

Senate Bill 684

Purpose - To create a task force to review powers of the Oregon Medical Board and address problems. The task force will be tasked with reviewing board procedures, rules, and alleged issues such as:

- The board's power and methodology to determine which licensees may offer which treatment; decisions are not necessarily consistent or based on up-to-date medical literature.
- The board has the power to impose hearing/court-related fees on a licensee during a disciplinary process. If it is ultimately determined that the licensee did not commit a violation the board is not required to pay a licensee's attorney fees and other fees incurred in a protracted disciplinary process.
- Hearing costs and fees are exorbitant and can be hundreds of thousands of dollars and prohibit doctors from getting justice; this prospect may force even innocent doctors into unreasonable "stipulations" that can cripple their practice.
- License revocation may be based on politics and retaliation rather than on patient safety.
- Fines are difficult to review and appear arbitrary, not necessarily linked to the nature of the alleged violation. There are no standards.
- The Process is financially devastating for doctors, even where the doctors are eventually found not to have violated any regulation and not to have put patients at any undue risk.
- Board practices particularly impact doctors in smaller independent practices, for whom the process is financially devastating.
- Women's health care is impacted disproportionately.
- The secret nature of Board investigations and proceedings fosters an environment in which the Board has no accountability.
- Actual complaints, regardless of source or nature, are secret.
- Board discipline of doctors may rely on poorly evidenced medical literature.
- Board rules prohibit doctors from requesting more than once a year that a stipulated order be closed. There are no rules requiring the board to close

an order even if the terms have been met, and the board does not have to explain its reasoning for refusing to close an order. Orders are sometimes left open apparently to punish doctors who assert their rights, rather than protect patients.

- The emergency license revocation process can be arbitrary. The Board unilaterally determines if there is an emergency; not necessarily based on patient care, but rather contingent whether the board favors the particular doctor.
- Administrative Law Judges who are assigned to the Agency have relationships with Agency personnel which can lead to improper unconscious credibility assessments.

Outcome – It is anticipated that the Task Force will address the above and result in the following outcomes:

- The bill is anticipated to be budget neutral
- Appropriate review of Board will improve the way the board meets its duty to keep Oregon patients safe.
- Provides accountability to a potentially rogue Medical Board.
- Will encourage consistent application of Board rules and policy.
- Will allow medicine to advance in Oregon, as board concerns and actions will be known and consistent, not secret.
- More transparent, consistent board action would encourage Oregon doctors to remain in Oregon and would make Oregon more attractive to new doctors. We have a shortage now.