Disability

Not everyone with a medical condition is protected by the law. In order to be protected, a person must be qualified for the job and have a disability as defined by the law.
A person can show that he or she has a disability in one of three ways:

- A person may be disabled if he or she has a physical or mental condition that substantially limits a major life activity (such as walking, talking, seeing, hearing, or learning).
- A person may be disabled if he or she has a history of a disability (such as cancer that is in remission).
- A person may be disabled if he is believed to have a physical or mental impairment that is not transitory (lasting or expected to last six months or less) and minor (even if he does not have such an impairment).

Disability & Medical Exams During Employment Application & Interview Stage

The law places strict limits on employers when it comes to asking job applicants to answer medical questions, take a medical exam, or identify a disability.

For example, an employer may not ask a job applicant to answer medical questions or take a medical exam before extending a job offer. An employer also may not ask job applicants if they have a disability (or about the nature of an obvious disability). An employer may ask job applicants whether they can perform the job and how they would perform the job, with or without a reasonable accommodation.

Source: U.S. Equal Employment Opportunity Commission (EEOC)
http://www.eeoc.gov/eeoc/publications/fs-ada.cfm ; http://www.eeoc.gov/laws/types/disability.cfm

Disability & Medical Exams After A Job Offer For Employment

After a job is offered to an applicant, the law allows an employer to condition the job offer on the applicant answering certain medical questions or successfully passing a medical exam, but only if all new employees in the same type of job have to answer the questions or take the exam.

Disability & Medical Exams For Persons Who Have Started Working As Employees

Once a person is hired and has started work, an employer generally can only ask medical questions or require a medical exam if the employer needs medical documentation to support an employee's request for an accommodation or if the employer believes that an employee is not able to perform a job successfully or safely because of a medical condition.

The law also requires that employers keep all medical records and information confidential and in separate medical files.

Available Resources

In addition to a variety of formal guidance documents, EEOC has developed a wide range of fact sheets, question & answer documents, and other publications to help employees and employers understand the complex issues surrounding disability discrimination.

- Your Employment Rights as an Individual With a Disability
- Job Applicants and the ADA
- Understanding Your Employment Rights Under the ADA: A Guide for Veterans
- Questions and Answers: Promoting Employment of Individuals with Disabilities in the Federal Workforce
- The Family and Medical Leave Act, the ADA, and Title VII of the Civil Rights Act of 1964
- The ADA: A Primer for Small Business
- Your Responsibilities as an Employer
- Small Employers and Reasonable Accommodation
- Work At Home/Telework as a Reasonable Accommodation
- Applying Performance And Conduct Standards To Employees With Disabilities
- Obtaining and Using Employee Medical Information as Part of Emergency Evacuation Procedures
- Veterans and the ADA: A Guide for Employers
- Pandemic Preparedness in the Workplace and the Americans with Disabilities Act
- Employer Best Practices for Workers with Caregiving Responsibilities
- Reasonable Accommodations for Attorneys with Disabilities
- How to Comply with the Americans with Disabilities Act: A Guide for Restaurants and Other Food Service Employers
- Final Report on Best Practices For the Employment of People with Disabilities In State Government
- *ABCs* of Schedule A Documents

The ADA Amendments Act

- Final Regulations Implementing the ADAAA
- Questions and Answers on the Final Rule Implementing the ADA Amendments Act of 2008
- Questions and Answers for Small Businesses: The Final Rule Implementing the ADA Amendments Act of 2008
- Fact Sheet on the EEOC's Final Regulations Implementing the ADAAA

The Questions and Answers Series

Source: U.S. Equal Employment Opportunity Commission (EEOC)
http://www.eeoc.gov/eeoc/publications/fs-ada.cfm ; http://www.eeoc.gov/laws/types/disability.cfm

- Health Care Workers and the Americans with Disabilities Act
- Deafness and Hearing Impairments in the Workplace and the Americans with Disabilities Act
- Blindness and Vision Impairments in the Workplace and the ADA
- The Americans with Disabilities Act's Association Provision
- Diabetes in the Workplace and the ADA
- Epilepsy in the Workplace and the ADA
- Persons with Intellectual Disabilities in the Workplace and the ADA
- Cancer in the Workplace and the ADA

Mediation and the ADA

- Questions and Answers for Mediation Providers: Mediation and the Americans with Disabilities Act (ADA)
- Questions and Answers for Parties to Mediation: Mediation and the Americans with Disabilities Act (ADA)

Source: U.S. Equal Employment Opportunity Commission (EEOC)
http://www.eeoc.gov/eeoc/publications/fs-ada.cfm ; http://www.eeoc.gov/laws/types/disability.cfm

Equal Pay and Compensation Discrimination Equal Pay Act of 1963, and Title VII of the Civil Rights Act of 1964

The right of employees to be free from discrimination in their compensation is protected under several federal laws, including the following enforced by the U.S. Equal Employment Opportunity Commission: the **Equal Pay Act of 1963**, **Title VII of the Civil Rights Act of 1964**, the Age Discrimination in Employment Act of 1967, and Title I of the Americans with Disabilities Act of 1990.

The law against compensation discrimination includes all payments made to or on behalf employees as remuneration for employment. All forms of compensation are covered, including salary, overtime pay, bonuses, stock options, profit sharing and bonus plans, life insurance, vacation and holiday pay, cleaning or gasoline allowances, hotel accommodations, reimbursement for travel expenses, and benefits.

Equal Pay Act

The Equal Pay Act requires that men and women be given equal pay for equal work in the same establishment. The jobs need not be identical, but they must be substantially equal. It is job content, not job titles, that determines whether jobs are substantially equal. Specifically, the EPA provides that employers may not pay unequal wages to men and women who perform jobs that require substantially equal skill, effort and responsibility, and that are performed under similar working conditions within the same establishment. Each of these factors is summarized below:

Skill

- Measured by factors such as the experience, ability, education, and training required to perform the job. The issue is what skills are required for the job, not what skills the individual employees may have. For example, two bookkeeping jobs could be considered equal under the EPA even if one of the job holders has a master's degree in physics, since that degree would not be required for the job.

Effort

- The amount of physical or mental exertion needed to perform the job. For example, suppose that men and women work side by side on a line assembling machine parts. The person at the end of the line must also lift the assembled product as he or she completes the work and place it on a board. That job requires more effort than the other assembly line jobs if the extra effort of lifting the assembled product off the line is substantial and is a regular part of the job. As a result, it would not be a violation to pay that person more, regardless of whether the job is held by a man or a woman.

Responsibility

- The degree of accountability required in performing the job. For example, a salesperson who is delegated the duty of determining whether to accept customers' personal checks has more responsibility than other salespeople. On the other hand, a minor difference in responsibility, such as turning out the lights at the end of the day, would not justify a pay differential.

Working Conditions

- This encompasses two factors: (1) physical surroundings like temperature, fumes, and ventilation; and (2) hazards.

Establishment

- The prohibition against compensation discrimination under the EPA applies only to jobs within an establishment. An establishment is a distinct physical place of business rather than an entire business or enterprise consisting of several places of business. In some circumstances, physically

Source: U.S. Equal Employment Opportunity Commission (EEOC)
http://www.eeoc.gov/eeoc/publications/fs-epa.cfm

separate places of business may be treated as one establishment. For example, if a central administrative unit hires employees, sets their compensation, and assigns them to separate work locations, the separate work sites can be considered part of one establishment.

Pay differentials are permitted when they are based on seniority, merit, quantity or quality of production, or a factor other than sex. These are known as "affirmative defenses" and it is the employer's burden to prove that they apply.

In correcting a pay differential, no employee's pay may be reduced. Instead, the pay of the lower paid employee(s) must be increased.

Title VII, ADEA, and ADA

Title VII, the ADEA, and the ADA prohibit compensation discrimination on the basis of race, color, religion, sex, national origin, age, or disability. Unlike the EPA, there is no requirement that the claimant's job be substantially equal to that of a higher paid person outside the claimant's protected class, nor do these statutes require the claimant to work in the same establishment as a comparator. Compensation discrimination under Title VII, the ADEA, or the ADA can occur in a variety of forms. For example:

- An employer pays an employee with a disability less than similarly situated employees without disabilities and the employer's explanation (if any) does not satisfactorily account for the differential.

- An employer sets the compensation for jobs predominately held by, for example, women or African-Americans below that suggested by the employer's job evaluation study, while the pay for jobs predominately held by men or whites is consistent with the level suggested by the job evaluation study.

- An employer maintains a neutral compensation policy or practice that has an adverse impact on employees in a protected class and cannot be justified as job-related and consistent with business necessity. For example, if an employer provides extra compensation to employees who are the "head of household," i.e., married with dependents and the primary financial contributor to the household, the practice may have an unlawful disparate impact on women.

It is also unlawful to retaliate against an individual for opposing employment practices that discriminate based on compensation or for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or litigation under Title VII, ADEA, ADA or the Equal Pay Act.

Source: U.S. Equal Employment Opportunity Commission (EEOC)
http://www.eeoc.gov/eeoc/publications/fs-epa.cfm

Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA)

Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA), which prohibits genetic information discrimination in employment, took effect on November 21, 2009.

Under Title II of GINA, it is illegal to discriminate against employees or applicants because of genetic information. Title II of GINA prohibits the use of genetic information in making employment decisions, restricts employers and other entities covered by Title II (employment agencies, labor organizations and joint labor-management training and apprenticeship programs - referred to as "covered entities") from requesting, requiring or purchasing genetic information, and strictly limits the disclosure of genetic information.

The EEOC enforces Title II of GINA (dealing with genetic discrimination in employment). The Departments of Labor, Health and Human Services and the Treasury have responsibility for issuing regulations for Title I of GINA, which addresses the use of genetic information in health insurance.

Definition of "Genetic Information"

Genetic information includes information about an individual's genetic tests and the genetic tests of an individual's family members, as well as information about the manifestation of a disease or disorder in an individual's family members (i.e. family medical history). Family medical history is included in the definition of genetic information because it is often used to determine whether someone has an increased risk of getting a disease, disorder, or condition in the future. Genetic information also includes an individual's request for, or receipt of, genetic services, or the participation in clinical research that includes genetic services by the individual or a family member of the individual, and the genetic information of a fetus carried by an individual or by a pregnant woman who is a family member of the individual and the genetic information of any embryo legally held by the individual or family member using an assisted reproductive technology.

Discrimination Because of Genetic Information

The law forbids discrimination on the basis of genetic information when it comes to any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoffs, training, fringe benefits, or any other term or condition of employment. *An employer may never use genetic information to make an employment decision because genetic information is not relevant to an individual's current ability to work.*

Harassment Because of Genetic Information

Under GINA, it is also illegal to harass a person because of his or her genetic information. Harassment can include, for example, making offensive or derogatory remarks about an applicant or employee's genetic information, or about the genetic information of a relative of the applicant or employee. Although the law doesn't prohibit simple teasing, offhand comments, or isolated incidents that are not very serious, harassment is illegal when it is so severe or pervasive that it creates a hostile or offensive work environment or when it results in an adverse employment decision (such as the victim being fired or demoted). The harasser can be the victim's supervisor, a supervisor in another area of the workplace, a co-worker, or someone who is not an employee, such as a client or customer.

Retaliation

Under GINA, it is illegal to fire, demote, harass, or otherwise "retaliate" against an applicant or employee for filing a charge of discrimination, participating in a discrimination proceeding (such as a discrimination investigation or lawsuit), or otherwise opposing discrimination.

Source: U.S. Equal Employment Opportunity Commission (EEOC)
http://www.eeoc.gov/laws/types/genetic.cfm

Rules Against Acquiring Genetic Information

- It will usually be unlawful for a covered entity to get genetic information. There are six narrow exceptions to this prohibition:

- Inadvertent acquisitions of genetic information do not violate GINA, such as in situations where a manager or supervisor overhears someone talking about a family member's illness.

- Genetic information (such as family medical history) may be obtained as part of health or genetic services, including wellness programs, offered by the employer on a voluntary basis, if certain specific requirements are met.

- Family medical history may be acquired as part of the certification process for FMLA leave (or leave under similar state or local laws or pursuant to an employer policy), where an employee is asking for leave to care for a family member with a serious health condition.

- Genetic information may be acquired through commercially and publicly available documents like newspapers, as long as the employer is not searching those sources with the intent of finding genetic information or accessing sources from which they are likely to acquire genetic information (such as websites and on-line discussion groups that focus on issues such as genetic testing of individuals and genetic discrimination).

- Genetic information may be acquired through a genetic monitoring program that monitors the biological effects of toxic substances in the workplace where the monitoring is required by law or, under carefully defined conditions, where the program is voluntary.

- Acquisition of genetic information of employees by employers who engage in DNA testing for law enforcement purposes as a forensic lab or for purposes of human remains identification is permitted, but the genetic information may only be used for analysis of DNA markers for quality control to detect sample contamination.

Confidentiality of Genetic Information

It is also unlawful for a covered entity to disclose genetic information about applicants, employees or members. Covered entities must keep genetic information confidential and in a separate medical file. (Genetic information may be kept in the same file as other medical information in compliance with the Americans with Disabilities Act.) There are limited exceptions to this non-disclosure rule, such as exceptions that provide for the disclosure of relevant genetic information to government officials investigating compliance with Title II of GINA and for disclosures made pursuant to a court order.

Source: U.S. Equal Employment Opportunity Commission (EEOC)
http://www.eeoc.gov/laws/types/genetic.cfm

National Origin Discrimination

National origin discrimination involves treating people (applicants or employees) unfavorably because they are from a particular country or part of the world, because of ethnicity or accent, or because they appear to be of a certain ethnic background (even if they are not).
National origin discrimination also can involve treating people unfavorably because they are married to (or associated with) a person of a certain national origin or because of their connection with an ethnic organization or group.

Discrimination can occur when the victim and the person who inflicted the discrimination are the same national origin.

National Origin Discrimination & Work Situations

The law forbids discrimination when it comes to any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoff, training, fringe benefits, and any other term or condition of employment.

National Origin & Harassment

It is unlawful to harass a person because of his or her national origin. Harassment can include, for example, offensive or derogatory remarks about a person's national origin, accent or ethnicity.
Although the law doesn't prohibit simple teasing, offhand comments, or isolated incidents that are not very serious, harassment is illegal when it is so frequent or severe that it creates a hostile or offensive work environment or when it results in an adverse employment decision (such as the victim being fired or demoted).

The harasser can be the victim's supervisor, a supervisor in another area, a co-worker, or someone who is not an employee of the employer, such as a client or customer.

National Origin & Employment Policies/Practices

The law makes it illegal for an employer or other covered entity to use an employment policy or practice that applies to everyone, regardless of national origin, if it has a negative impact on people of a certain national origin and is not job-related or necessary to the operation of the business.
An employer can only require an employee to speak fluent English if fluency in English is necessary to perform the job effectively. An "English-only rule", which requires employees to speak only English on the job, is only allowed if it is needed to ensure the safe or efficient operation of the employer's business and is put in place for nondiscriminatory reasons.
An employer may not base an employment decision on an employee's foreign accent, unless the accent seriously interferes with the employee's job performance.

Citizenship Discrimination & Workplace Laws

The Immigration Reform and Control Act of 1986 (IRCA) makes it illegal for an employer to discriminate with respect to hiring, firing, or recruitment or referral for a fee, based upon an individual's citizenship or immigration status. The law prohibits employers from hiring only U.S. citizens or lawful permanent residents unless required to do so by law, regulation or government contract. Employers may not refuse to accept lawful documentation that establishes the employment eligibility of an employee, or demand additional documentation beyond what is legally required, when verifying employment eligibility (i.e., completing the Department of Homeland Security (DHS) Form I-9), based on the employee's national origin or citizenship status. It is the employee's choice which of the acceptable Form I-9 documents to show to verify employment eligibility.

Source: U.S. Equal Employment Opportunity Commission (EEOC)
http://www.eeoc.gov/laws/types/nationalorigin.cfm

IRCA also prohibits retaliation against individuals for asserting their rights under the Act, or for filing a charge or assisting in an investigation or proceeding under IRCA.

IRCA's nondiscrimination requirements are enforced by the Department of Justice's Office of Special Counsel for Immigration-Related Unfair Employment Practices (OSC), Civil Rights Division. OSC may be reached at:

1-800-255-7688 (voice for employees/applicants),
1-800-237-2515 (TTY for employees/applicants),
1-800-255-8155 (voice for employers), or
1-800-362-2735 (TTY for employers), or
http://www.usdoj.gov/crt/osc.

Source: U.S. Equal Employment Opportunity Commission (EEOC)
http://www.eeoc.gov/laws/types/nationalorigin.cfm

Pregnancy Discrimination

Pregnancy Discrimination

Pregnancy discrimination involves treating a woman (an applicant or employee) unfavorably because of pregnancy, childbirth, or a medical condition related to pregnancy or childbirth.

Pregnancy Discrimination & Work Situations

The Pregnancy Discrimination Act (PDA) forbids discrimination based on pregnancy when it comes to any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoff, training, fringe benefits, such as leave and health insurance, and any other term or condition of employment.

Pregnancy Discrimination & Temporary Disability

If a woman is temporarily unable to perform her job due to a medical condition related to pregnancy or childbirth, the employer or other covered entity must treat her in the same way as it treats any other temporarily disabled employee. For example, the employer may have to provide light duty, alternative assignments, disability leave, or unpaid leave to pregnant employees if it does so for other temporarily disabled employees.

Additionally, impairments resulting from pregnancy (for example, gestational diabetes or preeclampsia, a condition characterized by pregnancy-induced hypertension and protein in the urine) may be disabilities under the Americans with Disabilities Act (ADA). An employer may have to provide a reasonable accommodation (such as leave or modifications that enable an employee to perform her job) for a disability related to pregnancy, absent undue hardship (significant difficulty or expense). The ADA Amendments Act of 2008 makes it much easier to show that a medical condition is a covered disability.
For more information about the ADA, see http://www.eeoc.gov/laws/types/disability.cfm.
For information about the ADA Amendments Act, see
http://www.eeoc.gov/laws/types/disability_regulations.cfm.

Pregnancy Discrimination & Harassment

It is unlawful to harass a woman because of pregnancy, childbirth, or a medical condition related to pregnancy or childbirth. Harassment is illegal when it is so frequent or severe that it creates a hostile or offensive work environment or when it results in an adverse employment decision (such as the victim being fired or demoted). The harasser can be the victim's supervisor, a supervisor in another area, a co-worker, or someone who is not an employee of the employer, such as a client or customer.

Pregnancy, Maternity & Parental Leave

Under the PDA, an employer that allows temporarily disabled employees to take disability leave or leave without pay, must allow an employee who is temporarily disabled due to pregnancy to do the same.

An employer may not single out pregnancy-related conditions for special procedures to determine an employee's ability to work. However, if an employer requires its employees to submit a doctor's statement concerning their ability to work before granting leave or paying sick benefits, the employer may require employees affected by pregnancy-related conditions to submit such statements.
Further, under the Family and Medical Leave Act (FMLA) of 1993, a new parent (including foster and adoptive parents) may be eligible for 12 weeks of leave (unpaid or paid if the employee has earned or accrued it) that may be used for care of the new child. To be eligible, the employee must have worked for the employer for 12 months prior to taking the leave and the employer must have a specified number of employees. See http://www.dol.gov/whd/regs/compliance/whdfs28.htm.

Source: U.S. Equal Employment Opportunity Commission (EEOC)
http://www.eeoc.gov/laws/types/pregnancy.cfm

Pregnancy & Workplace Laws

Pregnant employees may have additional rights under the Family and Medical Leave Act (FMLA), which is enforced by the U.S. Department of Labor. Nursing mothers may also have the right to express milk in the workplace under a provision of the Fair Labor Standards Act enforced by the U.S. Department of Labor's Wage and Hour Division.

See http://www.dol.gov/whd/regs/compliance/whdfs73.htm.

For more information about the Family Medical Leave Act or break time for nursing mothers, go to http://www.dol.gov/whd, or call 202-693-0051 or 1-866-487-9243 (voice), 202-693-7755 (TTY).

Source: U.S. Equal Employment Opportunity Commission (EEOC)
http://www.eeoc.gov/laws/types/pregnancy.cfm

Race/Color Discrimination

Race discrimination involves treating someone (an applicant or employee) unfavorably because he/she is of a certain race or because of personal characteristics associated with race (such as hair texture, skin color, or certain facial features). Color discrimination involves treating someone unfavorably because of skin color complexion.

Race/color discrimination also can involve treating someone unfavorably because the person is married to (or associated with) a person of a certain race or color or because of a person's connection with a race-based organization or group, or an organization or group that is generally associated with people of a certain color.
Discrimination can occur when the victim and the person who inflicted the discrimination are the same race or color.

Race/Color Discrimination & Work Situations

The law forbids discrimination when it comes to any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoff, training, fringe benefits, and any other term or condition of employment.

Race/Color Discrimination & Harassment

It is unlawful to harass a person because of that person's race or color.
Harassment can include, for example, racial slurs, offensive or derogatory remarks about a person's race or color, or the display of racially-offensive symbols. Although the law doesn't prohibit simple teasing, offhand comments, or isolated incidents that are not very serious, harassment is illegal when it is so frequent or severe that it creates a hostile or offensive work environment or when it results in an adverse employment decision (such as the victim being fired or demoted).

The harasser can be the victim's supervisor, a supervisor in another area, a co-worker, or someone who is not an employee of the employer, such as a client or customer.

Race/Color Discrimination & Employment Policies/Practices

An employment policy or practice that applies to everyone, regardless of race or color, can be illegal if it has a negative impact on the employment of people of a particular race or color and is not job-related and necessary to the operation of the business. For example, a "no-beard" employment policy that applies to all workers without regard to race may still be unlawful if it is not job-related and has a negative impact on the employment of African-American men (who have a predisposition to a skin condition that causes severe shaving bumps).

Facts About Race/Color Discrimination

Title VII of the Civil Rights Act of 1964 protects individuals against employment discrimination on the basis of race and color as well as national origin, sex, or religion.

It is unlawful to discriminate against any employee or applicant for employment because of race or color in regard to hiring, termination, promotion, compensation, job training, or any other term, condition, or privilege of employment. Title VII also prohibits employment decisions based on stereotypes and assumptions about abilities, traits, or the performance of individuals of certain racial groups.

Source: U.S. Equal Employment Opportunity Commission (EEOC)
http://www.eeoc.gov/laws/types/race_color.cfm ; http://www.eeoc.gov/eeoc/publications/fs-race.cfm

Title VII prohibits both intentional discrimination and neutral job policies that disproportionately exclude minorities and that are not job related.

Equal employment opportunity cannot be denied because of marriage to or association with an individual of a different race; membership in or association with ethnic based organizations or groups; attendance or participation in schools or places of worship generally associated with certain minority groups; or other cultural practices or characteristics often linked to race or ethnicity, such as cultural dress or manner of speech, as long as the cultural practice or characteristic does not materially interfere with the ability to perform job duties.

Race-Related Characteristics and Conditions

Discrimination on the basis of an immutable characteristic associated with race, such as skin color, hair texture, or certain facial features violates Title VII, even though not all members of the race share the same characteristic.

Title VII also prohibits discrimination on the basis of a condition which predominantly affects one race unless the practice is job related and consistent with business necessity. For example, since sickle cell anemia predominantly occurs in African-Americans, a policy which excludes individuals with sickle cell anemia is discriminatory unless the policy is job related and consistent with business necessity. Similarly, a “no-beard” employment policy may discriminate against African-American men who have a predisposition to pseudofolliculitis barbae (severe shaving bumps) unless the policy is job-related and consistent with business necessity.

Color Discrimination

Even though race and color clearly overlap, they are not synonymous. Thus, color discrimination can occur between persons of different races or ethnicities, or between persons of the same race or ethnicity. Although Title VII does not define “color,” the courts and the Commission read “color” to have its commonly understood meaning – pigmentation, complexion, or skin shade or tone. Thus, color discrimination occurs when a person is discriminated against based on the lightness, darkness, or other color characteristic of the person. Title VII prohibits race/color discrimination against all persons, including Caucasians.

Although a plaintiff may prove a claim of discrimination through direct or circumstantial evidence, some courts take the position that if a white person relies on circumstantial evidence to establish a reverse discrimination claim, he or she must meet a heightened standard of proof. The Commission, in contrast, applies the same standard of proof to all race discrimination claims, regardless of the victim’s race or the type of evidence used. In either case, the ultimate burden of persuasion remains always on the plaintiff.

Employers should adopt "best practices" to reduce the likelihood of discrimination and to address impediments to equal employment opportunity.

Title VII's protections include:

- **Recruiting, Hiring, and Advancement**
  Job requirements must be uniformly and consistently applied to persons of all races and colors. Even if a job requirement is applied consistently, if it is not important for job performance or business needs, the requirement may be found unlawful if it excludes persons of a certain racial group or color significantly more than others. Examples of potentially unlawful practices include: (1) soliciting applications only from sources in which all or most potential workers are of the same race or color; (2) requiring applicants to have a certain educational background that is not important

Source: U.S. Equal Employment Opportunity Commission (EEOC)
http://www.eeoc.gov/laws/types/race_color.cfm ; http://www.eeoc.gov/eeoc/publications/fs-race.cfm

for job performance or business needs; (3) testing applicants for knowledge, skills or abilities that are not important for job performance or business needs.

Employers may legitimately need information about their employees or applicants race for affirmative action purposes and/or to track applicant flow. One way to obtain racial information and simultaneously guard against discriminatory selection is for employers to use separate forms or otherwise keep the information about an applicant's race separate from the application. In that way, the employer can capture the information it needs but ensure that it is not used in the selection decision.

Unless the information is for such a legitimate purpose, pre-employment questions about race can suggest that race will be used as a basis for making selection decisions. If the information is used in the selection decision and members of particular racial groups are excluded from employment, the inquiries can constitute evidence of discrimination.

- **Compensation and Other Employment Terms, Conditions, and Privileges**
  Title VII prohibits discrimination in compensation and other terms, conditions, and privileges of employment. Thus, race or color discrimination may not be the basis for differences in pay or benefits, work assignments, performance evaluations, training, discipline or discharge, or any other area of employment.

- **Harassment**
  Harassment on the basis of race and/or color violates Title VII. Ethnic slurs, racial "jokes," offensive or derogatory comments, or other verbal or physical conduct based on an individual's race/color constitutes unlawful harassment if the conduct creates an intimidating, hostile, or offensive working environment, or interferes with the individual's work performance.

- **Retaliation**
  Employees have a right to be free from retaliation for their opposition to discrimination or their participation in an EEOC proceeding by filing a charge, testifying, assisting, or otherwise participating in an agency proceeding.

- **Segregation and Classification of Employees**
  Title VII is violated where minority employees are segregated by physically isolating them from other employees or from customer contact. Title VII also prohibits assigning primarily minorities to predominantly minority establishments or geographic areas. It is also illegal to exclude minorities from certain positions or to group or categorize employees or jobs so that certain jobs are generally held by minorities. Title VII also does not permit racially motivated decisions driven by business concerns – for example, concerns about the effect on employee relations, or the negative reaction of clients or customers. Nor may race or color ever be a bona fide occupational qualification under Title VII.

  Coding applications/resumes to designate an applicant's race, by either an employer or employment agency, constitutes evidence of discrimination where minorities are excluded from employment or from certain positions. Such discriminatory coding includes the use of facially benign code terms that implicate race, for example, by area codes where many racial minorities may or are presumed to live.

Source: U.S. Equal Employment Opportunity Commission (EEOC)
http://www.eeoc.gov/laws/types/race_color.cfm ; http://www.eeoc.gov/eeoc/publications/fs-race.cfm

- **Pre-Employment Inquiries and Requirements**
  Requesting pre-employment information which discloses or tends to disclose an applicant's race suggests that race will be unlawfully used as a basis for hiring. Solicitation of such pre-employment information is presumed to be used as a basis for making selection decisions. Therefore, if members of minority groups are excluded from employment, the request for such pre-employment information would likely constitute evidence of discrimination.

  However, employers may legitimately need information about their employees' or applicants' race for affirmative action purposes and/or to track applicant flow. One way to obtain racial information and simultaneously guard against discriminatory selection is for employers to use "tear-off sheets" for the identification of an applicant's race. After the applicant completes the application and the tear-off portion, the employer separates the tear-off sheet from the application and does not use it in the selection process.

  Other pre-employment information requests which disclose or tend to disclose an applicant's race are personal background checks, such as criminal history checks. Title VII does not categorically prohibit employers' use of criminal records as a basis for making employment decisions. Using criminal records as an employment screen may be lawful, legitimate, and even mandated in certain circumstances. However, employers that use criminal records to screen for employment must comply with Title VII's nondiscrimination requirements.

Source: U.S. Equal Employment Opportunity Commission (EEOC)
http://www.eeoc.gov/laws/types/race_color.cfm ; http://www.eeoc.gov/eeoc/publications/fs-race.cfm

Religious Discrimination

Religious discrimination involves treating a person (an applicant or employee) unfavorably because of his or her religious beliefs. The law protects not only people who belong to traditional, organized religions, such as Buddhism, Christianity, Hinduism, Islam, and Judaism, but also others who have sincerely held religious, ethical or moral beliefs.

Religious discrimination can also involve treating someone differently because that person is married to (or associated with) an individual of a particular religion or because of his or her connection with a religious organization or group.

Religious Discrimination & Work Situations

The law forbids discrimination when it comes to any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoff, training, fringe benefits, and any other term or condition of employment.

Religious Discrimination & Harassment

It is illegal to harass a person because of his or her religion.

Harassment can include, for example, offensive remarks about a person's religious beliefs or practices. Although the law doesn't prohibit simple teasing, offhand comments, or isolated incidents that aren't very serious, harassment is illegal when it is so frequent or severe that it creates a hostile or offensive work environment or when it results in an adverse employment decision (such as the victim being fired or demoted).

The harasser can be the victim's supervisor, a supervisor in another area, a co-worker, or someone who is not an employee of the employer, such as a client or customer.

Religious Discrimination and Segregation

Title VII also prohibits workplace or job segregation based on religion (including religious garb and grooming practices), such as assigning an employee to a non-customer contact position because of actual or feared customer preference.

Religious Discrimination & Reasonable Accommodation

The law requires an employer or other covered entity to reasonably accommodate an employee's religious beliefs or practices, unless doing so would cause more than a minimal burden on the operations of the employer's business. This means an employer may be required to make reasonable adjustments to the work environment that will allow an employee to practice his or her religion.

Examples of some common religious accommodations include flexible scheduling, voluntary shift substitutions or swaps, job reassignments, and modifications to workplace policies or practices.

Religious Accommodation/Dress & Grooming Policies

Unless it would be an undue hardship on the employer's operation of its business, an employer must reasonably accommodate an employee's religious beliefs or practices. This applies not only to schedule changes or leave for religious observances, but also to such things as dress or grooming practices that an employee has for religious reasons. These might include, for example, wearing particular head coverings or other religious dress (such as a Jewish yarmulke or a Muslim headscarf), or wearing certain hairstyles or facial hair (such as Rastafarian dreadlocks or Sikh

Source: U.S. Equal Employment Opportunity Commission (EEOC)
http://www.eeoc.gov/laws/types/religion.cfm

uncut hair and beard). It also includes an employee's observance of a religious prohibition against wearing certain garments (such as pants or miniskirts).

When an employee or applicant needs a dress or grooming accommodation for religious reasons, he should notify the employer that he needs such an accommodation for religious reasons. If the employer reasonably needs more information, the employer and the employee should engage in an interactive process to discuss the request. If it would not pose an undue hardship, the employer must grant the accommodation.

Religious Discrimination & Reasonable Accommodation & Undue Hardship

An employer does not have to accommodate an employee's religious beliefs or practices if doing so would cause undue hardship to the employer. An accommodation may cause undue hardship if it is costly, compromises workplace safety, decreases workplace efficiency, infringes on the rights of other employees, or requires other employees to do more than their share of potentially hazardous or burdensome work.

Religious Discrimination And Employment Policies/Practices

An employee cannot be forced to participate (or not participate) in a religious activity as a condition of employment.

Source: U.S. Equal Employment Opportunity Commission (EEOC)
http://www.eeoc.gov/laws/types/religion.cfm

Retaliation

All of the laws we enforce make it illegal to fire, demote, harass, or otherwise “retaliate” against people (applicants or employees) because they filed a charge of discrimination, because they complained to their employer or other covered entity about discrimination on the job, or because they participated in an employment discrimination proceeding (such as an investigation or lawsuit).

For example, it is illegal for an employer to refuse to promote an employee because she filed a charge of discrimination with the EEOC, even if EEOC later determined no discrimination occurred.

Retaliation & Work Situations

The law forbids retaliation when it comes to any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoff, training, fringe benefits, and any other term or condition of employment.

Facts About Retaliation

An employer may not fire, demote, harass or otherwise "retaliate" against an individual for filing a charge of discrimination, participating in a discrimination proceeding, or otherwise opposing discrimination. The same laws that prohibit discrimination based on race, color, sex, religion, national origin, age, and disability, as well as wage differences between men and women performing substantially equal work, also prohibit retaliation against individuals who oppose unlawful discrimination or participate in an employment discrimination proceeding.

In addition to the protections against retaliation that are included in all of the laws enforced by EEOC, the Americans with Disabilities Act (ADA) also protects individuals from coercion, intimidation, threat, harassment, or interference in their exercise of their own rights or their encouragement of someone else's exercise of rights granted by the ADA.

There are three main terms that are used to describe retaliation. Retaliation occurs when an employer, employment agency, or labor organization takes an **adverse action** against a **covered individual** because he or she engaged in a **protected activity**. These three terms are described below.

Adverse Action

An adverse action is an action taken to try to keep someone from opposing a discriminatory practice, or from participating in an employment discrimination proceeding. Examples of adverse actions include:

- employment actions such as termination, refusal to hire, and denial of promotion,
- other actions affecting employment such as threats, unjustified negative evaluations, unjustified negative references, or increased surveillance, and
- any other action such as an assault or unfounded civil or criminal charges that are likely to deter reasonable people from pursuing their rights.

Adverse actions do not include petty slights and annoyances, such as stray negative comments in an otherwise positive or neutral evaluation, "snubbing" a colleague, or negative comments that are justified by an employee's poor work performance or history.

Even if the prior protected activity alleged wrongdoing by a different employer, retaliatory adverse actions are unlawful. For example, it is unlawful for a worker's current employer to retaliate against him for pursuing an EEO charge against a former employer.

Source: U.S. Equal Employment Opportunity Commission (EEOC)
http://www.eeoc.gov/laws/types/facts-retal.cfm

Of course, employees are not excused from continuing to perform their jobs or follow their company's legitimate workplace rules just because they have filed a complaint with the EEOC or opposed discrimination. For more information about adverse actions, see EEOC's Compliance Manual Section 8, Chapter II, Part D.

Covered Individuals
Covered individuals are people who have opposed unlawful practices, participated in proceedings, or requested accommodations related to employment discrimination based on race, color, sex, religion, national origin, age, or disability. Individuals who have a close association with someone who has engaged in such protected activity also are covered individuals. For example, it is illegal to terminate an employee because his spouse participated in employment discrimination litigation.

Individuals who have brought attention to violations of law other than employment discrimination are NOT covered individuals for purposes of anti-discrimination retaliation laws. For example, "whistleblowers" who raise ethical, financial, or other concerns unrelated to employment discrimination are not protected by the EEOC enforced laws.

Protected Activity
Protected activity includes:

Opposition to a practice believed to be unlawful discrimination

Opposition is informing an employer that you believe that he/she is engaging in prohibited discrimination. Opposition is protected from retaliation as long as it is based on a reasonable, good-faith belief that the complained of practice violates anti-discrimination law; and the manner of the opposition is reasonable.

Examples of protected opposition include:

- Complaining to anyone about alleged discrimination against oneself or others;
- Threatening to file a charge of discrimination;
- Picketing in opposition to discrimination; or
- Refusing to obey an order reasonably believed to be discriminatory.

Examples of activities that are NOT protected opposition include:

- Actions that interfere with job performance so as to render the employee ineffective; or
- Unlawful activities such as acts or threats of violence.

Participation in an employment discrimination proceeding.
Participation means taking part in an employment discrimination proceeding. Participation is protected activity even if the proceeding involved claims that ultimately were found to be invalid.

Examples of participation include:

- Filing a charge of employment discrimination;
- Cooperating with an internal investigation of alleged discriminatory practices; or
- Serving as a witness in an EEO investigation or litigation.

A protected activity can also include requesting a reasonable accommodation based on religion or disability.

For more information about Protected Activities, see EEOC's Compliance Manual, Section 8, Chapter II, Part B - Opposition and Part C - Participation.

Source: U.S. Equal Employment Opportunity Commission (EEOC)
http://www.eeoc.gov/laws/types/facts-retal.cfm

Sex-Based Discrimination

Sex discrimination involves treating someone (an applicant or employee) unfavorably because of that person's sex.

Sex discrimination also can involve treating someone less favorably because of his or her connection with an organization or group that is generally associated with people of a certain sex.

Sex Discrimination & Work Situations

The law forbids discrimination when it comes to any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoff, training, fringe benefits, and any other term or condition of employment.

Sex Discrimination Harassment

It is unlawful to harass a person because of that person's sex. Harassment can include "sexual harassment" or unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature. Harassment does not have to be of a sexual nature, however, and can include offensive remarks about a person's sex. For example, it is illegal to harass a woman by making offensive comments about women in general.
Both victim and the harasser can be either a woman or a man, and the victim and harasser can be the same sex.

Although the law doesn't prohibit simple teasing, offhand comments, or isolated incidents that are not very serious, harassment is illegal when it is so frequent or severe that it creates a hostile or offensive work environment or when it results in an adverse employment decision (such as the victim being fired or demoted).

The harasser can be the victim's supervisor, a supervisor in another area, a co-worker, or someone who is not an employee of the employer, such as a client or customer.

Sex Discrimination & Employment Policies/Practices

An employment policy or practice that applies to everyone, regardless of sex, can be illegal if it has a negative impact on the employment of people of a certain sex and is not job-related or necessary to the operation of the business.

Source: U.S. Equal Employment Opportunity Commission (EEOC)
http://www.eeoc.gov/laws/types/sex.cfm

Sexual Harassment

It is unlawful to harass a person (an applicant or employee) because of that person's sex. Harassment can include "sexual harassment" or unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature.

Harassment does not have to be of a sexual nature, however, and can include offensive remarks about a person's sex. For example, it is illegal to harass a woman by making offensive comments about women in general.
Both victim and the harasser can be either a woman or a man, and the victim and harasser can be the same sex.

Although the law doesn't prohibit simple teasing, offhand comments, or isolated incidents that are not very serious, harassment is illegal when it is so frequent or severe that it creates a hostile or offensive work environment or when it results in an adverse employment decision (such as the victim being fired or demoted).

The harasser can be the victim's supervisor, a supervisor in another area, a co-worker, or someone who is not an employee of the employer, such as a client or customer.

Facts About Sexual Harassment

Sexual harassment is a form of sex discrimination that violates Title VII of the Civil Rights Act of 1964. Title VII applies to employers with 15 or more employees, including state and local governments. It also applies to employment agencies and to labor organizations, as well as to the federal government. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment.

Sexual harassment can occur in a variety of circumstances, including but not limited to the following:

- The victim as well as the harasser may be a woman or a man. The victim does not have to be of the opposite sex.
- The harasser can be the victim's supervisor, an agent of the employer, a supervisor in another area, a co-worker, or a non-employee.
- The victim does not have to be the person harassed but could be anyone affected by the offensive conduct.
- Unlawful sexual harassment may occur without economic injury to or discharge of the victim.
- The harasser's conduct must be unwelcome.

It is helpful for the victim to inform the harasser directly that the conduct is unwelcome and must stop. The victim should use any employer complaint mechanism or grievance system available.
When investigating allegations of sexual harassment, EEOC looks at the whole record: the circumstances, such as the nature of the sexual advances, and the context in which the alleged incidents occurred. A determination on the allegations is made from the facts on a case-by-case basis.

Source: U.S. Equal Employment Opportunity Commission (EEOC) http://www.eeoc.gov/laws/types/sexual_harassment.cfm ; http://www.eeoc.gov/eeoc/publications/fs-sex.cfm

Prevention is the best tool to eliminate sexual harassment in the workplace. Employers are encouraged to take steps necessary to prevent sexual harassment from occurring. They should clearly communicate to employees that sexual harassment will not be tolerated. They can do so by providing sexual harassment training to their employees and by establishing an effective complaint or grievance process and taking immediate and appropriate action when an employee complains.

It is also unlawful to retaliate against an individual for opposing employment practices that discriminate based on sex or for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or litigation under Title VII

Source: U.S. Equal Employment Opportunity Commission (EEOC) http://www.eeoc.gov/laws/types/sexual_harassment.cfm ; http://www.eeoc.gov/eeoc/publications/fs-sex.cfm

UNFINISHED BUSINESS & RULES

Nothing to report under this tab

CORRESPONDENCE

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Patrick Braatz

From: JACOBO Kristi [kristi.jacobo@state.or.us]
Sent: Wednesday, November 07, 2012 8:57 AM
To: Patrick Braatz
Subject: New ADA code for Assessment of Patient (D0191)

Patrick,
The ADA created the new code D0191 (Assessment of a patient – A limited clinical inspection that is performed to identify possible signs of oral or system disease, malformation, or injury, and the potential need for referral for diagnosis and treatment) for January 1, 2013.

I'm looking at the Dental Hygiene statutes and rules to see if it appears dental hygienists, expanded practice permit dental hygienists, or dental assistants would be able to perform this service under their scope.

It doesn't appear that dental hygienists (without the EPP) or dental assistants would be authorized to perform this service, although they can do a screening or determine the need for sealants/fluoride. The ADA has a new separate code for screening of a patient (D0190 – A screening, including state or federally mandated screenings, to determine an individual's need to be seen by a dentist for diagnosis.) Generally anyway these two provider types are performing services under the supervision of a dentist so any billing of this service would be under the dentist, with the exception of the dental hygienist determining/applying sealants and fluoride. Do you agree that DHs and DAs scope does not allow an assessment?

OAR 818-035-0065(4) says that expanded practice dental hygienists shall examine the patient and determine the patient's hygiene treatment needs and formulate a patient care plan. So it does appear their scope allows them to do an assessment, but I'm wondering about (6) of that rule that says they must have a written collaborative agreement with a dentist in order to do (d) overall dental risk assessment and referral parameters. This is also in ORS 680.205(3). Do you see this as limiting expanded practice permit dental hygienists from performing D0191 to only if there is a written collaborative agreement?

Thanks for your ideas on this,

Kristi Jacobo,
Dental Services and Medical Transportation Policy Analyst
Oregon Health Authority (OHA)
Division of Medical Assistance Programs (DMAP)
500 Summer St NE, E-35
Salem, OR 97301
503-945-6492 phone / 503-947-1119 fax
kristi.jacobo@state.or.us

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OTHER ISSUES

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7. Request for Approval to become a Board Approved Provider for Expanded Practice Permit.

ORS 680.200 (1)(ii) Expanded Practice permit; requirements.
(1) Upon application accompanied by the fee established by the Oregon Board of Dentistry, the board shall grant a permit to practice as an expanded practice dental hygienist to an applicant who:
(a) Holds a valid, unrestricted Oregon dental hygiene license;
(b) Presents proof of current professional liability insurance coverage;
(c) Presents documentation satisfactory to the board of successful completion of an emergency life support course for health professionals, including cardiopulmonary resuscitation, from an agency or educational institution approved by the board; and
(d) Presents documentation satisfactory to the board that the applicant has:
(A)(i) Completed 2,500 hours of supervised dental hygiene practice; and
(ii) After licensure as a dental hygienist, completed 40 hours of courses, chosen by the applicant, in clinical dental hygiene or public health sponsored by continuing education providers approved by the board.

Portland Community College Dental Hygiene (PCC DH) Study Club has submitted an Expanded Practice Dental Hygiene Continuing Education (CE) Provider Application (Attachment 1). PCC DH Study Club is requesting that the Board approve them as an EPP Provider.

Board Approved:

RECEIVED
DEC 14 2012
Oregon Board of Dentistry

Oregon Board of Dentistry
1600 SW 4th Avenue, Suite 770
Portland, OR 97201
www.oregon.gov/dentistry
(971) 673-3200

Expanded Practice Dental Hygiene Continuing Education (CE) Provider Application

Provider Name (name of individual or facility): PCC DH Study Club (Portland Community College Dental Hygiene)

Business Phone No.: 503-245-9150

Mailing Address (*street address, city, state, zip*): 5715 SW Nevada Ct. Portland OR 97219

Email or Web site (optional): turnmichelle@msn.com

Taxpayer ID Number: 20-5738536

Will Offer On-line Courses: [X] No [ ] Yes

Organization Type (select one):

- [ ] Association
- [ ] Licensed Health Facility
- [ ] Corporation
- [ ] 2 or 4 yr Institution of Higher Learning
- [ ] Other education organization Individual
- [X] Other (please specify): Public Dental Hygiene Study Club for Continuing education
- [ ] Non-Profit Corporation
- [ ] Government Agency

CE Coordinator Name: Michelle S. Turner RDH President

CE Coordinator Phone No.: 503-245-9150 (H) 503-516-5445 (c)

Instructor's Education/Training (attach Instructor(s) resume or curriculum vitae (CV)):

attached is the last 3 years of Continuing Education list of speakers and topics. I have all speakers curriculum vitae available upon request.

CE Coordinator's Signature: Michelle S. Turner

Date: Dec. 9, 2012

PCCDH Study Club Speaker/Topic List

Oct 17 2012 Dr Daniel Petrasor DMD Oral Cancer Patient 2 CE's

Nov 14th 2012 Dr Nancy Pilgrim DDS N20 review: Indications, contraindications and side effects 2 CE's

Jan 16th 2013 Dr Sarah Nguyen DMD Nutrition: focusing on paleo/low carb diets and overall health care for the Diabetic patient 2 CE's

Feb 20th 2013 Dr Brett Ueeck DMD TBA 2 CE's

March 20th 2013 John Knappenberger N20 Safety: In Office Administration and Hazards Detection 2CE's

April 17th 2013 Radiology update: Understanding the Truth About Dental X-ray Teri Tong RDH MS 2CE'

Oct 19th, 2011 Ask the Board - Staying Out of Trouble. Patrick Braatz OBD 2CE's non-clinical

Nov 16th, 2011 The Extra/Intra Oral Exam Sandie Curren RDH MSEd 2 CE's

Feb 15th, 2012 Perio Update Dr Duy Anh Tran DMD 2 CE's

March 7th, 2012 Disability Insurance for Hygienists Bart LaGuardia MS 2CE's non-clinical

March 14th, 2012 Medical Emergencies-Part 1 Dr. Steven Beadnell DMD 2CE's

April 18th, 2012 Medical Emergencies - Part 2 Dr. Steven Beadnell DMD 2CE's

April 20, 2011 CarieFree Risk Assessment and diagnosis 2 hours

March 16, 2011 Cleft lip + palate – Dr Judah Garfinkle DMD 2 hours

Feb 16th 2011 Kelli Swanson Jaecks RDH MA Oral DNA: Test don't guess. 2hours

Jan 19th 2011 Michael DeFabio T.P. LMT Ergonomics, body positioning, strength of arm, back and neck

Nov 17th, 2010 Fluoride Review and Update -Dr April Love DMD 2 hours

Oct 20, 2010 Screen for Sleep Disorders – Dr Keith Larson DMD 2 hours

April 21, 2010 Nitrous Oxide – Dr J. Henry Clark DMD 2 hours

March 17, 2010 Medical Emergencies Part 2 – Dr Beadnell DMD /Dr Ueeck DMD 2 hours

Feb 17, 2010 Medical Emergencies Part 1 - Dr Steven Beadnell DMD 2 hours

Jan 20, 2010 What's New in Dental Hygiene School – Josette Beach RDH MS 2 hours

Nov 18, 2009 Oral healthCare for Speial Needs patient Sherry Lemon RDH MS 2hours

Oct 21, 2009 hypnotherapy – Jeanni Thimm-Welter 2 hours

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NEWSLETTERS & ARTICLES OF INTEREST

Nothing to report under this tab

LICENSE RATIFICATION

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16 . RATIFICATION OF LICENSES

As authorized by the Board, licenses to practice dentistry and dental hygiene were issued to applicants who fulfilled all routine licensure requirements. It is recommended the Board ratify issuance of the following licenses. Complete application files will be available for review during the Board meeting.

Dental Hygiene

H6408	AMY L LUND, R.D.H.	11/27/2012
H6409	TRUDY ADELINE HOGG, R.D.H.	11/27/2012
H6410	DANIELLE M HOLT, R.D.H.	11/29/2012
H6411	KENDRA A BELL, R.D.H.	12/6/2012
H6412	LEANNE N CONZATTI, R.D.H.	12/6/2012
H6413	RACHEL A THOMAS, R.D.H.	12/6/2012
H6414	ASHLEY K ODOM, R.D.H.	12/11/2012
H6415	KORINE D SUESS, R.D.H.	12/11/2012
H6416	KELSEY J WILLIAMS, R.D.H.	12/13/2012
H6417	SHANNON G KIRBY, R.D.H.	12/27/2012
H6418	KATHERINE M PETERSON, R.D.H.	1/7/2013
H6419	LEEAH D TRAPALIS, R.D.H.	1/7/2013
H6420	NICOLETA BACIU, R.D.H.	1/7/2013
H6421	KATHLEEN J DRISSI, R.D.H.	1/7/2013
H6422	RACHEL MIDDLEBROOKS, R.D.H.	1/17/2013
H6423	SARAH R INSALL, R.D.H.	1/17/2013
H6424	CYNTHIA L PIERCE, R.D.H.	1/17/2013
H6425	AMANDA N OLIVER, R.D.H.	1/30/2013
H6426	ROSAURA REYES, R.D.H.	1/30/2013
H6427	COURTNEY E TRAHANES, R.D.H.	1/30/2013
H6428	DANIELLE M STEIN, R.D.H.	1/30/2013
H6429	SCOTT K AHRENS, R.D.H.	1/30/2013
H6430	FOUZIA BASHIR, R.D.H.	1/30/2013
H6431	RAVEN J MORRIS, R.D.H.	1/31/2013

Dentists

D9819	MELISA T SUSANTO, D.D.S.	11/29/2012
D9820	MONI AHMADIAN, D.M.D.	11/29/2012
D9821	CHRISTOPHER M JAMES, D.M.D.	12/6/2012
D9822	TRISTAN J PARRY, D.D.S.	12/6/2012
D9823	DESY P WILSON, D.D.S.	12/6/2012
D9824	DAVID R KRAWSKI, D.M.D.	12/6/2012
D9825	GRADY D SHAVER, D.M.D.	12/11/2012
D9826	GEORGE A MC KEE, D.D.S.	12/20/2012
D9827	PIPER L HUBER, D.D.S.	12/20/2012
D9828	TIMOTHY J MURPHY, D.D.S.	12/20/2012
D9829	ALYSON BARNES, D.D.S.	12/27/2012
D9830	MICHAEL B UFFENS, D.M.D.	1/7/2013
D9831	JENNIFER L HOUGH, D.M.D.	1/7/2013
D9832	AMARILDA B KANO, D.D.S.	1/17/2013
D9833	KEITH K KANO, D.D.S.	1/17/2013
D9834	ANDY R BURTON, D.M.D.	1/30/2013
D9835	RAMI S SAAH, D.D.S.	1/30/2013
D9836	KEVIN S DORIUS, D.M.D.	1/31/2013
D9837	JULIA GOURLEY, D.M.D.	1/31/2013

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