



NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 339
OCCUPATIONAL THERAPY LICENSING BOARD

FILED

12/03/2025 1:25 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Adopting rules for authorization to practice under the Federal Servicemembers Civil Relief Act.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 01/30/2026 12:00 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.

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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NEED FOR THE RULE(S)

50 USC §4025a was amended in December 2024 relating to the Federal Servicemembers Relief Act (SCRA) and professional licensure portability. The rule clarifies the application process in Oregon under the SCRA.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

Federal law, board meeting materials, located in the Board office.

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

The rule does not have a direct impact on racial equity in Oregon as the rule only applies to the implementation of this specific Federal law, and only applies to servicemembers or their spouses who are being stationed in Oregon and who hold a qualifying license in another state to practice occupational therapy .

FISCAL AND ECONOMIC IMPACT:

None.

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.

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

The rule is only applicable to specific individuals and has no direct bearing on facilities or small businesses.

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

The rule is merely implementing Federal requirements, a rule advisory committee was not deemed necessary.

ADOPT: 339-010-0047

RULE SUMMARY: Rules for authorization to practice under the federal servicemember civil relief act.

CHANGES TO RULE:

339-010-0047

339-010-0047 Servicemember, Spouse or Domestic Partner SCRA Practice Permit

(1) If a servicemember or the spouse or domestic partner of a servicemember has a covered license as defined in section (3) of this rule and relocates residence because such servicemember receives military orders for military service in Oregon, such covered license shall be considered valid for the scope of practice in Oregon if such servicemember, or the spouse or domestic partner submits to the Oregon Occupational Therapy Board an application described in section (2).¶

(2) An application described in this subsection includes the following:¶

(a) Proof of military orders in Oregon described in section (1).¶

(b) If the applicant is the spouse or domestic partner of a servicemember, a copy of the marriage certificate.¶

(c) Fingerprints submitted in a format prescribed by the board for the purposes of a background check.¶

(d) A notarized affidavit affirming, under the penalty of law, that:¶

(A) the applicant is the person described and identified in the application;¶

(B) all statements made in the application are true and correct and complete;¶

(C) the applicant has read and understands the requirements to receive a license, and the scope of practice, in Oregon;¶

(D) the applicant certifies that the applicant meets and shall comply with requirements described in subparagraph (C);¶

(E) the applicant is in good standing in all States in which the applicant holds or has held a license; and ¶

(F) the applicant holds a covered license as defined in section (3). ¶

(3) The term "covered license" means a professional license that, with respect to a scope of practice, that:¶

(a) is in good standing with the licensing authority that issued such license; ¶

(b) has not been revoked or had discipline imposed by any State;¶

(c) does not have an investigation relating to unprofessional conduct pending in any State relating to it; and¶

(d) has not been voluntarily surrendered while under investigation for unprofessional conduct in any State.¶

(4) A person qualified for authorization to practice under this rule is not required to apply under this rule and may apply for any other applicable form of licensure for which they qualify, including the temporary license for military spouse or domestic partner under OAR 339-010-0045.¶

(5) A permit issued under this rule is valid for the duration of the military orders and will expire based on the date of the military orders as long as the covered license is maintained active and in good standing. A person authorized to practice under this rule is responsible for providing the Board the military orders ending military service in Oregon.

Statutory/Other Authority: ORS 675.320

Statutes/Other Implemented: ORS 676.303(3), 50 USC §4025a