

## BSPA Newsflash – Proposed New Permanent Rules to Implement Criminal Background Checks

On August 12, 2014, the Board filed a Notice of Proposed Rulemaking Hearing (see attached Notice, Statement of Need and Fiscal Impact, and rule text). The Board's objective is to make permanent certain rules that are already temporarily in place (for the period May 19 – November 15, 2014). These rules allow the Board to implement enhanced criminal background checks for applicants, licensees, employees, volunteers, and Board members.

Enhanced state and national criminal background checks will provide for the reasonable screening of applicants and licensees to determine if they have a history of criminal behavior such that they are not fit to be granted or hold a Board license. For applicants these checks will include the Oregon Law Enforcement Data System (LEDS), and a data bank that accumulates national information based on name, birth date, or other identifiers. *Applicants for initial licensure and reactivation will also be subject to fingerprint-based checks through the Federal Bureau of Investigation (FBI).*

The policy for background checks for renewals is still under development, and will likely include LEDS checks and national databank checks for those performing telepractice in Oregon. However, *fingerprint based checks are not anticipated for current licensees at this time.* At some point in the future, the Board may decide to expand its policy to include fingerprint based checks for existing licensees so that all licensees are checked, but this is not part of the initial rollout of this program.

Please be aware that if you are on inactive status and wish to reactivate your license, this change will mean that it will take more time to process your reactivation. The good news is that Oregon State Police (OSP) now has a contract with a company that contracts with sites that perform electronic fingerprint scanning. This electronic capture makes it fairly quick to acquire and submit fingerprints to the OSP.

Costs for fingerprint capture (paid directly to the company capturing the prints) and processing through OSP and the FBI (paid to the Board and passed through to OSP) will be borne by the applicant or licensee being checked. There is no additional charge to current licensees for LEDS or national databank checks—this cost will be covered by your license renewal fees.

A hearing is scheduled on Tuesday, September 30<sup>th</sup> at 4:00 p.m. on this proposed rule change. In addition, public comments in support or opposition may be submitted to the Board via email or postmarked no later than Wednesday, October 1<sup>st</sup> at 5:00 p.m.

Please feel free to contact Sandy Leybold, Executive Director, with any questions about the proposed rules and policies at [sandy.leybold@state.or.us](mailto:sandy.leybold@state.or.us).