

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

339

Occupational Therapy Licensing Board

Agency and Division

Administrative Rules Chapter Number

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**RULE CAPTION**

New rule for fingerprinting, contact info, reporting crimes, education records kept 7 years; technical change for rules and hearings

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

**RULEMAKING ACTION**

**ADOPT:**

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

OAR 339-010-0012 Fingerprinting

OAR 339-010-0018 Contact Information

**AMEND:**

339-001-0005 Model Rules of Practice and Procedure

339-001-0006 Time for Requesting a Contested Case Hearing

339-005-0000 Fees

339-010-0020 Unprofessional Conduct

339-010-0050 Occupational Therapy Services for Children and Youth in Education and Early Childhood Programs

**REPEAL:**

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

**Amend and Renumber:** Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

**Statutory Authority:** ORS

675.280; 675.290, 675.320675.332

**Other Authority:**

Board review

**Statutes Implemented:** ORS

*Continued on next page*

**Continuation of ... NOTICE OF PROPOSED RULEMAKING\***

**RULE SUMMARY**

Technical amendment made to 339-001-0005 Model Rules of Practice and Procedure to update effective date and rule making statutes.

Technical amendment made to 339-001-0006 update Time for Requesting a Contacted Case Hearing from 21 to 30 days.

Changes in fees in 339-005-0000 to include cost for background checks, including fingerprinting and assessing costs of conducting workforce data surveys.

New rules for fingerprinting in 339-010-0012.

New rule in 339-010-0018 on requirement to keep name, address, telephone contact information current and reported within 30 days to Board.

Adding to 339-010-0020 new language on reporting crimes for unprofessional conduct.

Adding requirement to 339-010-0050 that educational records are kept for seven years.

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.

ORS 183.335(2)(b)(G) 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.

05/31/2011	Close of Business	Felicia Holgate	Felicia.M.Holgate@state.or.us	
Last Day (m/d/yyyy) and Time for Public Comment		Printed Name	Email Address	Date Filed

Please enter date as m/d/yyyy or mm/dd/yyyy

\*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 5:00pm 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.

Occupational Therapy Licensing Board

339

Agency and Division

Administrative Rules Chapter Number

New rule for fingerprinting, contact info, reporting crimes, education records kept 7 years; technical change for rules and hearings

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

In the Matter of:

Technical amendment made to 339-001-0005 Model Rules of Practice and Procedure to update effective date and rule making statutes.  
Technical amendment made to 339-001-0006 update Time for Requesting a Contacted Case Hearing from 21 to 30 days.  
Changes in fees in 339-005-0000 to include cost for background checks, including fingerprinting and assessing costs of conducting workforce data surveys. New rules for fingerprinting in 339-010-0012.  
New rule in 339-010-0018 on requirement to keep name, address, telephone contact information current and reported within 30 days to Board.  
Adding to 339-010-0020 new language on reporting crimes for unprofessional conduct. Adding requirement to 339-010-0050 that educational records to be kept for seven years.

Statutory Authority: ORS

675.280; 675.290, 675.320675.332

Other Authority:

Board review

Stats. Implemented: ORS

Need for the Rule(s):

The first two are technical adjustments to update and comply with the current law.  
The Board needs to add the ability in fees to collect for the cost of fingerprinting and collection of workforce data.  
There is a new rule for the Board to take fingerprint after the Board received the authority in the last session.  
Licensees are to keep the Board current within 30 days on changes to name and other contact information since it takes staff a lot of time and effort to try to contact them during renewals and in order to send other important information, as well as paying the cost of re-sending.  
The unprofessional conduct rule is amended to include new language about reporting crimes passed in the last session.  
Since the Board receives questions on this, it clarifies that educational records are kept for seven years.

Documents Relied Upon, and where they are available:

Board minutes, legislative action

**Continuation of ... STATEMENT OF NEED AND FISCAL IMPACT**

**Fiscal and Economic Impact:**

There is no impact on the first technical corrections to the Model Rules and Time for Requesting Contested Case Hearing. The applicants will need to pay the cost of being fingerprinted and the approximately \$52 for the police to do fingerprint checks. The Board will need to do more work following up on applicants and perhaps in pursuing discipline cases. Since licensees can send changes by e-mail, fax or mail there should not be any impact. The unprofessional conduct for reporting crimes may increase discipline investigations. There is no impact for clarifying educational records are to be kept for seven years.

**Statement of Cost of Compliance:**

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

The Board will have to follow through on background checks and perhaps have more investigations because of requirement to report crimes as well as fingerprinting. Requiring current contact information will help the Board staff in needing to find current information and cost of re-sending information.

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

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

Applicants will have the cost of getting fingerprinted and paying the state police for processing.

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

Cost of getting fingerprinted can vary depending where it is done; current cost for state polices is under \$50 plus Agency staff time to process.

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

Fingerprinting and LEADS will require additional confidentiality and access to process them.

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

Information on rules sent out to all licensees in newsletter and posted on the web site as well as discussed in Board minutes. The Association was contacted about the rules.

Administrative Rule Advisory Committee consulted?:

Yes  No

If not, why?:

The Board is small with only 5 members and they were all involved with the rule changes. The Association was contacted.

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Last Day (m/d/yyyy) and Time for Public Comment		Printed Name	Email Address	Date Filed