



PERMANENT ADMINISTRATIVE ORDER

OBPT 3-2025
CHAPTER 848
OREGON BOARD OF PHYSICAL THERAPY

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FILING CAPTION: ADOPTING RULES TO IMPLEMENT SB 1552(2024) PRE-EDUCATIONAL PROGRAM
CONVICTION DETERMINATION PROCESS

EFFECTIVE DATE: 08/01/2025

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ADOPT: 848-010-0005

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RULE SUMMARY: This rule implements SB 1552(2024) Section 44. The bill allows an individual to petition occupational licensing boards for a determination of whether any criminal convictions they have would prevent them from being licensed prior to beginning the requisite education and/or training program required for that licensure.

CHANGES TO RULE:

848-010-0005

Pre-Educational Program Conviction Determination Process

(1) Prior to beginning a 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) payment of applicable fees identified in OAR 848-005-0020;

(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; and

(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.

(5) If any of the documents required under subsections (2) and (4) are not provided, petitioner will have 60 days to provide the required documents or information. Upon failure to comply, the petition will be deemed incomplete and will be closed.

- (6) 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.¶
- (7) 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.¶
- (8) 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.¶
- (9) 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.¶
- (10) 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.¶
- (11) A determination under this rule is not considered a final determination of the Board.
- Statutory/Other Authority: ORS 688.160
- Statutes/Other Implemented: Oregon Laws 2024, chapter 95, section 44 (SB 1552)