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**NOTICE OF PROPOSED RULEMAKING**  
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 331  
OREGON HEALTH AUTHORITY  
HEALTH LICENSING OFFICE

**FILED**  
09/17/2019 8:47 AM  
ARCHIVES DIVISION  
SECRETARY OF STATE

FILING CAPTION: 2019 Senate Bill 688's mandates add another pathway to temporary licensure for military spouses.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 10/28/2019 9:00 AM

*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.*

*A public rulemaking hearing may be requested in writing by 10 or more people, or by a group with 10 or more members, within 21 days following the publication of the Notice of Proposed Rulemaking in the Oregon Bulletin or 28 days from the date the Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, the notice of the date and time of the rulemaking hearing must be published in the Oregon Bulletin at least 14 days before the hearing.*

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Filed By:  
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**NEED FOR THE RULE(S):**

Rules must reflect the mandates of 2019 Senate Bill 688, which adds another pathway to temporary licensure for military spouses.

**DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:**

2019 Senate Bill 688; it is available on the legislature's website.

**FISCAL AND ECONOMIC IMPACT:**

Only positive - the spouses of military members who are transferred to Oregon have another pathway to temporary licensure, enabling them to go to work right away.

**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).*

None expected - as the Health Licensing Office already offer's military spouses and domestic partners pathways to temporary licensure, the Office already tracks this information.

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

It's a legislative mandate. No small businesses were involved the development of the rule.

**WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?**

It's a legislative mandate.

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RULES PROPOSED:

331-010-0055, 331-010-0060, 331-010-0061

AMEND: 331-010-0055

RULE SUMMARY: Rules must reflect the mandates of 2019 Senate Bill 688, which adds another pathway to temporary licensure for military spouses.

CHANGES TO RULE:

331-010-0055

Military Spouse or Domestic Partner Temporary Authorization to Practice ¶¶

(1) Pathway 1 - Military Spouse or Domestic Partner ¶¶

(a) Pursuant to ORS 676.308, "military spouse or domestic partner" means a spouse or domestic partner of an active member of the Armed Forces of the United States who is the subject of a military transfer to Oregon. ¶¶

(2b) A military spouse or domestic partner holding a temporary authorization to practice in a profession under the Office's authority may perform services within the profession. ¶¶

(3c) A temporary authorization may be immediately issued to a military spouse or domestic partner; it is valid for three months and may not be renewed. ¶¶

(2) Pathway 2 - Military Spouse ¶¶

(a) Pursuant to 2019 Senate Bill 688, "military spouse" is the spouse of a member of the Armed Forces of the United States who is stationed in Oregon. ¶¶

(b) A military spouse holding a temporary authorization to practice in a profession under the Office's authority may perform services within the profession. ¶¶

(3) A temporary authorization will be issued to a military spouse and is valid until the earliest of the following: ¶¶

(a) Two years after the date of issuance; ¶¶

(b) The term of service of the military service members ends in Oregon; or ¶¶

(c) The date the military spouse's authorization issued by another state expires. ¶¶

(4) The temporary authorization is not renewable.

Statutory/Other Authority: ORS 676.308, ORS 676.565, ORS 676.615, ORS 681.700-681.730, 2019 Senate Bill 688

Statutes/Other Implemented: ORS 676.308, ORS 676.565, ORS 676.615, ORS 681.700-681.730, 2019 Senate Bill 688

AMEND: 331-010-0060

RULE SUMMARY: Rules must reflect the mandates of 2019 Senate Bill 688, which adds another pathway to temporary licensure for military spouses.

CHANGES TO RULE:

331-010-0060

Requirements for Temporary Authorization to Practice for a Military Spouse or Domestic Partner ¶¶

~~An individual~~ (1) Pathway 1 - a military spouse or domestic partner applying for a temporary authorization to practice must: ¶¶

~~(1a)~~ (1a) Meet the requirements of OAR 331 ~~d~~Division 30; ¶¶

~~(2b)~~ (2b) Submit a completed application form prescribed by the Office, which must contain the information listed in OAR 331-030-0000, and be accompanied by payment of all required fees; ~~and~~ ¶¶

~~(3c)~~ (3c) Attest that the applicant has requested evidence of authorization from the state or territory in which the applicant is authorized to practice in a profession comparable to a profession under the Office's authority, and that the applicant is not subject to any disciplinary action in that state or territory for a matter related to services comparable to a service regulated by the Office or the program under which authorization is sought. ¶¶

(2) Pathway 2 - a military spouse applying for a temporary authorization to practice must: ¶¶

(a) Meet the requirements of OAR 331 Division 30; ¶¶

(b) Submit a completed application form prescribed by the Office, which must contain the information listed in OAR 331-030-0000, and be accompanied by payment of all required fees; and ¶¶

(c) Submit an affidavit of licensure from any state where the individual holds or has held a license in which the applicant is authorized to practice in a profession comparable to a profession under the Office's authority, and that the applicant is not subject to any disciplinary action in that state or territory for a matter related to services comparable to a service regulated by the Office or the program under which authorization is sought. ¶¶

(d) Submit evidence of having provided services or taught the subject matter regulated by the board or program for at least one year during the three years immediately preceding the date on which the Office receives the application.

Statutory/Other Authority: ORS 676.308, ORS 676.565, ORS 676.615, ORS 681.700-681.730, 2019 Senate Bill 688

Statutes/Other Implemented: ORS 676.308, ORS 676.565, ORS 676.615, ORS 681.700-681.730, 2019 Senate Bill 688

AMEND: 331-010-0061

RULE SUMMARY: Rules must reflect the mandates of 2019 Senate Bill 688, which adds another pathway to temporary licensure for military spouses.

CHANGES TO RULE:

331-010-0061

Requirements for Temporary Authorization to Practice for a Military Spouse or Domestic Partner to Become Permanent

~~An individual~~(1) A military spouse or domestic partner who has a temporary authorization to practice and who wants the authorization to become permanent must: ¶

~~(1a)~~ (1a) Meet the requirements of OAR 331 division 30; ¶

~~(2b)~~ (2b) Submit a completed application form prescribed by the Office, which must contain the information listed in OAR 331-030-0000, and be accompanied by payment of all required fees; ~~and~~ ¶

~~(3c)~~ (3c) Submit ~~(aA)-(eE)~~ before the three-month temporary authorization expires. If the Office accepts and approves the information, the Office will issue a permanent authorization to practice according to the rules pertaining to the profession. ¶

~~(aA)~~ (aA) A copy of a marriage certificate or domestic partnership registration with the name of the applicant and the name of the active duty member of the Armed Forces of the United States; ~~and~~ ¶

~~(bB)~~ (bB) A copy of the assignment to an Oregon duty station by official active duty military order for the spouse or domestic partner named in the marriage certificate or domestic partnership registration; ~~and~~ ¶

~~(cC)~~ (cC) Evidence that the applicant meets qualifications for authorization as provided in the statutes and rules of the program for which authorization is sought, including examinations; ~~and~~ ¶

~~(dD)~~ (dD) Evidence of having provided services or taught the subject matter regulated by the board for at least one year during the three years immediately preceding the date on which the Office receives the application. ~~¶~~

~~(e; and~~ ¶

(E) Evidence that the applicant is authorized by another state or territory to practice in a profession comparable to a profession under the Office's authority and that the applicant is not subject to disciplinary action in that state or territory for a matter related to services comparable to services regulated by the Office or the program under which authorization is sought. ¶

(2) Notwithstanding any other rules administered by the Office, an applicant for a temporary authorization under this rule must submit all applicable fees for a permanent authorization listed within the program rules administered by the Office. ¶

(3) Pathway 2 - a military spouse who has a temporary authorization to practice and who wants the authorization to be permanent must: ¶

(a) Meet the requirements of OAR 331 Division 30; ¶

(b) Submit a completed application form prescribed by the Office, which must contain the information listed in OAR 331-030-0000, and be accompanied by payment of all required fees; and ¶

(c) Submit (A)-(D) before the temporary authorization expires. If the Office accepts and approves the information, the Office will issue a permanent authorization to practice according to the rules pertaining to the profession. ¶

(A) A copy of a marriage certificate with the name of the applicant and the name of the active duty member of the Armed Forces of the United States; and ¶

(B) A copy of the assignment to an Oregon duty station by official active duty military order for the spouse named in the marriage certificate; and ¶

(C) Evidence that the applicant meets qualifications for authorization as provided in the statutes and rules of the program for which authorization is sought, including examinations; and ¶

(D) Evidence that the applicant is authorized by another state or territory to practice in a profession comparable to a profession under the Office's authority and that the applicant is not subject to disciplinary action in that state or territory for a matter related to services comparable to services regulated by the Office or the program under which authorization is sought. ¶

(4d) Notwithstanding any other rules administered by the Office, an applicant for a temporary authorization under this rule must submit all applicable fees for a permanent authorization listed within the program rules administered by the Office.

Statutory/Other Authority: ORS 676.565, ORS 676.615, ORS 681.700-681.730, ORS 676.308, 2019 Senate Bill 688

Statutes/Other Implemented: ORS 676.565, ORS 676.615, ORS 681.700-681.730, ORS 676.308, 2019 Senate Bill 688