

November 8, 2023
Location: WebEx
Sunshine Committee Members

Charlie Fisher, OSPIRG State Director / Co-chair
Morgan Smith, Polk County Counsel / Co-chair
Michael Kron, Department of Justice
Cameron Miles, Governor's Office
Karin Johnson, Independence City Recorder
Bennett Hall, Blue Mountain Eagle-Editor
Eliot Njus, The Oregonian

Guests

Andy Foltz, Public Records Counsel, Department of Justice

Agenda

AUDIO STREAM 0:00:00-0:50:59

First Agenda Item – Call to Order

1. No public comments.

Second Agenda Item – Special Subcommittee Update

Mr. Kron, started with subcommittee updates. Subcommittee met on Friday 11/3/2023, and had Ashley Korslein, who is a reporter at KGW, put out a long form documentary piece to get information from medical professional who have been disciplined in Oregon and have gone to other states and continued their practice. Assistant Attorney General Kate Desal and John Tierney from KGW also was at the meeting. It was more of an information meeting as the subcommittee is not coming back with a recommendation at this time. Mr. Kron will be doing some comparisons with some of the material that Ahsley sent to him. The big takeaway from the meeting was that is it more difficult to get information because the process is harder to navigate and more expensive and because the available information is not the same. If anyone is interested in viewing the documentary, it can be found on the KGW website and is called “Sick Medicine” and is about 30 mins long. **Mr. Smith**, added something that he hadn't considered before is complaints about medical professional from other medical employees, such nurses. As potential healthcare consumers, we would want that information.

Mr. Kron, should be able to have a recommendation to the group by the next meeting in January.

Chair Fisher, asked what extent not getting information is a result of bad exemptions or misapplication of the law? Should they have gotten the information but the entity that was supposed to give it out didn't follow what they were supposed to do? **Mr. Kron**, one of the doctors tried to get the information, they submitted the request to the medical board, and it was denied. The denial was appealed to the Attorney General's office, we issued a decision saying the information we thought should be made available to them, ordering the medical board to disclose some information, just not the bulk of the investigatory stuff. The medical board has taken KGW to court to get an order that they're not required to disclose any of the information, that is currently pending in litigation. The standards are not all uniform but there seems to be a fair amount of these boards that their laws funnel into this one sort of overarching law is what Kate had explained to Mr. Kron.

Mr. Kron, added that he is aware they still need a recommendation on the education stuff. **Mr. Foltz**, indicated he has done some basic research will have something written up for January's meeting. Research has been done on various states, if there are additional states needing to be surveyed, to let him know. Based on his initial review, one of the issues that was being discussed is what if any information about non-substantiated complaints against teachers is available in other states? General this information is not available in Oregon. There is one other state that he has found so far and, in most states, unsubstantiated allegations are not reportable. States being surveyed are: California, Washington, Texas, Florida, Arizona, Pennsylvania and Colorado. Mr. Foltz selected these states because they are neighboring states that in some cases Oregon has modeled its own exemption statutes on.

Third Agenda Item – Legislative Subcommittee Structure

Chair Fisher, last year, there was a deputized subcommittee that was able to make recommendations without getting the input or approval from the full committee to make recommendations based on the exemptions that are proposed to be created in new legislation and then with that subset make recommendation that are informed by any current or previous recommendations from the full committee and give those to legislature without having to convene the committee. Chair Fisher is proposing to continue with that process. Bills will be available approximately mid-January. Subcommittee should meet at the end of January before session starts, to look and make recommendations and give those to relevant committee before they meet so they have opportunity to have input.

Mr. Kron, asked Mr. Miles if he knows who has taken over his role at legislative counsel, but Mr. Miles is not quite sure. Mr. Kron will be reaching out to find out to make that connection.

Fourth Agenda Item – Next Set of Exemptions to Consider

Chair Fisher, thinking about the March meeting, as the committee has a few things coming up for the January meeting. Mr. Foltz, has sent out a spreadsheet with the exemptions listed. Is there a particular order that the committee wants to review them in? **Mr. Smith**, thinks it's a bit premature to figure out what they want to talk about once they discuss what they are working. Mr. Smith, proposed that over the next months to go over that spreadsheet and if there is any specific subsections or topical area of exemptions that they would like to look at. **Mr. Foltz**, explained the spreadsheet to the committee. Exemptions are grouped by tabs and subcategories within the sheet.

Chair Fisher, would like to see a compilation of all the committee's recommendations in one place. Mr. Foltz, is assigned for that task. **Mr. Kron**, reminded the committee that since next year is an even number year, a report is due either in June or July. **Mr. Smith**, volunteered to write the report this year. **Chair Fisher**, added the report seems like a good place for all the historic committee recommendations to go on. He asked Mr. Smith to work with Mr. Foltz on that. Requested a draft of this by May for the committee to review. **Mr. Miles**, confirmed that the report is due on July 1st.

Committee discussed what next exemption they should review next from the spreadsheet. **Mr. Kron and Mr. Smith** will be going through the spreadsheet to see what should be next unless

any members of the committee have anything in particular. He doesn't want to take meeting time for this.

Chair Fisher, went over the upcoming items. January, review the healthcare exemptions and education report from Mr. Foltz. March, revisit law enforcement exemptions. May, will discuss the report.

Fourth Agenda Item – Location for Future Meeting

Next meeting will be held, in Portland on January 17, 2024 at 1:30pm and via Webex.

Legislative subcommittee will meet on January 24, 2024 at 1:30pm via Webex.

Adjournment