

Secretary of State
NOTICE OF PROPOSED RULEMAKING HEARING*
A Statement of Need and Fiscal Impact accompanies this form.

Oregon Physical Therapist Licensing Board	Chapter 848	
Agency and Division	Administrative Rules Chapter Number	
James D. Heider	800 NE Oregon Street Ste. 407, Portland, Oregon 97232	971.673.0203
Rules Coordinator	Address	Telephone

RULE CAPTION

Definitions: Several changes in Administrative Rules to reflect changes in Oregon Law by 2009 legislation.
Not more than 15 words that reasonably identify the subject matter of the agency's intended action.

February 5, 2010	8:30 AM	Portland State Office Building 800 NE Oregon Street Room 1-C	James D. Heider
Hearing Date	Time	Location	Hearings Officer

Auxiliary aids for persons with disabilities are available upon advance request.

RULEMAKING ACTION

Secure approval of new rule numbers (Adopted or Renumbered rules) with the Administrative Rules Unit prior to filing.

ADOPT:

AMEND: OAR 848-001-0010; OAR 848-005-0020; OAR 848-005-0030; OAR 848-010-0015; OAR 848-010-0022; OAR 848-010-0026; OAR 848-035-0020; OAR 848-040-0100; OAR 848-040-0147; OAR 848-045-0020

REPEAL: OAR 848-050-0100; OAR 848-050-0110; OAR 848-050-0120

RENUMBER:

AMEND & RENUMBER:

Stat. Auth. : ORS 688.160

Other Auth.: Oregon Laws 2009: Enrolled HB 2009; Enrolled HB 2118; Enrolled HB 2059; Enrolled HB 2610; Enrolled SB 670

Stats. Implemented: ORS 688.160(6)(c)

RULE SUMMARY

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on business.

The proposed rule changes will: Increase the amount of time to request contested case hearing from 21 to 30 days; allow for the collection of a convenience fee for on-line electronic transactions; allow for the Board to withhold personal contact information of licensees; remove the limit for attempts on the national licensure exam; specifically require the course work tool as the report for credentialing of endorsement candidates who are foreign educated; shorten the length of time for a valid temporary permit from 90 to 60 days and require national exam score transfer for endorsement applicants prior to issuing temp permit; exempt certain new licensees from continuing education requirement; clarify student PTs/PTAs from student patients in an educational setting; update grounds for discipline including extending jurisdiction over a licensee who has been or, is in the process of being, discipline and subsequently let's their license lapse; adding failure to report conviction of a misdemeanor or the arrest and/or conviction of a felony within 10 days; removing use of the term doctor as a disciplinary action; and, failing to report unprofessional conduct of another medical provider to that provider's Board; lastly Division 50 will be repeal in its entirety.

Written comments must be received by 10:00 AM, Friday, February 5, 2010.

Last Day for Public Comment (Last day to submit written comments to the Rules Coordinator)

	James D. Heider	12.01.09
Signature	Printed name	Date

*Hearing Notices published in the Oregon Bulletin must be submitted by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a weekend or legal holiday, upon which the deadline is 5:00 pm the preceding workday. ARC 920-2005

STATEMENT OF NEED AND FISCAL IMPACT

A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Oregon Physical Therapist Licensing Board

Chapter 848

Agency and Division

Administrative Rules Chapter Number

Definitions: Several changes in Administrative Rules to reflect changes in Oregon Law by 2009 legislation.
Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

In the Matter of: Amendment OAR 848-001-0010; OAR 848-005-0020; OAR 848-005-0030; OAR 848-010-0015; OAR 848-010-0022; OAR 848-010-0026; OAR 848-035-0020; OAR 848-040-0100; OAR 848-040-0147; OAR 848-045-0020 and Repeal of OAR 848-050-0100; OAR 848-050-0110; OAR 848-050-0120

Statutory Authority: ORS 688.160

Other Authority: Oregon Laws 2009: Enrolled HB 2009; Enrolled HB 2118; Enrolled HB 2059; Enrolled HB 2610; Enrolled SB 670

Stats. Implemented: ORS 688.160(6)(c)

Need for the Rule(s): The majority of the amendments are directly related to the passage of SB 670, HB 2009, HB 2118, HB 2059 and HB 2610 during the 2009 legislative session. The review and amendments to the remaining rules were as a result of the Board Administrative Rules Advisory Committee's review and recommendations. The review included new definitions and further clarification of existing rule language with no impact to the original intent of the existing rules.

Documents Relied Upon, and where they are available: Oregon Laws 2009: Enrolled HB 2009; Enrolled HB 2118; Enrolled HB 2059; Enrolled HB 2610; Enrolled SB 670 available online Secretary of States Office Archives Division; current Board Statute and Administrative Rules and Board Meeting Minutes for 9.11.09 and 11.20.09, available on Board website; Administrative Rules Advisory Committee Meeting Minutes for 9.21.09, 10.07.09 and 11.20.09 available by contacting Board office.

Fiscal and Economic Impact: The Board has analyzed the proposed administrative rule changes and finds that there should be no significant fiscal or economical impact to the Board, any other local government units, state agencies, schools, the public or the business community. If by choice a licensee renews electronically there would be a convenience fee involved however licensee's still have an option to complete a paper renewal at no additional cost to them.

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):

The Board has analyzed the proposed administrative rule changes and finds that there should be no cost of compliance to any local government units, state agencies, schools, the public or the business community.

2. Cost of compliance effect on small business (ORS 183.336):

a. Estimate the number of small businesses and types of business and industries with small businesses subject to the rule:

The Board has analyzed the proposed administrative rule changes and finds that there should be no significant fiscal or economical impact to the Board, any other local government units, state agencies, schools, the public or the business community including small businesses.

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services: Not applicable

c. Equipment, supplies, labor and increased administration required for compliance: Not applicable

How were small businesses involved in the development of this rule? The Legal Counsel representing Oregon Physical Therapists in Independent Practice (OPTIP) sat on both the Administrative Rules Advisory Committee and the Drafting Sub-Committee. OPTIP represents 125 small independent Physical Therapy Clinics throughout the State of Oregon.

Administrative Rule Advisory Committee consulted?:

If not, why?: Yes, an Administrative Rules Advisory Committee was formed and consisted of 20 members: 13 PTs; 2 PTAs; 1 Attorney; the Executive Director; the Board Clinical Advisor/Investigator, also a PT; and the Board Chair and Vice Chair, both of whom are PTs. Meetings were held on 09.21.09, 10.07.09 and 11.05.09. Additionally, a public Board meeting was held on 11.20.09 to review and approve the proposed rule changes as presented, to the Board, by the Administrative Rules Committee; this meeting was posted with notice sent to all interested parties.

James D. Heider

12.04.09

Signature

Printed name

Date

Administrative Rules Unit, Archives Division, Secretary of State, 800 Summer Street NE, Salem, Oregon 97310. ARC 925-2007