NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 848
PHYSICAL THERAPIST LICENSING BOARD

FILING CAPTION: Create new temporary permit for military spouse; add associated permit application fee.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 12/06/2019 9:00 AM

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.

A public rulemaking hearing may be requested in writing by 10 or more people, or by a group 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 the 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.

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NEED FOR THE RULE(S):

The 2019 Oregon Legislature passed bills SB688 and HB3030 creating a new temporary permit fee for military spouses holding an occupational license in another state. This rule filing implements the bills, creating the temporary permit for the board of physical therapy.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

2019 Oregon Laws Chapters 142 and 626; other legislative materials found on oregonlegislature.gov; Board public meeting minutes available at the Board office.

FISCAL AND ECONOMIC IMPACT:

Only persons applying for the temporary permit would incur an application fee; the application fee can be applied to offset the cost of applying for a regular Oregon license, if application made within 60 days, thereby making the net cost $0.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

Beyond the fee paid by applicants specifically for the permit, no other cost of compliance would be incurred by other parties.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):
Small businesses were not specifically consulted in the development of these rules; rules were discussed in public meetings of the Board.

**WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO   IF NOT, WHY NOT?**

The rule simply implements a new statutory requirement.

**RULES PROPOSED:**
848-005-0020, 848-010-0027

**AMEND:** 848-005-0020

**RULE SUMMARY:** Rule amendment to add fee associated with two year military spouse temporary permit. No other fees being modified or added.

**CHANGES TO RULE:**

848-005-0020

**Board Fees and Refunds**

(1) The following fees shall be paid to the Board:

(a) Physical Therapist or Physical Therapist Assistant Examination Application Fee of $150.00, plus the actual cost to the Board of conducting a nationwide background check.

(b) Physical Therapist or Physical Therapist Assistant Endorsement Application Fee of $150.00, plus the actual cost to the Board of conducting a nationwide background check.

(c) Physical Therapist or Physical Therapist Assistant Military Spouse Temporary Permit Application Fee of $99.

(d) Physical Therapist License Renewal Fee of $170.00, plus the actual cost to the Board of conducting a workforce demographics survey as required by ORS 676.410(6).

(e) Physical Therapist Assistant License Renewal Fee of $110.00, plus the actual cost to the Board of conducting a workforce demographics survey as required by ORS 676.410(6).

(f) Lapsed License Renewal Fee of $50.00 for renewal applications postmarked or received by the Board after March 31st of an even numbered year.

(g) On-line renewal and application convenience fee not to exceed the actual processing costs of an on-line electronic transaction.

(h) Physical Therapist or Physical Therapist Assistant Compact Privilege Fee of $50.00.

(i) Physical Therapist or Physical Therapist Assistant Temporary Permits Fee of $50.00.

(j) Duplicate License Fee of $25.00.

(k) Physical Therapist or Physical Therapist Assistant Verification of Oregon Licensure or Verification of Application Status Letters/Forms Fee of $25.00.

(l) Non-Sufficient Funds (NSF) Check Fee of $25.00.

(M) Miscellaneous Fees:

(A) Physical Therapist and/or Physical Therapist Assistant electronic mailing list fee of $100.00.

(B) Photocopying administrative fee of $25.00, plus ten cents ($0.10) per copy.

(2) Board refunds of overpayments in any amount of $25.00 or less will be held by the Board unless the payor requests a refund in writing.

**Statutory/Other Authority:** ORS 182.466(4)

**Statutes/Other Implemented:** ORS 182.466(4), 688.070(1)(2), 688.080, 688.100, 688.110, 2019 Oregon Laws Chapters 142, 626
RULE SUMMARY: New rule to implement military spouse temporary permit as created by the 2019 Oregon Legislature.

CHANGES TO RULE:

848-010-0027
Temporary Permit for Military Spouse

(1) To qualify for a temporary permit to practice under this section, a military spouse must:
(a) Be the spouse of a member of the Armed Forces of the United States who is stationed in Oregon.
(b) Hold a qualified license. For the purpose of this rule, a qualified license means a current, unrestricted license to practice in good standing as a physical therapist or physical therapist assistant in another US state or jurisdiction that the Board determines has licensure requirements that are substantially similar to Oregon requirements for licensure. To be considered substantially similar, the licensure requirements of the other US state or jurisdiction must include at minimum:
   (A) Verification of graduation from a CAPTE accredited educational program of physical therapy;
   (B) Verification of passage of the NPTE exam;
   (C) A fingerprint-based criminal background check;
   (D) Verification of any other health practitioner licenses held; and;
   (E) Continuing Competence (Continuing Education) requirements.
(c) Demonstrate competency to practice by providing sufficient proof that individual received a passing score on the Oregon Jurisprudence Exam (OR-JAM).

(2) A temporary permit to practice under this section will be granted upon completion and acceptance of:
(a) A completed military spouse application form;
(b) Payment of application fee as listed in OAR 848-005-0020;
(c) Submittal of proof that the individual is the spouse of an active duty member of the US Armed Forces;
(d) Submittal of proof of spouse’s active military duty order in Oregon;
(e) Passing score on OR-JAM;
(f) Verification of the substantial equivalency of licensure requirements of the qualifying license held in other US state or jurisdiction.

(3) A temporary permit to practice under this section is valid until the earliest of the following:
(a) Two years after the date of issuance;
(b) The date the spouse of the person to whom the permit was issued completes their term of service in this state;
(c) The date the person’s qualifying license issued by another state or jurisdiction expires, is revoked, suspended, or otherwise no longer valid.

(4) An individual granted a temporary permit to practice under this section, who subsequently applies for application by endorsement under OAR 848-010-0020 within 60 days of the issue date of the temporary permit may apply the temporary permit fee to the cost of application by endorsement.

(5) An individual granted a temporary permit to practice under this section is required to comply with all statutes and rules that apply to an individual licensed as a physical therapist or physical therapist assistant, with the exception of:
(a) Individuals are not eligible for a compact privilege.
(b) Individuals do not need to complete the continuing competency requirements in OAR 848-035-0020.

Statutory/Other Authority: 2019 Oregon Laws Chapters 142, 626
Statutes/Other Implemented: 2019 Oregon Laws Chapters 142, 626