

DIVISION 1
PROCEDURAL RULES

331-001-0010

Model Rules of Procedure

Pursuant to ORS 183.341, the Health Licensing Office adopts the Model Rules of Procedure, OAR 137-001-0005 through 137-001-0100, in effect on March 23, 2018, as promulgated by the Attorney General of the State of Oregon under the Administrative Procedures Act, as the rules of procedure for rulemaking actions of the Health Licensing Office.

Stat. Auth.: ORS 183, 676.565, 676.615, 681.700-681.730

Stats. Implemented: ORS 183, 676.565, 676.615, 681.700-681.730

331-001-0015

Applicability of Office Rules

The provisions of OAR 331-001-0000 through 331-030-0040 shall apply in the administration and regulation of all programs administered by the Office pursuant to ORS 676.565 and ORS 681.700 to 676.730 except as otherwise provided.

Stat. Auth.: ORS 676.565, 676.615, 681.700-676.730

Stats. Implemented: 676.565, 676.615, 681.700-676.730

331-001-0020

Administrative Rules and Rulemaking

The Office will maintain an interested-parties mailing list and may periodically request that persons on this list confirm that they wish to remain on the list.

Stat. Auth.: ORS 676.565, 676.615, 681.700-681.730

Stats. Implemented: 676.565, 676.615, 681.700-681.730

DIVISION 10

GENERAL ADMINISTRATION

331-010-0000

Definitions

Unless the context requires otherwise, these definitions shall apply to all boards, councils and programs under ORS 676.565 and ORS 681.700 to 676.730.

(1) "Affidavit of licensure" means an original document or other approved means of verifying an authorization to practice (licensure or registration), status and history, including information disclosing all unresolved or outstanding penalties and disciplinary actions.

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- (2) "Office" means the Health Licensing Office.
- (3) "Practitioner" means an individual who has been issued an authorization by the Office.
- (4) "Program" refers to the boards, councils and programs listed in ORS 676.565 and ORS 681.700 to 676.730 and administered by the Office.

Stat. Auth.: ORS 676.565, 676.615, and ORS 681.700 to 676.730
Stats. Implemented: ORS 676.565, 676.615, and ORS 681.700 to 676.730

331-010-0010

Fees

- (1) Payments made to the Office must be made for the exact amount of the transaction.
- (2) When the Office receives payment and required documentation that is incomplete or incorrect, it may be returned to the sender for correction before being processed by the Office and late fees may accrue.
- (3) Fees will be applied as directed by the applicant, authorization holder or payer. Misapplied fees may be corrected by written request specifying the certificate, license, permit or registration number(s) affected and the action requested, subject to conditions in OAR 331-010-0020(2).
- (4) Payments received by the Office without indication of purpose or intent will be applied toward any outstanding civil penalty balance or administrative processing fees.
- (5) Fee schedules are published in the administrative rules for each program administered by the Office.
- (6) Whenever a bank check, credit or debit transaction in payment of an obligation due for fees, penalties, copies of records or materials, or other services to the Office, is dishonored by the bank upon which the check is drawn, the applicant or authorization holder must pay a \$25 administrative-processing fee. The Office may take any other disciplinary action against an authorization holder or payer, and may seek other legal remedies to collect the returned items. If a check is returned for NSF or uncollected funds, the Office will attempt to collect payment electronically.

Stat. Auth.: ORS 30.701, 676.625, 676.565, 681.730
Stats. Implemented: ORS 30.701, 676.625, 30.701, 676.625, 676.565, 681.730

331-010-0020

Refund of Payments

- (1) The Office will not refund any payment, fees, penalties or other charges unless the Office is in error. Incorrect information supplied by the authorization holder or payer and used by the Office is not an error.

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(2) The Office will comply with ORS 291 and 293 and the Oregon Accounting Manual regarding administration of public funds pertaining to assessment of fees, charges and refunding monies.

(3) Application fees will not be refunded. The Office will retain the application fee if an applicant withdraws the application for a certificate, license, permit or registration before the issuance of the authorization, or fails to complete the application process.

(4) The Office may refund fees paid for a scheduled examination on a case-by-case basis when the applicant fails to appear. The Office may request documentation from the individual to validate the circumstance cited and may refund the fees or reschedule an examination.

Stat. Auth.: ORS 30.701, 293.445, 676.565, 676.625, 681.730

Stats. Implemented: ORS 30.701, 293.445, 676.565, 676.625, 681.730

331-010-0030

Fees for Public Records

(1) When determining fees associated with the processing of requests for public records, the Office will follow the statewide standardized fee-structure policy number 107-001-030 maintained by the Department of Administrative Services and adopted on Feb. 15, 2017.

(2) Notwithstanding section (1), the Office adopts the following for determining fees generated by providing paper or electronic copies to requestors:

(a) The 2017-2019 Oregon state printing and distribution price list.

(b) The Dec. 19, 2014, Oregon statewide price agreement with OfficeMax.

(c) Actual cost for delivery of records such as postage and courier fees.

(3) All requests for copies of public records pertaining to the Office, or any program it administers, shall be submitted in writing, electronic mail, or by completion of an electronic form provided by the agency. Requests are subject to disclosure according to the Public Records Law, ORS 192.410 to 192.505, and rules adopted thereunder.

(4) All estimated fees and charges must be paid before public records will be made available for inspection or copies provided.

(5) Charges to the general public shall be payable in cash, cashier's check, money order, or credit card. Payment by personal check for copies of official documents is not accepted.

(6) "Page" refers to the number of copies produced. Staff will not reduce the copy size or otherwise manipulate records in order to fit additional records on a page, unless staff concludes that it would be the most effective use of their time. Consistent with ORS 192.240, all copies will be double-sided. A double-sided copy will be charged as two single pages.

(7) Charges for regular Office publications and media requests, such as computer disks,

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video cassettes, audio tapes or other types of public record formats, shall be available upon request and a price list shall be published on the Office website annually.

(8) When mailing voluminous records or responding to special requests, the Office shall charge for staff time required to prepare the records for mailing, in addition to actual postage.

(9) The Office shall charge for staff time required to fill public record requests that require electronic reproduction. Charges include time spent locating, downloading, formatting, copying and transferring records to media. Charges for reproduction media are available upon request.

(10) Due to the threat of computer viruses, the Office will not permit individuals to provide diskettes or other technology for electronic reproduction of computer records.

(11) Persons may obtain a printed copy of rules or related documents upon written request and payment of fees as specified in OAR 331-010-0030.

Stat. Auth.: ORS 192.338, 30.701, 676.565, 676.625, 681.700-681.730

Stats. Implemented: ORS 192.338, 30.701, 676.565, 676.625, 681.700-681.730

331-010-0040

Notification Requirements

Authorization holders must notify the Office of information changes within 30 calendar days of the change. Notice must be submitted in writing, at the Office, by regular U.S. Postal Service, facsimile transmission, or electronic mail. Changes include:

(1) The authorization holder's first and last name. The change must be accompanied by:

(a) A government-issued marriage certificate or license (signed by a government official and including a filed date, stamp, seal or other notation showing that the document has been filed with a government agency);

(b) A certificate of registered domestic partnership issued by a city, county or state vital statistics agency;

(c) A U.S. city, county or state court-issued divorce decree, judgment of dissolution or annulment of marriage, or judgment of dissolution or annulment of domestic partnership;

(d) A government-issued death certificate of spouse, that includes a connection to your current full legal name (signed by a government official and including a stamp to show that the document has been filed);

(e) A U.S. city, county or state court-issued adoption decree;

(f) A U.S. city, county or state court-issued legal name change decree;

(g) A U.S. city, county or state court-issued custody decree or guardianship decree; or USCIS

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Certificate of Naturalization showing new name; and

(h) You must also provide one acceptable form of photographic identification in addition to the required legal name change documentation pursuant to OAR 331-030-0000(8) and (10).

(2) The authorization holder's residential or mailing address, telephone number, including area code, employment status; or work location.

(3) A facility license holder's facility name or Assumed Business Name as filed with Secretary of State, Corporations Division, business telephone number, including area code, address changes resulting only from city or U.S. Postal Service action, mailing address; or closure or sale of business facility or practice.

(4) An independent contractor authorization holder's facility name, physical address, telephone number including area code, and license number; changing permanent work location or performing services at multiple licensed facilities on a permanent or temporary basis.

Stat. Auth.: ORS 676.565, 676.615, 681.700-681.730

Stats. Implemented: ORS 676.565, 676.615, 681.700-681.730

331-010-0050

Authorization Holders; Military Leave

(1) An individual authorized to practice under a program administered by the Office is not required to renew the authorization or pay renewal fees while in active military service unless required by the authorization holder's branch of the military.

(2) To be restored to former authorization status, the holder must notify the Office in writing within 60 days of being honorably discharged.

(3) No fees will be due until the following renewal period.

(4) Requirements for completing continuing education hours during an authorization holder's active-duty period shall be evaluated on a case-by-case basis.

Stat. Auth.: ORS 676.565, 676.615, 408.450, 681.700-681.730

Stats. Implemented: ORS 676.565, 676.615, 681.700-681.730

331-010-0055

Military Spouse or Domestic Partner Temporary Authorization to Practice

(1) Pursuant to ORS 676.308, "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.

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(2) A military spouse or domestic partner holding a temporary authorization to practice in a profession listed under ORS 676.565 and 681.700 to 676.730 may perform services within the profession.

(3) A temporary authorization may be immediately issued to a military spouse or domestic partner; it is valid for three months, and may not be renewed.

Stat. Auth.: ORS 676.308, 676.565, 676.615, 681.700-681.730

Stats. Implemented: ORS 676.308, 676.565, 676.615, 681.700-681.730

331-010-0060

Requirements for Temporary Authorization to Practice for a Military Spouse or Domestic Partner

(1) To qualify under this rule for a temporary authorization to practice a profession under the Office's authority, a military spouse or domestic partner must submit a completed application prescribed by the Office and:

(a) Submit a copy of a 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;

(b) Submit a copy of the assignment to an Oregon duty station by official active duty military order for the spouse or domestic partner named in the marriage certificate or domestic partnership registration; and

(c) Attest that the applicant has requested evidence of authorization from the state or territory in which the applicant is authorized to practice in a profession comparable to a profession under the Office's authority, and that the applicant is not subject to any discipline action in that state or territory for a matter related to services comparable to a service regulated by the Office or the program under which authorization is sought.

(2) HLO shall expedite processing of applications for authorization under this rule.

(3) If the applicant demonstrates that all required qualifications listed in section (1) of this rule have been met and the Office receives the evidence listed in (3)(a)-(c) before the temporary authorization expires, then the temporary authorization will become the applicant's original authorization to practice a profession listed under ORS 676.565 and 681.700 to 676.730.

(a) The applicant must submit evidence that the applicant meets qualifications for authorization as provided in the statutes and rules of the program for which authorization is sought, including examinations.

(b) The applicant must submit evidence of having at least one year of active practice in the profession or occupation for which authorization is sought during the three years immediately preceding the application.

(c) The Office receives evidence that the applicant is authorized by another state or territory to practice in a profession comparable to a profession under the Office's authority and that the applicant is not subject to disciplinary action in that state or territory for a matter related to

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services comparable to a services regulated by the Office or the program under which authorization is sought.

(4) Notwithstanding any other rules administered by the Office, an applicant for a temporary authorization under this rule must submit all applicable fees for an original authorization listed within the program rules administered under ORS 676.565 and 681.700-681.730

Stat. Auth.: ORS 676.308, 676.565, 676.615, 681.700-681.730

Stats. Implemented: ORS 676.308, 680.515, 676.565, 681.700-681.730

331-010-0070

Using Military Training or Experience

An individual seeking to use military training or experience as a qualification for an authorization to practice a profession or occupation in a program administered under ORS 676.565 and ORS 681.700 to 681.730 must submit a Joint Services Transcript demonstrating completion of military training or experience that is substantially equivalent to requirements set forth in statute or rule by the Office or its programs.

Stat. Auth.: ORS 676.308, 676.565, 676.615, 681.700-681.730

Stats. Implemented: ORS 676.308, 676.565, 680.515, 681.700-681.730

DIVISION 20

REGULATORY OPERATIONS RULES

REPEAL 331-020-0000

~~(1) When the Office proposes to refuse to issue, renew, suspend, revoke, place on probation or impose a civil penalty on any applicant, licensee, registrant or other individual. Only council from the Oregon Department of Justice (DOJ) Attorney General's Office is authorized to appear on behalf of the Office to:~~

~~(a) Make a legal argument.~~

~~(b) Determine constitutionality of a statute, rule, and/or the application of a constitutional requirement to an agency; and~~

~~(c) Make the application of court precedent to the facts of the particular contested case proceeding.~~

~~(d) Make the comparison of prior actions of the Office in handling similar situations;~~

~~(e) Make the literal meaning of the statutes or rules directly applicable to the issues in the contested case; and~~

~~(f) The admissibility of evidence or the correctness of procedures being followed.~~

~~(g) Call on an Office representative as a witness on behalf of the Office~~

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~~Stat. Auth.: ORS 183, OL 2003, m Ch. 547, Sec. 4~~
~~Stats. Implemented: ORS 183, OL 2003, m Ch. 547, Sec. 4~~
~~Hist.: HLO 1-2004, f. & cert. ef. 2-13-04~~

331-020-0010

Requiring an Answer to Charges as Part of Notices to Parties in Contested Cases

In addition to the requirements stated in OAR 137-003-0501, the notice to parties in contested cases may include a statement that an answer to the assertions or charges will be required and, if so, the consequence of failure to answer. A statement of the consequences of failure to answer may be satisfied by enclosing a copy of 331-020-0020 with the notice.

Stat. Auth.: ORS 183, 676.565, 676.615, 681.700-681.730
Stats. Implemented: ORS 183, 676.565, 676.615, 681.700-681.730

331-020-0020

Hearing Requests and Answers; Consequences of Failure to Answer

- (1) A hearing request, and answer when required, shall be made in writing to the Office by the party or the party's attorney.
- (2) An answer shall be made in writing to the Office with any request for a hearing on a matter related to violations alleged under ORS 675.360 to 675.410, 687.405 to 687.495, and 688.800 to 688.840, the rules adopted thereunder, or violations alleged under 676.612 when related to the practice of sex offender treatment, direct entry midwifery, or respiratory care or polysomnography. The answer shall include the following:
 - (a) An admission or denial of each factual matter alleged in the notice; and
 - (b) A concise statement of each relevant affirmative defense the party may have.
- (3) When an answer is required:
 - (a) Factual matters alleged in the notice and not denied in the answer shall be presumed admitted;
 - (b) Failure to raise a defense in the answer will be considered a waiver of such defense;
 - (c) New matters alleged in the answer (affirmative defenses) shall be presumed to be denied by the Office; and
 - (d) Evidence shall not be taken on any issue not raised in the notice and the answer.
- (4) When an answer is required, the party or party's attorney may amend the answer, but no later than 10 days before the scheduled contested case hearing.
- (5) When a notice of intent is amended, the respondent has 10 days to amend the answer. The amended answer must be received by the Office at least one business day prior to the scheduled contested-case hearing.

Stat. Auth.: ORS 183, 676.565, 676.615, 681.700-681.730

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Stats. Implemented: ORS 183, 676.565, 676.615, 681.700-681.730

331-020-0030

Inquiries; Filing a Complaint

(1) The Office may provide information on an authorization holder's licensing record, status or employment subject to Oregon Public Records Law. Some of this information is available on the Office's website.

(2) Complaints against individuals practicing in one of the professions under the Office's authority must be filed in writing. A complaint form is available on the Office website.

Stat. Auth.: ORS 183, 676.565, 676.615, 681.700-681.730

Stats. Implemented: ORS 183, 676.565, 676.615, 681.700-681.730

331-020-0040

Complaint Processing and Investigation

When a complaint is filed with the Office:

(1) The Office will determine whether the complaint is related to a profession or occupation under the Office's authority and falls within authority delegated to the Office by statute.

(2) The Office unit will:

(a) Review the complaint, and as applicable, interview parties and witnesses, and examine physical evidence;

(b) Determine whether an authorization holder or other individual practiced within the standards of the program;

(c) Recommend Office or board action.

(3) Appropriate action will be determined.

(4) As used in ORS 676.608(8), to "appear before the Office" includes: an investigative interview conducted under oath, under subpoena or otherwise compelled; an interview before a board, council, or subcommittee of a board or council; any depositions authorized by the agency; pre-hearing conferences; and contested case hearings. It does not include requests for records, records compelled by a subpoena, interrogatories, written admissions, other written communications, or voluntary communications, including voluntary settlement discussions.

Stat. Auth.: ORS 183, 676.565, 676.608, 676.615, 681.700-681.730

Stats. Implemented: ORS 183, 676.565, 676.608, 676.615, 681.700-681.730

331-020-0050

Response to Investigation Inquiry

An individual who is the subject of a complaint involving conduct or a provided service must respond to the Office within 20 calendar days from the date of the request, in the form and manner determined by the Office.

Stat. Auth.: ORS 183

Stats. Implemented: ORS 183

331-020-0070

Discipline

- (1) The Office may discipline authorization holders for violations of laws and rules.
- (2) Failure to cooperate with the Office or its agent is unprofessional conduct and subject to disciplinary sanctions. Failure to cooperate with the Office or its agent includes, but is not limited to:
 - (a) Failing to provide information within the specified time allotted by the Office;
 - (b) Failing to temporarily surrender custody of original client records to the Office upon request;
 - (c) Interference, a threat, or harassment that delays or obstructs any person from providing evidence in any investigation, contested case, or other legal action instituted by the Office;
 - (d) Interference, a threat or harassment that delays or obstructs the Office from carrying out its functions under programs administered and regulated by the Office and rules adopted thereunder; or
 - (e) Deceiving or attempting to deceive the Office regarding investigations.
- (3) As used in ORS 676.612(2)(j), incompetence means engaging in conduct that evidences a lack of ability or fitness to perform the holder's professional functions.
- (4) As used in ORS 676.612(2)(j) negligence means engaging in conduct detrimental to the client.

Stat. Auth.: 676.565, 676.608, 676.612, 681.700-681.730

Stats. Implemented: 676.565, 676.608, 676.612, 681.700-681.730

331-020-0075

Unprofessional conduct

Unprofessional conduct under ORS 676.612, includes, but is not limited to:

- (1) Sexual misconduct or harassment.
- (2) Practicing outside the authorization holder's scope of practice.

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- (3) Advertising services outside the authorization holder's scope of practice.
- (4) Practicing in a manner inconsistent with the health and safety of the client.
- (5) Deceptive business practices with clients.
- (6) Misrepresentation or fraud in any aspect of the profession, including, but not limited to, charging for unnecessary services, charging for services not provided, failing to provide services that are paid in full, or failure to comply with Oregon insurance billing laws and rules.
- (7) Failing to report in writing to the Office any adverse action as described in ORS 676.612(2)(L) within 10 days.
- (8) Falsifying or altering any record in any aspect of the profession.
- (9) Commission of any crime or any act that would constitute a criminal act, while providing services.
- (10) Engaging in any conduct likely to deceive or defraud the public or a program under the authority of the Office.
- (11) Implying a medical affiliation, medical skill or training that is false, misleading or deceptive, including but not limited to:
 - (a) Using "medical," "medical grade," or "medi" when referring to nonmedical services or services that are outside the authorization holder's scope of practice;
 - (b) Attaching "medical" to an authorization holder title;
 - (c) Advertising or implying that the authorization holder is "certified" or similarly accredited or qualified, in a regulated procedure that is outside the authorization holder's scope of practice;
- (12) Using a title or initials that imply that the authorization holder holds an authorization to practice that the authorization holder does not hold, or using a title or initials that are false, misleading or deceptive.
- (13) Attempting to influence a witness or complainant in an investigation, including but not limited to:
 - (a) Inducing or attempting to induce, or allow anyone on an authorization holders behalf to induce or attempt to induce, a witness, or a person the authorization holder believes may be a witness, in any investigation or in an official proceeding to offer false information or testimony or unlawfully withhold any testimony; or
 - (b) Inducing or attempting to induce, or allow anyone on an authorization holder's behalf to induce or attempt to induce, a witness to be absent from or be uncooperative with any

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investigation or official proceeding.

(14) Using or attempting to use another person's identification or credentials to obtain an authorization.

(15) Using or attempting to use fraudulent diplomas or certifications ("diploma mill") to obtain an authorization.

(16) Failure to report to the appropriate board that another authorization holder has or may have engaged in prohibited or unprofessional conduct as required in ORS 676.150.

(17) Failure to report to the Office arrests or convictions within 10 days as required in ORS 676.150.

(18) Violating the client's rights of privacy, and confidentiality.

(18) Photographing or filming the body or any body part or pose of a client without consent.

Stat. Auth.: ORS 676.565, 676.612, 676.992, 681.700-681.730

Stats. Implemented: 676.565, 676.612, 676.992, 681.700-681.730

331-020-0080

Sanctions related to child support

(1) In accordance with ORS 25.750 to 25.783, the Office will provide the Support Enforcement Division of the Department of Justice with authorization information that will be electronically cross-matched with Oregon Child Support Program records for persons under order of judgment to pay monthly child support and who are in arrears according to ORS 25.750(a) or (b).

(2) The Office will suspend the authorization if the Oregon Child Support Program or the district attorney identifies the authorization holder as being in arrears with respect to any judgment or order requiring the payment of child support and that the case is being enforced under the provisions of ORS 25.080.

(3) Pursuant to ORS 25.750 to 25.785, The Office will notify the authorization holder of the suspension status and refer the person to the Oregon Child Support Program or the district attorney for resolution.

(4) Upon notification by the Oregon Child Support Program or district attorney and receipt of a release notice that the conditions resulting in the suspension no longer exist, the Office will reinstate the authorization if all qualifications for renewal or reactivation are met.

(5) In accordance with ORS 305.385, the Office will provide the Department of Revenue with authorization information to determine if the holder has neglected or refused to file any return or to pay any tax without filing a petition with the department ~~as stated in ORS 305.385(4)(a).~~

(6) At the request of the Department of Revenue, the Office may take action against an

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authorization holder including suspending or refusing to issue or renew an authorization. If the Office takes an action against an individual, that person has an opportunity for a hearing as provided in ORS 183.413 to 183.470 for contested cases.

(7) The Office will renew, reactivate or release from suspension the authorization upon compliance with any qualifications for renewal or reactivation upon receipt of a notice of release issued by the department that the authorization holder is in good standing with respect to any returns due and taxes payable.

Stat. Auth.: ORS 25.080, 25.750 - 25.785, 183.310 - 183.470, 305.385, 676.565, 676.612, 676.615, 681.700-681.730

Stats. Implemented: ORS 25.080, 25.750 - 25.783, 183.310 - 183.470, 305.385, 676.565, 676.612, 676.615, 681.700-681.730

DIVISION 30

AUTHORIZATION REQUIREMENTS

331-030-0000

Application Requirements

(1) An applicant who has been the subject of any adverse action, including the imposition of a civil or criminal penalty, is not qualified for an Oregon authorization to practice until the Office determines the scope and applicability of the disciplinary action as it relates to the applicant's fitness to practice or use a professional title under an Office-administered program. The disciplinary record may include, but is not limited to, actions imposed from:

- (a) An Oregon health professional regulatory board as defined in ORS 676.160;
- (b) A regulatory authority in Oregon or another state;
- (c) A regulatory authority in another country or territory.

(2) Pursuant to ORS 181A.195, and in accordance with OAR 125-007-0200 through 127-007-0330, the Office may determine an applicant's fitness to practice in accordance with ORS 181A.195 and 670.280.

(3) Material misrepresentation or material errors of fact on an application or renewal are grounds for disqualification of examination or discipline under ORS 676.612, or both.

(4) Application or renewal for an authorization issued for any program administered by the Office shall be made on forms prescribed by the Office.

(5) To be accepted and processed, an application must have the applicant's:

- (a) Legal name, address and telephone number;
- (b) Date of birth;
- (c) Signature

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(d) Date of application;

(e) Social Security or Individual Taxpayer Identification number as required by ORS 25.785, 305.385, 42 USC Sec. 405(c)(2)(C)(i), and 42 USC Sec. 666(a)(13). Failure to provide the Social Security or Individual Taxpayer Identification number will be a basis to refuse to accept the application or to issue an authorization. This information will be used for child-support enforcement and tax-administration purposes.

(f) Disclosure of any active or inactive disciplinary action, voluntary resignation of a certificate, license, permit or registration or sanction related to authorization imposed upon the applicant by any state or country regulatory authority;

(g) Disclosure of any active or inactive certificate, license, permit or registration issued by Oregon or another state;

(h) Payment for the exact amount of required fees; and

(i) All additional information required by the Office.

(6) An applicant may be required to provide two forms of original identification issued by a federal, state or local government agency. The Office will consider other forms of identification if the procedures used in issuing the identification are sufficient to prove the applicant's identity, and it contains security features that are sufficient to prevent alteration or counterfeiting. Acceptable identification includes, but is not limited to:

(a) An original or certified copy of birth certificate. The Office will not accept a hospital-issued birth certificate, hospital card or birth registration or baptismal certificate.

(b) A United States passport not expired more than five years.

(c) A United States passport card not expired more than five years.

(d) U.S. Territory passport not expired more than five years.

(e) Tribal ID card from a federally recognized tribe.

(f) Certificate of Citizenship (N560 and N561).

(g) Certificate of Naturalization (N550, N570 and N578).

(h) U.S. Citizen Identification Card (I-197 and I-179).

(i) U.S. Military documents including:

(A) Military or Armed Forces ID Card;

(B) Military Common Access Card; or

(C) U.S. Uniform Services ID and Privileges Card (DD1173 and DD1173-1).

(j) Resident Alien Card

(k) Permanent Resident Card (I-551).

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(l) Valid government-issued driver's license, instruction permit or identification card that contains the applicant's photograph.

(m) Concealed weapon permit or concealed handgun license, not expired more than one year.

(n) United States-issued Social Security card, and any documentation required to authenticate the identity of the applicant.

(o) Oregon medical-marijuana card.

(7) The Office will not accept a document as proof of identity and date of birth if the Office has reason to believe the document is not valid. The Office may request an applicant present additional proof of identity.

(8) At least one form of identification provided from the approved list in subsection (8) of this rule must be photographic.

Stat. Auth.: ORS 25.785, 181A.195, 305.385, 42 USC Sec. 405(C)(2)(C)(i), and 42 USC Sec. 666(a)(13), 670.280, 676.565, 676.615, 681.700-681.730

Stats. Implemented: ORS 25.785, 181A.195, 305.385, 42 USC Sec. 405(C)(2)(C)(i), 42 USC Sec. 666(a)(13), 670.280, 676.565, 676.615, 681.700-681.730

331-030-0004

Fingerprinting, State and Nationwide Criminal Background Checks, Fitness Determinations

(1) The Office may conduct and require completion of a fingerprint and criminal background check to determine fitness of individuals applying for an authorization issued or renewed by the Office. These will be provided on prescribed forms provided by the Office. At the discretion of the Office, background checks may be conducted for any of the programs administered by the Office.

(2) Fingerprints may be obtained at a law enforcement office or at a private service acceptable to the Office. The Office will forward fingerprints to the Department of Oregon State Police for checks against state and national data sources. Any original fingerprint cards subsequently will be destroyed by the department.

NOTE: An applicant must pay the department any fees assessed for conducting the fingerprint service. An applicant must arrange for the report of the fingerprint check to be mailed directly to the Health Licensing Office, Regulatory Operations Division.

(3) The Office will conduct a criminal background check of all applicants in accordance with ORS 181A.195, OAR 125-007-0200 through 127-007-0330. If an applicant has a criminal conviction, a fitness determination to hold an Office-issued authorization will be made in accordance with the requirements of ORS 181A.195 and ORS 670.280.

(4) In order to conduct the Oregon and national criminal history check and fitness determination, the Office may require additional information from the authorization holder or applicant. Information requested may include but is not limited to, proof of identity; residential history; names used while living at each residence; or additional criminal, judicial or other background information.

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(5) If the Office determines an applicant or authorization holder is unfit, the individual is entitled to a contested case process pursuant to ORS 183. Challenges to the accuracy or completeness of information provided by the Oregon State Police, Federal Bureau of Investigation and agencies reporting information must be made through the Oregon State Police, Federal Bureau of Investigation, or reporting agency, and not through the contested case process pursuant to ORS 183.

(6) If the applicant discontinues the application process or fails to cooperate with the criminal history background check the Office considers the application incomplete.

Statutory/Other Authority: 25.785, 305.385, ORS 181A.195, 42 USC § 405(C)(2)(C)(i), 42 USC § 666(a)(13), 670.280, 676.303, 676.565, 676.575, 676.615, 681.700-681.730
Statutes/Other Implemented: ORS 25.785, 305.385, ORS 181A.195 42 USC § 405(C)(2)(C)(i), 42 USC § 666(a)(13), 670.280, 676.303, 676.565, 676.575, 676.615, 681.700-681.730

331-030-0010

Issuing and Renewing Authorizations

(1) Subject to ORS 676.612, authorizations issued by the Office will be issued to qualified applicants after conducting fitness determinations and upon compliance with all requirements established by rules adopted by the Office.

(2) Each authorization must be signed by the authorization holder.

(3) Except as provided in (4) or (5) of this section, an authorization issued by the Office becomes not current on the last day of the month, one year from the date of issuance.

(4) A certificate issued under ORS 690.005 to 690.225 becomes not current on the last day of the month, two years from the date of issuance.

(5) Temporary, trainee or demonstration authorization expirations are defined within the rules governing the fields of practice.

(6) Authorization renewals, late renewals and the reactivation of authorizations are defined within the rules governing the fields of practice.

(7) An individual with an expired authorization must submit a new application, pay fees established by the Office under ORS 676.592, and meet all current requirements.

(8) The Office may send a renewal notice to the authorization holder to the address on file. State mail does not get forwarded. The authorization holder is responsible for submitting a timely application for renewal whether or not a renewal form was mailed by the Office or received by the authorization holder.

(9) An application for renewal must be made in advance of the expiration date, and be submitted with the required fee(s) and documentation for renewal, as the individual program stipulates. Payment must be postmarked or received by the Office during regular business

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hours on or before the expiration date. An authorization may be renewed online on the Office's website.

(10) An application for renewal and payment received by the Office or postmarked after the expiration date may be assessed delinquent renewal fee(s) according to requirements defined within the rules governing the fields of practice's rules for renewal.

Stat. Auth.: ORS 676.565, 676.615, 681.700-681.730

Stats. Implemented: ORS 676.565, 676.615, 681.700-681.730

331-030-0020

Authorizations and Duplicates

(1) An individual must not display a sign or in any way advertise or purport to be an authorization holder or to be engaged in practice, or use a professional title, without first obtaining an authorization in the manner required according to statute and rules of a program administered by the Office.

(2) The Office must issue only one original authorization.

(3) The possession or posting of more than one of the same current authorization (original, replacement or duplicate) is prohibited.

(4) A photocopied authorization may not be displayed in public view.

(5) Authorizations may not be altered; displayed authorizations may have the address covered by a removable sticker.

(6) All authorization holders must have access to photographic identification as listed in OAR 331-030-0000 when open for business. Authorization holders must provide Office representatives with the appropriate identification immediately upon request.

(7) If a person is issued an authorization that contains an error, the individual must surrender the incorrect authorization to the Office before a corrected authorization is issued.

(8) A facility authorization must be posted at all times in public view at the facility address on file with the office.

(9) The Office may issue a replacement authorization document, if:

(a) A written request for a replacement is submitted to the Office that contains the authorization holder's name, authorization number, address, telephone number, employment information, and a statement attesting that the original authorization has been lost, stolen, destroyed or the applicant has submitted documentation supporting a name change; and

(b) The authorization is active; and

(c) Payment of the replacement fee accompanies the request; and

(d) The authorization holder is not subject to any outstanding civil penalties or other disciplinary action.

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Stat. Auth.: ORS 675.410, 676.565, 676.615, 690.015, 681.700-681.730

Stats. Implemented: ORS 675.410, 676.560, 676.615, 690.015, 681.700-681.730

331-030-0025

Emergency Response

(1) In the event of a disaster or emergency declared by the Governor of Oregon, the Office may allow authorization holders who are licensed in another state, performing services in a field of professional practice regulated by the Office to practice in Oregon under special provisions during the period of the declared disaster or emergency, subject to such limitations and conditions as the Governor may prescribe.

(2) Out-of-state authorization holders must submit to the Office:

(a) Verification of a permanent, active and unrestricted authorization to practice in another state with no pending investigation or disciplinary action by a state board, or another state or federal agency; and

(b) Current photographic federal or state identification.

(c) Documentation demonstrating a request to provide services by an Office-recognized public health organization, Emergency Medical Service agency, county, state or federal entity as the result of the declaration of a disaster or emergency.

(3) The authorization holder may not practice in Oregon under the special disaster or emergency provisions beyond the termination date of the declared disaster or emergency as prescribed by the Governor.

Stat. Auth.: ORS 676.565, 676.568, 681.700-681.730

Stats. Implemented: ORS 676.565, 676.568, 681.700-681.730

331-030-0040

Affidavit of Licensure

For the purpose of this rule, regulatory authority means an Oregon health professional regulatory board as defined in ORS 676.160, a regulatory authority in Oregon or another state or a regulatory authority in another country or territory.

(1) An authorization holder may request the Office to send an affidavit of licensure to another regulatory authority or individual. The following must be submitted to the Office:

(a) An application on a form prescribed by the Office;

(b) Two forms of identification listed in OAR 331-030-0000 (8); at least one must be photographic;

(c) Photocopies of identification listed in subsection (b) of this section must be submitted with the application if request is made through the mail; the photocopy must be legible; and

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(d) The Office may require that an applicant present additional proof of identity pursuant to OAR 331-030-0000 (9).

(2) Unless otherwise notified by the Office, an applicant applying for an authorization from a program under the Office's authority must arrange for the regulatory authority from which an affidavit of licensure is needed to forward directly to the Office a current and original "Affidavit of Licensure" signed by an authorized representative of the regulatory authority and affixed with an official seal or stamp to the affidavit of licensure. The applicant is responsible for payment of any fee the regulatory authority may assess for producing the affidavit of licensure.

(3) The Office may verify an applicant's authorization to practice and determine an applicant's qualifications and fitness to practice in a program administered by the Office by the following:

(a) An affidavit of licensure may be obtained by accessing the regulatory authority's website by using an online verification system. The Office may assess an applicant a fee for obtaining affidavit of licensure.

(b) An affidavit of licensure may be electronically transmitted to the Office from the regulatory authority. The applicant is responsible for payment of any fee the originating regulatory authority may assess for producing the affidavit of licensure.

(4) An affidavit of licensure document hand delivered or mailed by the applicant and not mailed directly or transmitted through an approved means to the Office from the regulatory authority will invalidate qualification for authorization to practice, scheduling, and examination.

NOTE: The Affidavit of Licensure may be referred to as a "Verification of Licensure," "License Verification," "Certification of Licensure," or "License Certification" by other regulatory authorities. All terms have the same purpose in disclosing an applicant's licensing status and history.

Stat. Auth.: ORS 676.565, 676.160, 676.615, 681.700-681.730

Stats. Implemented: ORS 676.565, 676.160, 676.615, 681.700-681.730

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