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**TEMPORARY ADMINISTRATIVE ORDER**  
INCLUDING STATEMENT OF NEED & JUSTIFICATION

**HLO 5-2020**  
CHAPTER 331  
OREGON HEALTH AUTHORITY  
HEALTH LICENSING OFFICE

**FILED**  
04/10/2020 1:16 PM  
ARCHIVES DIVISION  
SECRETARY OF STATE  
& LEGISLATIVE COUNSEL

FILING CAPTION: Discount delinquency fees for all Health Licensing Office authorization holders during COVID-19 pandemic.

EFFECTIVE DATE: 04/10/2020 THROUGH 10/06/2020

AGENCY APPROVED DATE: 04/10/2020

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Filed By:  
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NEED FOR THE RULE(S):

The temporary rule is needed to relieve authorization holders of financial burdens caused by the COVID-19 pandemic.

JUSTIFICATION OF TEMPORARY FILING:

The Governor of Oregon declared a state of emergency on March 8, 2020 due to the COVID-19 pandemic. The Governor's Executive Order No. 20-03 directs state agencies to develop and implement procedures, including adopting temporary rules within the agency's authority designed to prevent or alleviate financial burden caused by the public health threat. As part of the declared state of emergency the Governor has established social distancing requirements which has placed many authorization holders, including facilities and independent contractors, out of work. The temporary rule is needed to ease the financial impact that delinquency fees may impose on authorization holders.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

Executive Order No. 20-03 [https://www.oregon.gov/gov/Documents/executive\\_orders/eo\\_20-03.pdf](https://www.oregon.gov/gov/Documents/executive_orders/eo_20-03.pdf) Executive Order No. 20-12, and Executive Order No. 20-12 [https://www.oregon.gov/gov/Documents/executive\\_orders/eo\\_20-12.pdf](https://www.oregon.gov/gov/Documents/executive_orders/eo_20-12.pdf) and 2019 Oregon Revised Statutes and Oregon Administrative Rules which are available through the Health Licensing Office.

ADOPT: 331-010-0015

RULE TITLE: COVID-19 – Delinquency Fee Discount for Authorization Holders during Declared State of Emergency

RULE SUMMARY: Provide discount on delinquency fees for all Health Licensing Office authorization holders during COVID-19 pandemic.

RULE TEXT:

(1) The Governor of the State of Oregon declared a state of emergency under ORS 401.165 et seq. on March 8, 2020. The Governor has imposed social distancing requirements and restricted certain activities because of the public health threat posed by the novel infectious coronavirus (COVID-19). The Office recognizes the financial burdens on

authorization holders, including those with small businesses.

(2) Authorization holders are encouraged to renew timely when the requirements for renewal and circumstances allow them to complete the process. Operating with an inactive license is a sanctionable offense.

(3) A late renewal of authorization fee is required pursuant to ORS 676.576. Notwithstanding OAR 331-140-0000(2)(f), OAR 331-300-0020(2)(e), OAR 331-375-0020(2)(e), OAR 331-440-0000(2)(e), OAR 331-475-0010(2)(f), OAR 331-655-0005(2)(e), OAR 331-740-0000(2)(e), OAR 331-800-0020(2)(g), OAR 331-940-0000(2)(f)(A), OAR 332-040-0000(2)(f)(A), OAR 338-005-0030(2)(e)(A), OAR 817-040-0003(2)(f)(A), OAR 819-040-0005(2)(d), OAR 824-020-0040(1)(d)(A), OAR 834-040-0000(2)(d)(A), OAR 853-040-0000(2)(e)(A), and any other Office or ORS 676.565 board, council, or program rule, the delinquency fee for late renewal of an authorization is discounted to \$1.00 for an authorization holder with a renewal date that falls between March 8, 2020 and 30 days after the date on which the declared state of emergency, and any extension of the declaration, is no longer in effect, provided that:

(a) the authorization was current immediately before the 2020 renewal date; and

(b) all renewal requirements are completed between March 8, 2020 and 30 days after the date on which the declared state of emergency, and any extension of the declaration, is no longer in effect.

(4) In order to qualify for the delinquency fee discount in (3), an authorization holder must meet all other renewal requirements under the authorization holder's governing board, council, or program laws, including paying the applicable renewal fee:

(a) Board of Athletic Trainers: OAR 331-140-0000(2)(e).

(b) Board of Cosmetology: OAR 817-040-0003(2)(e).

(c) Board of Denture Technology: OAR 331-440-0000(2)(d).

(d) Board of Direct Entry Midwifery: OAR 332-040-0000(2)(d).

(e) Respiratory Therapist and Polysomnographic Licensing Board: OAR 331-740-0000(2)(d).

(f) Environmental Health Registration Board: OAR 338-005-0030(2)(d).

(g) Board of Electrologist and Body Art Practitioners: OAR 331-940-0000(2)(d) and (e).

(h) Advisory Council on Hearing Aids: OAR 331-655-0005(2)(d).

(i) Sexual Offense Treatment Board: OAR 331-800-0020(2)(c).

(j) Long Term Care Administrators Board: OAR 853-040-0000(2)(d).

(k) Board of Licensed Dietitians: OAR 834-040-0000(2)(c).

(l) Behavior Analysis Regulatory Board: OAR 824-020-0040(1)(c).

(m) Board of Certified Advanced Estheticians: OAR 819-040-0005(2)(c).

(n) Art Therapy: OAR 331-375-0020(2)(c).

(o) Lactation Consultation: OAR 331-475-0010(2)(c).

(p) Music Therapy: OAR 331-300-0020(2)(c).

(5) In order to qualify for the discount for delinquency fees, authorization holders must meet all renewal requirements for the specific board, council and programs listed in ORS 676.565.

STATUTORY/OTHER AUTHORITY: ORS 676.568(1)(f), (1)(o), (2), ORS 676.572, ORS 676.576, ORS 676.615(1), (2), ORS 676.625, ORS 676.689, ORS 678.820, ORS 681.730

STATUTES/OTHER IMPLEMENTED: ORS 676.568(1)(f), (1)(o), (2), ORS 676.572, ORS 676.576, ORS 676.615(1), (2), ORS 676.625, ORS 676.689, ORS 678.820, ORS 681.730