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FILING CAPTION: Criminal Conviction Petition for Determination (SB 1552, 2024)

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RULES:

333-265-0029, 333-265-0030, 333-275-0035, 333-275-0180

ADOPT: 333-265-0029

NOTICE FILED DATE: 07/28/2025

RULE SUMMARY: Adopt OAR 333-265-0029

Implements the provisions of 2024 Oregon Law, chapter 95, section 44 (SB 1552). Describes the process for a person to petition the Oregon Health Authority (Authority) to seek a determination whether a criminal conviction may prevent the person from obtaining an EMS provider license. Provides information on the types of documents that must be submitted for the Authority to make a determination and the fee required. Clarifies when a petition is considered incomplete. Clarifies the criteria used to make a determination and when a determination may be rescinded or reconsidered. Specifies that a determination is not considered a final determination. Clarifies that information submitted with the petition and the Authority determination is subject to public records law and may be subject to public disclosure unless a public record exemption applies.

CHANGES TO RULE:

333-265-0029

Criminal Conviction Petition for Determination

(1) For the purposes of this rule, "petitioner" means an individual who has submitted a petition seeking a determination under this rule. ¶

(2) Prior to beginning an education, training or an apprentice program for an emergency medical services (EMS) provider license, a person convicted of a crime may petition the Oregon Health Authority (Authority) for a determination as to whether the criminal conviction will prevent the person from receiving an EMS provider license because it reasonably raises questions about the ability of the petitioner to perform the duties of an EMS provider in accordance with the standards established by ORS chapter 682. ¶

(3) To request a determination, a person must submit a complete petition to the Authority. ¶

(4) To be complete, the petition must include the following. ¶

(a) A complete and signed determination request form in the form and manner prescribed by the Authority. ¶

(b) Records relating to the final judgment of any criminal conviction(s) against the petitioner including: ¶

(A) Certified copy of the judgment(s) of criminal conviction; ¶

(B) Charging document(s):¶

(C) Arrest report(s), if they exist:¶

(D) Parole records, if they exist: ¶

(E) Probation records, if they exist; and ¶

(F) Documents that verify completion of court-ordered terms and condition, if they exist.¶

(c) A written statement from the petitioner regarding the facts underlying the criminal conviction(s), and any intervening circumstances.¶

(d) Any other information or documentation requested by the Authority.¶

(e) The fee specified under OAR 333-265-0030.¶

(5) If any of the records required to be submitted with a petition as described under subsection (4)(b) of this rule no longer exist, never existed, have been sealed or are otherwise unavailable to the petitioner, the petitioner must provide evidence from the agency that held the record that the record no longer exists, never existed, is sealed, or is otherwise unavailable to the petitioner.¶

(6) If any of the records or information required under sections (4) and (5) of this rule are not provided, the petition will be deemed incomplete and will be closed without a determination.¶

(7) The Authority's determination under this rule:¶

(a) Addresses whether the identified criminal conviction(s) reasonably raises questions about the ability of the petitioner to perform the duties of an EMS provider in accordance with the standards established by ORS chapter 682.¶

(b) Relies on the information provided by the petitioner.¶

(c) Relies on the criteria established in ORS 181A.195(10)(c) and ORS 670.280.¶

(8) The Authority will reconsider a determination that a criminal conviction prevents the person from obtaining a license when the person submits a completed application for a license.¶

(9) A determination that a criminal conviction will not prevent the petitioner from obtaining a license may be rescinded by the Authority if at the time the petitioner submits a complete application for license, the petitioner: ¶

(a) Has allegations or charges pending in criminal court.¶

(b) Has failed to disclose any previous criminal convictions.¶

(c) Has been convicted of another crime between the time that the determination was initially issued and the time the application for licensure was submitted; or ¶

(d) Has been convicted of a crime that, during the time between the determination was initially issued and the time the application for licensure was submitted, became subject to a change in state or federal law that prohibits licensure because of a conviction of that crime.¶

(10) Failure to disclose previous criminal conviction(s) 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 including anything submitted with the petition.¶

(11) In accordance with ORS 670.280, nothing in this rule prohibits the Authority from denying a license for a reason other than conviction of a crime.¶

(12) A determination under this rule is not considered a final determination of the Authority.¶

(13) The petition, including documents submitted with the petition, and the Authority's determination are subject to Oregon's public records laws, and unless an exemption applies, the information and documents are subject to public disclosure.

Statutory/Other Authority: ORS 670.280, ORS 682.017, ORS 682.220

Statutes/Other Implemented: ORS 670.280, ORS 682.017, ORS 682.220

RULE SUMMARY: Amend OAR 333-265-0030

Spells out acronyms. Amends the rule title and adds a \$50 fee for the Oregon Health Authority to review a petition for a criminal conviction to make a determination whether a criminal conviction may prevent the person from obtaining an EMS Provider license prior to the individual beginning an education, training or apprenticeship program. Clarifies that the existing additional \$50 fee required for a Transitional Paramedic license applies to initial, renewal and reciprocity licensure.

CHANGES TO RULE:

333-265-0030

Fees for Licensure and License Renewal of an Emergency Medical Services (EMS) Provider License Fees ¶

(1) The following fees apply:¶

(a) The initial application fee for emergency medical services (EMS) providers:¶

(A) EMRergency Medical Responder (EMR) - \$45;¶

(B) EMT - \$110;¶

(C) Emergency Medical Technician (EMT) - \$110;¶

(C) Advanced Emergency Medical Technician (AEMT) - \$125;¶

(D) EMT-Intermediate - \$125; and¶

(E) Paramedic - \$290.¶

(b) Reciprocity licensure fees:¶

(A) EMR - \$50;¶

(B) EMT - \$140;¶

(C) AEMT - \$165;¶

(D) EMT-Intermediate - \$165; and¶

(E) Paramedic - \$300.¶

(c) Transitional Paramedic licensure fee is an additional \$50.¶

(d) License renewal fees:¶

(A) EMR - \$23;¶

(B) EMT - \$55;¶

(C) AEMT - \$85;¶

(D) EMT-Intermediate - \$85; and¶

(E) Paramedic - \$150.¶

(e) Transitional Paramedic licensure fee is an additional \$50 to the fee specified in paragraphs (1)(a)(E), (1)(b)(E), and (1)(c)(E).¶

(f) Criminal conviction petition for determination - \$50.¶

(f) Reinstatement fees:¶

(A) An EMS provider whose license has been expired for 12 months or less shall pay 100 percent of the renewal fee based on the provider's license level specified in subsection (1)(d) plus the late fee specified in section (3).¶

(B) An EMS provider whose license has been expired greater than 12 months to 15 months shall pay 50 percent of the initial fee based on the provider's license level specified in subsection (1)(a).¶

(C) An EMS provider whose license has been expired greater than 15 months to 18 months shall pay 25 percent of the initial fee based on the provider's license level specified in subsection (1)(a).¶

(D) An EMS provider whose license has been expired greater than 18 months to 24 months shall pay 100 percent of the initial fee based on the provider's license level specified in subsection (1)(a).¶

(2) An applicant for initial licensure or licensure by reciprocity shall pay the following prorated fee based on the license level and fee specified in subsection (1)(a) or (1)(b) of this rule and the time the application is submitted.¶

(a) Greater than 12 months to 24 months until the date of scheduled expiration: 100 percent of the initial or reciprocity fee.¶

(b) Greater than 9 months to 12 months until the date of scheduled expiration: 50 percent of the initial or reciprocity fee.¶

(c) Greater than 6 months to 9 months until the date of scheduled expiration: 25 percent of the initial or reciprocity fee.¶

(3) As authorized by ORS 682.216, a license renewal application submitted after June 1 of the license renewal year must include a \$40 late fee in addition to the license renewal fee.¶

(4) If an EMS provider has been on active military duty for more than six months of a license renewal period which prevented the EMS provider from accessing continuing education, the Oregon Health Authority (Authority) may approve an extension of the current license to permit obtaining the required educational hours.¶

(5) The Authority may waive the EMS provider license renewal fee for an ambulance service or non-transport EMS agency which utilizes volunteers to provide a majority of its services. The ambulance service or non-transport EMS agency may only request one waiver per renewal period on a form prescribed by the Authority.¶

(6) All fees established in this rule are nonrefundable. (7) The fees established in section (1) of this rule apply to any application submitted on or after the effective date of these rules.

Statutory/Other Authority: ORS 682.017, ORS 682.212, ORS 682.216, ORS 670.280

Statutes/Other Implemented: ORS 682.017, ORS 682.212, ORS 682.216, ORS 670.280

RULE SUMMARY: Adopt OAR 333-275-0035

Implements the provisions of 2024 Oregon Law, chapter 95, section 44 (SB 1552). Describes the process for a person to petition the Oregon Health Authority (Authority) to seek a determination whether a criminal conviction may prevent the person from obtaining a Hemodialysis Technician certification. Provides information on the types of documents that must be submitted for the Authority to make a determination and the fee required. Clarifies when a petition is considered incomplete. Clarifies the criteria used to make a determination and when a determination may be rescinded or reconsidered. Specifies that a determination is not considered a final determination. Clarifies that information submitted with the petition and the Authority determination is subject to public records law and may be subject to public disclosure unless a public record exemption applies.

CHANGES TO RULE:

333-275-0035

Criminal Conviction Petition for Determination

(1) For the purposes of this rule, "petitioner" means an individual who has submitted a petition seeking a determination under this rule. ¶

(2) Prior to beginning an education, training or an apprentice program for a hemodialysis technician certification, a person convicted of a crime may petition the Oregon Health Authority (Authority) for a determination as to whether the criminal conviction will prevent the person from receiving a hemodialysis technician certification because it reasonably raises questions about the ability of the petitioner to perform the duties of a hemodialysis technician in accordance with the standards established by ORS chapter 688. ¶

(3) To request a determination, a person must submit a complete petition to the Authority. ¶

(4) To be complete, the petition must include the following: ¶

(a) A complete and signed determination request form in the form and manner prescribed by the Authority. ¶

(b) Records relating to the final judgment of any criminal conviction(s) against the petitioner including: ¶

(A) Certified copy of the judgment(s) of criminal conviction; ¶

(B) Charging document(s); ¶

(C) Arrest report(s), if they exist; ¶

(D) Parole records, if they exist; ¶

(E) Probation records, if they exist; and ¶

(F) Documents that verify completion of court-ordered terms and condition, if they exist. ¶

(c) A written statement from the petitioner regarding the facts underlying the criminal conviction(s), and any intervening circumstances. ¶

(d) Any other information or documentation requested by the Authority. ¶

(e) The fee specified under OAR 333-275-0180. ¶

(5) If any of the records required to be submitted with a petition as described under subsection (4)(b) of this rule no longer exist, never existed, have been sealed or are otherwise unavailable to the petitioner, petitioner must provide evidence from the agency that held the record that the record no longer exists, never existed, is sealed, or is otherwise unavailable to the petitioner. ¶

(6) If any of the records or information required under sections (4) or (5) of this rule are not provided, the petition will be deemed incomplete and will be closed without a determination. ¶

(7) The Authority's determination under this rule: ¶

(a) Addresses whether the identified criminal conviction(s) reasonably raises questions about the ability of the petitioner to perform the duties of a hemodialysis technician in accordance with the standards established by ORS chapter 688. ¶

(b) Relies on the information provided by the petitioner. ¶

(c) Relies on the criteria established in ORS 181A.195(10)(c) and ORS 670.280. ¶

(8) The Authority will reconsider a determination that a criminal conviction prevents the person from obtaining a certificate when the person submits a completed application for a certificate. ¶

(9) A determination that a criminal conviction will not prevent the petitioner from obtaining a certificate may be rescinded by the Authority if at the time the petitioner submits a complete application for certification, the petitioner: ¶

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

(b) Has failed to disclose any previous criminal convictions. ¶

(c) Has been convicted of another crime between the time that the determination was initially issued and the time the application for certification was submitted; or ¶

(d) Has been convicted of a crime that, during the time between the determination was initially issued and the time the application for certification was submitted, became subject to a change in state or federal law that prohibits certification because of a conviction of that crime. ¶

(10) Failure to disclose previous criminal conviction(s) 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 including anything submitted with the petition. ¶

(11) In accordance with ORS 670.280, nothing in this rule prohibits the Authority from denying a certificate for a reason other than conviction of a crime. ¶

(12) A determination under this rule is not considered a final determination of the Authority. ¶

(13) The petition, including documents submitted with the petition, and the Authority's determination are subject to Oregon's public records laws, and unless an exemption applies, the information and documents are subject to public disclosure.

Statutory/Other Authority: ORS 670.280, ORS 688.640, ORS 688.665

Statutes/Other Implemented: ORS 670.280, ORS 688.640, ORS 688.655, ORS 688.665

AMEND: 333-275-0180

NOTICE FILED DATE: 07/28/2025

RULE SUMMARY: OAR 333-275-0180

Amends the rule title and adds a \$50 fee for the Oregon Health Authority to review a petition for a criminal conviction to make a determination whether a criminal conviction may prevent the person from obtaining a Hemodialysis Technician certification prior to the individual beginning an education, training or apprenticeship program.

CHANGES TO RULE:

333-275-0180

Fees for Hemodialysis Technician Certification and Certification Renewal Fees

(1) Initial certification (based on months between initial certification until renewal):¶

- (a) 19-24 months - \$150.¶
- (b) 13-18 months - \$112.50.¶
- (c) 7-12 months - \$75.¶
- (d) 1-6 months - \$37.50.¶

(2) Provisional certification:¶

- (a) Initial - valid for 6 months - \$37.50.¶
- (b) Renewal - valid for additional 6 months (one time only) - \$37.50.¶

(3) Certification renewal - \$150.¶

(4) Criminal conviction petition for determination - \$50.¶

(5) Delinquent (late fee) - \$25.¶

(56) Duplicate or replacement certificate fee - \$25.¶

(67) As authorized by ORS 688.645, an application for certification renewal submitted or postmarked after May 31st of the renewal year must include a \$25 delinquent fee in addition to the certification renewal fee.¶

(78) Fees established in this rule are non-refundable.

Statutory/Other Authority: ORS 688.640, ORS 688.665, ORS 670.280

Statutes/Other Implemented: ORS 6858.645, ORS 670.280