

Chapter 685

2009 EDITION

Naturopaths

GENERAL PROVISIONS	
685.010	Definitions
685.020	License required to practice naturopathic medicine; use of certain titles and abbreviations; license exemption for students
685.030	Application of chapter
685.040	Application of health laws
685.050	Execution of birth and death certificates
685.055	Discrimination by Director of Oregon Health Authority against naturopathic physicians prohibited
LICENSING	
685.060	Minimum educational requirements for license; rules
685.070	Application for examination; fee
685.080	Examination and reexamination of applicants; rules; issuing license
685.085	Reciprocal license
685.091	Exemption from licensure requirement
685.100	License certificate; renewal of license; rules; fees; inactive license
685.102	Continuing education required; exemptions; rules
685.104	Effect of failure to comply with ORS 685.102; fees; reissuance of registration
685.106	Approval of continuing education programs
685.110	Grounds for discipline; penalties
685.112	Voluntary limitation on license; removal; limitations
685.115	Confidential information; liability of person providing information
685.125	Discipline procedure; rules
685.135	Certificate of special competency in natural childbirth; rules; fee
FORMULARY	
685.145	Council on Naturopathic Physicians Formulary; members; duties; compensation and expenses; rules
STATE BOARD	
685.160	Oregon Board of Naturopathic Medicine
685.170	Chair of board; powers; records
685.190	Compensation and expenses of board members
685.195	Authority of Oregon Board of Naturopathic Medicine to require fingerprints
685.201	Oregon Board of Naturopathic Medicine Account; disposition of receipts
PEER REVIEW	
685.205	Peer review committee; duties; members; board responsibilities; confidentiality; limitation on liability; investigation; rules
ENFORCEMENT	
685.210	Enforcement; jurisdiction
685.220	Report of suspected violation; confidentiality of violation report information; liability of supplier
685.222	Duty to report prohibited conduct
685.225	Investigation of complaints and alleged violations; subpoenas
PENALTIES	
685.990	Penalties

OCCUPATIONS AND PROFESSIONS

GENERAL PROVISIONS

685.010 Definitions. As used in this chapter:

(1) "Accredited 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 Oregon Board of Naturopathic Medicine to meet the standards specifically incorporated into board rules.

(2) "Drugs" includes:

(a) Substances recognized as drugs in the official United States Pharmacopoeia, official National Formulary, official Homeopathic Pharmacopoeia of the United States, other drug compendium or any supplement to any of them;

(b) Substances intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in a human;

(c) Substances, other than food, intended to affect the structure or any function of the body of humans; and

(d) Substances intended for use as a component of any substance specified in paragraph (a), (b) or (c) of this subsection.

(3) "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.

(4) "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.

(5) "Naturopathic physician" means a person who holds a degree of Doctor of Naturopathic Medicine and is licensed under this chapter. [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; 2003 c.154 §1; 2007 c.434 §1; 2009 c.43 §11; 2009 c.420 §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: "Doc-

tor 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 Oregon Board of Naturopathic Medicine by rule. [Amended by 1997 c.560 §1; 2001 c.526 §1; 2009 c.43 §12]

685.030 Application of chapter. (1) This chapter does not apply to any:

(a) Physician licensed by the Oregon Medical Board to practice medicine, osteopathy or podiatry;

(b) Chiropractor licensed by the State Board of Chiropractic Examiners; or

(c) 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) This chapter does not authorize licensees to:

(a) Practice optometry or administer chiropractic adjustments;

(b) Practice any system or method of treatment not authorized in this chapter; or

(c) Do major surgery.

(3) A licensee under this chapter may perform health maintenance and restoration measures consistent with generally recognized and accepted principles of naturopathic medicine, including but not limited to:

(a) Administering, dispensing or writing prescriptions for drugs;

(b) Recommending the use of specific and appropriate over-the-counter pharmaceuticals;

(c) Administering anesthetics or antiseptics in connection with minor surgery as defined in ORS 685.010;

(d) Ordering diagnostic tests;

(e) Using radiopaque substances administered by mouth or rectum necessary for Roentgen diagnostic purposes; or

(f) Administering substances by penetration of the skin or mucous membrane of the human body for diagnostic, preventive or therapeutic purposes. The Oregon Board of Naturopathic Medicine may adopt by rule appropriate procedures for administering

substances under this paragraph. [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; 2009 c.43 §37; 2009 c.420 §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 Oregon Health Authority against naturopathic physicians prohibited. The Director of the Oregon Health Authority may 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 Oregon Health Authority 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; 2009 c.595 §1090]

LICENSING

685.060 Minimum educational requirements for license; rules. (1) The minimum educational requirements for a license under the provisions of this chapter are:

(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 accredited naturopathic school or college.

(2)(a) The areas of study required of an applicant for a license to practice naturopathic medicine in this state include basic sciences, clinical sciences and any naturopathic subjects specified by the Oregon Board of Naturopathic Medicine by rule.

(b) The board may not include major surgery as a required area of study under paragraph (a) of this subsection. [Amended by 1953 c.557 §4; 1969 c.381 §5; 1985 c.624 §5; 1989 c.575 §2; 1997 c.652 §42; 2003 c.154 §2; 2007 c.327 §1; 2009 c.43 §13]

685.070 Application for examination; fee. Any person who wishes to practice naturopathic medicine in this state shall make application to the Oregon Board of Naturopathic Medicine for an examination for a license to practice naturopathic medicine. The application shall be filed with the board not less than 20 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; 2007 c.327 §2; 2009 c.43 §14]

685.080 Examination and reexamination of applicants; rules; issuing license. (1) An applicant for licensure under this chapter shall:

(a) Provide evidence satisfactory to the Oregon Board of Naturopathic Medicine of having successfully passed the basic science and the core clinical science examinations administered by the North American Board of Naturopathic Examiners; and

(b) Pass any additional examinations required for licensure by the Oregon Board of Naturopathic Medicine by rule.

(2) Notwithstanding subsection (1)(a) of this section, the board may waive the basic science examination requirement for licensure for an applicant who is qualified in basic science as a result of successful performance on an examination determined by the board to be comparable to the basic science examination required under subsection (1)(a) of this section and to have been taken recently enough to ensure the currency of the applicant's knowledge.

(3) At a time and place designated by the board, an applicant for licensure shall take any examinations required by the board by rule. The board shall publish the time and place of the examinations at least 30 days prior to the date of the examinations.

(4) If the applicant passes the required examinations and satisfies all other requirements for licensure under this chapter, upon payment of the initial license fee assessed under ORS 685.100, the board shall issue to the applicant a license to practice naturopathic medicine.

(5) If an applicant fails to pass either the basic science or core clinical science section of the examination, or fails to pass the sections of the examination covering those subjects required by the board by rule, then without losing credits for sections passed, the applicant may retake each section a total of two times within a period of two years. If, after three attempts, the applicant has not passed the basic science or core clinical science section of the examination, the applicant shall be required to wait one year to

retake the section. [Amended by 1985 c.624 §7; 1989 c.575 §3; 2007 c.327 §3; 2009 c.43 §15]

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 Oregon Board of Naturopathic Medicine 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; 2009 c.43 §16]

685.090 [Repealed by 1985 c.624 §21]

685.091 Exemption from licensure requirement. (1) A naturopathic physician licensed to practice naturopathic medicine under the laws of another jurisdiction with licensing requirements and a scope of practice found to be comparable to those for this state by the Oregon Board of Naturopathic Medicine may be exempted from the licensure requirement in ORS 685.020 if that physician:

(a) Is practicing in Oregon on a temporary assignment for specific educational events not to exceed 15 days in a calendar year; and

(b) Is actively engaged in the practice of naturopathic medicine in the jurisdiction in which the person is licensed.

(2) A naturopathic physician granted an exemption under subsection (1) of this section:

(a) Must comply with the provisions of this chapter and rules adopted by the board governing the practice of naturopathic medicine; and

(b) Is subject to the disciplinary authority of the board under ORS 685.110 for any violation of the provisions of this chapter and of rules adopted by the board.

(3) The board may refuse to grant or may revoke an exemption of a naturopathic physician for a violation of the provisions of this chapter or of rules adopted by the board. [2007 c.427 §3; 2009 c.43 §17]

Note: 685.091 was added to and made a part of ORS chapter 685 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

685.100 License certificate; renewal of license; rules; fees; inactive license. (1) Upon approval of an application for a licensure, the Oregon Board of Naturopathic Medicine shall issue a license certificate that shall be displayed at all times in the office of the person to whom it was issued while the license is active.

(2) A person holding an active license issued under this chapter may apply to the board for license renewal. A completed renewal application consists of:

(a) A completed board renewal form containing any information required by the board to determine the applicant's eligibility for license renewal;

(b) Proof of compliance with continuing education requirements set by the board; and

(c) Payment of the active license renewal fee established by the board under subsection (8) of this section.

(3) Failure to submit a completed renewal application annually by December 31, or by such date as may be specified by board rule, results in the lapse of the license. A lapsed license may be restored by the board upon receipt, not more than 30 days after the license lapses, of a completed renewal application and payment of the restoration fee under subsection (8) of this section.

(4) A license that has lapsed for more than one month may be restored by the board upon payment of the restoration fee established by the board and submission of a completed renewal application and any other information required by the board.

(5) A person holding an active license under this chapter may convert the license to inactive status by meeting the requirements set by rule of the board and paying any required fees. A person holding a license issued under this chapter who is at least 70 years of age and retired from the practice of naturopathic medicine may convert the license to retired status by meeting the requirements set by rule of the board and paying any required fees.

(6)(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 renewal fee for an active license and demonstrating compliance with ORS 685.102. A fee paid to place the license in inactive status may not be credited toward payment of the renewal fee for an active license. The board may prorate the renewal 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 renewal 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 renewal fee.

(7) The executive director of the board shall issue a renewal notice to each person

holding a license under this chapter at least 60 days before the renewal application is due.

(8) The board shall assess fees for:

(a) An initial license.

(b) Examination.

(c) Renewal of an active license.

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

(e) Restoration of an inactive, lapsed 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.

(9) 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 may 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; 2003 c.154 §3; 2007 c.327 §4; 2007 c.768 §48a; 2009 c.43 §18]

685.102 Continuing education required; exemptions; rules. (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 Oregon Board of Naturopathic Medicine of successful completion of an approved program of continuing education of at least 25 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, a

person may not 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 calendar 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 (6)(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; 2001 c.987 §17; 2003 c.154 §§4,5; 2007 c.327 §5; 2009 c.43 §19]

685.104 Effect of failure to comply with ORS 685.102; fees; reissuance of registration. (1) The Oregon Board of Naturopathic Medicine shall refuse to issue the certificate of registration to any person holding a license under this chapter who fails to submit with any fees due the proof required under ORS 685.102, unless the board has exempted the person from the requirements of ORS 685.102 (1). The board shall return any fees submitted by a person that fails to submit proof required under ORS 685.102 or that fails to submit all fees due.

(2) After January 1 of any year, the board may issue a certificate of 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 license renewal fee for each year the 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; 2007 c.327 §6; 2009 c.43 §20]

685.106 Approval of continuing education programs. (1) The Oregon Board of Naturopathic Medicine 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; 2009 c.43 §21]

685.110 Grounds for discipline; penalties. The Oregon Board of Naturopathic Medicine may refuse to grant a license, may suspend or revoke a license, may limit a license, may impose probation, may issue a letter of reprimand and may impose a civil penalty not to exceed \$5,000 for each offense for any of the following reasons:

(1) Using fraud or deception in securing a license.

(2) Impersonating another physician.

(3) Practicing naturopathic medicine under an assumed name.

(4) Performing an abortion.

(5) Being convicted 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) Being convicted of a crime relating to practice of naturopathic medicine.

(8) Committing negligence related to the practice of naturopathic medicine.

(9) Having an impairment as defined in ORS 676.303.

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

(11) Obtaining a fee through fraud or misrepresentation.

(12) Committing gross or repeated malpractice.

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

(14) Engaging in 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 adversely affect a physician's ability safely and skillfully to practice naturopathic medicine.

(15) Willfully and consistently utilizing any naturopathic service, X-ray equipment or treatment contrary to recognized standards of practice of the naturopathic profession.

(16) Failing to notify the board within 30 days of a change in the location of practice or of mailing address.

(17) 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.

(18) Having a license to practice naturopathic medicine in another jurisdiction suspended or revoked.

(19) Employing unlicensed persons to practice naturopathic medicine.

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

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

(22) Failing to respond in a timely manner to a request for information regarding a complaint or the investigation of a complaint by the board.

(23) Failing to pay a civil penalty in the time specified by the order imposing the penalty.

(24) Violating 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; 2003 c.155 §1; 2009 c.43 §22; 2009 c.396 §1; 2009 c.756 §97]

685.112 Voluntary limitation on license; removal; limitations. A licensee or an applicant for licensure may request in writing to the Oregon Board of Naturopathic Medicine a voluntary limitation of a license to practice naturopathic medicine. The board may grant the request for a voluntary limitation and has the authority, if it deems appropriate, to attach conditions to the license of the licensee or to the license issued to the applicant within the provisions of ORS 685.060 to 685.110 and 685.135. Removal of a voluntary limitation of a license to practice naturopathic medicine is determined by the

board. The board may not grant a voluntary limitation of a license to practice naturopathic medicine to a licensee who is under investigation by the board, who is on probation or whose license is under suspension. [2007 c.427 §2; 2009 c.43 §24]

685.115 Confidential information; liability of person providing information. (1) Any information that the Oregon Board of Naturopathic Medicine 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 is not subject to an action for civil damages as a result thereof. [1989 c.438 §6; 1997 c.791 §38; 2001 c.526 §8; 2009 c.43 §23]

685.120 [Repealed by 1971 c.734 §21]

685.125 Discipline procedure; rules. (1) The Oregon Board of Naturopathic Medicine shall give opportunity for hearing as provided in ORS chapter 183 when the board proposes to:

- (a) Refuse to issue a license;
- (b) Refuse to renew a license; or
- (c) Impose any of the sanctions set forth in ORS 685.110.

(2) In accordance with applicable provisions of ORS chapter 183, the board may adopt rules necessary for the administration of the laws that the board is charged with administering. [1971 c.734 §134; 1985 c.624 §14; 2009 c.43 §25; 2009 c.396 §2]

685.135 Certificate of special competency in natural childbirth; rules; fee. (1) A naturopath may not 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 Oregon Board of Naturopathic Medicine 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 stan-

dards in these areas. [1985 c.624 §19; 1999 c.479 §3; 2009 c.43 §26]

FORMULARY

685.145 Council on Naturopathic Physicians Formulary; members; duties; compensation and expenses; rules. (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. 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. [1989 c.945 §2 (1) to (6); 2007 c.428 §1; 2009 c.43 §27; 2009 c.420 §3]

STATE BOARD

685.160 Oregon Board of Naturopathic Medicine. (1) There hereby is created the Oregon Board of Naturopathic Medicine. The board consists of seven members appointed by the Governor and subject to confirmation by the Senate in the manner provided in ORS 171.562 and 171.565. All members of the board must be residents of this state. Of the members of the board:

(a) Five must be naturopathic physicians who have each practiced continuously in this state for the five years immediately prior to the date of appointment.

(b) Two must be members of the general public who are not naturopathic physicians or a spouse, domestic partner, child, parent or sibling of a naturopathic physician.

(2)(a) Board members required to be naturopathic physicians may be selected by the Governor from a list of three to five nominees for each vacancy, submitted by a professional organization representing naturopathic physicians.

(b) In selecting the members of the board, the Governor shall strive to balance the representation on the board according to:

- (A) Geographic areas of this state; and
- (B) Ethnic group.

(3)(a) The term of office of each member is three years, but a member serves at the pleasure of the Governor. The terms must be staggered so that no more than three terms end each year. A member is eligible for re-appointment. A term of office commences July 1. Unless a member is removed prior to the end of the term, a member continues to serve on the board until a successor is appointed and qualified. A majority of the members of the board constitutes a quorum. If there is a vacancy for any cause, the Governor shall appoint a member to serve for the remainder of the unexpired term.

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

- (A) Is not a resident of this state;
- (B) Has been absent from three consecutive board meetings, unless at least one absence is excused; or
- (C) Is not a licensed naturopathic physician or a retired naturopathic physician who

was a licensed naturopathic physician in good standing at the time of retirement, if the board member was appointed to serve on the board as a naturopathic physician.

(4) 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; 2003 c.156 §1; 2009 c.535 §§21,41; 2009 c.756 §57]

685.170 Chair of board; powers; records. Annually, the Oregon Board of Naturopathic Medicine shall elect one of its members chair. The chair shall have power during the term of office to summon witnesses, administer oaths and take testimony and affidavits. The executive director of the board or a designee of the executive director shall keep a record of all actions of the board, including a detailed register of applicants for a license. [Amended by 1973 c.829 §68; 1983 c.281 §3; 2003 c.154 §6; 2007 c.327 §7; 2009 c.43 §28; 2009 c.756 §58]

685.180 [Repealed by 1973 c.829 §71]

685.190 Compensation and expenses of board members. A member of the Oregon Board of Naturopathic Medicine is entitled to compensation and expenses as provided in ORS 292.495. The board may provide by rule for compensation to board members for the performance of official duties at a rate that is greater than the rate provided in ORS 292.495. [Amended by 1967 c.44 §3; 1969 c.314 §86; 1987 c.158 §143; 2009 c.535 §22]

685.195 Authority of Oregon Board of Naturopathic Medicine to require fingerprints. For the purpose of requesting a state or nationwide criminal records check under ORS 181.534, the Oregon Board of Naturopathic Medicine may require the fingerprints of a person who:

(1) Is employed or applying for employment by the board in a position in which the person has or will have access to information that is made confidential under state or federal laws, rules or regulations;

(2) Provides services or seeks to provide services to the board as a contractor, vendor or volunteer in a position in which the person has or will have access to information that is made confidential under state or federal laws, rules or regulations;

(3) Is applying for a license or certificate that is issued by the board;

(4) Is applying for renewal of a license or certificate that is issued by the board; or

(5) Is under investigation by the board. [2005 c.730 §58; 2009 c.43 §29]

Note: 685.195 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 685 or any series therein by legislative

action. See Preface to Oregon Revised Statutes for further explanation.

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

685.201 Oregon Board of Naturopathic Medicine Account; disposition of receipts. The Oregon Board of Naturopathic Medicine Account is established in the State Treasury, separate and distinct from the General Fund. All moneys received by the Oregon Board of Naturopathic Medicine under this chapter shall be deposited into the account and are continuously appropriated to the board to be used only for the administration and enforcement of this chapter. Any interest or other income from moneys in the account shall be credited to the account. [1973 c.427 §29 (enacted in lieu of 685.200); 2005 c.726 §6; 2009 c.43 §30]

PEER REVIEW

685.205 Peer review committee; duties; members; board responsibilities; confidentiality; limitation on liability; investigation; rules. (1) The Oregon Board of Naturopathic Medicine 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 must 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 chapter 183. 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 may 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 is not 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 is not 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; 2009 c.43 §31]

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.

(3) The Oregon Board of Naturopathic Medicine, in its own name, may maintain an action for an injunction against any person violating ORS 685.020. A person who has been so enjoined may be punished for contempt by the court issuing the injunction. An injunction may be issued without proof of actual damage sustained by any person. An injunction does not relieve a person from criminal prosecution for violation of ORS 685.020 or from any other civil, criminal or disciplinary remedy. [Amended by 1985 c.624 §16; 2005 c.215 §1; 2009 c.43 §32]

685.220 Report of suspected violation; confidentiality of violation report information; liability of supplier. (1) Any Oregon Board of Naturopathic Medicine 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 as provided in ORS 676.165.

(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; 2009 c.43 §33]

685.222 Duty to report prohibited conduct. Unless state or federal laws relating to confidentiality or the protection of health information prohibit disclosure, a naturopathic physician who has reasonable cause to believe that a licensee of another board has engaged in prohibited conduct as defined in ORS 676.150 shall report the prohibited conduct in the manner provided in ORS 676.150. [2009 c.536 §13]

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 Oregon Board of Naturopathic Medicine 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; 2009 c.43 §34]

PENALTIES

685.990 Penalties. (1) Violation of any provision of this chapter is a Class A misdemeanor.

(2)(a) In addition to any other sanctions authorized by law, the Oregon Board of Naturopathic Medicine may impose a civil penalty not to exceed \$5,000 for each violation of any provision of this chapter, or of any rule adopted by the board.

(b) Civil penalties imposed under this subsection shall be imposed as provided in ORS 183.745. [Amended by 1999 c.1051 §218; 2005 c.215 §2; 2009 c.43 §35]

OCCUPATIONS AND PROFESSIONS
