



NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 852
BOARD OF OPTOMETRY

FILED
05/09/2023 9:39 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Emergency licensing and fees

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 06/22/2023 2:30 PM

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.

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Filed By:
Shelley Hanson
Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 06/22/2023
TIME: 2:00 PM - 2:30 PM
OFFICER: Shelley Hanson

HEARING LOCATION

ADDRESS: OBO offices & Teams, 1500 Liberty St SE, Ste 210, Salem, OR 97302

SPECIAL INSTRUCTIONS:

Email optometry.board@obo.oregon.gov for a Teams meeting invitation

NEED FOR THE RULE(S)

Allows the Board to issue temporary licenses in emergency situations

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

SERV-OR guidelines--Board office

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

Allows anyone qualifying for a temporary license to be issued one.

FISCAL AND ECONOMIC IMPACT:

The \$100 license application fee for anyone applying in emergency situations

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).

Only affects individual optometrists in emergency situations in Oregon that want to be licensed

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

The Board is comprised of 4 licensed OD's/

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

RULES PROPOSED:

852-010-0026, 852-010-0080

ADOPT: 852-010-0026

RULE SUMMARY: Allows the Board to issue temporary licenses in emergency situations in Oregon.

CHANGES TO RULE:

852-010-0026

Public Health Emergency or State of Emergency temporary license

(1) In the event of a declared public health emergency per ORS 433.441 or state of emergency per ORS 401.165, the Board may issue a temporary license, if the applicant:¶

(a) Completes an online application for licensure.¶

(b) Provides verification of being actively licensed in good standing, with no restrictions or limitations upon licensure, in any U.S. or Canadian jurisdiction.¶

(c) The Board's review of the National Practitioner Data Bank confirms no disciplinary action.¶

(d) Applicant has satisfactory results of a criminal records background check as defined in OAR 852-050-0025.¶

(e) Receipt by the Board's office of the application fee and criminal background check fee as listed in OAR 852-010-0080(4)(a) and (5)(f).¶

(f) Applicant agrees to comply with all other provisions of ORS 683 and OAR 852, including reporting start and end dates of providing services at any practice locations.¶

(g) The applicant maintains a valid legal address of record, phone number and email address with the Board.¶

(h) The optometrist must report and maintain CPR certification per OAR 852-080-0040 (2)(e). Hands-on CPR will be waived if unavailable. If waiver is applicable, applicant will complete a Board approved online CPR course for initial temporary licensure. If applicant applies for an active status license, they will be required to complete a hands-on course at renewal of certification.¶

(i) The optometrist will be responsible for any late reporting fees as outlined in OAR 852-010-0080 (1)(d), (e) and (f).¶

(j) The optometrist must report any discipline or license status change in their primary state to the Board within 14 calendar days.¶

(2) Failure to provide required information will result in the applicant being denied a temporary license. Applicant may not be reissued a temporary license-it's a onetime license. The temporary license is valid until the earliest of the following:¶

(a) 90 days from issuance.¶

(b) When the public health or state of emergency ends.¶

(c) The expiration date of the other jurisdiction's license, that was used to qualify for the Oregon temporary license, passes and licensee does not renew license, or¶

(d) an active status Oregon optometry license is issued.¶

(3) An active status license will be issued upon meeting the requirements in OAR 852-010-0015 and OAR 852-010-0020.

Statutory/Other Authority: ORS 683

Statutes/Other Implemented: ORS 683

AMEND: 852-010-0080

RULE SUMMARY: Allows the Board to collect fees for processing emergency licenses.

CHANGES TO RULE:

852-010-0080

Schedule of Fees ¶¶

The following fee schedule is established by the Oregon Board of Optometry to set forth in one place all of the fees and specified civil penalties charged by the Board:¶¶

(1) Active license:¶¶

(a) Annual renewal -\$450, of which \$413 is for the active optometry license, \$35 is the Prescription Drug Monitoring Fund fee collected by the licensing body on behalf of the Oregon Health Authority and \$2 for the OHA Survey fee.¶¶

(b) Additional copy of Portable Multiple Practice Location license -\$50 each.¶¶

(c) Failure to meet renewal date: Late renewal fee -\$100 first failure, \$150 second failure, \$250 any subsequent failure in a seven-year period.¶¶

(d) Lapse in CPR certification during licensing period -\$100 first lapse, \$150 second lapse, \$250 any subsequent lapse in a seven-year period.¶¶

(e) Failure to notify the Board of practice locations or address or phone number of record -\$100 first failure, \$150 second failure, \$250 any subsequent failure(s) in a seven-year period. Failure to notify the Board of the commencement or termination of a multiple practice location organization will be assessed a fee of \$200 per occurrence.¶¶

(f) Failure to notify the Board of patient records transfer or change in business ownership per OAR 852-010-0051(3)--\$100 or the Board may take disciplinary action.¶¶

(2) The agency assesses civil penalties for violations of ORS 683.010 to 683.310 and 676.110 to 676.220 and OAR chapter 852, some of which may be settled per the terms of a settlement agreement, consent order or stipulated order. Penalties not listed here will be assessed by the Board on a per case basis.¶¶

(a) Failure to respond to a Continuing Education audit within 21 days - \$400.¶¶

(b) Failure to complete or document meeting Continuing Education requirements by the due date - \$650 plus license suspension if overdue 60 days or more.¶¶

(3) Inactive License:¶¶

(a) Annual renewal -\$140 which includes \$2 for the OHA Survey fee.¶¶

(b) Late renewal fee - \$20.¶¶

(c) Failure to notify the Board of address or phone number of record -\$100 first failure, \$150 second failure, \$250 subsequent failure(s) in any seven-year period.¶¶

(4) Application for Licensure:¶¶

(a) Application for Examination and Licensure -\$355.¶¶

(b) Application for Endorsement Examination and Licensure - \$355.¶¶

(c) Application for TPA Certification -\$150.¶¶

(5) Other fees:¶¶

(a) Written official license verification -\$40.¶¶

(b) List of licensees (electronic or printed) -\$40 each Active/Inactive.¶¶

(c) Reactivation of license -\$200 plus the cost of the background check if the license has been inactive for two years or more.¶¶

(d) Reinstatement of license - \$200 plus the cost of the background check if the license has been lapsed for two years or more.¶¶

(e) Decorative Wall Certificate of Registration (optional, personalized and signed by Board) -\$40.¶¶

(f) Applicant or licensee must pay to the Board the cost of conducting the state and federal background check. The cost is \$75 and due with the application fee or when requested by the Board.¶¶

(g) Return check fees or other costs associated with a returned payment to the agency will be reimbursed by the licensee, as well as a \$25 agency processing fee.¶¶

(6) Public Records Fees: The Board will assess Public Records fees per DAS Policy 107-001-030 or any subsequent policy number.¶¶

(7) The Board will not refund any fee unless there has been an error by the Board in the charging of the fee.

Information not known by the Board because the licensee, applicant, or other person or entity has not supplied the correct information is not considered an error.¶¶

(8) Unlicensed volunteer registration fee: \$100 for initial registration and \$50 annual renewal. Volunteer may also be assessed fees for failing to timely report practice locations or contact information per 852-010-0080(1)(e).¶¶

(9) Emergency license application fee: \$100 for initial registration Emergency licensee may also be assessed fees for failing to timely report practice locations or contact information per 852-010-0080(1)(e).

Statutory/Other Authority: ORS 182, ORS 683, ORS 431

Statutes/Other Implemented: ORS 683.270, ORS 182.466, ORS 431.972