

Secretary of State
NOTICE OF PROPOSED RULEMAKING*
A Statement of Need and Fiscal Impact accompanies this form.

Oregon Medical Board, Licensing Department	OAR Chapter 847	
Agency and Division	Administrative Rules Chapter Number	
Malar Ratnathicam	1500 SW 1st Ave., #620, Portland, OR 97201	971-673-2713
Rules Coordinator	Address	Telephone

RULE CAPTION

[Expedited licensure by endorsement per HB 2435 \(2009\)](#)

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

RULEMAKING ACTION

Secure approval of new rule numbers (Adopted or Renumbered rules) with the Administrative Rules Unit prior to filing

ADOPT: [New Division OAR 847-026: 847-026-0000, 847-026-0005, 847-026-0010, 847-026-0015, 847-026-0020](#)

AMEND:

REPEAL:

RENUMBER:

AMEND & RENUMBER:

Stat. Auth.: **[ORS 677.265, House Bill 2435 \(2009\)](#)**

Other Auth.:

Stats. Implemented: **[ORS 677.265, House Bill 2435 \(2009\)](#)**

RULE SUMMARY

[The proposed rules are in response to House Bill 2435 \(2009\) and outline the requirements for expedited licensure by endorsement.](#)

The agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on business.

[12/28/09](#)

Last Day for Public Comment (Last day to submit written comments to the Rules Coordinator)

Kathleen Haley, Executive Director	10/20/09
Signature	Date
*Rulemaking Notices published in the Oregon Bulletin must be submitted by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a weekend or legal holiday, upon which the deadline is 5:00 pm the preceding workday. A public rulemaking hearing may be requested in writing by 10 or more people, or by an association with 10 or more members, within 21 days following the publication of the Rulemaking Notice in the Oregon Bulletin or 28 days from the date Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, notice of the date and time of the rulemaking hearing must be published in the Oregon Bulletin at least 14 days before the hearing.	
	ARC 923-2005

STATEMENT OF NEED AND FISCAL IMPACT

A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Oregon Medical Board, Licensing Department

OAR Chapter 847

Agency and Division

Administrative Rules Chapter Number

Expedited licensure by endorsement per HB 2435 (2009)

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

In the Matter of: **OAR 847, Division 026, the proposed rules are in response to House Bill 2435 (2009) and outline the requirements for expedited licensure by endorsement.**

Statutory Authority: **ORS 677.265, House Bill 2435 (2009)**

Other Authority:

Stats. Implemented: **ORS 677.265, House Bill 2435 (2009)**

Need for the Rule(s): **House Bill 2435 (2009) requires the Oregon Medical Board to implement an expedited physician licensing process by January 1, 2010. The proposed rules in new Division 026 under Chapter 847 establish the qualifications for a license by endorsement and the documents, forms and verifications that are required for such a license.**

Documents Relied Upon, and where they are available: **OAR Chapter 847, and ORS 677, Medical Practice Act; available at Board office or at http://arcweb.sos.state.or.us/rules/OARS_800/OAR_847/847_tofc.html and <http://www.leg.state.or.us/ors/677.html>. House Bill 2435 (2009) available at Board office or at <http://www.leg.state.or.us/09reg/measpdf/hb2400.dir/hb2435.en.pdf>.**

Fiscal and Economic Impact: **There is an anticipated positive fiscal impact to applicants for licensure and small businesses in the state who are trying to hire these applicants as the licensure process is expedited and the time it takes to complete the licensure process is shortened.**

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)): **The Board will incur the cost of obtaining the results of a query of the National Practitioner Data Bank and the Healthcare Integrity and Protection Data Bank for each applicant who qualifies for endorsement licensure. Applicants will not have to pay for this query, nor for verifications of all state licenses (only the most recent), or for verification of medical school and postgraduate training. Cost of administration of expedited licensure by endorsement for the Board includes modifying the Board's licensing database to track if applicants qualify and to track proper submission of endorsement requirements.**
2. Cost of compliance effect on small business (ORS 183.336): **Medical clinics may be small businesses, and, although clinics are not directly subject to these rules, there should be a positive fiscal impact to clinics resulting from being able to put the newly hired licensees to practice more quickly.**
 - a. Estimate the number of small businesses and types of business and industries with small businesses subject to the rule: **There are hundreds of medical and health care clinics, but they are not directly subject to these rules.**
 - b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services: **There is a reduction in recordkeeping activities required by applicants for expedited licensure as there are fewer requirements for submission.**
 - c. Equipment, supplies, labor and increased administration required for compliance: **None anticipated for small businesses.**

How were small businesses involved in the development of this rule? **Members of the Administrative Affairs Committee who were consulted in the development of the rule represent small businesses.**

Administrative Rule Advisory Committee consulted?: **Yes, the Administrative Affairs Committee on September 9, 2009. The rules were reviewed by the Board at its quarterly meeting on October 9, 2009.**

Signature

Kathleen Haley, Executive Director

Printed name

10/20/09

Date

OREGON ADMINISTRATIVE RULES
CHAPTER 847, DIVISION 026 – OREGON MEDICAL BOARD
PROPOSED RULES CHANGES – OCTOBER 2009
FIRST REVIEW BY THE BOARD

Proposed rules are in response to HB 2435 (2009), and outline the requirements for licensure by endorsement.

DIVISION 026
RULES FOR LICENSE BY EXPEDITED ENDORSEMENT

847-026-0000

Qualifications for License by Endorsement

(1) The Oregon Medical Board may issue a license by endorsement to a physician who:

(a) Meets the requirements for licensure as stated in OAR 847-020-0120, OAR 847-020-0130, OAR 847-020-0170, and OAR 847-023-005;

(b) Meets one of the following:

(A) Has current certification by the American Board of Medical Specialties or the American Osteopathic Association's Bureau of Osteopathic Specialists; or

(B) Is eligible for primary source verification of medical education, post-graduate training and examination scores through the state in which the applicant was originally licensed;

(c) Is in good standing, with no restrictions or limitations upon, actions taken against, or investigation or disciplinary action pending against his/her license in any state, district, territory, or jurisdiction where applicant is or has been licensed;

(d) Has not had privileges at a hospital, clinic, or surgical center denied, reduced, restricted, suspended, revoked, terminated and has not been subject to staff disciplinary action or non-renewal of an

employment contract or been requested to voluntarily resign or has privileges suspended while under investigation.

(e) No significant malpractice claims as determined by the Board;

(f) Has one (1) continuous year of current, active, unrestricted, unlimited clinical practice of medicine or surgery, or osteopathic medicine and surgery in their medical specialty as a licensee of a state, district, territory, or jurisdiction in the year preceding the physician's submission to the Board of an application to practice in Oregon, or if retired must have been retired for one (1) year or less in the year preceding the physician's submission to the Board of an application to practice in Oregon. Clinical practice will be documented by verification of staff privileges, or non-consulting medical employment. A year of accredited clinical fellowship in the applicant's medical specialty as a licensee of a state, district, territory or jurisdiction qualifies as a year of clinical practice.

(2) A physician is not eligible for licensure by endorsement if the Board finds that the applicant has engaged in conduct prohibited by ORS 677.190.

(3) An applicant ineligible for licensure by endorsement may make a full and complete application per the requirements of OAR 847, Division 020, or OAR 847, Division 023.

847-026-0005

Application

The applicant must submit a completed application to the board on a form furnished by the Board with the required non-refundable application fee. The applicant must attest that all questions have been answered completely and all answers and statements are true and correct. Any false information is grounds for denial, limitation, suspension or revocation of licensure.

847-026-0010

Documents, Letters, Certifications Obtained by the Board

The Board will obtain the following documents, letters, certifications and results of queries of national databases required for licensure on behalf of the applicant:

(1) Verification of certification by the American Board of Medical Specialties or the American Osteopathic Association's Bureau of Osteopathic Specialists;

(2) Verification of re-certification by the American Board of Medical Specialties or the American Osteopathic Association's Bureau of Osteopathic Specialists;

(3) The results of a query of the National Practitioner Data Bank and the Healthcare Integrity and Protection Data Bank; and

(4) The results of the query of the Federation of State Medical Boards' Board Action Data Bank.

847-026-0015

Documents and Forms to be Submitted for Licensure

(1) The following additional documents are required for a completed application and can be submitted by the applicant, the applicant's initial state of licensure, or the Federation of State Medical Boards' Federation Credentialing Verification Service Profile (FCVS):

(a) Birth Certificate: A copy of the applicant's birth certificate for proof of name and birth date, and any name change documentation if there has been a name change from birth name;

(b) Medical School Diploma: A copy of a diploma showing the applicant's graduation from an approved school of medicine, or a foreign school of medicine that meets the requirement of OAR 847-020-0130 (2)(b)(D);

(c) Internship, Residency and Fellowship Certificates: A copy of official internship, residency and fellowship certificates showing the applicant's completion of all postgraduate training;

(2) The applicant must submit the following:

- (a) An open-book examination on the Medical Practice Act and an open-book examination on the regulations of the Drug Enforcement Administration governing the use of controlled substances;
- (b) The completed fingerprint card with the Identification Verification form.

847-026-0020

Letters and Official Grade Certifications to be Submitted for Licensure

The applicant must request official letters or verifications to be sent to the Board directly from the following:

(1) The Executive Secretary of the State Boards in the United States or Canada where the applicant has been currently or most recently practicing. The currently dated original verification of license (copy is not acceptable) shall show license number, date issued, grades if applicable and status.

(2) The National Board of Medical Examiners (NBME), the National Board of Osteopathic Medical Examiners (NBOME), the Medical Council of Canada (LMCC), or the Federation of State Medical Boards (FLEX, USMLE) must provide an official grade certification;

(3) The Director or other official for practice and employment in hospitals, clinics and surgical centers in the United States and Canada. A verification form or letter with original signature must be submitted from the practice sites where the applicant was physically practicing which shall include an evaluation of overall performance and specific beginning and ending dates of practice and employment from the past five (5) years.