

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

<u>Oregon Board of Naturopathic Medicine</u>	850
Agency and Division	Administrative Rules Chapter Number
<u>Anne Walsh</u>	(971) 673-0193
Rules Coordinator	Telephone
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Address	

**RULE CAPTION**

Amendments that clarify existing licensing requirements and making examination and license application requirements separate rules

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:**

850-030-0031 Application for Initial License (new with the split from 850-030-0030)

**AMEND:**

OAR 850-030-0010 Requirements for Application; 850-030-0030 Application for Examination; Application for License; 850-030-0070 Reciprocity

**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 685.080 & ORS 685.125

**Other Authority:**

**Statutes Implemented:**

ORS 685.070, 685.080, 685.085

**RULE SUMMARY**

850-030-0010, 850-030-0030, and 850-030-0070 are being amended to clarify existing licensing requirements by application and examination.

850-030-0031 is new rule to split the existing examination and license application requirements into two separate clarifying rules.

Requirements are currently found in one rule - 850-030-0030.

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.

<u>06-01-2012 3:00pm</u>	<u>Anne Walsh</u>	<u>Anne.Walsh@state.or.us</u>	<u>4-12-12 9:54a.m.</u>
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

STATEMENT OF NEED AND FISCAL IMPACT

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

Oregon Board of Naturopathic Medicine

850

Agency and Division

Administrative Rules Chapter Number

Amendments that clarify existing licensing requirements and making examination and license application requirements separate rules

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

In the Matter of:

OAR 850-030-0010; 850-030-0030; 850-030-0031; 850-030-0070

Statutory Authority:

ORS 685.080 & ORS 685.125

Other Authority:

Stats. Implemented:

ORS 685.070, 685.080, 685.085

Need for the Rule(s):

Clarify the already existing licensure requirements. Separating 850-030-0030 into two rules (850-030-0031) will clarify the different applications.

Amends are purely for purposes of clarifying the existing requirements; there is no fiscal impact on applicants or licensees

Documents Relied Upon, and where they are available:

ORS 685: found at <http://www.oregon.gov/OBNM/ORSOAR.shtml>

Fiscal and Economic Impact:

n/a

Statement of Cost of Compliance:

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

n/a

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:

n/a

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

n/a

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

n/a

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

If not, why?:

All interested parties are sent notice of proposed rule making.

There is no fiscal impact to anyone, even this agency

Administrative Rule Advisory Committee consulted?: No

All interested parties are advised of proposed rulemaking and asked to comment. There is no fiscal impact change with these amendments

06-01-2012 3:00pm

Anne Walsh

Anne.Walsh@state.or.us

4-12-12 9:54 AM

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

Printed Name

Email Address

Date Filed

850-030-0010

**Requirements for Application**

(1) Any applicant for the basic science examination must be enrolled and entering at least the third year of an approved naturopathic college. Any applicant for the clinical sciences examination shall be a graduate of an approved naturopathic college that offers a resident four-year course of at least 4,000 hours.

(2) Each applicant shall submit satisfactory evidence of having had, prior to matriculation into a naturopathic college, at least two years Liberal Arts or Science study in a college or university accredited by either the Northwest Association of Secondary Schools and Colleges or a like regional association or in a college or university in Oregon approved for granting degrees by the Educational Coordinating Commission.

(1) An individual applying for an initial license to practice in Oregon must undergo examination as provided in OAR 850-030-0030 and comply with OAR 850-030-0031 before the Board may issue a license to practice Naturopathic medicine in Oregon.

(2) An applicant for examination may submit information required for a criminal background check with application for examination. This information is required with the application for initial license, and a criminal background check must be completed before a license can be issued.

(3) An individual seeking to take the Naturopathic Physician Licensing Examinations (NPLEX) must register through the North American Board of Naturopathic Examiners (NABNE) and meet the qualifications established by NABNE. The Board does not administer NPLEX examinations.

(4) An individual who seeks to obtain a license by reciprocity must comply with OAR 850-030-0070.

Stat. Auth.: ORS 183 & 685

Stats. Implemented:

Hist.: NE 2, f. 6-7-59; NE 2-1984, f. & cf. 2-28-84; NE 1-1986, f. & cf. 4-10-86; NE 3-1990(Temp), f. 11-27-90, cert. ef. 12-1-90; Renumbered from 850-010-0010, BNE 8-2005, f. & cert. ef. 10-27-05

(No CHANGES TO 850-030-0020)  
850-030-0020

**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 such that they are not fit to be granted or hold a license that is issued by the Board.

(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 or renewal of a license.

(3) The Board may require fingerprints of all applicants for an initial license as a naturopathic physician, licensees applying to reinstate a lapsed license, and licensees under investigation to determine the fitness of an applicant or licensee. These fingerprints will be provided on prescribed forms made available by the Board. Fingerprints may be obtained at a law enforcement office or at a private service acceptable to the Board; the Board will submit fingerprints to the Oregon Department of State Police to conduct a Criminal History Check and a National Criminal History Check. Any original fingerprint cards will subsequently be destroyed by the Oregon Department of State Police.

(4) The Board determines whether an applicant or licensee is fit to be granted 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 applicant may not be granted a license. If a licensee is determined to be unfit the licensee's license may not be reinstated. 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 ORS 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 183.415-470. 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.

Stat. Auth.: ORS 685.125

Stats. Implemented: ORS 685.195

Hist.: BNE 2-2007, f. & cert. ef. 6-12-07; BNE 3-2008, f. 4-21-08, cert. ef. 6-10-08

#### 850-030-0030

##### Application for Examination; ~~Application for License~~

- (1) An individual applying for a license by examination must pass the following Naturopathic Physician Licensing Examinations (NPLEX) that are administered by the North American Board of Naturopathic Examiners (NABNE): the basic science examination also known as the NPLEX Part I Biomedical Science examination, the core clinical examinations also known as NPLEX Part II Clinical Science examinations and the Minor Surgery examination.
- (2) An individual applying for a license must pass the following state examinations: the Formulary and Jurisprudence examinations. To be eligible to sit for the state Formulary or Jurisprudence examinations an applicant must have passed NPLEX Part I, and be eligible to sit for NPLEX Part II and Minor Surgery examination, or have already passed Part I, Part II and the Minor Surgery examinations.
- (1)(3) Any application for examination by the Board shall be filled out, without alterations, on an application applicant applying to take the state Formulary or Jurisprudence examinations for Oregon must: furnished by the Board
- (a) Submit a completed application, furnished by the Board. If the applicant is applying to take both examinations, the applicant may submit one application for both exams;
- (a) The application shall be filed with the Board prior to the date of the examination.
- (b) Submit a copy of the applicant's naturopathic physician's diploma of graduation from the school of naturopathic medicine accredited by the Council of Naturopathic Medical Education (CNME); and transcripts shall be attached to the examination application.
- (c) Have transcripts from any school of naturopathic medicine attended by the applicant submitted to the Board directly from the school; and
- (d) Pay the non-refundable fees per 850-030-0035.
- (4) An applicant may submit fingerprint cards and the fee for the criminal background check at the same time as submitting the application for examination. Fingerprint cards for the criminal background check are not required to take the Formulary or Jurisprudence examinations, but failure to submit the cards with the

examination application may increase the time before a license may be issued when the applicant submits the application for initial license.

(2) Application for licensure may be made after passing national and state examinations.

(a) Payment of license fee must be made within one year of passing examinations. If payment is not received within one year of passing the examinations, state examinations will need to be retaken.

(b) Application for initial license must be made within two years of passing state examinations if licensed in another licensing jurisdiction. If not completed within two years of initial application, state jurisprudence and formulary examinations will need to be retaken.

(5) The Board may allow a licensee or other individual who is not applying for licensure by examination to apply for and take the state Formulary or Jurisprudence examination on a case-by-case basis.

Stat. Auth.: ORS 685

Stats. Implemented: ORS 685.070

Hist.: NE 2, f. 6-7-59; NE 2-1984, f. & ef. 2-28-84; BNE 6-2001, f. 10-9-01, cert. ef. 1-1-02; Renumbered from 850-010-0030, BNE 8-2005, f. & cert. ef. 10-27-05

### **850-030-0031 Application for Initial License**

An individual who has successfully completed the examinations required for licensure may apply for an initial license.

(1) An individual must submit the following for an initial license application:

(a) A completed license application, on the form furnished by the Board;

(b) Arrange for NABNE to submit to the Board proof that the individual has successfully passed the required NPLEX examinations;

(c) Successfully pass the Oregon Formulary and Jurisprudence examinations;

(d) Have undergraduate transcripts submitted directly from the college or university to the Board from the colleges or universities the individual attended and which attendance was used to support admission into the naturopathic school from which the individual graduated;

(e) Submit to a national criminal background check per ORS 685.195 by providing to the Board fingerprint cards that can be read for purposes of a background check along with the required fee under OAR 850-030-0035;

(f) Pay the non-refundable license application fee under OAR 850-030-0035.

(2) To qualify for an initial license an individual must submit the completed application for initial license within one year of receiving notification of successfully passing the required examinations. If the individual does not submit a complete application within one year of passing the required examinations, the Board may no longer accept the results on the state examinations, in which case one or both of the state examinations would need to be retaken.

Stat. Auth.:

Stats. Implemented:

Hist.:

### **850-030-0070**

#### **Initial License by Reciprocity**

The Board on an individual basis ~~can~~ may consider reciprocity for applicants ~~individuals~~ who hold an active license to practice naturopathic medicine in ~~of~~ good-standing ~~standing in~~ Naturopathic medicine, in another state, ~~or jurisdiction or territory of the United States, the District of Columbia or Canada.~~

(1) If an individual is currently licensed as a naturopathic physician in good-standing in another licensing state or jurisdiction following successful completion of the NPLEX examinations required by Oregon, the individual must submit a complete license application within two years after successfully passing the required state examinations administered by the Board.

(a) The individual must have verification that he or she is licensed and in good standing as a naturopathic physician directly submitted from the state or jurisdiction in which license is held.

(b) If the individual does not submit a complete license application within two years of passing the required national and state examinations, the Board may no longer accept the individual's results on those examinations in which case one or more of all the exams would need to be retaken.

(2) To qualify for license by reciprocity an individual must submit the following for an initial license:

(a) A completed initial license application, on the form furnished by the Board;

(b) Arrange for NABNE to submit to the Board proof that the individual has successfully passed the NPLEX examinations required by the Board;

(c) Successfully pass the Oregon Formulary and Jurisprudence examinations;

(d) Have undergraduate transcripts submitted directly from the college or university to the Board from the colleges or universities the individual attended and which attendance was used to support admission into the naturopathic school from which the individual graduated;

(e) Submit to a national criminal background check per ORS 685.195 by providing to the Board fingerprint cards that can be read for purposes of a background check along with the required fee under OAR 850-030-0035;

(f) Pay the non-refundable license application fee under OAR 850-030-0035.

(3) An applicant may submit fingerprint cards and the fee for the criminal background check at the same time as submitting the application for the Formulary or Jurisprudence examinations. Fingerprint cards are not required to take the Formulary or Jurisprudence examinations, but may delay licensure once an initial application for license is made.

(4) Applicants for license by reciprocity must possess qualifications equal to those required of persons eligible for licensure by examination under ORS 685. An application for license by reciprocity will be denied if applicant does not meet all those qualifications.

~~If an application for license by reciprocity is not completed within one year of receipt of application, the applicant will need to reapply.~~

Stat. Auth.: ORS 685

Stats. Implemented:

Hist.: NE 2, f. 6-7-59; NE 2-1984, f. & ef. 2-28-84; BNE 7-2001, f. 10-9-01, cert. ef. 1-1-02; Renumbered from 850-010-0070, BNE 8-2005, f. & cert. ef. 10-27-05

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