Chapter 685 — Naturopaths

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GENERAL PROVISIONS

685.010 Definitions. As used in this chapter:

(1) "Approved naturopathic school or college" means any naturopathic school or college offering a four-year full-time resident program of study in naturopathy leading to a doctoral degree in naturopathic medicine, such program having been approved by the board to meet the standards specifically incorporated into board rules.

(2) "Board" means the Board of Naturopathic Examiners.

(3) "Drugs" means all medicines and preparations and all substances, except nonpoisonous plant or animal substances in therapeutic dosages, food and water, substances listed on the formulary established under ORS 685.145 (3), over-the-counter substances, nonprescriptive and non Drug Enforcement Agency regulated homeopathic substances and nutritional supplements, used or intended to be used for the diagnosis, cure, treatment, mitigation or prevention of diseases or abnormalities of humans, which are recognized in the latest editions of the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia, official National Formulary, or any supplement to any of them, or otherwise established as drugs.

(4) "Minor surgery" means the use of electrical or other methods for the surgical repair and care incident thereto of superficial lacerations and abrasions, benign superficial lesions, and the removal of foreign bodies located in the superficial structures; and the use of antiseptics and local anesthetics in connection therewith.

(5) "Naturopathic medicine" means the discipline that includes physiotherapy, natural healing processes and minor surgery and has as its objective the maintaining of the body in, or of restoring it to, a state of normal health.

(6) "Nonpoisonous" means a substance taken in accepted therapeutic dosage that by its action on organs or tissue does not adversely impair function or destroy human life.

(7) "Plant or animal substances" means those substances found in nature that comprise the whole or parts of plants or animals and constituents thereof and that have not had changes made in their molecular structure as found in nature. [Amended by 1953 c.557 §4; 1985 c.624 §3; 1989 c.575 §1; 1989 c.945 §3; 1993 c.42 §1; 1999 c.512 §1]

685.020 License required to practice naturopathic medicine; use of certain titles and abbreviations; license exemption for students. (1) Except as provided in subsection (3) of this section, no person shall practice, attempt to practice, or claim to practice naturopathic medicine in this state without first complying with the provisions of this chapter.

(2) Only licensees under this chapter may use any or all of the following terms, consistent with academic degrees earned: "Doctor of Naturopathy" or its abbreviation, "N.D.," "Naturopath" or "Naturopathic Physician." However,

none of these terms, or any combination of them, shall be so used as to convey the idea that the physician who uses them practices anything other than naturopathic medicine.

(3) Subsection (1) of this section does not apply to a bona fide student of naturopathic medicine who, during the period of the student's enrollment and as part of a doctoral course of study in an Oregon accredited naturopathic educational institution, engages in clinical training under the supervision of institution faculty, if the clinical training facility and level of supervision meet the standards adopted by the Board of Naturopathic Examiners by rule. [Amended by 1997 c.560 §1; 2001 c.526 §1]

685.030 Application of chapter. Nothing in this chapter shall be construed to:

(1) Apply to any physician and surgeon, osteopath or chiropractor, or to any Christian Scientist or other person who by religious or spiritual means endeavors to prevent or cure disease or suffering in accord with the tenets of any church.

(2) Authorize licensees to practice optometry or administer chiropractic adjustments, or any system or method of treatment not authorized in this chapter, or to administer or write prescriptions for or dispense drugs, or do major surgery except that naturopathic physicians are not prohibited from recommending the use of specific and appropriate over-the-counter pharmaceuticals for their patients, or from prescribing codeine sulfate or codeine phosphate in an appropriate and safe manner.

(3) Prevent a licensee under this chapter from the administration of the anesthetics or antiseptics authorized in ORS 685.010 (4), from ordering diagnostic tests, or from the use of radiopaque substances administered by mouth or rectum necessary for Roentgen diagnostic purposes.

(4) Authorize the administration of any substance by penetration of the skin or mucous membrane of the human body except for diagnostic and preventive purposes or for the therapeutic purpose of administering vitamins and minerals. [Amended by 1953 c.557 §4; 1985 c.624 §4; 1989 c.575 §4; 1989 c.945 §5; 1993 c.55 §1; 1993 c.469 §10; 2001 c.526 §2]

685.040 Application of health laws. Licensees under this chapter shall observe and are subject to all state, county and municipal laws and regulations relating to public health. [Amended by 2001 c.526 §6]

685.050 Execution of birth and death certificates. Licensees under this chapter are authorized to sign birth and death certificates. Such certificates so signed shall be accepted as fulfilling all the requirements of the laws dealing with such certificates. [Amended by 2001 c.526 §7]

685.055 Discrimination by Director of Human Services against naturopathic physicians prohibited. The Director of Human Services shall not discriminate between licensed naturopathic physicians and any other person authorized by law to render professional services that a licensed naturopathic physician may render, when such services are required. If the Department of Human Services is responsible for paying for such services, the services shall be paid for in the same manner and under the same standards as similar professional services. [1993 c.366 §2; 2001 c.900 §215]

LICENSING

685.060 Minimum educational requirements for license. (1) The minimum educational requirements for license under the provisions of this chapter shall be:

(a) At least two years' satisfactory liberal arts and sciences study, or either, in a college or university accredited by either the Northwest Association of Schools and Colleges or a like regional association or in a college or university in Oregon approved for granting degrees by the Oregon Student Assistance Commission as evidenced by certificate or transcript of credits from the college or university; and

(b) Graduation from an approved naturopathic school or college.

(2) The studies required of the applicant for a license to practice naturopathic medicine in this state shall include anatomy, histology, embryology, physiology, chemistry, pathology, bacteriology, public health and hygiene, toxicology, obstetrics and gynecology, diagnosis, theory, practice and philosophy of naturopathic medicine, electrotherapy, hydrotherapy, physiotherapy, clinics, eye-ear-nose-throat, minor surgery, first aid, herbology, proctology, dietetics, jurisprudence, and such other naturopathic subjects as the Board of Naturopathic Examiners may require, except major surgery, with a total of not less than 4,000 lecture or recitation hours. [Amended by 1953 c.557

§4; 1969 c.381 §5; 1985 c.624 §5; 1989 c.575 §2; 1997 c.652 §42]

685.070 Application for examination; fee. Any person who wishes to practice naturopathic medicine in this state shall make application to the Board of Naturopathic Examiners for an examination for a license to practice naturopathic medicine. The application shall be filed with the board not less than 10 days before the date of the examination upon blanks provided by the board. The applicant shall pay to the board the appropriate nonrefundable examination fee. [Amended by 1983 c.281 §1; 1985 c.624 §6]

685.080 Examination and reexamination of applicants; issuing license. (1) For the purpose of determining the qualifications of applicants for license under this chapter, the Board of Naturopathic Examiners shall hold meetings and conduct examinations of applicants for licenses at such time and places and under such rules as a majority of the board may determine. The time and place of holding such an examination shall be published at least 30 days prior to the date of the examination.

(2) At the time and place the board has previously designated, the applicant shall appear before the board to be examined as to the fitness of the applicant to practice naturopathic medicine. The examination shall be in writing and embrace and be restricted to the subjects listed in ORS 685.060.

(3) If the applicant passes the examination, upon payment of the appropriate license fee, the board shall issue to such applicant a license to practice naturopathic medicine.

(4) If an applicant fails to pass either the basic science or clinical section of the examination, without losing credits for subjects passed, the applicant shall be permitted to retake each subject a total of two times within a period of two years. If after three attempts, the applicant has not passed the entire basic science or clinical section of the examination, the applicant shall be required to wait one year and retake the complete section.

(5) The board may waive the basic science portion of its own examination for an applicant whom it declares qualified in basic science as a result of successful performance on a comparable examination, taken recently enough to assure the currency of the applicant's knowledge. In such cases, the board shall determine the necessary comparability through evaluation of both examination content and testing procedures, and shall determine the appropriate qualifying score for waiver regardless of any nominal passing score. [Amended by 1985 c.624 §7; 1989 c.575 §3]

685.085 Reciprocal license. A person licensed to practice naturopathic medicine under the laws of another state or territory of the United States, the District of Columbia or Canada who demonstrates to the satisfaction of the Board of Naturopathic Examiners that the person possesses qualifications at least equal to those required of persons eligible for licensing under this chapter may be issued a license to practice in this state without written examination upon payment of the license fee required under ORS 685.100. [1973 c.469 §2; 2001 c.526 §3]

685.090 [Repealed by 1985 c.624 §21]

685.100 Renewal of license; fees; inactive license. (1) Every person holding a license under this chapter shall apply to the Board of Naturopathic Examiners for a certificate of biennial registration and at the time of applying shall pay to the board a biennial registration fee. A person holding a license under this chapter who chooses to allow the license to become inactive, as that term is defined by the board by rule, or who is at least 70 years of age and retired from the practice of naturopathic medicine shall apply to the board for a certificate of registration and at the time of applying shall pay to the board a registration fee. The application shall be made upon a blank form furnished by the board, and shall contain such information as may be necessary to enable the board to identify the applicant for registration and the licensee to be what the licensee claims to be in the application.

(2) Upon receipt of an application for registration, accompanied by the registration fee, the board shall issue to the applicant a certificate of registration. The certificate shall, at all times, be displayed in the office of the person to whom it was issued unless the person has allowed the license to become inactive or is retired from the practice of naturopathic medicine and does not maintain an office.

(3) The failure, neglect or refusal of any person holding a license under this chapter to pay the registration fee as required by subsection (1) of this section shall, from the date of expiration, automatically revoke the license. A revoked license shall not be restored except upon written application therefor and the payment of a restoration fee for each period the license remains revoked, which is in addition to the biennial registration fee for each year the registration fee remains unpaid. An applicant for the restoration of a license so revoked shall not be required to submit to any examination as to qualification to practice under this chapter. However, the board may deny the restoration of

any revoked license for which the required registration fees have not been paid during the years for which they are due if it finds that grounds for refusal to grant or for revocation of the license exist under ORS 685.110.

(4)(a) A person who chooses to allow a license to become inactive may file a written application to reactivate a license that has been inactive for one year or less by paying the restoration fee and the biennial registration fee for an active license and demonstrating compliance with ORS 685.102. A registration fee paid to place the license fee in inactive status shall not be credited toward payment of the biennial registration fee for an active license. The board may prorate the biennial registration fee.

(b) A person who chooses to allow a license to become inactive may file a written application to reactivate a license that has been inactive for more than one year by paying the biennial registration fee for an active license and demonstrating compliance with the continuing education requirement set by rule of the board under ORS 685.102 (6). The board may prorate the biennial registration fee.

(5) The secretary of the board shall notify each person holding a license under this chapter that the registration application and fee are due.

(6) The board shall assess fees for:

(a) An initial license.

(b) Examination.

(c) Renewal of a biennial license.

(d) Yearly renewal of an inactive or retired license.

(e) Restoration of an inactive or revoked license.

(f) A certificate of special competency in natural childbirth.

(g) A duplicate license.

(h) A wall certificate.

(i) Copies of public documents, mailing labels, lists and diskettes.

(7) Subject to prior approval of the Oregon Department of Administrative Services and a report to the Emergency Board prior to adopting the fees and charges, the fees and charges established under this section shall not exceed the cost of administering the regulatory program of the board pertaining to the purpose for which the fee or charge is established, as authorized by the Legislative Assembly within the board's budget, as the budget may be modified by the Emergency Board. [Amended by 1967 c.44 §2; 1969 c.26 §2; 1969 c.381 §6; 1973 c.182 §5; 1983 c.281 §2; 1985 c.624 §9; 1991 c.703 §28; 1997 c.628 §1; 1999 c.479 §1; 2001 c.526 §4]

685.102 Continuing education required; exemptions. (1) Except as provided in subsections (2) and (5) of this section, each person holding a license under this chapter shall submit annually by December 31, evidence satisfactory to the Board of Naturopathic Examiners of successful completion of an approved program of continuing education of at least 20 hours in naturopathic medicine, completed in the calendar year preceding the date on which the evidence is submitted.

(2) The board may exempt any person holding a license under this chapter from the requirements of subsection (1) of this section upon application showing evidence satisfactory to the board of inability to comply with the requirements because of physical or mental condition or because of other unusual or extenuating circumstances. However, no person shall be exempted from the requirements of subsection (1) of this section more than once in any five-year period.

(3) Notwithstanding subsection (2) of this section, a person holding a license under this chapter may be exempted from the requirements of subsection (1) of this section upon application showing evidence satisfactory to the board that the applicant is or will be in the next calendar year at least 70 years of age and is retired or will retire in the next calendar year from the practice of naturopathic medicine.

(4) The board shall require licensees to obtain continuing education for the use of pharmacological substances for diagnostic, preventive and therapeutic purposes in order to maintain current licensure.

(5) A person whose license is in inactive status must submit by December 31 of each year evidence satisfactory to the board of completion of 10 hours of approved continuing education in the year preceding the date on which the evidence is submitted.

(6) Notwithstanding subsections (1), (2) and (5) of this section, in the case of an applicant under ORS 685.100 (4)(b) for reactivation of an inactive license, the continuing education requirement for reactivation shall be set by rule of the board. [1969 c.381 §2; 1973 c.829 §67; 1985 c.624 §10; 1993 c.55 §2; 1997 c.628 §2; 1999 c.479 §2]

Note: The amendments to 685.102 by section 17, chapter 987, Oregon Laws 2001, become operative January 2,

2006. See section 18, chapter 987, Oregon Laws 2001. The text that is operative on and after January 2, 2006, is set forth for the user's convenience.

685.102. (1) Except as provided in subsections (2) and (5) of this section, each person holding a license under this chapter shall submit annually by December 31, evidence satisfactory to the Board of Naturopathic Examiners of successful completion of an approved program of continuing education of at least 20 hours in naturopathic medicine, completed in the calendar year preceding the date on which the evidence is submitted, and completion during the renewal period, or documentation of previous completion, of:

(a) A pain management education program approved by the board and developed in conjunction with the Pain Management Commission established under ORS 409.500; or

(b) An equivalent pain management education program, as determined by the board.

(2) The board may exempt any person holding a license under this chapter from the requirements of subsection (1) of this section upon application showing evidence satisfactory to the board of inability to comply with the requirements because of physical or mental condition or because of other unusual or extenuating circumstances. However, no person shall be exempted from the requirements of subsection (1) of this section more than once in any five-year period.

(3) Notwithstanding subsection (2) of this section, a person holding a license under this chapter may be exempted from the requirements of subsection (1) of this section upon application showing evidence satisfactory to the board that the applicant is or will be in the next calendar year at least 70 years of age and is retired or will retire in the next calendar year from the practice of naturopathic medicine.

(4) The board shall require licensees to obtain continuing education for the use of pharmacological substances for diagnostic, preventive and therapeutic purposes in order to maintain current licensure.

(5) A person whose license is in inactive status must submit by December 31 of each year evidence satisfactory to the board of completion of 10 hours of approved continuing education in the year preceding the date on which the evidence is submitted.

(6) Notwithstanding subsections (1), (2) and (5) of this section, in the case of an applicant under ORS 685.100 (4)(b) for reactivation of an inactive license, the continuing education requirement for reactivation shall be set by rule of the board.

685.104 Effect of failure to comply with ORS 685.102; reissuance of registration. (1) The Board of Naturopathic Examiners shall refuse to issue the certificate of biennial registration to any person holding a license under this chapter who fails to submit with the registration fee proof required under ORS 685.102, unless it has exempted the person from the requirements of ORS 685.102 (1). The board shall return the biennial registration fee to the person.

(2) After January 1 of any year, the board may issue a certificate of biennial registration to any holder of a license under this chapter who had been refused such certificate under subsection (1) of this section upon submission of the evidence required under ORS 685.102 (1), accompanied by the required registration fees for each year the registration fee remains unpaid and a restoration fee of $75 for each year the license remains revoked.

(3) If the person completes an approved program after January 1 to meet the requirements of ORS 685.102 for the year beginning January 1, such completion does not meet the requirements of ORS 685.102 for the subsequent year. [1969 c.381 §3; 1973 c.182 §6; 1985 c.624 §11; 1997 c.629 §1]

685.106 Approval of continuing education programs. (1) The Board of Naturopathic Examiners may offer a program of continuing education in naturopathic medicine to meet the requirements of ORS 685.102. The board may also approve a program to be presented by persons reasonably qualified to do so.

(2) Any person seeking approval of a program of continuing education in naturopathic medicine, to be offered to assist persons holding licenses under this chapter to comply with the requirements of ORS 685.102 (1), shall submit to the board, at such time as the board may require, copies of courses of study to be offered and proof of such other qualifications as the board may require. Approval granted to any program of continuing education shall be reviewed periodically and approval may be withdrawn from any program that fails to meet the requirements of the board.

(3) Any program of continuing education in naturopathic medicine offered or approved under this section shall consist of study covering new, review, experimental, research and specialty subjects in the field of naturopathic medicine. [1969 c.381 §4; 1985 c.624 §12]

685.110 Grounds for discipline. The Board of Naturopathic Examiners may refuse to grant a license, may suspend or revoke a license, may limit a license, may impose probation, or may impose a civil penalty not to exceed $1,000 for each offense for any of the following reasons:

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

(2) The impersonation of another physician.

(3) Practicing naturopathic medicine under an assumed name.

(4) The performance of an abortion.

(5) The conviction of a crime involving moral turpitude.

(6) Any other reason that renders the applicant or licensee unfit to perform the duties of a naturopathic physician.

(7) Conviction of a crime relating to practice of naturopathic medicine.

(8) Negligence related to the practice of naturopathic medicine.

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

(10) Prescribing or dispensing drugs outside the scope of practice.

(11) Commitment to a mental institution.

(12) Obtaining a fee through fraud or misrepresentation.

(13) Gross or repeated malpractice.

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

(15) Any conduct or practice contrary to a recognized standard of ethics of the profession or any conduct or practice that does or might constitute a danger to the health or safety of a patient or the public or any conduct, practice or condition that does or might impair a physician's ability safely and skillfully to practice naturopathic medicine.

(16) Willful and consistent utilization of any naturopathic service, X-ray equipment or treatment that is contrary to recognized standards of practice of the naturopathic profession.

(17) Failure to notify the board of a change in the location of practice.

(18) Attempting to practice naturopathic medicine or practicing or claiming to practice naturopathic medicine or any of its components in this state without first complying with the provisions of this chapter.

(19) Suspension or revocation of a license to practice naturopathic medicine in another jurisdiction.

(20) Employing unlicensed persons to practice naturopathic medicine.

(21) Practicing natural childbirth without first obtaining a certificate of special competency.

(22) Representing that the licensee is a medical specialist or practices a medical specialty.

(23) Failure to inform the board of change of mailing or practice address.

(24) Failure to respond in a timely manner to a request for information from the board.

(25) Failure to pay a civil penalty in the time specified by the order imposing the penalty.

(26) Violation of any provision of this chapter or rules adopted by the board. [Amended by 1953 c.555 §2; 1971 c.734 §132; 1985 c.624 §13; 1989 c.146 §3; 2001 c.526 §5]

685.115 Confidential information; liability of person providing information. (1) Any information that the Board of Naturopathic Examiners obtains under ORS 685.225 is confidential as provided under ORS 676.175.

(2) Any person who in good faith provides information to the board shall not be subject to an action for civil damages as a result thereof. [1989 c.438 §6; 1997 c.791 §38; 2001 c.526 §8]

685.120 [Repealed by 1971 c.734 §21]

685.125 Discipline procedure; adoption of rules and orders. (1) Where the Board of Naturopathic Examiners proposes to refuse to issue or renew except for nonpayment of fees or nonsubmittal of continuing education hours a license, or proposes to impose any of the sanctions set forth in ORS 685.110, opportunity for hearing shall be accorded as provided in ORS 183.310 to 183.550.

(2) Promulgation of rules, conduct of hearings, issuance of orders and judicial review of rules and orders shall be as provided in ORS 183.310 to 183.550. [1971 c.734 §134; 1985 c.624 §14]

685.135 Certificate of special competency in natural childbirth; fee. (1) No naturopath shall practice natural childbirth without first obtaining a certificate of special competency in natural childbirth in accordance with the provisions of this section.

(2) Upon payment of the fee required under ORS 685.100, the Board of Naturopathic Examiners shall issue a

certificate of special competency in natural childbirth to a licensed naturopath who meets the requirements prescribed by the board to practice natural childbirth.

(3) The board may adopt rules applicable to specialty certification:

(a) Which establish education, training and qualifications necessary for certification.

(b) Which limit or restrict specialty practice.

(c) Which define the scope of the specialty practice.

(d) Which establish procedures for maintaining certification.

(4) Only those naturopaths wishing to practice natural childbirth shall be required to satisfy educational and examination standards in these areas. [1985 c.624 §19; 1999 c.479 §3]

FORMULARY

685.145 Council on Naturopathic Physicians Formulary; members; duties; compensation and expenses. (1) The Council on Naturopathic Physicians Formulary is established and shall consist of seven members appointed as follows:

(a) One member of the Board of Naturopathic Examiners appointed by the Board of Naturopathic Examiners;

(b) One physician licensed by the Board of Naturopathic Examiners appointed by the Board of Naturopathic Examiners;

(c) Two pharmacists licensed by the State Board of Pharmacy appointed by the State Board of Pharmacy;

(d) One physician licensed by the Board of Medical Examiners for the State of Oregon appointed by the Board of Medical Examiners for the State of Oregon; and

(e) Two additional members appointed by the council who hold an advanced degree in either pharmacology or pharmacognosy.

(2) The chair of the council shall be elected by a majority of the members.

(3) The council established under subsection (1) of this section shall determine the substances to be included in the formulary that may be prescribed by a naturopathic physician acting under ORS 685.010 (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 board which must adopt the formulary by rule. When determined to be appropriate to the scope of practice of naturopathic physicians, the Council on Naturopathic Physicians Formulary may also consider synthetically produced substances and their salts having an identical or substantially identical molecular structure to a plant or animal substance as found in nature to be plant or animal substances.

(4) The term of each member of the council shall be two years. A member shall serve until a successor is appointed. If a vacancy occurs, it shall be filled for the unexpired term by a person with the same qualifications as 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 shall be entitled to compensation and expenses under ORS 292.495 payable from funds available to the Board of Naturopathic Examiners. [1989 c.945 §2 (1) to (6)]

STATE BOARD

685.160 Board of Naturopathic Examiners; appointment; confirmation. (1) There hereby is created the Board of Naturopathic Examiners in the Department of Human Services. The board shall consist of five members appointed by the Governor for terms of three years commencing July 1, and until their successors are appointed and qualified. A majority of the members of the board constitutes a quorum. The Governor shall fill all vacancies in the membership of the board. All appointments of members of the board by the Governor are subject to confirmation by the Senate in the manner provided in ORS 171.562 and 171.565.

(2) Of the membership of the Board of Naturopathic Examiners:

(a) All members must be citizens of this state.

(b) Four members shall be naturopaths who have each practiced continuously in this state for the five years immediately prior to the date of appointment.

(c) One shall be a member of the general public who does not possess the qualifications set forth in paragraph (b) of this subsection.

(3) The board shall carry into effect the provisions of this chapter and is authorized to issue licenses to practice naturopathic medicine in this state. The possession of a common seal by the board hereby is authorized. [Amended by 1971 c.650 §34; 1973 c.792 §40; 1985 c.624 §15]

685.170 President of board; powers; board staff. Annually the Board of Naturopathic Examiners shall elect one of its members president who shall have power during the term of office to summon witnesses, administer oaths and to take testimony and affidavits, certifying thereto, under the president's hand and the seal of the board. The staff of the board shall keep a record of all actions of the board, including a detailed register of applicants for license. The board may employ or appoint a person to act as staff to the board who shall perform such duties and functions as may be prescribed by the board. [Amended by 1973 c.829 §68; 1983 c.281 §3]

685.180 [Repealed by 1973 c.829 §71]

685.190 Compensation and expenses of board members. A member is entitled to compensation and expenses as provided in ORS 292.495. [Amended by 1967 c.44 §3; 1969 c.314 §86; 1987 c.158 §143]

685.200 [Amended by 1967 c.637 §32; repealed by 1973 c.427 §28 (685.201 enacted in lieu of 685.200)]

685.201 Disposition of receipts. All moneys received by the Department of Human Services under this chapter shall be paid into the General Fund in the State Treasury and placed to the credit of the Public Health Account and such moneys hereby are appropriated continuously and shall be used only for the administration and enforcement of this chapter. [1973 c.427 §29 (enacted in lieu of 685.200)]

PEER REVIEW

685.205 Peer review committee; duties; members; board responsibilities; confidentiality; limitation on liability; investigation; rules. (1) The Board of Naturopathic Examiners shall appoint a peer review committee consisting of five members. The peer review committee shall evaluate complaints against naturopathic physicians which are referred to it by the board, and make recommendations to the board regarding those complaints. The board exercises ultimate authority and control over all complaints considered by the committee, approving or disapproving the recommendations of the committee.

(2) The members of a peer review committee shall be appointed from among those in the profession who are in active practice with five or more years of practice experience. Members shall be representative of affiliated and nonaffiliated naturopathic physicians and representative of various aspects of the practice of naturopathic medicine. To be appointed a member must receive at least four votes from members of the state board. Members shall each serve two-year terms. No member may serve more than two consecutive terms.

(3) The peer review process shall be governed by rules of the board adopted pursuant to ORS 183.310 to 183.550. The board shall provide appropriate training for members of peer review committees. The board by rule shall provide for a program of active supervision by the board over the conduct of the peer review committee to determine whether it comports with state regulatory policy and to correct abuses, if any.

(4) Members of a peer review committee acting pursuant to this section are agents of the board for purposes of ORS 30.260 to 30.300.

(5) Peer review shall not be used to replace independent medical examinations.

(6) Any information provided to a peer review committee in the performance of its duties is confidential and shall not be subject to public disclosure or admissible as evidence in any judicial proceeding, except that as a part of a peer review report, this information may be disclosed to the board and the person being reviewed.

(7) Any person who reports or provides information to a peer review committee in the performance of its duties and who provides information in good faith shall not be subject to an action for civil damages as a result thereof.

(8) Upon receipt of a complaint under this chapter, the peer review committee shall conduct an investigation as described under ORS 676.165. [1989 c.146 §2; 1989 c.575 §5; 1997 c.791 §39; 2001 c.526 §9]

ENFORCEMENT

685.210 Enforcement; jurisdiction. (1) The district attorneys of the state shall prosecute all persons charged with

violation of any of the provisions of this chapter.

(2) Justice courts, municipal courts and circuit courts have concurrent jurisdiction for the prosecution of offenses under this chapter. [Amended by 1985 c.624 §16]

685.220 Report of suspected violation; confidentiality of violation report information; liability of supplier. (1) Any Board of Naturopathic Examiners licensee shall, and any other person may, report to the board any suspected violation of the provisions of this chapter.

(2) Information pertaining to the report required by subsection (1) of this section shall remain confidential and not be subject to public disclosure.

(3) Any person who reports or provides information to the board under this section in good faith shall not be subject to an action for civil damages as a result thereof. [1985 c.624 §20]

685.225 Investigation of complaints and alleged violations; subpoenas. (1) Upon the complaint of any citizen of this state, or upon its own motion, the Board of Naturopathic Examiners may investigate any alleged violation of this chapter.

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

(a) Take evidence;

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

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

(d) Require answers to interrogatories; and

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

(3) In exercising its authority under subsection (2) of this section, the board may issue subpoenas over the signature of the board chairperson and the seal of the board in the name of the State of Oregon. [1989 c.843 §12]

PENALTIES

685.990 Penalties. Violation of any provision of this chapter is a Class A violation. [Amended by 1999 c.1051 §218]