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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 847
OREGON MEDICAL BOARD

FILED

04/09/2024 4:48 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Updating documents submitted for PA, DPM, and Acupuncture licensure.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 05/22/2024 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.

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)

The rule amendments are needed to align recent updates to the MD/DO rule regarding employment verifications submitted for licensure in OAR 847-020-0160. For physician assistant, acupuncture, and podiatric physician applicants, the rule amendments clarify an evaluation of overall performance for an employer verification must include a statement of good standing or a statement regarding eligibility for rehire.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

ORS 677, https://www.oregonlegislature.gov/bills_laws/ors/ors677.html

OAR 847-020-0160, <https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=305841>

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

The proposed rule amendments align with the current licensure process and streamlines the process by directly verifying other state licensure. It is anticipated that these proposed amendments will not impact any group of people differently than others.

FISCAL AND ECONOMIC IMPACT:

The proposed rule amendment may have a minimal positive fiscal and economic impact to the Oregon Medical Board and OMB applicants by streamlining part of the licensure process when verifying other state licensure.

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).

(1) The proposed rule amendment may have a minimal positive fiscal and economic impact to the Oregon Medical Board and OMB applicants by streamlining part of the licensure process when verifying other state licensure. Otherwise, the rule amendment will have no economic impact on state agencies, units of local government, or the public. (2) The rule amendment applies to individual applicants of the Oregon Medical Board; small businesses are not eligible for a Board license. (b) The rulemaking imposes no additional mandatory reporting, recordkeeping or other administrative requirements on small businesses. (c) The rulemaking imposes no additional requirements regarding equipment, supplies, labor or administration.

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

Members of the Board who were consulted in the development of the rule represent small businesses. The rule was reviewed by the Administrative Affairs Committee of the Board on March 13, 2024, as well as the full Board at its quarterly meeting on April 4, 2024.

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

The rule was reviewed by the Administrative Affairs Committee of the Board on March 13, 2024, as well as the full Board at its quarterly meeting on April 4, 2024. Board members represent the interests of persons and communities likely to be affected by a proposed rule. Overall, board members are licensees of the Oregon Medical Board or public members who represent Oregon patients.

RULES PROPOSED:

847-050-0021, 847-070-0022, 847-080-0017

AMEND: 847-050-0021

RULE SUMMARY: The rule amendments align recent updates to the MD/DO rule regarding employment verifications submitted for licensure in OAR 847-020-0160, including to clarify an evaluation of overall performance for an employer verification must include a statement of good standing.

CHANGES TO RULE:

847-050-0021

Documents to be Submitted for Licensure

The documents submitted must be legible and no larger than 8 1/2" x 11". All documents and photographs will be retained by the Board as a permanent part of the application file. If original documents are larger than 8 1/2 x 11, the copies must be reduced to the correct size with all wording and signatures clearly shown. Official translations are required for documents issued in a foreign language. The following documents are required:¶

(1) Application: Completed formal application provided by the Board. Required dates must include month, day, and year. ¶

(2) Birth Certificate: A copy of birth certificate and a copy of Change of Name documentation, Marriage Certificate, or Divorce Decree if the applicant's name has been changed by court order, adoption, marriage, divorce, etc. ¶

(3) Photograph: A close-up, passport-quality photograph, front view, head and shoulders (not profile), with features distinct, taken within 90 days preceding the filing of the application. ¶

(4) Legible fingerprints as described in OAR 847-008-0068 for the purpose of a criminal records background check.¶

(5) The results of a Practitioner Self-Query from the National Practitioner Data Bank.¶

(6) The results of a Physician Data Center Query from the Federation of State Medical Boards.¶

(7) The applicant must ensure the following required official documents are sent to the Board directly from:¶

(a) The physician assistant education program:¶

(A) Proof of completion of a physician assistant education program as specified in OAR 847-050-0020(1) and which includes degree issued, date of degree, dates of attendance, dates and reason of any leaves of absence or

repeated years, and dates, name and location of education program if a transfer student. ¶

(B) A Verification of Education form; which must include information about an applicant's knowledge base, clinical skills, medical judgement, professionalism, and ethics; including any concerns regarding possible impairment in the applicant's ability to safely practice their profession. If the school is unable to complete the form or the Board determines that it is unacceptable, a copy of the transcripts may be acceptable. ¶

(b) Official Examination Certification: An official Examination Certification of the Physician Assistants National Certifying Examination (PANCE), showing the examination score, is required directly from the National Commission on Certification of Physician Assistants (NCCPA). ¶

(c) ~~A~~ If requested by the Board, a letter verifying licensure in good standing from the state or states of all prior and current health-related licensure. Verification, sent directly from the boards, must show license number, date issued, examination grades if applicable and status. ¶

(d) ~~(A)~~ The Director or other official for practice and employment in hospitals, clinics, etc. in the United States and foreign countries: A currently dated original letter (a copy is not acceptable), sent directly from the hospital/clinic, must include an evaluation of overall performance statement of good standing and specific beginning and ending dates of practice and employment, for the past five (5) years only. ¶

~~(B)~~ If the applicant has not ceased practiced for more than two (2) years, employment verifications will be required for the past ten (10) years. ¶

~~(C)~~ If such verification is unavailable or incomplete, provide three reference letters from physicians or physician assistants in the local medical community who are familiar with the applicant's practice and who have known the applicant for more than six months. ¶

(8) Any other documentation or explanatory statements as required by the Board, including but not limited to medical records and criminal or civil records.

Statutory/Other Authority: ORS 677.265, ORS 677.512

Statutes/Other Implemented: ORS 677.512

AMEND: 847-070-0022

RULE SUMMARY: The rule amendments align recent updates to the MD/DO rule regarding employment verifications submitted for licensure in OAR 847-020-0160, including to clarify an evaluation of overall performance for an employer verification must include a statement regarding eligibility for rehire.

CHANGES TO RULE:

847-070-0022

Documents to be Submitted for Licensure ¶

The documents submitted must be legible and no larger than 8 1/2" x 11". All documents and photographs will be retained by the Board as a permanent part of the application file. If original documents are larger than 8 1/2" x 11", the copies must be reduced to the correct size with all wording and signatures clearly shown. Official translations are required for documents issued in a foreign language. The following documents are required:¶

(1) Application: Completed formal application provided by the Board. Required dates must include month, day and year.¶

(2) Birth Certificate: A copy of birth certificate and a copy of Change of Name documentation, Marriage Certificate, or Divorce Decree if the applicant's name has been changed by court order, adoption, marriage, divorce, etc.¶

(3) Acupuncture School Diploma: A copy of a diploma showing graduation from an approved school of acupuncture for those applicants who qualify under OAR 847-070-0016(1).¶

(4) Photograph: A close-up, passport-quality photograph, front view, head and shoulders (not profile), with features distinct, taken within 90 days preceding the filing of the application.¶

(5) A letter from the Dean of the applicant's program of acupuncture for those applicants who qualify under OAR 847-070-0016(1).¶

(6) A letter from the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM) verifying current certification in acupuncture by the NCCAOM for those applicants who qualify under OAR 847-070-0016(1) or (2).¶

(7) Alf requested by the Board, a letter verifying licensure in good standing from the state or states of all prior and current health-related licensure.¶

(8)(a) A letter from the Director or other official for practice and employment to include ~~an evaluation of overall performance~~ statement regarding eligibility for rehire and specific beginning and ending dates of practice and employment, for the past five (5) years only. ¶

(b) If the applicant has ceased practice for more than two (2) years, employment verifications will be required for the past ten (10) years or redacted patient logs from the past five (5) years.¶

(c) If such verification is unavailable or incomplete, and for acupuncturists who have been or are in solo practice, three reference letters from acupuncturists in the local treatment community who are familiar with the applicant's practice and who have known the applicant for more than six months.

Statutory/Other Authority: ORS 677.265, 677.759

Statutes/Other Implemented: ORS 677.275, 677.759

AMEND: 847-080-0017

RULE SUMMARY: The rule amendments align recent updates to the MD/DO rule regarding employment verifications submitted for licensure in OAR 847-020-0160, including to clarify an evaluation of overall performance for an employer verification must include a statement of good standing.

CHANGES TO RULE:

847-080-0017

Letters and Official Verifications to be Submitted for Licensure ¶

The applicant must ensure that official documents are sent to the Board directly from:¶

(1) The School of Podiatry:¶

(a) The Verification of Medical Education form, which includes: degree issued, date of degree, dates of attendance, dates and reason of any leaves of absence or repeated years, and dates, name and location of school of podiatric medicine school if a transfer student.¶

(b) A Dean's Letter of Recommendation, which includes a statement concerning the applicant's moral and ethical character and overall performance as a podiatric medical student. If the school attests that a Dean's Letter is unavailable or the Board determines that it is unacceptable, a copy of the transcripts may be acceptable.¶

(2) The Director of Podiatric Education, Chairman or other official of the residency hospital in U.S.: A currently dated original letter (a copy is not acceptable), sent directly from the hospitals in which any post-graduate training was served, which includes an evaluation of overall performance and specific beginning and ending dates of training.¶

(3)(a) The Director or other official for practice and employment in hospitals, clinics, etc., in the U.S. and foreign countries: A currently dated original letter (a copy is not acceptable), sent directly from the hospital/clinic, which includes an evaluation of overall performance statement of good standing and specific beginning and ending dates of practice and employment. ¶

(b) If the applicant has ceased practice for more than two (2) years, employment verifications will be required for the past ten (10) years.¶

(c) If such verification is unavailable or incomplete, provide three reference letters from physicians in the local medical community who are familiar with the applicant's practice and who have known the applicant for more than six months.¶

(4) If requested by the Board, all health licensing boards in any jurisdiction where the applicant has ever been licensed; regardless of status, i.e., current, lapsed, never practiced there: Verification, sent directly from the boards, must show license number, date issued and status.¶

(5) Official Examination Certification: An official certification of examination scores for the American Podiatric Medical Licensing Examination (APMLE) Parts I, II and III or the National Board of Podiatric Medical Examiners (NBPME) examination Parts I, II and III is required directly from the NBPME or the Federation of Podiatric Medical Boards.¶

(6) Federation of Podiatric Medical Boards Disciplinary Report: A Disciplinary Report sent directly from the Federation of Podiatric Medical Boards to the Board.¶

(7) Any other documentation as required by the Board, including but not limited to medical records and criminal or civil records.

Statutory/Other Authority: ORS 677.265, 677.820

Statutes/Other Implemented: ORS 677.820, 677.825, 677.830