



NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 848
OREGON BOARD OF PHYSICAL THERAPY

FILED

06/05/2025 9:49 AM
ARCHIVES DIVISION
SECRETARY OF STATE

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

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 07/15/2025 5:00 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.

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Filed By:
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HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 07/15/2025

TIME: 10:00 AM - 11:00 AM

OFFICER: Michelle Sigmund-Gaines

REMOTE HEARING DETAILS

MEETING URL: [Click here to join the meeting](#)

PHONE NUMBER: 253-215-8782

SPECIAL INSTRUCTIONS:

Hearing via Zoom

NEED FOR THE RULE(S)

CORRECTION: This rule implements new statutory law. Section 44 of SB 1552 (2024) creates a new requirements for all Oregon occupational licensing agencies to establish a pre-determination process for perspective future applicants. The rule is intended to create a means for individuals interested in entering a licensed profession to petition the occupational licensing agency for a determination of whether any criminal convictions the individual may have would prevent licensure in that field before the individual invests in the educational program required by that profession.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

SB 1552, board meeting materials; located at the Board office.

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

This rule does not have a direct impact on racial equity in this state. The intent of the program is that all individuals seeking occupational licensure in Oregon can make an informed decision prior to enrolling in the educational or training programs required by that profession.

FISCAL AND ECONOMIC IMPACT:

There is no anticipated fiscal or economic impact as a result of the rule. For individuals utilizing the pre-determination process, there would be a cost avoidance fiscal benefit if they subsequently chose not enroll in the training or educational program.

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 anticipated impact to other state agencies or local governments as a result of this rule. The rule does not apply to small businesses nor does it create general compliance requirements. The rule is an optional petition process for individual parties, and has no requirements beyond the petition itself.

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. Some of the board's licensees own or work for small businesses, and notice of the rulemaking and opportunity for input was provided to all current licensees.

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

Since this rule is merely implementing new statutory language, a rule advisory committee was not deemed necessary.

ADOPT: 848-010-0005

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:

(i) a certified copy of the judgment of criminal conviction;

(ii) any charging document(s);

(iii) the arrest report(s);

(iv) 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)