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PERMANENT ADMINISTRATIVE ORDER

OMB 10-2017
CHAPTER 847
OREGON MEDICAL BOARD

FILED

10/26/2017 2:06 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Application withdrawals and denials

EFFECTIVE DATE: 10/26/2017

AGENCY APPROVED DATE: 10/06/2017

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RULES:

847-020-0185, 847-020-0190, 847-050-0070, 847-070-0060, 847-080-0028, 847-080-0030

AMEND: 847-020-0185

RULE TITLE: License Application Withdrawals

NOTICE FILED DATE: 07/14/2017

RULE SUMMARY: Specify that an applicant (1) who has withdrawn an application for licensure that may contain evidence of a violation of the Medical Practice Act, or (2) whose application has been denied by the Board may submit a new application for licensure two years after the date of withdrawal or denial.

RULE TEXT:

(1) The Board will consider a request by an applicant to withdraw an application for licensure under the following circumstances:

- (a) The applicant is eligible for licensure; and
- (b) The file contains no evidence of violation of any provision of ORS 677.010 — 677.855.

(2) An applicant may request to withdraw an application for licensure, and the withdrawal will be reported to the Federation of State Medical Boards under the following circumstances:

- (a) The applicant is eligible for licensure; and
- (b) The file contains evidence that the applicant may have violated any provision of ORS 677.010 — 677.855, but the Board has decided that there is an insufficient basis to proceed to formal discipline, or a licensing body in another state has imposed formal discipline or entered into a consent agreement for the same conduct, and that action has been reported to the National Practitioner Data Bank.

(3) An applicant who withdraws an application for licensure under section (2) of this rule may submit a new application for licensure two years after the date of withdrawal.

STATUTORY/OTHER AUTHORITY: ORS 677.265

STATUTES/OTHER IMPLEMENTED: ORS 677.220, ORS 677.265, ORS 677.100, ORS 677.190

AMEND: 847-020-0190

RULE TITLE: Denial of Licensure

NOTICE FILED DATE: 07/14/2017

RULE SUMMARY: Specify that an applicant (1) who has withdrawn an application for licensure that may contain evidence of a violation of the Medical Practice Act, or (2) whose application has been denied by the Board may submit a new application for licensure two years after the date of withdrawal or denial.

RULE TEXT:

(1) An applicant may not be entitled to a license who:

- (a) Has failed to pass a medical licensure examination for licensure in the State of Oregon;
- (b) Has had a license revoked or suspended in this or any other state or country unless the said license has been restored or reinstated and the applicant's license is in good standing in the state or country which had revoked the same;
- (c) Has been refused a license or certificate in any other state or country on any grounds other than failure in a medical licensure examination;
- (d) Has been guilty of conduct similar to that which would be prohibited by or to which ORS 677.190 would apply; or
- (e) Has been guilty of cheating or subverting the medical licensing examination process. Medical licensing examination means any examination given by the Board to an applicant for registration, certification or licensure under this act.

Evidence of cheating or subverting includes, but is not limited to:

- (A) Copying answers from another examinee or permitting one's answers to be copied by another examinee during the examination;
- (B) Having in one's possession during the examination any books, notes, written or printed materials or data of any kind, other than examination materials distributed by board staff, which could facilitate the applicant in completing the examination;
- (C) Communicating with any other examinee during the administration of the examination;
- (D) Removing from the examining room any examination materials;
- (E) Photographing or otherwise reproducing examination materials.

(2) An applicant whose application has been denied may submit a new application for licensure two years after the date of denial.

STATUTORY/OTHER AUTHORITY: ORS 677.265

STATUTES/OTHER IMPLEMENTED: ORS 677.265, ORS 677.190, ORS 677.100, ORS 677.220

ADOPT: 847-050-0070

RULE TITLE: License Application Withdrawals and Denials

NOTICE FILED DATE: 07/14/2017

RULE SUMMARY: Specify that an applicant (1) who has withdrawn an application for licensure that may contain evidence of a violation of the Medical Practice Act, or (2) whose application has been denied by the Board may submit a new application for licensure two years after the date of withdrawal or denial.

RULE TEXT:

(1) An applicant who withdraws an application for licensure that may contain evidence of a violation of any provision of ORS 677.010-677.855 may submit a new application for licensure two years after the date of withdrawal.

(2) An applicant whose application has been denied may submit a new application for licensure two years after the date of denial.

STATUTORY/OTHER AUTHORITY: ORS 677.265

STATUTES/OTHER IMPLEMENTED: ORS 677.265, ORS 677.100, ORS 677.190, ORS 677.220, ORS 677.512

ADOPT: 847-070-0060

RULE TITLE: License Application Withdrawals and Denials

NOTICE FILED DATE: 07/14/2017

RULE SUMMARY: Specify that an applicant (1) who has withdrawn an application for licensure that may contain evidence of a violation of the Medical Practice Act, or (2) whose application has been denied by the Board may submit a new application for licensure two years after the date of withdrawal or denial.

RULE TEXT:

(1) An applicant who withdraws an application for licensure that may contain evidence of a violation of any provision of ORS 677.010-677.855 may submit a new application for licensure two years after the date of withdrawal.

(2) An applicant whose application has been denied may submit a new application for licensure two years after the date of denial.

STATUTORY/OTHER AUTHORITY: ORS 677.265

STATUTES/OTHER IMPLEMENTED: ORS 677.265, ORS 677.100, ORS 677.190, ORS 677.220, ORS 677.759

AMEND: 847-080-0028

RULE TITLE: License Application Withdrawals

NOTICE FILED DATE: 07/14/2017

RULE SUMMARY: Specify that an applicant (1) who has withdrawn an application for licensure that may contain evidence of a violation of the Medical Practice Act, or (2) whose application has been denied by the Board may submit a new application for licensure two years after the date of withdrawal or denial.

RULE TEXT:

(1) The Board will consider a request by an applicant to withdraw an application for licensure under the following circumstances:

(a) The applicant is eligible for licensure; and

(b) The file contains no evidence of violation of any provision of ORS 677.010–677.855.

(2) An applicant may request to withdraw an application for licensure, and the withdrawal will be reported to the Federation of Podiatric Medical Boards under the following circumstances:

(a) The applicant is eligible for licensure; and

(b) The file contains evidence that the applicant may have violated any provision of ORS 677.010–677.855, but the Board has decided that there is an insufficient basis to proceed to formal discipline, or a licensing body in another state has imposed formal discipline or entered into a consent agreement for the same conduct, and that action has been reported to the National Practitioner Data Bank.

(3) An applicant who withdraws an application for licensure under section (2) of this rule may submit a new application for licensure two years after the date of withdrawal.

STATUTORY/OTHER AUTHORITY: ORS 677.265

STATUTES/OTHER IMPLEMENTED: ORS 677.265, ORS 677.190, ORS 677.220, ORS 677.820

AMEND: 847-080-0030

RULE TITLE: Denial of License

NOTICE FILED DATE: 07/14/2017

RULE SUMMARY: Specify that an applicant (1) who has withdrawn an application for licensure that may contain evidence of a violation of the Medical Practice Act, or (2) whose application has been denied by the Board may submit a new application for licensure two years after the date of withdrawal or denial.

RULE TEXT:

(1) No applicant is entitled to a podiatry license who:

- (a) Has failed an examination for licensure in the State of Oregon;
- (b) Has had a license revoked or suspended in this or any other state or country unless the said license has been restored or reinstated and the applicant's license is in good standing in the state or country which had revoked the same;
- (c) Has been refused a license or certificate in any other state or country on any grounds other than failure in a podiatric licensure examination;
- (d) Has been guilty of conduct similar to that which would be prohibited by or to which ORS 677.190 would apply; or
- (e) Has been guilty of cheating or subverting the podiatric licensing examination process. Podiatric licensing examination means any examination given by the Board, other states, or national testing organization, to an applicant for registration, certification or licensure under this act. Evidence of cheating or subverting includes, but is not limited to:
 - (A) Copying answers from another examinee or permitting one's answers to be copied by another examinee during the examination;
 - (B) Having in one's possession during the examination any books, notes, written or printed materials or data of any kind, other than examination materials distributed by Board staff, which could facilitate the applicant in completing the examination;
 - (C) Communicating with any other examinee during the administration of the examination;
 - (D) Removing from the examining room any examination materials;
 - (E) Photographing or otherwise reproducing examination materials.

(2) An applicant whose application has been denied may submit a new application for licensure two years after the date of denial.

STATUTORY/OTHER AUTHORITY: ORS 677.265

STATUTES/OTHER IMPLEMENTED: ORS 677.265, ORS 677.190, ORS 677.100, ORS 677.220, ORS 677.820