



NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 811

BOARD OF CHIROPRACTIC EXAMINERS

FILED

04/28/2025 11:23 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: New rule to create process for criminal conviction determination prior to license application.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 07/23/2025 9:15 AM

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.

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Filed By:
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HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 07/23/2025

TIME: 9:00 AM - 12:00 PM

OFFICER: Cass McLeo-Skinner

REMOTE HEARING DETAILS

MEETING URL: [Click here to join the meeting](#)

PHONE NUMBER: 503-446-4951

CONFERENCE ID: 237161324278

SPECIAL INSTRUCTIONS:

Teams and Telephone access will be posted on public agenda on agency website.

NEED FOR THE RULE(S)

To abide by the requirements set forth in SB 1552 (2024).

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

Oregon Laws 2024, Chapter 95, Section 44 (SB 1552); www.oregonlegislature.gov/bills_laws

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

Adoption of this rule will provide a review of a potential applicant's criminal history before finishing an educational or training program and before license/certification application.

FISCAL AND ECONOMIC IMPACT:

New rule will save potential applicants who have extensive and egregious criminal histories the cost of finishing educational/training programs or the cost of applying for licensure who would otherwise have been denied.

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).

There will be a minimal cost to the potential applicant to seek this process. There will be larger costs to the OBCE in staff time to review the submitted materials, possible Board review for determination, and database programming costs for tracking, as well as possible loss in initial application revenue.

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

5 of our Board members who will be reviewing and voting on this rule are active, licensed, chiropractic physicians and some either own their own or work for small businesses.

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

The rule is being implemented pursuant to SB 1552 that was signed into law.

ADOPT: 811-010-0140

RULE SUMMARY: Establishes a process by which a potential applicant for a chiropractic physician license or chiropractic assistant certificate, who has criminal convictions, can verify with the OBCE whether their conviction history will preclude them from licensure.

CHANGES TO RULE:

811-010-0140

Criminal Conviction Determination Process

- (1) Prior to beginning required education or training, a person who was convicted of a crime may petition the Board for a determination as to whether a criminal conviction will prevent the person from receiving a license issued by the Board.¶
- (2) To be complete, a petition must include the following:¶
 - (a) a complete and signed determination request form;¶
 - (b) the required fee of \$75;¶
 - (c) The following records related to the final judgment of each criminal conviction:¶
 - (A) a certified copy of the judgment of criminal conviction;¶
 - (B) any charging document(s);¶
 - (C) the arrest report(s); and¶
 - (D) probation and parole records, if they exist.¶
 - (d) a written statement from the petitioner regarding the facts underlying the criminal conviction, and any intervening circumstances; and¶
 - (e) a written statement or other document listing all criminal convictions, including dates of conviction and a summary of the facts, if the petitioner has more than one.¶
- (3) A separate completed petition and fee must be filed for each criminal conviction for which the petitioner is requesting a determination.¶
- (4) If any of the records in (3)(c) no longer exist, have been sealed or are otherwise unavailable to the petitioner, petitioner must provide evidence from the agency that held the record that the record no longer exists. ¶
- (5) If any of the documents required under subsections (2) and (4) are not provided, petitioner will have 60 days to provide the required documents or information. Upon failure to comply, the petition will be deemed incomplete and will be closed. ¶
- (6) The petition and the Board's determination are subject to Oregon's public records laws, and unless an exemption applies, the information in the petition and determination are subject to public disclosure. ¶
- (7) The Board will reconsider a determination that a criminal conviction prevents the person from obtaining a license when the person submits a completed application for a license.¶
- (8) Upon reconsideration, the Board may rescind a previous determination that a criminal conviction does not prevent the person from obtaining a license if the applicant:¶

- (a) Has allegations or charges pending in criminal court;¶
 - (b) Has failed to disclose a previous criminal conviction;¶
 - (c) Has been convicted of another crime during the period between the determination and the person's submission of a completed application for an occupational or professional license; or¶
 - (d) Has been convicted of a crime that, during the period between the determination and the person's submission of a completed application for an occupational or professional license, became subject to a change in state or federal law that prohibits licensure for an occupational or professional license because of a conviction of that crime.¶
 - (9) Failure to disclose a previous criminal conviction includes any misrepresentation or a prior criminal conviction, any concealment or failure to disclose a material fact about a prior criminal conviction, or any other misinformation regarding a prior criminal conviction.¶
 - (10) Nothing in this rule prohibits the Board from denying licensure when the person submits a completed application for a reason other than conviction of a crime.¶
 - (11) A determination under this rule is not considered a final determination of the Board.
- Statutory/Other Authority: ORS 670.280
- Statutes/Other Implemented: ORS 670.280