



SEPTEMBER 2014 PROPOSED RULE AMENDMENTS

1. ADD the following to Division 10:

875-010-0010

State and Nationwide Criminal Records Checks, Fitness Determinations

- (1) The purpose of these rules is to provide for the reasonable screening of applicants and licensees in order to determine if they have a history of criminal behavior that precludes fitness to hold a license to practice as a veterinarian or Certified Veterinary Technician.
- (2) These rules are to be applied when evaluating the criminal history of an applicant or licensee and conducting fitness determinations based upon such history. The fact that an applicant or licensee has cleared the criminal history check does not guarantee the granting, renewal or reinstatement of a license.
- (3) The Board may require fingerprint or background checks to determine fitness for licensure of: applicants for an initial license; licensees applying for renewal or reinstatement; and licensees under investigation. Fingerprint or background checks will be obtained through a process determined by the Board consistent with Oregon State Police procedures. Fingerprint checks may not be required for persons who have resided in Oregon for at least five years at the time of application, renewal or reinstatement.
- (4) The Board may determine eligibility for a license based on the criminal records background check, any false statements made by the applicant or licensee regarding the criminal history of the individual, any refusal to submit or consent to a criminal records check including fingerprint identification, and any other pertinent information obtained as part of an investigation. If an applicant is determined to be unfit, the initial license application, or renewal or reinstatement application may be denied. The Board may make a fitness determination conditional upon applicant's or licensee's acceptance of probation, conditions, limitations, or other restrictions upon licensure.
- (5) Except as otherwise provided in section (2), in making the fitness determination the Board considers:
 - (a) The nature of the crime;
 - (b) The facts that support the conviction or pending indictment or that indicate the making of the false statement;
 - (c) The relevancy, if any, of the crime or the false statement to the specific requirements of the applicant's or licensee's present or proposed license; and
 - (d) Intervening circumstances relevant to the responsibilities and circumstances of the license. Intervening circumstances include but are not limited to:
 - (A) The passage of time since the commission of the crime;
 - (B) The age of the applicant or licensee at the time of the crime;
 - (C) The likelihood of a repetition of offenses or of the commission of another crime;
 - (D) The subsequent commission of another relevant crime;
 - (E) Whether the conviction was set aside and the legal effect of setting aside the conviction; and
 - (F) A recommendation of an employer.

- (6) All requested background checks include available state and national data, unless obtaining one or the other is an acceptable alternative.
- (7) In order to conduct the Oregon and National Criminal History Check and fitness determination, the Board may require additional information from the licensee or applicant as necessary, such as but not limited to, proof of identity; residential history; names used while living at each residence; or additional criminal, judicial or other background information.
- (8) Criminal offender information is confidential. Dissemination of information received under ORS 181.534 is only to people with a demonstrated and legitimate need to know the information. The information is part of the investigation of an applicant or licensee and as such is confidential pursuant to 676.175(1).
- (9) The Board will permit the individual for whom a fingerprint-based criminal records check was conducted to inspect the individual's own state and national criminal offender records and, if requested by the subject individual, provide the individual with a copy of the individual's own state and national criminal offender records.
- (10) The Board may consider any conviction of any violation of the law for which the court could impose a punishment and in compliance with ORS 670.280. The Board may also consider any arrests, court records, or other information that may be indicative of an individual's inability to perform as a licensee with care and safety to the public.
- (11) If an applicant or licensee is determined not to be fit for a license, the applicant or licensee is entitled to a contested case process pursuant to ORS 183.413-183.470. Challenges to the accuracy or completeness of information provided by the Oregon Department of State Police, Federal Bureau of Investigation and agencies reporting information must be made through the Oregon Department of State Police, Federal Bureau of Investigation, or reporting agency and not through the contested case process pursuant to ORS 183. If an individual successfully contests the accuracy or completeness of information provided by the Oregon State Police, the FBI or other reporting agency, the Board will conduct a new criminal history check upon submission of a new request.
- (12) If the applicant discontinues the application process or fails to cooperate with the criminal history check process, the application is considered incomplete.

2. AMEND Division 30 (*new text in paragraphs (3) and (4)(d) is in italics*):

875-030-0010

Criteria for Becoming a Certified Veterinary Technician (CVT)

In order to be licensed as a CVT, an individual must:

- (1) Pass the examinations referred to in OAR 875-030-0020; and
 - (2) Hold a certificate in veterinary technology (or a comparable certificate) from a college accredited by the American Veterinary Medical Association, or other program approved by the Board;
- or*
- (3) *Have been actively licensed in good standing as a licensed veterinary technician in another state or states for a period of at least five years and:*
 - A) Have been employed as a licensed veterinary technician or instructor of veterinary technology for a minimum of three of the last five years; and*
 - B) Pass the examinations referred to in OAR 87-030-0020, and*
 - C) Provide notarized letters confirming clinical competency as a veterinary technician or instructor from at least a veterinarian who supervised the applicant pursuant to A of this section; and*
 - D) Provide W2 federal tax forms or other Board-approved proof of employment as a licensed veterinary technician or instructor; and*
 - E) Provide proof of CE as required in OAR 875-010-0090 that is current at the time of application..*

875-030-0030

Issuance of Licenses, Fees, Renewals for Certified Veterinary Technicians

- (1) Upon filing a complete application and meeting all the criteria of OAR 875-030-0010, the Board will issue the applicant a Certified a Veterinary Technician license.
- (2) Each CVT license shall expire on December 31st of each year.
- (3) On or about November 1 of each year, the Board will send a renewal application to the last known address of the CVT on file with the Board. CVTs shall keep the Board advised of their address at all times. The Board shall be entitled to rely on its records, regardless of whether the CVT keeps the Board so advised.
- (4) CVTs may be renewed annually without re-examination upon timely application. A renewal application accompanied by the annual fee of \$35 must be returned to the Board postmarked no later than December 31st of each year in order to be considered timely filed.
 - (a) Renewal forms received or postmarked between January 1st and 31st will incur a late fee of \$10.
 - (b) Renewal forms received or postmarked between February 1st and February 28 or 29 will incur a late fee of \$25.
 - (c) Renewal forms received or postmarked between March 1st and April 30 will incur a late fee of \$35.
 - (d) If the CVT license lapses, a 21-month grace period begins. The CVT may renew the license within the 21-month period by paying the maximum delinquent fee and the current annual renewal fee, and by providing documentation of veterinary technician activities, including having completed 15 hours of approved continuing education, during the interim. After 21 months, the CVT may have to re-qualify for licensure by taking an examination specified by the board. *After a period of 60 months, the license shall not be renewed or reinstated, and the individual will be considered a new applicant and must meet all current license eligibility requirements.*

3. For Division 15, the Board proposes to replace 'veterinary medical facility' with 'veterinarian' as below:

875-015-0030

Minimum Veterinary Practice Standards

Each ~~veterinary medical facility~~ veterinarian shall comply with the following: