

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

FILED
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ARCHIVES DIVISION
SECRETARY OF STATE

<u>Oregon Medical Board</u>	<u>847</u>
Agency and Division	Administrative Rules Chapter Number
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RULE CAPTION

Licensure for Distinguished Professors

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:

OAR 847-020-0135

AMEND:

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 677.265, SB 684 (2015)

Other Authority:

Statutes Implemented:

ORS 677.100, 677.132, 677.265, SB 684 (2015)

RULE SUMMARY

The proposed new rule creates a new Distinguished Professor license that may be issued to a physician who has not passed the United States Medical Licensing Exam or the equivalent but is recognized as a highly distinguished physician who is licensed in another state or country, has received a full-time professor appointment at a school of medicine in this state, and meets a set of criteria that demonstrates experience and achievement in his or her field of medicine.

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>11-23-2015 Close of Business</u>	<u>Nicole Krishnaswami</u>	<u>nicole.krishnaswami@state.or.us</u>
Last Day (m/d/yyyy) and Time for public comment	Rules Coordinator Name	Email Address

*The Oregon Bulletin is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation.

Secretary of State
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Agency and Division

Administrative Rules Chapter Number

Licensure for Distinguished Professors

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

In the Matter of:

OAR 847-020-0135, the proposed new rule creates a new Distinguished Professor license that may be issued to a physician who has not passed the United States Medical Licensing Exam or the equivalent but is recognized as a highly distinguished physician who is licensed in another state or country, has received a full-time professor appointment at a school of medicine in this state, and meets a set of criteria that demonstrates experience and achievement in his or her field of medicine.

Statutory Authority:

ORS 677.265, SB 684 (2015)

Other Authority:

Statutes Implemented:

ORS 677.100, 677.132, 677.265, SB 684 (2015)

Need for the Rule(s):

With the passage of Senate Bill 684 in the 2015 legislative session, the Oregon Medical Board must implement licensure for Distinguished Professors. This rule defines the license, specifies the limitations on the license, sets out the qualifications for the license, lists the requirements for applying for the license, specifies that the applicant may be required to demonstrate competency under certain conditions, and includes the limits on the number of licenses that the Board may issue in a given time period.

Documents Relied Upon, and where they are available:

ORS Chapter 677, available at https://www.oregonlegislature.gov/bills_laws/lawsstatutes/2013ors677.html.

Senate Bill 684 (2015), available at <https://olis.leg.state.or.us/liz/2015R1/Downloads/MeasureDocument/SB684/Enrolled>.

OAR Chapter 847, available at http://arcweb.sos.state.or.us/pages/rules/oars_800/oar_847/847_tofc.html.

Fiscal and Economic Impact:

The Oregon Medical Board will be fiscally impacted while implementing the new license. Staff will be required to draft rules, procedures, and other business process needs. Significantly, staff will be required to implement technology changes to allow for the online application and renewal of this license. Staff will also need to communicate this new license to the medical community. Overall, this fiscal impact is estimated to be approximately \$5,500 for the first biennium. The Board expects approximately one license application per year. Therefore, the estimated revenue to the Oregon Medical Board for the first biennium is \$1,475. Oregon medical schools may be positively economically affected because they will be able to hire internationally renowned physicians who previously could not qualify for an Oregon medical license. This impact cannot be estimated.

Statement of Cost of Compliance:

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

The Oregon Medical Board will be fiscally impacted while implementing the new license. Staff will be required to draft rules, procedures, and other business process needs. Significantly, staff will be required to implement technology changes to allow for the online application and renewal of this license. Staff will also need to communicate this new license to the medical community. Overall, this fiscal impact is estimated to be approximately \$5,500 for the first biennium. The Board expects approximately one license application per year. Therefore, the estimated revenue to the Oregon Medical Board for the first biennium is \$1,475. Oregon medical schools may be positively economically affected because they will be able to hire internationally renowned physicians who previously could not qualify for an Oregon medical license. This impact cannot be estimated.

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:

None

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

None

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

None

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

Members of the Board who were consulted in the development of the rule represent small businesses. The proponents of the bill were also consulted during the development of the rule. The rule was reviewed by the Administrative Affairs Committee of the Board on September 9, 2015, as well as the full Board at its quarterly meeting on October 9, 2015.

Administrative Rule Advisory Committee consulted?:Yes

If not, why?:

<u>11-23-2015 Close of Business</u>	<u>Nicole Krishnaswami</u>	<u>nicole.krishnaswami@state.or.us</u>
Last Day (m/d/yyyy) and Time for public comment	Printed Name	Email Address

OREGON ADMINISTRATIVE RULES

CHAPTER 847, DIVISION 20 – OREGON MEDICAL BOARD

FIRST REVIEW – OCTOBER 2015

The proposed new rule creates a new Distinguished Professor license that may be issued to a physician who has not passed the United States Medical Licensing Exam or the equivalent but is recognized as a highly distinguished physician who is licensed in another state or country, has received a full-time professor appointment at a school of medicine in this state, and meets a set of criteria that demonstrates experience and achievement in his or her field of medicine.

Legislation effective date 1/1/16.

847-020-0135

Licensure for Distinguished Professors

(1) A physician who does not qualify for a medical license under the provisions of this chapter and who is offered by the dean of an approved medical school in this state a full-time professor of medicine position may apply for a license to practice medicine as a Distinguished Professor.

(2) A Distinguished Professor licensee may practice medicine only in conjunction with and pursuant to a full-time appointment as a professor of medicine. The license must be renewed annually. The license automatically expires if the full-time professor appointment ends or if the license is not renewed.

(3) To qualify for a license to practice medicine as a Distinguished Professor, an applicant must:

(a) Hold a degree of Doctor of Medicine, Doctor of Osteopathic Medicine, or the equivalent from an approved school of medicine as described in OAR 847-020-0120 or an international school of medicine as described in OAR 847-020-0130;

(b) Be appointed as a full-time professor at the Oregon Health and Science University or the Western University of Health Sciences College of Osteopathic Medicine of the Pacific-Northwest;

(c) Be licensed to practice medicine in another state or country;

(d) Be in good standing, with no restrictions or limitations upon, actions taken against, or investigation or disciplinary action pending against his or her license in any jurisdiction where the applicant is or has been licensed;

(e) Maintain active membership in at least two medical specialty societies that restrict

membership based on academic or specialty area; and

(f) Have published two or more medical papers in peer-reviewed journals.

(4) An applicant for a license to practice medicine as a Distinguished Professor must submit documentation as required by OAR 847-020-0150.

(5) In addition to the requirements in OAR 847-020-0160, an applicant for a license to practice medicine as a Distinguished Professor must ensure that the following documents are sent directly to the Board:

(a) Certification of active membership and documentation of the qualifications for membership sent directly from at least two medical specialty societies; and

(b) Letters attesting to the applicant's distinguished status sent directly from:

(i) The dean of the school of medicine where the applicant has been appointed a full-time professor of medicine;

(ii) The department chairpersons at the school of medicine who are directly involved in the applicant's faculty assignments; and

(ii) At least five of the applicant's academic colleagues who work outside of this state and who are nationally or internationally recognized experts in the specialty area in which the applicant practices or are current or former deans of schools of medicine.

(6) A physician applying for a license to practice medicine as a Distinguished Professor who has not completed postgraduate training within the past 10 years or been certified or recertified by a specialty board within the past 10 years may be required to demonstrate clinical competency by:

(a) Completing at least 50 hours of Board-approved continuing medical education each year for the past three years; or

(b) Demonstrating ongoing participation in maintenance of certification with a specialty board as defined in 847-020-0100.

(7) The Board must ensure that at least two new licenses to practice medicine as a Distinguished Professor are available each year. However, the Board may not issue more than eight new licenses to practice medicine as a Distinguished Professor in a four-year period.

Stat. Auth.: ORS 677.265, SB 684 (2015)

Stats. Implemented: ORS 677.100, 677.132, 677.265