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ARCHIVES DIVISION
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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 852
BOARD OF OPTOMETRY

FILED
02/19/2019 1:52 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Fee for failing to notify of patient records transfer or a change in business ownership

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 04/05/2019 3:00 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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Optometry
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Salem, OR 97302

Filed By:
Shelley Sneed
Rules Coordinator

HEARING(S)

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

DATE: 04/05/2019

TIME: 1:00 PM - 3:00 PM

OFFICER: Shelley Sneed

ADDRESS: Oregon Board of of
Optometry
1500 Liberty St SE, Suite 210
Salem, OR 97302

NEED FOR THE RULE(S):

Patient records are critical for ongoing care. This rule allows the Board to levy a fee if the licensee fails to notify the Board of the new location for patient records.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

Board budget

FISCAL AND ECONOMIC IMPACT:

This fee should only apply to 3-5 optometrists per year at the maximum.

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).

There is no new reporting. This is a compliance effort. If the licensee doesn't report patient records transfers or changes

in business ownership the Board can assess the fee or commence discipline.

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

The Board is comprised of four optometrists and all licensee will be notified of the rule making process and allowed to make comment.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

AMEND: 852-010-0080

RULE SUMMARY: The Board is adding a fee for failure to notify the Board of patient records transfer or changes in business ownership.

CHANGES TO RULE:

852-010-0080

Schedule of Fees ¶¶

~~852-010-0080¶¶~~

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 -\$375, of which \$348 is for the active optometry license, \$25 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 -\$40 each.¶¶

(c) Failure to meet renewal date: Late renewal fee -\$75 first failure, \$100 second failure, \$200 any subsequent failure in a seven-year period.¶¶

(d) Lapse in CPR certification during licensing period -\$75 first lapse, \$100 second lapse, \$200 any subsequent lapse in a seven-year period.¶¶

(e) Failure to notify the Board of practice locations or address or phone number of record -\$75 first failure, \$100 second failure, \$200 any subsequent failure(s) in a seven-year period.¶¶

(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 - \$250.¶¶

(b) Failure to complete or document meeting Continuing Education requirements by the due date - \$500 plus license suspension if overdue 60 days or more.¶¶

(3) Inactive License:¶¶

(a) Annual renewal -\$125 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 -\$75 first failure, \$100 second failure, \$200 subsequent failure(s) in any seven-year period.¶¶

(4) Application for Licensure:¶¶

(a) Application for Examination and Licensure -\$300.¶¶

(b) Application for Endorsement Examination and Licensure - \$300.¶¶

(c) Application for TPA Certification -\$100.¶¶

(5) Other fees:¶¶

- (a) Written official license verification - \$30.¶
- (b) List of licensees (electronic or printed) - \$30 each Active/Inactive.¶
- (c) Reactivation of license - \$150.¶
- (d) Reinstatement of license - \$150.¶
- (e-) Decorative Wall Certificate of Registration (optional, personalized and signed by Board) - \$40.¶
- (gf) Applicant or licensee must pay to the Board the cost of conducting the state and federal background check. The cost is \$45 and due with the application fee or when requested by the Board.¶
- (hg) 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.
Statutory/Other Authority: ORS 182, ORS 683, ORS 431
Statutes/Other Implemented: ORS 683.270, ORS 182.466, ORS 431.972