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*Statutes that incorporate the confidentiality provisions of [ORS 676.175](#).

Exemption Statute and Title: [ORS 431A.898](#) Practitioner Training

Summary: Requires OHA to develop criteria for evaluating whether a practitioner requires additional training in the prescribing of opioids or opiates. Makes prescription monitoring information used in the evaluation confidential and exempt from disclosure.

Relevant Text: [ORS 431A.898](#)

(1) Not less than once per year, the Oregon Health Authority, in consultation with the Prescription Monitoring Program Advisory Commission created under [ORS 431A.890](#) and the Prescription Monitoring Program Prescribing Practices Review Subcommittee established under [ORS 431A.896](#), shall develop, through the use of prescription monitoring information, criteria by which a practitioner may be required to receive education or training on the prescribing of opioids or opiates.

(6) (a) For the purposes of evaluating prescriptions made by practitioners of opioids and opiates and other controlled substances, the subcommittee may direct the authority to compare the prescriptions described in this paragraph between similarly situated practitioners and to provide the comparative information to practitioners who meet criteria established by the subcommittee.

(7) Prescription monitoring information used for purposes of this section and the data created through the use of prescription monitoring information pursuant to this section:

(a) Are confidential and not subject to public disclosure under [ORS 192.311](#) to [192.478](#); and

(b) Are not admissible as evidence in a civil or criminal proceeding.

Enumerated Exceptions or Public Interest Balancing Test? No.

Applied in Court Cases, AG Opinions and/or Public Records Orders? No.

Exemption Statute and Title: [ORS 441.055](#) Health Care Facility Medical Staff and Bylaws

Summary: Makes confidential all information procured by or furnished during a peer review of a health care facility conducted by physicians appointed by the Oregon Medical Board.

Relevant Text: [ORS 441.055](#)

(7) All findings and conclusions, interviews, reports, studies, communications and statements procured by or furnished to the peer review committee in connection with a peer review are confidential pursuant to ORS 192.338, 192.345 and 192.355 and 192.690 and all data is privileged pursuant to ORS 41.675.

Enumerated Exceptions or Public Interest Balancing Test? No.

Applied in Court Cases, AG Opinions and/or Public Records Orders? No.

Exemption Statute and Title: [ORS 675.075](#) Confidentiality of Information Obtained Under ORS 676.070 or 675.085

Summary: Makes information obtained by the Board of Psychology during an investigation of a licensed psychologist confidential as provided under [ORS 676.175](#).

Relevant Text: [ORS 675.075](#)

(1) Any information that the Oregon Board of Psychology obtains under [ORS 675.070](#) or [675.085](#) is confidential as provided under [ORS 676.175](#).

Enumerated Exceptions or Public Interest Balancing Test? Yes – in cases where Board decides not to impose a disciplinary sanction, it shall disclose otherwise exempt information to a person who demonstrates by clear and convincing evidence that the public interest in disclosure outweighs other interests in nondisclosure, including the public interest in nondisclosure. If the Board decides to pursue a disciplinary sanction, it shall disclose the information listed in [ORS 676.175\(5\)](#).

Applied in Court Cases, AG Opinions and/or Public Records Orders? No

Exemption Statute and Title: [ORS 675.300](#) Grounds and Procedures for Denial, Refusal to Renew, Suspension or Revocation of License

Summary: Makes confidential any information obtained by the Occupational Therapy Licensing Board during an investigation of a licensee or applicant, or as part of a contested case, consent order or stipulated agreement as provided under [ORS 676.175](#).

Relevant Text: [ORS 675.300](#)

(5) 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](#).

Enumerated Exceptions or Public Interest Balancing Test? Yes – in cases where Board decides not to impose a disciplinary sanction, it shall disclose otherwise exempt information to a person who demonstrates by clear and convincing evidence that the public interest in disclosure outweighs other interests in nondisclosure, including the public interest in nondisclosure. If the Board decides to pursue a disciplinary sanction, it shall disclose the information listed in [ORS 676.175\(5\)](#).

Applied in Court Cases, AG Opinions and/or Public Records Orders? No.

Exemption Statute and Title: [ORS 675.540](#) Grounds for Disciplinary Action

Summary: Makes investigatory information obtained by the Board of Licensed Social Workers relating to the conduct of a social worker or applicant confidential as provided by [ORS 676.175](#).

Relevant Text: [ORS 675.540](#)

(4) Information that the board obtains as part of an investigation into the conduct of a regulated social worker or an applicant for an authorization to practice regulated social work or as part of a contested case proceeding, consent order or stipulated agreement involving the conduct of a regulated social worker or applicant, is confidential as provided under [ORS 676.175](#).

Enumerated Exceptions or Public Interest Balancing Test? Yes – in cases where Board decides not to impose a disciplinary sanction, it shall disclose otherwise exempt information to a person who demonstrates by clear and convincing evidence that the public interest in disclosure outweighs other interests in nondisclosure, including the public interest in nondisclosure. If the Board decides to pursue a disciplinary sanction, it shall disclose the information listed in [ORS 676.175\(5\)](#).

Applied in Court Cases, AG Opinions and/or Public Records Orders? No.

Exemption Statute and Title: [ORS 675.585](#) Investigation of Alleged Violations

Summary: Makes confidential any information obtained by the Board of Licensed Social Workers during an investigation of a licensee as provided under [ORS 676.175](#).

Relevant Text: [ORS 675.585](#)

(1) Upon complaint of any person, or upon its own initiative, the State Board of Licensed Social Workers may investigate any alleged violation of [ORS 675.510](#) to [675.600](#).

(2) Any information that the board obtains pursuant to subsection (1) of this section is confidential as provided under [ORS 676.175](#) and is not admissible in judicial proceedings, other than judicial review as provided for under [ORS 183.480](#), until the board votes to take final action.

Enumerated Exceptions or Public Interest Balancing Test? Yes – in cases where Board decides not to impose a disciplinary sanction, it shall disclose otherwise exempt information to a person who demonstrates by clear and convincing evidence that the public interest in disclosure outweighs other interests in nondisclosure, including the public interest in nondisclosure. If the Board decides to pursue a disciplinary sanction, it shall disclose the information listed in [ORS 676.175\(5\)](#).

Applied in Court Cases, AG Opinions and/or Public Records Orders? No.

Exemption Statute and Title: [ORS 675.745](#) Grounds for Denial, Suspension or Revocation of License or Refusal to Issue License

Summary: Makes confidential any information obtained by the Board of Licensed Professional Counselors and Therapists during an investigation of a licensee or applicant, or as part of a contested case, consent order or stipulated agreement as provided under [ORS 676.175](#).

Relevant Text: [ORS 675.745](#)

(6) 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](#).

Enumerated Exceptions or Public Interest Balancing Test? Yes – in cases where Board decides not to impose a disciplinary sanction, it shall disclose otherwise exempt information to a person who demonstrates by clear and convincing evidence that the public interest in disclosure outweighs other interests in nondisclosure, including the public interest in nondisclosure. If the Board decides to pursue a disciplinary sanction, it shall disclose the information listed in [ORS 676.175\(5\)](#).

Applied in Court Cases, AG Opinions and/or Public Records Orders?

[PRO Durkee](#) (11/28/08) (information requested was obtained as part of an investigation of a licensee and was therefore confidential and exempt from disclosure under ORS 676.175 and ORS 675.745)

Exemption Statute and Title: [ORS 676.165](#) Complaint Investigation

Summary: Exempts from public disclosure any investigatory information obtained by an investigator and the report issued by the investigator to a health professional regulatory board.

Relevant Text: [ORS 676.165](#)

(1) When a health professional regulatory board receives a complaint by any person against a licensee, applicant or other person alleged to be practicing in violation of law, the board shall assign one or more persons to act as investigator of the complaint.

(5) Investigatory information obtained by an investigator and the report issued by the investigator shall be exempt from public disclosure.

Enumerated Exceptions or Public Interest Balancing Test? Only for appeals under ORS 192.401, which requires petitioner to show by clear and convincing evidence that the public interest requires disclosure.

Applied in Court Cases, AG Opinions and/or Public Records Orders?

[PRO D'Amore](#) (12/4/20) (AG found that there was clear and convincing evidence that the public interest required disclosure of a small amount of information in a Medical Board investigatory file. Trial court later disagreed and found the entire file was exempt)

[PRO Bunnell](#) (2/12/13) (petitioner failed to provide clear and convincing evidence that the public interest required the Board of Licensed Social Workers to disclose investigative file)

[PRO Miller](#) (5/19/09) (petitioner failed to provide clear and convincing evidence that the public interest required the Veterinary Medical Examining Board to disclose investigative file)

Exemption Statute and Title: [ORS 676.175](#) Complaints and Investigations Confidential

Summary: Except as provided in the statute, requires a health professional regulatory board to keep confidential and not disclose to the public any information obtained by the board as part of an investigation of a licensee or applicant, including complaints concerning licensee or applicant conduct and information permitting the identification of complainants, licensees or applicants.

Relevant Text: [ORS 676.175](#)

(1) A health professional regulatory board shall keep confidential and not disclose to the public any information obtained by the board as part of an investigation of a licensee or applicant, including complaints concerning licensee or applicant conduct and information permitting the identification of complainants, licensees or applicants. However, the board may disclose information obtained in the course of an investigation of a licensee or applicant to the extent necessary to conduct a full and proper investigation.

(2) Notwithstanding subsection (1) of this section, if a health professional regulatory board votes not to issue a notice of intent to impose a disciplinary sanction:

(a) The board shall disclose information obtained as part of an investigation of an applicant or licensee if the person requesting the information demonstrates by clear and convincing evidence that the public interest in disclosure outweighs other interests in nondisclosure, including but not limited to the public interest in nondisclosure.

(b) The board may disclose to a complainant a written summary of information obtained as part of an investigation of an applicant or licensee resulting from the complaint to the extent the board determines necessary to explain the reasons for the board's decision. An applicant or licensee may review and obtain a copy of any written summary of information disclosed to a complainant by the board after the board has deleted any information that could reasonably be used to identify the complainant.

(5) (a) A health professional regulatory board shall disclose:

(A) A notice of intent to impose a disciplinary sanction against a licensee or applicant that has been issued by vote of the board;

(B) A final order that results from the board's notice of intent to impose a disciplinary sanction;

(C) An emergency suspension order;

(D) A consent order or stipulated agreement that involves licensee or applicant conduct; and

(E) Information to further an investigation into board conduct under [ORS 192.685](#).

ORS 676.175 Complaints and Investigations Confidential (cont.)

Enumerated Exceptions or Public Interest Balancing Test? Yes – several enumerated above, including a showing by the requester that there is clear and convincing evidence that the public interest in disclosure outweighs other interests in nondisclosure in cases where a board votes not to pursue discipline.

Applied in Court Cases, AG Opinions and/or Public Records Orders?

Shank v. Board of Nursing, 220 Or App 228 (2008) (because petitioner, whose nursing license was revoked by the Board of Nursing, was not a member of “the public” for purposes of ORS 676.175, the Board could not withhold investigatory information from her under that exemption while disciplinary proceedings were ongoing)

PRO D'Amore (12/4/20) (AG found that there was clear and convincing evidence that the public interest required disclosure of a small amount of information in a Medical Board investigatory file. Trial court later disagreed and found the entire file was exempt)

PRO Smith (6/2/20) (petitioner failed to provide clear and convincing evidence that the public interest required the Board of Psychology to disclose investigative file)

PRO Budnick (11/17/14) (public interest required disclosure of a redacted version of a complaint received by the Board of Dentistry)

PRO Bunnell (2/13/13) (petitioner failed to provide clear and convincing evidence that the public interest required the Board of Licensed Social Workers to disclose investigative file)

PRO van der Voo (10/19/10) (ordering disclosure of some portions of a Board of Dentistry investigative file because the public interest in nondisclosure was significantly diminished where the salient facts were already public)

PRO Mussell (11/7/08) (notwithstanding the Court of Appeals ruling in *Shank v. Board of Nursing*, petitioner was not entitled to portions of the investigative file while the investigation was ongoing; *Shank* only applies once the Board issues notice of intent to impose discipline)

Exemption Statute and Title: [ORS 676.177](#) Disclosure of Confidential Information to Another Public Entity

Summary: Confidential information disclosed by a health professional licensing board to another public body for regulatory or enforcement purposes is to remain confidential.

Relevant Text: [ORS 676.177](#)

(1) Notwithstanding any other provision of [ORS 676.165](#) to [676.180](#), a health professional regulatory board, upon a determination by the board that it possesses otherwise confidential information that reasonably relates to the regulatory or enforcement function of another public entity, may disclose that information to the other public entity.

(2) Any public entity that receives information pursuant to subsection (1) of this section shall agree to take all reasonable steps to maintain the confidentiality of the information, except that the public entity may use or disclose the information to the extent necessary to carry out the regulatory or enforcement functions of the public entity.

Enumerated Exceptions or Public Interest Balancing Test? No.

Applied in Court Cases, AG Opinions and/or Public Records Orders? No.

Exemption Statute and Title: [ORS 676.590](#) Disclosure of Investigatory Information, Records

Summary: Except for complaints, exempts from public disclosure all investigatory information and reports obtained by the Health Licensing Office for investigations into licensees providing advanced nonablative esthetics, lactation consultants, music therapists, art therapists, barbers, hair stylists, cosmetologists, nail technologists, electrologists, tattooists, body piercing specialists, and hearing aid specialists.

Relevant Text: [ORS 676.590](#)

(1) Information obtained by the Health Licensing Office as part of an investigation conducted under the following laws and any reports issued by an investigator are exempt from public disclosure:

- (a) [ORS 676.630](#) to [676.660](#), [676.665](#) to [676.689](#), [681.700](#) to [681.730](#), [681.740](#) to [681.758](#), [690.005](#) to [690.225](#), [690.350](#) to [690.410](#) or [694.015 \(694.170\)](#) to [694.170](#).
- (b) [ORS 676.560](#) to [676.625](#) if the investigation is related to the regulation of:
 - (A) Advanced nonablative esthetics under [ORS 676.630](#) to [676.660](#);
 - (B) Lactation consultation under [ORS 676.665](#) to [676.689](#);
 - (C) Music therapy under [ORS 681.700](#) to [681.730](#);
 - (D) Art therapy under [ORS 681.740](#) to [681.758](#);
 - (E) Barbering, hair design, esthetics, nail technology or natural hair care under [ORS 690.005](#) to [690.225](#);
 - (F) Electrologists and body art practitioners under [ORS 690.350](#) to [690.410](#); or
 - (G) Dealing in hearing aids under [ORS 694.015](#) to [694.170](#).

(2) The office shall disclose information obtained as part of an investigation described in subsection (1) of this section to a person who demonstrates by clear and convincing evidence that the public interest in disclosure outweighs other interests in nondisclosure, including the public interest in nondisclosure.

(3) A complaint that forms the basis for an investigation described in subsection (1) of this section shall not be considered information obtained as part of an investigation and is not exempt from public disclosure.

Enumerated Exceptions or Public Interest Balancing Test? Yes – HLO shall disclose otherwise exempt information to a person who demonstrates by clear and convincing evidence that the public interest in disclosure outweighs other interests in nondisclosure, including the public interest in nondisclosure.

ORS 676.590 Disclosure of Investigatory Information, Records (cont.)

Applied in Court Cases, AG Opinions and/or Public Records Orders?

PRO Goodwin-Ratzloff (7/1/19) (public interest did not require the disclosure of complaints against hearing aid specialists)

Exemption Statute and Title: [ORS 676.595](#) Disclosures of Certain Investigatory Information

Summary: Makes exempt from public disclosure all complaints investigatory information and reports obtained by the Health Licensing Office for investigations into licensee providing various health-related services, including: certain therapists, nursing home administration, denturists, midwives, athletic trainers, dieticians, and environmental or waste water sanitation.

Relevant Text: [ORS 676.595](#)

(2) Except to the extent that disclosure is necessary to conduct a full and proper investigation, the Health Licensing Office may not disclose information, including complaints and information identifying complainants, obtained by the office as part of an investigation conducted under:

(a) [ORS 675.365](#) to [675.410](#), [676.810](#) to [676.820](#), [676.825](#), [676.830](#), [678.710](#) to [678.820](#), [680.500](#) to [680.565](#), [687.405](#) to [687.495](#), [688.701](#) to [688.734](#), [688.800](#) to [688.840](#) or [691.405](#) to [691.485](#) or ORS chapter 700.

(b) [ORS 676.560](#) to [676.625](#) if the investigation is related to the regulation of:

(A) Sexual abuse specific treatment under [ORS 675.365](#) to [675.410](#);

(B) Applied behavior analysis under [ORS 676.810](#) to [676.820](#), [676.825](#) and [676.830](#);

(C) Nursing home administration and residential care facility administration under [ORS 678.710](#) to [678.820](#);

(D) The practice of denture technology under [ORS 680.500](#) to [680.565](#);

(E) Direct entry midwifery under [ORS 687.405](#) to [687.495](#);

(F) Athletic training under [ORS 688.701](#) to [688.734](#);

(G) Respiratory care and polysomnography under [ORS 688.800](#) to [688.840](#);

(H) Dietetics under [ORS 691.405](#) to [691.485](#); or

(I) Environmental or waste water sanitation under ORS chapter 700.

(3) Notwithstanding subsection (2) of this section, if the office or board decides not to impose a disciplinary sanction after conducting an investigation described in subsection (2) of this section:

(a) The office shall disclose information obtained as part of the investigation if the person requesting the information demonstrates by clear and convincing evidence that the public interest in disclosure outweighs other interests in nondisclosure, including the public interest in nondisclosure.

ORS 676.595 Disclosures of Certain Investigatory Information (cont.)

(b) The office may disclose to a complainant who made a complaint related to the investigation a written summary of information obtained as part of the investigation to the extent that disclosure is necessary to explain the office's or board's decision. The person who is the subject of the investigation may review and obtain a copy of a written summary disclosed under this paragraph after the office has redacted any information identifying the complainant.

Enumerated Exceptions or Public Interest Balancing Test? Yes – in cases where HLO decides not to impose a disciplinary sanction, it shall disclose otherwise exempt information to a person who demonstrates by clear and convincing evidence that the public interest in disclosure outweighs other interests in nondisclosure, including the public interest in nondisclosure. If HLO decides to pursue a disciplinary sanction, it shall disclose the information listed in [ORS 676.595\(6\)](#).

Applied in Court Cases, AG Opinions and/or Public Records Orders? No.

Exemption Statute and Title: [ORS 676.599](#)

Summary: Confidential information disclosed by the Health Licensing Office to another public body for regulatory or enforcement purposes is to remain confidential.

Relevant Text: [ORS 676.599](#)

(1) Notwithstanding [ORS 676.595](#), the Health Licensing Office, upon a determination by the office that it possesses information that reasonably relates to the regulatory or enforcement function of another public entity, may disclose information to the other public entity.

(2) A public entity that receives information pursuant to subsection (1) of this section must agree to take all reasonable steps to maintain the confidentiality of the information, except that the public entity may use or disclose the information to the extent necessary to carry out the regulatory or enforcement functions of the public entity.

Enumerated Exceptions or Public Interest Balancing Test? No.

Applied in Court Cases, AG Opinions and/or Public Records Orders? No.

Exemption Statute and Title: [ORS 677.425](#) Confidential Information

Summary: Makes confidential any information obtained by the Medical Board as part of disciplinary or competency proceedings as provided by [ORS 676.175](#).

Relevant Text: [ORS 677.425](#)

(1) Any information that the Oregon Medical Board obtains pursuant to [ORS 677.200](#), [677.205](#) or [677.410](#) to [677.425](#) is confidential as provided under [ORS 676.175](#).

Enumerated Exceptions or Public Interest Balancing Test? Yes – in cases where Board decides not to impose a disciplinary sanction, it shall disclose otherwise exempt information to a person who demonstrates by clear and convincing evidence that the public interest in disclosure outweighs other interests in nondisclosure, including the public interest in nondisclosure. If the Board decides to pursue a disciplinary sanction, it shall disclose the information listed in [ORS 676.175\(5\)](#).

Applied in Court Cases, AG Opinions and/or Public Records Orders? No.

Exemption Statute and Title: [ORS 678.126](#) Confidentiality of Information

Summary: Makes confidential any information obtained by the Board of Nursing in disciplinary and other licensing proceedings as provided by [ORS 676.175](#).

Relevant Text: [ORS 678.126](#)

(1) Any information that the Oregon State Board of Nursing obtains pursuant to [ORS 678.021](#), [678.111](#), [678.113](#), [678.123](#), [678.135](#) or [678.442](#) is confidential as provided under [ORS 676.175](#).

Enumerated Exceptions or Public Interest Balancing Test? Yes – in cases where Board decides not to impose a disciplinary sanction, it shall disclose otherwise exempt information to a person who demonstrates by clear and convincing evidence that the public interest in disclosure outweighs other interests in nondisclosure, including the public interest in nondisclosure. If the Board decides to pursue a disciplinary sanction, it shall disclose the information listed in [ORS 676.175\(5\)](#).

Applied in Court Cases, AG Opinions and/or Public Records Orders? No.

Exemption Statute and Title: [ORS 679.140](#) Discipline of Licensee

Summary: Makes confidential any information obtained by the Board of Dentistry during an investigation of a licensee or applicant, or as part of a contested case, consent order or stipulated agreement as provided under [ORS 676.175](#).

Relevant Text: [ORS 679.140](#)

(9) 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.

Enumerated Exceptions or Public Interest Balancing Test? Yes – in cases where Board decides not to impose a disciplinary sanction, it shall disclose otherwise exempt information to a person who demonstrates by clear and convincing evidence that the public interest in disclosure outweighs other interests in nondisclosure, including the public interest in nondisclosure. If the Board decides to pursue a disciplinary sanction, it shall disclose the information listed in [ORS 676.175\(5\)](#).

Applied in Court Cases, AG Opinions and/or Public Records Orders? No.

Exemption Statute and Title: [ORS 679.280](#) Dental Committees of Consultants for Improving Standards of Practice

Summary: Testimony given to and the proceedings, reports, statements, opinions, findings and conclusions of consultants and committees and the Board of Dentistry for purposes of improving the standards of dental practice or the desirability of disciplinary action shall be confidential as provided under [ORS 676.175](#).

Relevant Text: [ORS 679.280](#)

(1) The Oregon Board of Dentistry may appoint a consultant or a committee or committees, each consisting of one or more licensed dentists in this state, to study and report to the board the condition of and dental treatment rendered to any person or persons by any licensed dentist or dentists in this state or by any person purporting to practice dentistry in this state. * * * When used by the board to assess the desirability of disciplinary action, the testimony given to and the proceedings, reports, statements, opinions, findings and conclusions of the consultants and committees and the board shall be confidential as provided under [ORS 676.175](#), but this shall not preclude the use of the subpoena power with respect to the actual records of dentists, patients, hospitals, sanitarium, nursing or rest homes.

Enumerated Exceptions or Public Interest Balancing Test? Yes – in cases where Board decides not to impose a disciplinary sanction, it shall disclose otherwise exempt information to a person who demonstrates by clear and convincing evidence that the public interest in disclosure outweighs other interests in nondisclosure, including the public interest in nondisclosure. If the Board decides to pursue a disciplinary sanction, it shall disclose the information listed in [ORS 676.175\(5\)](#).

Applied in Court Cases, AG Opinions and/or Public Records Orders? No.

Exemption Statute and Title: [ORS 679.320](#) Confidentiality of Information Provided to Board

Summary: Temporarily exempts from disclosure complaints to or investigations by the Board of Dentistry while the investigation is active.

Relevant Text: [ORS 679.320](#)

(1) Any information provided to the Oregon Board of Dentistry as the basis of a complaint or in the investigation thereof shall not be subject to public disclosure during the period of investigation.

Enumerated Exceptions or Public Interest Balancing Test? Temporary exemption that does not apply once the investigation is concluded.

Applied in Court Cases, AG Opinions and/or Public Records Orders? No.

Exemption Statute and Title: [ORS 680.165](#) Monitoring Performance

Summary: Testimony given to the Board of Dentistry and the proceedings, reports, statements, opinions, findings and conclusions of consultants and committees and the Board for purposes of improving the standards of dental practice or the desirability of disciplinary action shall be confidential.

Relevant Text: [ORS 680.165](#)

(1) The Oregon Board of Dentistry may appoint a consultant or a committee or committees, each consisting of one or more licensed dental hygienists in this state, to study and report to the board the condition of and dental hygiene treatment rendered to any person or persons by any licensed dental hygienist in this state, or by any person purporting to practice dental hygiene in this state. * * * Testimony given to and the proceedings, reports, statements, opinions, findings and conclusions of such consultants and committees and the board shall be confidential but this shall not preclude the use of the subpoena power with respect to the actual records of dentists, dental hygienists, patients, hospitals, sanitarium, nursing or rest homes.

Enumerated Exceptions or Public Interest Balancing Test? No.

Applied in Court Cases, AG Opinions and/or Public Records Orders? No.

Exemption Statute and Title: [ORS 682.220](#) Denial, Suspension or Revocation of License

Summary: Makes confidential all complaints and investigatory information obtained by OHA during an investigation of ambulance service providers and emergency medical service providers as provided under [ORS 676.175](#).

Relevant Text: [ORS 682.220](#)

(6) Information regarding an ambulance service provided to the authority pursuant to this section is confidential and is not subject to public disclosure or admissible as evidence in any judicial proceeding. Information that the authority obtains as part of an investigation into the conduct of an emergency medical services provider or applicant or as part of a contested case proceeding, consent order or stipulated agreement involving the conduct of an emergency medical services provider or applicant is confidential as provided under [ORS 676.175](#). Information regarding an ambulance service does not become confidential due to its use in a disciplinary proceeding against an emergency medical services provider.

Enumerated Exceptions or Public Interest Balancing Test? Yes – in cases where OHA decides not to revoke or suspend a license, it shall disclose otherwise exempt information to a person who demonstrates by clear and convincing evidence that the public interest in disclosure outweighs other interests in nondisclosure, including the public interest in nondisclosure. If OHA decides to pursue licensing sanction, it shall disclose the information listed in [ORS 676.175\(5\)](#).

Applied in Court Cases, AG Opinions and/or Public Records Orders? No.

Exemption Statute and Title: [ORS 683.165](#) Confidential Information

Summary: Investigatory information obtained by Board of Optometry is confidential as provided under [ORS 676.175](#).

Relevant Text: [ORS 683.165](#)

(1) Any information that the Oregon Board of Optometry obtains under [ORS 683.140](#) is confidential as provided under [ORS 676.175](#).

Enumerated Exceptions or Public Interest Balancing Test? Yes – in cases where Board decides not to impose a disciplinary sanction, it shall disclose otherwise exempt information to a person who demonstrates by clear and convincing evidence that the public interest in disclosure outweighs other interests in nondisclosure, including the public interest in nondisclosure. If the Board decides to pursue a disciplinary sanction, it shall disclose the information listed in [ORS 676.175\(5\)](#).

Applied in Court Cases, AG Opinions and/or Public Records Orders? No.

Exemption Statute and Title: [ORS 683.335](#) Report of Suspected Violation

Summary: Makes confidential all required and discretionary reports of suspected violations of optometrist licensing requirements made to the Board of Optometry.

Relevant Text: [ORS 683.335](#)

(1) Any health care facility required to be licensed under [ORS 441.015](#) and any licensed optometrist shall and any other person may report suspected violations of [ORS 683.010](#) to [683.155](#) and [683.170](#) to [683.290](#) by optometrists.

(2) Any information provided to the board pursuant to this section is confidential and shall not be subject to public disclosure.

Enumerated Exceptions or Public Interest Balancing Test? No.

Applied in Court Cases, AG Opinions and/or Public Records Orders? No.

Exemption Statute and Title: [ORS 684.100](#) Grounds for Discipline of Licensee or Refusal to License

Summary: Makes confidential all complaint and investigatory information obtained by the Board of Chiropractic Examiners as provided by [ORS 676.175](#).

Relevant Text: [ORS 684.100](#)

(10) (a) Any information that the board obtains pursuant to [ORS 684.100](#), [684.112](#) and [684.155\(9\)](#) is confidential as provided under [ORS 676.175](#).

Enumerated Exceptions or Public Interest Balancing Test? Yes – in cases where Board decides not to impose a disciplinary sanction, it shall disclose otherwise exempt information to a person who demonstrates by clear and convincing evidence that the public interest in disclosure outweighs other interests in nondisclosure, including the public interest in nondisclosure. If the Board decides to pursue a disciplinary sanction, it shall disclose the information listed in [ORS 676.175\(5\)](#).

Applied in Court Cases, AG Opinions and/or Public Records Orders? No.

Exemption Statute and Title: [ORS 684.185](#) Peer Review Committees

Summary: Makes any information provided by a chiropractic peer review committee evaluating complaints against a chiropractor confidential as provided by [ORS 676.175](#).

Relevant Text: [ORS 684.185](#)

(1) The State Board of Chiropractic Examiners shall appoint and form peer review committees. The peer review committee shall evaluate complaints against chiropractic physicians that are referred to it by the board and report to the board regarding those complaints.

* * *

(7) 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 state board and the person being reviewed who may then use the information in any disciplinary or court proceeding brought by the board. Peer review committee information that becomes part of the record of a board investigation into licensee or applicant conduct or part of a contested case proceeding, consent order or stipulated agreement involving licensee or applicant conduct is confidential as provided under [ORS 676.175](#).

Enumerated Exceptions or Public Interest Balancing Test? Yes – in cases where Board decides not to impose a disciplinary sanction, it shall disclose otherwise exempt information to a person who demonstrates by clear and convincing evidence that the public interest in disclosure outweighs other interests in nondisclosure, including the public interest in nondisclosure. If the Board decides to pursue a disciplinary sanction, it shall disclose the information listed in [ORS 676.175\(5\)](#).

Applied in Court Cases, AG Opinions and/or Public Records Orders? No.

Exemption Statute and Title: [ORS 684.200](#) Report of Suspected Violation

Summary: Makes confidential all required and discretionary reports of suspected violations of chiropractor licensing requirements made to the Board of Chiropractic Examiners.

Relevant Text: [ORS 684.200](#)

(1) (a) Unless state or federal laws relating to confidentiality or the protection of health information prohibit disclosure, any licensee licensed by the State Board of Chiropractic Examiners shall report any suspected violation of this chapter or any prohibited conduct as defined in [ORS 676.150](#) in the manner provided in [ORS 676.150](#).

(b) Any person may report to the board any suspected violation of this chapter.

(2) Information pertaining to a report required by subsection (1) of this section shall remain confidential and is not subject to public disclosure except as considered necessary by the board in the enforcement of this chapter.

Enumerated Exceptions or Public Interest Balancing Test? No.

Applied in Court Cases, AG Opinions and/or Public Records Orders? No.

Exemption Statute and Title: [ORS 685.115](#) Confidential Information

Summary: Makes all complaint and investigatory information obtained by the Board of Naturopathic Medicine confidential as provided by [ORS 676.175](#).

Relevant Text: [ORS 685.115](#)

(1) Any information that the Oregon Board of Naturopathic Medicine obtains under [ORS 685.225](#) is confidential as provided under [ORS 676.175](#).

Enumerated Exceptions or Public Interest Balancing Test? Yes – in cases where Board decides not to impose a disciplinary sanction, it shall disclose otherwise exempt information to a person who demonstrates by clear and convincing evidence that the public interest in disclosure outweighs other interests in nondisclosure, including the public interest in nondisclosure. If the Board decides to pursue a disciplinary sanction, it shall disclose the information listed in [ORS 676.175\(5\)](#).

Applied in Court Cases, AG Opinions and/or Public Records Orders? No.

Exemption Statute and Title: [ORS 685.220](#) Report of Suspected Violation

Summary: Makes confidential all required and discretionary reports of suspected violations of licensing requirements made to the Board of Naturopathic Medicine.

Relevant Text: [ORS 685.220](#)

(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](#). [Note: ORS 676.165 provides that “Investigatory information obtained by an investigator and the report issued by the investigator shall be exempt from public disclosure.”]

Enumerated Exceptions or Public Interest Balancing Test? Only for appeals under ORS 192.401, which requires petitioner to show by clear and convincing evidence that the public interest requires disclosure.

Applied in Court Cases, AG Opinions and/or Public Records Orders? No.

Exemption Statute and Title: [ORS 686.135](#) License or Permit Denial and Discipline Procedures

Summary: Makes investigatory information obtained by the Veterinary Medical Examining Board relating to the conduct of a licensee or applicant confidential as provided by [ORS 676.175](#).

Relevant Text: [ORS 686.135](#)

(3) Information that the board or a committee appointed by 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](#).

Enumerated Exceptions or Public Interest Balancing Test? Yes – in cases where Board decides not to impose a disciplinary sanction, it shall disclose otherwise exempt information to a person who demonstrates by clear and convincing evidence that the public interest in disclosure outweighs other interests in nondisclosure, including the public interest in nondisclosure. If the Board decides to pursue a disciplinary sanction, it shall disclose the information listed in [ORS 676.175\(5\)](#).

Applied in Court Cases, AG Opinions and/or Public Records Orders? No.

Exemption Statute and Title: [ORS 686.170](#) Appointment of Committee to Investigate Alleged Violations of Chapter

Summary: Exempts from public disclosure any investigatory information obtained by an investigator and the report issued by the investigator to the Veterinary Medical Examining Board.

Relevant Text: [ORS 686.170](#)

(1) The Oregon State Veterinary Medical Examining Board is authorized to appoint a committee of not less than three licensed, practicing veterinarians to investigate any charge made accusing any person of violating any of the provisions of this chapter, and to report to the board any facts concerning the charge, together with any recommendations the committee sees fit to make. No member of the committee shall reside in the same territory served by the accused person. The expenses of the committee shall be paid out of the Oregon State Veterinary Medical Examining Board Account established in [ORS 686.246](#).

(2) Upon receipt of a complaint under this chapter, the board and any committee shall conduct an investigation as described under [ORS 676.165](#). [Note: ORS 676.165 provides that “Investigatory information obtained by an investigator and the report issued by the investigator shall be exempt from public disclosure.”]

Enumerated Exceptions or Public Interest Balancing Test? Only for appeals under ORS 192.401, which requires petitioner to show by clear and convincing evidence that the public interest requires disclosure.

Applied in Court Cases, AG Opinions and/or Public Records Orders? No.

Exemption Statute and Title: [ORS 687.081](#) Grounds for Denial, Suspension or Revocation of, or Refusal to Renew, License or Permit

Summary: Makes investigatory information obtained by an investigator and the report issued by the investigator to the Board of Massage Therapists confidential as provided by [ORS 676.175](#).

Relevant Text: [ORS 687.081](#)

(8) Upon receipt of a complaint under [ORS 687.011](#) to [687.250](#), [687.895](#) and [687.991](#), the board shall conduct an investigation as described under [ORS 676.165](#).

(9) Information that the board obtains as part of an investigation into the conduct of a person or as part of a contested case proceeding, consent order or stipulated agreement involving the conduct of a person is confidential as provided under [ORS 676.175](#).

Enumerated Exceptions or Public Interest Balancing Test? Yes – in cases where Board decides not to impose a disciplinary sanction, it shall disclose otherwise exempt information to a person who demonstrates by clear and convincing evidence that the public interest in disclosure outweighs other interests in nondisclosure, including the public interest in nondisclosure. If the Board decides to pursue a disciplinary sanction, it shall disclose the information listed in [ORS 676.175\(5\)](#).

Applied in Court Cases, AG Opinions and/or Public Records Orders? No.

Exemption Statute and Title: [ORS 688.140](#) Grounds for Discipline

Summary: Restricts from public disclosure information obtained by the Board of Physical Therapy during a licensee's mental, physical, chemical dependency or competency evaluation. Makes confidential nondisciplinary advisory letters when discipline is not warranted.

Relevant Text: [ORS 688.140](#)

(3) To enforce the provisions of this section, the board is authorized to initiate an investigation and take the following actions:

(g) Require a person to undergo a mental, physical, chemical dependency or competency evaluation at the person's expense when the board has objectively reasonable grounds to believe that the person is or may be unable to practice physical therapy with reasonable skill and safety, with the results being reported to the board. The report shall not be disclosed to the public but may be received into evidence in a proceeding between the board and the person when the mental, physical, chemical dependency or competency of the person is at issue, notwithstanding any claim of privilege by the person.

(4) If the board finds that the information received in a complaint or an investigation does not merit disciplinary action against a person, nondisciplinary actions may ensue. The board may then take the following actions:

* * *

(b) Issue a confidential advisory letter to the person that is nondisciplinary and that notifies the physical therapist or physical therapist assistant that certain conduct or practices must be modified or eliminated.

Enumerated Exceptions or Public Interest Balancing Test? No.

Applied in Court Cases, AG Opinions and/or Public Records Orders? No.

Exemption Statute and Title: [ORS 688.145](#) Discipline Procedure

Summary: Makes investigatory information obtained by the Board of Physical Therapy relating to the conduct of a licensee or applicant confidential as provided by [ORS 676.175](#).

Relevant Text: [ORS 688.145](#)

(3) 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](#).

Enumerated Exceptions or Public Interest Balancing Test? Yes – in cases where Board decides not to impose a disciplinary sanction, it shall disclose otherwise exempt information to a person who demonstrates by clear and convincing evidence that the public interest in disclosure outweighs other interests in nondisclosure, including the public interest in nondisclosure. If the Board decides to pursue a disciplinary sanction, it shall disclose the information listed in [ORS 676.175\(5\)](#).

Applied in Court Cases, AG Opinions and/or Public Records Orders? No.

Exemption Statute and Title: [ORS 688.230](#) Report of Suspected Violation

Summary: Makes all required and discretionary reports of suspected violations of licensing requirements made to the Board of Physical Therapy confidential as provided by [ORS 676.175](#).

Relevant Text: [ORS 688.230](#)

(1) Any licensed health facility, licensed physical therapist, licensed physical therapist assistant, the Oregon Physical Therapy Association, physician licensed under ORS chapter 677 or dentist shall, and any other person may, report suspected violations of [ORS 688.010](#) to [688.201](#) to the Oregon Board of Physical Therapy. The reports are confidential as provided under [ORS 676.175](#).

Enumerated Exceptions or Public Interest Balancing Test? Yes – in cases where Board decides not to impose a disciplinary sanction, it shall disclose otherwise exempt information to a person who demonstrates by clear and convincing evidence that the public interest in disclosure outweighs other interests in nondisclosure, including the public interest in nondisclosure. If the Board decides to pursue a disciplinary sanction, it shall disclose the information listed in [ORS 676.175\(5\)](#).

Applied in Court Cases, AG Opinions and/or Public Records Orders? No.

Exemption Statute and Title: [ORS 688.525](#) Grounds for Discipline

Summary: Makes information obtained by the Board of Medical Imaging during an investigation of a licensee or applicant, or as part of a contested case, consent order or stipulated agreement confidential as provided under [ORS 676.175](#).

Relevant Text: [ORS 688.525](#)

(3) Information that the board obtains as part of an investigation into licensee, permittee or applicant conduct or as part of a contested case proceeding, consent order or stipulated agreement involving licensee, permittee or applicant conduct is confidential as provided under [ORS 676.175](#).

Enumerated Exceptions or Public Interest Balancing Test? Yes – in cases where Board decides not to impose a disciplinary sanction, it shall disclose otherwise exempt information to a person who demonstrates by clear and convincing evidence that the public interest in disclosure outweighs other interests in nondisclosure, including the public interest in nondisclosure. If the Board decides to pursue a disciplinary sanction, it shall disclose the information listed in [ORS 676.175\(5\)](#).

Applied in Court Cases, AG Opinions and/or Public Records Orders? No.

Exemption Statute and Title: [ORS 688.605](#) Duty to Report Violation

Summary: Makes complaints to and investigations by the Board of Medical Imaging confidential as provided by [ORS 676.175](#).

Relevant Text: [ORS 688.605](#)

(2) Any information that the board obtains as the basis of a complaint or in the investigation of a complaint is confidential as provided under [ORS 676.175](#).

Enumerated Exceptions or Public Interest Balancing Test? Yes – in cases where Board decides not to impose a disciplinary sanction, it shall disclose otherwise exempt information to a person who demonstrates by clear and convincing evidence that the public interest in disclosure outweighs other interests in nondisclosure, including the public interest in nondisclosure. If the Board decides to pursue a disciplinary sanction, it shall disclose the information listed in [ORS 676.175\(5\)](#).

Applied in Court Cases, AG Opinions and/or Public Records Orders? No.

Exemption Statute and Title: [ORS 688.655](#) Grounds for Denying, Suspending or Revoking Certificate

Summary: Makes information provided to OHA as part of an investigation of a dialysis technician confidential.

Relevant Text: [ORS 688.655](#)

(4) Information provided to the authority pursuant to this section is confidential and shall not be subject to public disclosure, nor shall it be admissible as evidence in any judicial proceeding.

Enumerated Exceptions or Public Interest Balancing Test? No.

Applied in Court Cases, AG Opinions and/or Public Records Orders? No.

Exemption Statute and Title: [ORS 689.455](#) Duty to Report Suspected Violations and Prohibited Conduct

Summary: Makes mandatory reports to the Board of Pharmacy regarding pharmacists or pharmacy technicians confidential as provided under [ORS 676.175](#).

Relevant Text: [ORS 689.455](#)

(3) Any information that the board obtains pursuant to [ORS 689.405](#) or [689.445](#) or this section is confidential as provided under [ORS 676.175](#).

Enumerated Exceptions or Public Interest Balancing Test? Yes – in cases where Board decides not to impose a disciplinary sanction, it shall disclose otherwise exempt information to a person who demonstrates by clear and convincing evidence that the public interest in disclosure outweighs other interests in nondisclosure, including the public interest in nondisclosure. If the Board decides to pursue a disciplinary sanction, it shall disclose the information listed in [ORS 676.175\(5\)](#).

Applied in Court Cases, AG Opinions and/or Public Records Orders? No.

Exemption Statute and Title: [ORS 692.180](#) Grounds for Revocation, Suspension or Refusal to Issue or Renew Licenses or Certificates

Summary: Makes information obtained by the Mortuary and Cemetery Board during an investigation of a licensee or applicant, or as part of a contested case, consent order or stipulated agreement confidential as provided under [ORS 676.175](#).

Relevant Text: [ORS 692.180](#)

(5) 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](#).

Enumerated Exceptions or Public Interest Balancing Test? Yes – in cases where Board decides not to impose a disciplinary sanction, it shall disclose otherwise exempt information to a person who demonstrates by clear and convincing evidence that the public interest in disclosure outweighs other interests in nondisclosure, including the public interest in nondisclosure. If the Board decides to pursue a disciplinary sanction, it shall disclose the information listed in [ORS 676.175\(5\)](#).

Applied in Court Cases, AG Opinions and/or Public Records Orders? No.

Exemption Statute and Title: [ORS 692.230](#) Grounds for Suspension and Revocation of Trainee Registration

Summary: Makes information obtained by the Mortuary and Cemetery Board during an investigation of trainee conduct or as part of a contested case, consent order or stipulated agreement confidential as provided under [ORS 676.175](#).

Relevant Text: [ORS 692.230](#)

(4) Information that the board obtains as part of an investigation into trainee conduct or as part of a contested case proceeding, consent order or stipulated agreement involving trainee conduct is confidential as provided under [ORS 676.175](#).

Enumerated Exceptions or Public Interest Balancing Test? Yes – in cases where Board decides not to impose a disciplinary sanction, it shall disclose otherwise exempt information to a person who demonstrates by clear and convincing evidence that the public interest in disclosure outweighs other interests in nondisclosure, including the public interest in nondisclosure. If the Board decides to pursue a disciplinary sanction, it shall disclose the information listed in [ORS 676.175\(5\)](#).

Applied in Court Cases, AG Opinions and/or Public Records Orders? No.

Exemption Statute and Title: [ORS 742.400](#) **Duty to Report Claim of Professional Negligence to Licensing Board**

Summary: Restricts the disclosure of medical malpractice claims reported to various health licensing boards – Medical, Nursing, Optometry, Dentistry, Naturopathic Medicine, and Chiropractic Examiners – unless the complaint results in a judicial finding or an admission of liability, money judgment, award or settlement that involves payment to the claimant.

Relevant Text: [ORS 742.400](#)

(5) (a) A board that receives a report of a claim under this section shall publicly post the report on the board’s website if the claim results in a judicial finding or admission of liability or a money judgment, award or settlement that involves a payment to the claimant. The board may not publicly post information about claims that did not result in a judicial finding or admission of liability or a money judgment, award or settlement that involves a payment to the claimant but shall make the information available to the public upon request.

(b) If a board discloses information about a claim that is the subject of a report received under this section, the board shall indicate in the disclosure whether the claim resulted in a judicial finding or an admission of liability or a money judgment, an award or a settlement that involves a payment to the claimant. A board may not publicly disclose or publish any allegations or factual assertions included in the claim unless the complaint resulted in a judicial finding or an admission of liability or a money judgment, an award or a settlement that involves a payment to the claimant.

Enumerated Exceptions or Public Interest Balancing Test? No.

Applied in Court Cases, AG Opinions and/or Public Records Orders? No.