

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

Occupational Therapy Licensing Board

339

Agency and Division

Administrative Rules Chapter Number

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**RULE CAPTION**

Require applicants to take Law Ethics Exam and require other background checks.

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

**RULEMAKING ACTION**

Secure approval of rule numbers with the Administrative Rules Unit prior to filing

**ADOPT:**

339-010-0013

**AMEND:**

339-010-0012

**REPEAL:**

**RENUMBER:** Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

**AMEND AND RENUMBER:** Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

**Statutory Authority:**

ORS 675.320(8)

**Other Authority:**

Board meeting Feb. 3, 2012; Newsletter Jan. 2012

**Statutes Implemented:**

ORS 675.320

**RULE SUMMARY**

The first rule allows the Board to require an Oregon Law Ethics Exam to be taken and passed by applicants.

The second rule adds to the rule on Fingerprinting that the Board may also require criminal history checks, including Law Enforcement Data System (LEDS). Although there is a current rule allowing fingerprinting, the 2011 Legislature did not approve a Board limitation for fingerprinting (that applicants would have to pay for). As an alternative, the Board may decide to require and fund the cost of other history background checks such as the LEDS.

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 Notice of Proposed Rulemaking 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, the notice of the date and time of the rulemaking hearing must be published in the *Oregon Bulletin* at least 14 days before the hearing.

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

5/5/2012 SA

03-30-2012 Close of Business

Felicia Holgate

Felicia.M.Holgate@state.or.us

2-22-12 1:52p.m.

Last Day (m/d/yyyy) and Time  
for public comment

Printed Name

Email Address

Date Filed

\*The *Oregon Bulletin* is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation. Notice forms must be submitted to the Administrative Rules Unit, Oregon State Archives, 800 Summer Street NE, Salem, Oregon 97310 by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a Saturday, Sunday or legal holiday when Notice forms are accepted until 5:00 pm on the preceding workday.

ARC 923-2003

Secretary of State  
**STATEMENT OF NEED AND FISCAL IMPACT**

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

Occupational Therapy Licensing Board

339

Agency and Division

Administrative Rules Chapter Number

Require applicants to take Law Ethics Exam and require other background checks.

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

In the Matter of:

The Oregon Occupational Therapy Licensing Board requiring applicants to take an Oregon Law Ethics exam and doing background checks such as the Law Enforcement Data System (LEDS).

Statutory Authority:

ORS 675.320(8)

Other Authority:

Board meeting Feb. 3, 2012; Newsletter Jan. 2012

Stats. Implemented:

ORS 675.320

Need for the Rule(s):

The Law Ethics exam will help the Board education applicants before they get licensed. As the 2011 legislature did not approve the appropriation for applicants to pay for fingerprinting, the Board proposes to amend the fingerprinting rule to allow for other background checks, such as the Law Enforcement Data System (LEDS).

Documents Relied Upon, and where they are available:

Newsletter, Jan. 2012; Board meeting, Feb. 3, 2012

Fiscal and Economic Impact:

There is no cost to applicants to take the Law Ethics Exam and the Board would pay for the cost of other background checks.

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):

The costs for the exam and background checks would be absorbed in the Board's budget

2. Cost of compliance effect on small business (ORS 183.336):

a. Estimate the number of small business and types of businesses and industries with small businesses subject to the rule:

There should not be any costs to small businesses.

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:

The Board would absorb cost of the exam and background checks

c. Equipment, supplies, labor and increased administration required for compliance:

Costs would be absorbed by the Board.

How were small businesses involved in the development of this rule?

If not, why?:

All applicants were advised of the proposed rules; they were sent to the state Association and the OT School at Pacific.

Administrative Rule Advisory Committee consulted?: Yes

The State Association Board is used in place of an advisory committee and are specifically asked to consider rule changes.

6/5/2012  
03-30-2012 Close of Business

Felicia Holgate

Felicia.M.Holgate@state.or.us

2-22-12 1:52 PM

Last Day (m/d/yyyy) and Time  
for public comment

Printed Name

Email Address

Date Filed

Agenda item # 5 on Feb. 3 Board meeting

## **Proposed Rules on background checks and Ethics/law exam for applicants**

**Note: new language is bold and underlined and current language is not**

### **New: 339-010-0013 Law Ethics Exam Requirement**

**Applicants for licensure for an Oregon Occupational Therapy license may be required to take and successfully pass an Oregon Law/ethics examination with a passing score set by the board.**

### **Amend: 339-010-0012 Background Checks and Fingerprinting Requirements**

The Board may require **Oregon or National criminal history checks, including fingerprints or other background checks such as the Law Enforcement Data System (LEDS)**, from any applicants for a license as an occupational therapist or occupational therapy assistant, a limited permit, an applicant to reinstate a lapsed license, and applicant or licensee under investigation to determine their fitness. The fingerprints will be on forms prescribed by the Board. The Board will provide information on where acceptable fingerprints may be obtained and what acceptable procedure is to be used for submitting them. The Board will use the fingerprints to conduct Criminal History Checks. Fingerprint cards will be destroyed as required by law.

Stat. Auth.: ORS 675.320

Other Auth.: OAR 339-005-0000

Stats. Implemented: Hist.: OTLB 1-2011, f. 6-13-11, cert. ef. 7-1-11