

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

FILED 9-27-16 3:39 PM ARCHIVES DIVISION SECRETARY OF STATE
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Board of Psychologist Examiners	858
Agency and Division	Administrative Rules Chapter Number
LaRee' Felton	(503) 373-1196
Rules Coordinator	Telephone
Board of Psychologist Examiners, 3218 Pringle Rd. SE, Suite 130, Salem, OR 97302	
Address	

RULE CAPTION

Criminal record checks and fitness determinations for licensure.
Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

Hearing Date	Time	Location	Hearings Officer
12-14-16	10:00 a.m.	3218 Pringle Road SE; Salem, OR 97302	LaRee Felton

RULEMAKING ACTION

Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

- ADOPT:**
- AMEND:**
OAR 858-010-0034
- REPEAL:**
- RENUMBER:** Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.
- AMEND AND RENUMBER:** Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

Statutory Authority:
ORS 181A.195, 675.010 - 675.150, 676.303

Other Authority:
HB 3168 (2013); HB 2250 (2015)

Statutes Implemented:
ORS 181A.170, 181A.195, 181A.215, 670.280, 675.070

RULE SUMMARY

The proposed amendment modifies the Board's rule regarding criminal records checks and fitness determinations. It updates criminal records check procedures and implements the statewide uniform fitness determination process and criminal records administrative rules. This includes factors the Board considers as part of fitness determination, how a subject individual may appeal an adverse determination, confidentiality of criminal offender information, and consequence for failure to comply per law.

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.

12-14-2016 5:00 p.m.	LaRee' Felton	laree.felton@state.or.us
Last Day (m/d/yyyy) and Time for public comment	Rules Coordinator Name	Email Address

*The Oregon Bulletin is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation.

Secretary of State
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Board of Psychologist Examiners
Agency and Division

858
Administrative Rules Chapter Number

Criminal record checks and fitness determinations for licensure.

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

In the Matter of:

The amendment of OAR 858-010-0034.

Statutory Authority:

ORS 181A.195, 675.010 - 675.150, 676.303

Other Authority:

HB 3168 (2013); HB 2250 (2015)

Statutes Implemented:

ORS 181A.170, 181A.195, 181A.215, 670.280, 675.070

Need for the Rule(s):

This rulemaking is needed in order to implement the new statewide uniform fitness determination process and criminal records administrative rules, as required by HB 3168 (2013) and HB 2250 (2015).

Documents Relied Upon, and where they are available:

OAR Chapter 858, Division 10, and ORS Chapter 675 are available on the OBPE website at Oregon.gov/obpe/Pages/laws_rules.aspx. Information about HB 3168 (2013) and HB 2250 (2015) are available on the Oregon State Legislature website at <https://olis.leg.state.or.us/liz/2013R1/Measures/Overview/HB3168>, and <https://olis.leg.state.or.us/liz/2015R1/Measures/Overview/HB2250>, respectively. See also the Department of Administrative Services' Statewide Criminal Records Checks information page at <https://www.oregon.gov/das/HR/Pages/crc.aspx>.

Fiscal and Economic Impact:

None.

Statement of Cost of Compliance:

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

Changes have minimal fiscal impact. Additional workload resulting from implementation will be absorbed by current Board staff.

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

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

None.

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:

None.

c. Equipment, supplies, labor and increased administration required for compliance:

None.

How were small businesses involved in the development of this rule?

Small businesses were not directly involved; however members of the Board who developed these amendments represent small businesses.

Administrative Rule Advisory Committee consulted?: No

If not, why?:

These amendments are mandated by law, straightforward, and have no fiscal impact.

12-14-2016 5:00 p.m.	LaRee' Felton	laree.felton@state.or.us
Last Day (m/d/yyyy) and Time for public comment	Printed Name	Email Address