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CHAPTER 847
OREGON MEDICAL BOARD

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FILING CAPTION: Updating process for when Oregon Medical Board applications may expire or be withdrawn.

EFFECTIVE DATE: 01/08/2024

AGENCY APPROVED DATE: 01/04/2024

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RULES:

847-008-0010, 847-020-0185, 847-020-0190, 847-050-0070, 847-070-0060, 847-080-0028, 847-080-0030

AMEND: 847-008-0010

RULE TITLE: Initial Registration

NOTICE FILED DATE: 10/18/2023

RULE SUMMARY: The amendment to 847-008-0010 clarifies that an application for licensure expires after 12 months if it is not completed or if the registration fee is unpaid. The proposed rule amendment states that an application cannot expire if it is under review by the Board or a Committee of the Board.

RULE TEXT:

(1) An applicant for licensure as a physician, physician assistant, or acupuncturist, whose application file is complete, must submit to the Board the initial registration form and fee prior to being granted a license by the Board.

(2) A person applying for licensure must ensure the license application is complete and accurate throughout the application process. A person applying for licensure must update the Board within 10 business days regarding any changes in information previously provided or any new information that becomes available during the application process.

(3) An application expires if not completed within a 12-month consecutive period.

(4) Once an application expires and per OAR 847-020-0110(3), a person applying for licensure must file a new application, documents, letters and pay a full filing fee as if filing for the first time.

(5) The application is not subject to section (3) once the application is reviewed by the Board or a Committee of the Board.

(6)(a) An individual who initially becomes licensed, certified or registered by the Board at any time during the first 12 months of a biennial registration period must pay the entire biennial registration fee for that period, except as provided in OAR 847-008-0015 and 847-008-0025.

(b) An individual who initially becomes licensed, certified, or registered by the Board at any time during the second 12 months of the biennial registration period must pay the registration fee for one year.

STATUTORY/OTHER AUTHORITY: ORS 677.265

STATUTES/OTHER IMPLEMENTED: ORS 677.172, ORS 677.190, ORS 677.205, ORS 677.415

AMEND: 847-020-0185

RULE TITLE: License Application Withdrawals

NOTICE FILED DATE: 10/18/2023

RULE SUMMARY: The amendment clarifies the withdrawal process for Oregon Medical Board MD/DO applicants. This amendment replaces a temporary rule that was adopted on July 11, 2023,

RULE TEXT:

- (1) An applicant may withdraw an application for licensure prior to review by the Board's Administrative Affairs Committee. The Board will not report the withdrawal to the Federation of State Medical Boards. The applicant may submit a new application for licensure at any time.
- (2) An applicant may withdraw an application for licensure up to 30 days after the Board has voted to deny the application on the basis that the applicant is not eligible for licensure for reason(s) other than the applicant's failure to demonstrate good moral character. The Board will not report the withdrawal to the Federation of State Medical Boards. The applicant may submit a new application for licensure at any time.
- (3) An applicant may request to withdraw an application for licensure after review by the Administrative Affairs Committee. If the Board grants the request, the withdrawal will be reported to the Federation of State Medical Boards. The applicant may submit a new application for licensure no sooner than two years after the date of withdrawal.
- (4) An applicant may request to withdraw an application for licensure after review by the Board's Investigative Committee. If the Board grants the request, the applicant may withdraw their application only through issuance of a Stipulated Order of suspended judgment of license denial. The suspension of judgment is based on the applicant's withdrawal of their application and agreement not to reapply for licensure for at least two years after issuance of the Stipulated Order. The order will be reported to the Federation of State Medical Boards and the National Practitioner Databank.

STATUTORY/OTHER AUTHORITY: ORS 677.265

STATUTES/OTHER IMPLEMENTED: ORS 677.220, ORS 677.265, ORS 677.100, ORS 677.190

AMEND: 847-020-0190

RULE TITLE: Denial of Licensure

NOTICE FILED DATE: 10/18/2023

RULE SUMMARY: The rule amendment clarifies the process for denial of licensure for MD/DO applicants.

RULE TEXT:

(1) An applicant may not be entitled to a license who:

(a) Has failed to pass a medical licensure examination for licensure in the State of Oregon;

(b) Has had a license revoked or suspended in this or any other state or country unless the said license has been restored or reinstated and the applicant's license is in good standing in the state or country which had revoked the same;

(c) Has been refused a license or certificate in any other state or country on any grounds other than failure in a medical licensure examination;

(d) Has been guilty of conduct similar to that which would be prohibited by or to which ORS 677.190 would apply; or

(e) Has been guilty of cheating or subverting the medical licensing examination process. Medical licensing examination means any examination given by the Board to an applicant for registration, certification or licensure under this act.

Evidence of cheating or subverting includes, but is not limited to:

(A) Copying answers from another examinee or permitting one's answers to be copied by another examinee during the examination;

(B) Having in one's possession during the examination any books, notes, written or printed materials or data of any kind, other than examination materials distributed by board staff, which could facilitate the applicant in completing the examination;

(C) Communicating with any other examinee during the administration of the examination;

(D) Removing from the examining room any examination materials;

(E) Photographing or otherwise reproducing examination materials.

(2) An applicant whose application has been denied may submit a new application for licensure as stated in the Board's Order, but no sooner than two years after the date of denial.

STATUTORY/OTHER AUTHORITY: ORS 677.265

STATUTES/OTHER IMPLEMENTED: ORS 677.265, ORS 677.190, ORS 677.100, ORS 677.220

AMEND: 847-050-0070

RULE TITLE: License Application Withdrawals and Denials

NOTICE FILED DATE: 10/18/2023

RULE SUMMARY: The amendment clarifies the withdrawal process for Oregon Medical Board PA applicants.

RULE TEXT:

- (1) An applicant may withdraw an application for licensure prior to review by the Board's Administrative Affairs Committee. The Board will not report the withdrawal to the Federation of State Medical Boards. The applicant may submit a new application for licensure at any time.
- (2) An applicant may withdraw an application for licensure up to 30 days after the Board has voted to deny the application on the basis that the applicant is not eligible for licensure for reason(s) other than the applicant's failure to demonstrate good moral character. The Board will not report the withdrawal to the Federation of State Medical Boards. The applicant may submit a new application for licensure at any time.
- (3) An applicant may request to withdraw an application for licensure after review by the Administrative Affairs Committee. If the Board grants the request, the withdrawal will be reported to the Federation of State Medical Boards. The applicant may submit a new application for licensure no sooner than two years after the date of withdrawal.
- (4) An applicant may request to withdraw an application for licensure after review by the Board's Investigative Committee. If the Board grants the request, the applicant may withdraw their application only through issuance of a Stipulated Order of suspended judgment of license denial. The suspension of judgment is based on the applicant's withdrawal of their application and agreement not to reapply for licensure for at least two years after issuance of the Stipulated Order. The order will be reported to the Federation of State Medical Boards and the National Practitioner Databank.
- (5) An applicant whose application has been denied may submit a new application for licensure as stated in the Board's Order, but no sooner than two years after the date of denial.

STATUTORY/OTHER AUTHORITY: ORS 677.265

STATUTES/OTHER IMPLEMENTED: ORS 677.265, ORS 677.100, ORS 677.190, ORS 677.220, ORS 677.512

AMEND: 847-070-0060

RULE TITLE: License Application Withdrawals and Denials

NOTICE FILED DATE: 10/18/2023

RULE SUMMARY: The proposed amendment clarifies the withdrawal process for Oregon Medical Board acupuncture applicants.

RULE TEXT:

- (1) An applicant may withdraw an application for licensure prior to review by the Board's Administrative Affairs Committee or Acupuncture Advisory Committee. The Board will not report the withdrawal to the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM). The applicant may submit a new application for licensure at any time.
- (2) An applicant may withdraw an application for licensure up to 30 days after the Board has voted to deny the application on the basis that the applicant is not eligible for licensure for reason(s) other than the applicant's failure to demonstrate good moral character. The Board will not report the withdrawal to the NCCAOM. The applicant may submit a new application for licensure at any time.
- (3) An applicant may request to withdraw an application for licensure after review by the Administrative Affairs Committee. If the Board grants the request, the withdrawal will be reported to the NCCAOM. The applicant may submit a new application for licensure no sooner than two years after the date of withdrawal.
- (4) An applicant may request to withdraw an application for licensure after review by the Board's Investigative Committee. If the Board grants the request, the applicant may withdraw their application only through issuance of a Stipulated Order of suspended judgment of license denial. The suspension of judgment is based on the applicant's withdrawal of their application and agreement not to reapply for licensure for at least two years after issuance of the Stipulated Order. The order will be reported to the NCCAOM and the National Practitioner Databank.
- (5) An applicant whose application has been denied may submit a new application for licensure as stated in the Board's Order, but no sooner than two years after the date of denial.

STATUTORY/OTHER AUTHORITY: ORS 677.265

STATUTES/OTHER IMPLEMENTED: ORS 677.265, ORS 677.100, ORS 677.190, ORS 677.220, ORS 677.759

AMEND: 847-080-0028

RULE TITLE: License Application Withdrawals

NOTICE FILED DATE: 10/18/2023

RULE SUMMARY: The proposed amendment clarifies the withdrawal process for Oregon Medical Board DPM applicants.

RULE TEXT:

- (1) An applicant may withdraw an application for licensure prior to review by the Board's Administrative Affairs Committee. The Board will not report the withdrawal to the Federation of Podiatric Medical Boards. The applicant may submit a new application for licensure at any time.
- (2) An applicant may withdraw an application for licensure up to 30 days after the Board has voted to deny the application on the basis that the applicant is not eligible for licensure for reason(s) other than the applicant's failure to demonstrate good moral character. The Board will not report the withdrawal to the Federation of Podiatric Medical Boards. The applicant may submit a new application for licensure at any time.
- (3) An applicant may request to withdraw an application for licensure after review by the Administrative Affairs Committee. If the Board grants the request, the withdrawal will be reported to the Federation of Podiatric Medical Boards. The applicant may submit a new application for licensure no sooner than two years after the date of withdrawal.
- (4) An applicant may request to withdraw an application for licensure after review by the Board's Investigative Committee. If the Board grants the request, the applicant may withdraw their application only through issuance of a Stipulated Order of suspended judgment of license denial. The suspension of judgment is based on the applicant's withdrawal of their application and agreement not to reapply for licensure for at least two years after issuance of the Stipulated Order. The order will be reported to the Federation of Podiatric Medical Boards and the National Practitioner Databank.

STATUTORY/OTHER AUTHORITY: ORS 677.265

STATUTES/OTHER IMPLEMENTED: ORS 677.265, ORS 677.190, ORS 677.220, ORS 677.820

AMEND: 847-080-0030

RULE TITLE: Denial of License

NOTICE FILED DATE: 10/18/2023

RULE SUMMARY: The proposed rule amendment clarifies the process for denial of licensure for DPM applicants.

RULE TEXT:

(1) No applicant is entitled to a podiatry license who:

(a) Has failed an examination for licensure in the State of Oregon;

(b) Has had a license revoked or suspended in this or any other state or country unless the said license has been restored or reinstated and the applicant's license is in good standing in the state or country which had revoked the same;

(c) Has been refused a license or certificate in any other state or country on any grounds other than failure in a podiatric licensure examination;

(d) Has been guilty of conduct similar to that which would be prohibited by or to which ORS 677.190 would apply; or

(e) Has been guilty of cheating or subverting the podiatric licensing examination process. Podiatric licensing examination means any examination given by the Board, other states, or national testing organization, to an applicant for registration, certification or licensure under this act. Evidence of cheating or subverting includes, but is not limited to:

(A) Copying answers from another examinee or permitting one's answers to be copied by another examinee during the examination;

(B) Having in one's possession during the examination any books, notes, written or printed materials or data of any kind, other than examination materials distributed by Board staff, which could facilitate the applicant in completing the examination;

(C) Communicating with any other examinee during the administration of the examination;

(D) Removing from the examining room any examination materials;

(E) Photographing or otherwise reproducing examination materials.

(2) An applicant whose application has been denied may submit a new application for licensure as stated in the Board's Order, but no sooner than two years after the date of denial.

STATUTORY/OTHER AUTHORITY: ORS 677.265

STATUTES/OTHER IMPLEMENTED: ORS 677.265, ORS 677.190, ORS 677.100, ORS 677.220, ORS 677.820