

NOTICE OF PROPOSED RULEMAKING

CHAPTER 850

OREGON BOARD OF NATUROPATHIC MEDICINE

FILING CAPTION: Creates criminal conviction determination process to implement SB 1552 (2024)

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 07/21/2025 1:00 AM

NEED FOR THE RULE(S):

The rule implements SB 1552 (2024) section 44 allowing a person to petition a licensing board for a determination as to whether a criminal conviction would prevent the person from receiving a license. Section 44 and the rule become operative on July 1, 2025.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

Oregon Legislative History - OLIS

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE:

Undetermined whether it will result in a more diversified licensure population.

FISCAL AND ECONOMIC IMPACT:

Minimal - costs should be absorbed through fee and use of already existing resources and staff

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).

Minimal - costs should be absorbed through fee and use of already existing resources and staff

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

The rule implements SB 1552 (2024) section 44 allowing a person to petition a licensing board for a determination as to whether a criminal conviction would prevent the person from receiving a license. SB 1552 (2024) went through the legislative process and was subject to public comment.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?The rule implements SB 1552 (2024) section 44 allowing a person to petition a licensing board for a determination as to whether a criminal conviction would prevent the person from receiving a license. SB 1552 (2024) went through the legislative process and was subject to public comment.

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ADOPT: 850-030-0005

RULE TITLE: Criminal Conviction Determination Process for Licensure

RULE SUMMARY: The rule implements SB 1552 (2024) section 44 allowing a person to petition a licensing board for a determination as to whether a criminal conviction would prevent the person from receiving a license. Section 44 and the rule become operative on July 1, 2025.

RULE TEXT:

(1) As used in this rule:

(a) “Applicant” means a person who has applied for a license from the Oregon Board Of Naturopathic Medicine (Board).

(b) “Petitioner” means a person who has requested the Board review their criminal history to determine whether it will prevent them from being granted a license by the Board.

(2) A person who was convicted of a crime may petition the Board for a determination as to whether a criminal conviction will prevent the person from receiving a license issued by the Board.

(3) The petitioner must submit the Board’s determination request form, relevant criminal history documentation, and the required \$75 fee.

(4) The Executive Director has the authority to review a petitioner’s request under this rule and to determine whether the petitioner’s criminal conviction(s) prevent the person from obtaining a license issued by the Board.

(5) The Board will reconsider a determination that a criminal conviction prevents the person from obtaining a license if the person submits a completed application for a license.

(6) Upon reconsideration, the Board may rescind a previous determination that a criminal conviction does not prevent the person from obtaining a license if the applicant:

(a) Has allegations or charges pending in criminal court;

(b) Failed to disclose a previous criminal conviction;

(c) Has been convicted of another crime during the period between the determination and the person’s submission of a completed application for an occupational or professional license; or

(d) Has been convicted of a crime that, during the period between the determination and the person’s submission of a completed application for an occupational or professional license, became subject to a

change in state or federal law that prohibits licensure for an occupational or professional license because of a conviction of that crime.

(7) Failure to disclose a previous criminal conviction includes any misrepresentation of a prior criminal conviction, any concealment or failure to disclose a material fact about a prior criminal conviction, or any other misinformation regarding a prior criminal conviction.

(8) Nothing in this rule prohibits the Board from denying licensure for a reason other than conviction of a crime.

(9) A determination made under this rule:

(a) Is subject to the same confidentiality requirements that are applicable to completed applications for a license; and

(b) Is not considered a final determination of the Board.

STATUTORY/OTHER AUTHORITY: 685.125(2)

STATUTES/OTHER IMPLEMENTED: Oregon Laws 2024, chapter 95, section 44 (SB 1552),

