

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

Department of Human Services, Addictions & Mental Health Division 415  
Agency and Division Administrative Rules Chapter Number

Richard Luthe 500 Summer Street NE E86, Salem, OR 97301 503-947-1186  
Rules Coordinator Address Telephone

**RULE CAPTION**

Establish the "Health Professionals Program" as required by HB 2345 (Enrolled 2009 Session)  
Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

June 15<sup>th</sup>, 2010 1:00 pm DHS Building 500 Summer St. Room 160 Richard Luthe  
Hearing Date Time Location Hearings Officer

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*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:** OARs 415-065-0005; 415-065-0010; 415-065-0015; 415-065-0020; 415-065-0025; 415-065-0030; 415-065-00035; 415-065-0040; 415-065-0045; 415-065-0050; 415-065-0055; 415-065-0060; 415-065-0065 & 415-065-0070

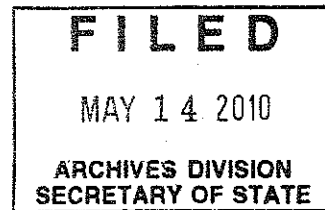
**AMEND:**

**REPEAL:**

**RENUMBER:**

**AMEND & RENUMBER:**

Stat. Auth. : ORS 409.050 & ORS 676.190



Other Auth.:

Stats. Implemented: ORS 676.190

**RULE SUMMARY**

The Addictions & Mental Health (AMH) Division is proposing these *new* rules in order to establish a "Health Professionals Program as required by HB 2345 (Enrolled, 2009 Session).

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.

June 21<sup>st</sup>, 2010  
Last Day for Public Comment (Last day to submit written comments to the Rules Coordinator)

*Madeline M. Olson* Madeline M. Olson, Deputy Assistant Director

May 13<sup>th</sup>, 2010  
Date

Signature

Printed name

\*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.

Department of Human Services, Addictions & Mental Health Division

415

Agency and Division

Administrative Rules Chapter Number

Establish the "Health Professionals Program" as required by HB 2345 (Enrolled 2009 Session)

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

In the Matter of: Adoption of Oregon Administrative rules relating to impaired health professionals and establishing a program to monitor and assist licenses unable to practice with professional skill due to a substance use disorder, mental health disorder, or both.

Statutory Authority: ORS 409.050 & ORS 676.190

Stats. Implemented: ORS 676.190

Need for the Rule(s):

The proposed rules are needed to establish a consolidated statewide health professionals program and standards for monitoring licensees of participating health licensing boards who are unable to practice with professional skill and safety due to a substance use disorder, a mental health disorder, or both types of disorders.

Documents Relied Upon, and where they are available:

House Bill 2345 (Enrolled 2009 Session):

<http://www.leg.state.or.us/09reg/asures/hb2300.dir/hb2345.en.html>

ORS 409 is available at this web site:

<http://www.leg.state.or.us/ors/409.html>

ORS 676 is available at this web site:

<http://www.leg.state.or.us/ors/676.html>

Or by contacting the Rules Coordinator at the address or e-mail address listed on the Notice of Rulemaking accompanying this form.

Fiscal and Economic Impact:

The fiscal impact is indeterminate, dependent on the number of health profession regulatory boards that choose to participate in the Program.

Statement of Cost of Compliance:

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

The Department will charge the boards a fee to administer the Health Professionals Program, the Monitoring Entity, and the independent third-party audit of the Monitoring Entity. A set fee has not been determined. The fiscal impact cannot be estimated because it is unknown how many health licensing boards will participate in the program.

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:

Small businesses are not impacted by these rules.

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?

Not applicable

Administrative Rule Advisory Committee consulted?: Yes. The Rule Advisory Committee was comprised of: consumers and representatives from the health professional associations, the Oregon State Public Health Laboratory, and treatment programs that represent the interests of individuals who are likely to be affected by the proposed rulemaking.



Madeline M. Olson, Deputy Assistant Director

May 13<sup>th</sup>, 2010

Signature

Printed name

Date

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