



NOTICE OF PROPOSED RULEMAKING INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 339 **OCCUPATIONAL THERAPY LICENSING BOARD**

FILED

02/12/2026 2:12 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Amendments add clarity around how fees are applied and when a petition is considered incomplete.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 04/03/2026 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)

These amendments specify that the fee applies to each petition instead of each conviction. They also define exactly what constitutes an incomplete petition.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

Board meeting documents, board meeting minutes. Available at the Board office.

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

The rule does not have impact on racial equity in Oregon.

FISCAL AND ECONOMIC IMPACT:

There is no fiscal or economic impact as a result of the rule. For persons utilizing the determination process, it clarifies that the fee will be applied per petition, not per conviction.

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).

There is no impact to other state agencies or local government as a result of this rule amendment.

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

The rule amendment has no bearing on facilities or small businesses.

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

A rule advisory was deemed unnecessary as the rule notice is sent to all licensees, interested parties and the state association for comment. The notice is also posted on the Board's website.

AMEND: 339-010-0058

RULE SUMMARY: The amended rules clarify that fees are applied per petition rather than per conviction. Additionally, they establish clear criteria for when a petition is considered incomplete.

CHANGES TO RULE:

339-010-0058

Criminal Conviction Determination Process

(1) Prior to beginning required education or training, a person who was convicted of a crime may petition the Board for a determination as to whether a criminal conviction will prevent the person from receiving a license issued by the Board.¶

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

(a) a complete and signed determination request form;¶

(b) the required fee of \$100;¶

(c) the following records related to the final judgment of each criminal conviction:¶

(A) a certified copy of the judgment of criminal conviction;¶

(B) any charging document(s);¶

(C) the arrest report(s);¶

(D) probation and parole records, if they exist;¶

(d) a written statement from the petitioner regarding the facts underlying the criminal conviction, and any intervening circumstances.¶

(e) a written statement or other document listing all criminal convictions, including dates of conviction and a summary of the facts, if the petitioner has more than one.¶

(3) ~~A separate completed petition and fee must be filed for each criminal conviction for which the petitioner is requesting a determination.~~¶

(4) If any of the records in (3)(c) no longer exist, 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.¶

~~(54) If any of the documents required under subsections (2) and (4) are not provided, A petition is incomplete when it is missing one or more of the items required in this rule. An incomplete petitioner will have expire 60 days to provide the required documents or information. Upon failure to comply, from the date the petition form was submitted to the Board. Petitioners who allow their petition will be deemed incomplete and will be closed to expire must file a new complete petition, including the required fee.~~¶

(65) The petition and the Board's determination are subject to Oregon's public records laws, and unless an exemption applies, the information in the petition and determination are subject to public disclosure.¶

(76) The Board 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.¶

(87) Upon reconsideration, the Board may rescind a previous determination that a criminal conviction does not prevent the person from obtaining a license if the applicant:¶

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

(b) Has failed to disclose a previous criminal conviction;¶

(c) Has been convicted of another crime during the period between the determination and the person's submission of a completed application for an occupational or professional license; or¶

(d) Has been convicted of a crime that, during the period between the determination and the person's submission of a completed application for an occupational or professional license, became subject to a change in state or federal law that prohibits licensure for an occupational or professional license because of a conviction of that crime.¶

(98) Failure to disclose a previous criminal conviction includes any misrepresentation or 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.¶

(109) Nothing in this rule prohibits the Board from denying licensure when the person submits a completed application for a reason other than conviction of a crime.¶

(110) A determination under this rule is not considered a final determination of the Board.

Statutory/Other Authority: ORS 675.320(7), ORS 675.320(9)

