

November 20, 2014 Board Meeting Discussion Excerpt

Rule Discussion - Military Spouse/Partner & Licensure

This is a federal recommendation that states offer military families, basically a short cut to licensure. The Oregon Revised Statutes already contain a statute in this regard, but Lori Lindley, AAG, recommends the Board draft a rule for the specific requirements for a DC license. Dr. Goldeen moved to enter rulemaking for this proposal; Jason Young seconded the motion. Motion passed unanimously. Refer this proposal to the Rules Advisory Committee.

See Attached Adopted Rule Language and existing ORS

Lindley recommended the OBCE create a similar rule to the one the Board of Optometry adopted in January 2015

852-010-0024

Military Spouse and Domestic Partner Licensure

(1) Regardless of pathway to licensure, if the applicant is the spouse or legal domestic partner of an active service military member who is the subject of a military transfer to Oregon, the Board may issue a temporary license for up to 90 calendar days pending receipt of required good standing status confirmations, if the applicant:

(a) Meets all other requirements for licensure as stated in OAR 852-010-0015;

(b) Attests to being in good standing, with no restrictions or limitations upon, actions taken against, or investigation or disciplinary action pending against his or her license in any jurisdiction where the applicant is or has ever been licensed;

(c) The Board's review of the other jurisdictions' licensing websites and the National Practitioner Data Bank confirm no disciplinary action; and

(d) The military spouse or domestic partner submits a copy of the marriage certificate or domestic partnership registration with the name of the applicant and the name of the active duty member of the Armed Forces of the United States and proof of assignment to a duty station located in Oregon by official active duty military order for the spouse or domestic partner named in the marriage certificate or domestic partnership registration.

(2) Failure of the applicant to provide confirmation(s) required within 90 days results in automatic expiration of the temporary license. Applicant may not be reissued a temporary license.

(3) A regular license will be issued upon receipt of required status confirmation(s).

Stat. Auth.: ORS 683.040, 683.060, 683.270 & HB 2037 (2013)

Stats. Implemented: ORS 683.040, 683.060, 683.270 & HB 2037 (2013)

Hist.: OPT 2-2014, f. 11-28-14, cert. ef. 1-1-15; OPT 3-2014, f. 12-29-14, cert. ef. 1-1-15

From: SKINNER Cass * BCE

Sent: Friday, November 14, 2014 9:26 AM

To: BERINGER Kelly * BCE <Kelly.BERINGER@oregon.gov>

Cc: LINDLEY Lori <Lori.LINDLEY@state.or.us>; SKINNER Cass * BCE <Cass.SKINNER@oregon.gov>

Subject: RE: RULE change Military Spouses and licensure

Kelly,

To include within that discussion. There is this ORS already established within 676 for health professional regulatory boards generally.

676.308 Authorization to practice health profession by military spouse or domestic partner; rules. (1) As used in this section:

(a) "Authorization" means a license, registration, certificate or other authorization to engage in a profession.

(b) "Board" means a health professional regulatory board, as defined in ORS 676.160, or a board or council listed in ORS 676.583.

(c) "Military spouse or domestic partner" means a spouse or domestic partner of an active member of the Armed Forces of the United States who is the subject of a military transfer to Oregon.

(2) A board shall issue an authorization to a military spouse or domestic partner if the military spouse or domestic partner provides the board with:

(a) Evidence that the applicant is married to, or in a domestic partnership with, an active member of the Armed Forces of the United States who is assigned to a duty station located in Oregon by official active duty military order;

(b) Evidence that the military spouse or domestic partner is authorized by another state or territory of the United States to provide services regulated by the board; and

(c) Evidence that the military spouse or domestic partner:

(A) Has provided services or taught the subject matter regulated by the board for at least one year during the three years immediately preceding the date on which the military spouse or domestic partner submits an application for an authorization; and

(B) Has demonstrated competency, as determined by the board by rule, over services regulated by the board.

(3) A board may issue a temporary authorization to an applicant who applies for an authorization under subsection (2) of this section before the board receives the evidence required by subsection (2) of this section if the military spouse or domestic partner affirms on the application that the military spouse or domestic partner:

(a) Has requested evidence of authorization from the state or territory in which the military spouse or domestic partner is authorized; and

(b) Is not subject to disciplinary action in that state or territory for a matter related to services regulated by the board. [2013 c.351 §1]

From: SKINNER Cass * BCE
Sent: Friday, November 14, 2014 10:23 AM
To: BERINGER Kelly * BCE
Cc: SKINNER Cass * BCE
Subject: RE: RULE change Military Spouses and licensure

Exactly perfect questions to be addressed by the board members (and by you J) during that discussion.

From: BERINGER Kelly * BCE
Sent: Friday, November 14, 2014 10:20 AM
To: SKINNER Cass * BCE
Subject: RE: RULE change Military Spouses and licensure

Now, with this ORS already in place, I think any rule we draft should include the finer details (not a repeat of the statutory language), for example,

1. Will the military spouse be required to complete our DC application,
2. ...submit fingerprints? or
3. Take any part of the OBCE exam (i.e. Ethics)?
4. Once licensed, and they move on to the next duty station, do we treat their licenses the same as "regular" licenses (expire at renewal date, have one year to renew, re-apply after 12 months?)
5. We would need a specific application citing the requirements to apply (i.e. proof of marriage to a member of the military, proof of licensure from another state, etc.)