

Secretary of State  
Certificate and Order for Filing  
**TEMPORARY ADMINISTRATIVE RULES**  
A Statement of Need and Justification accompanies this form..

I certify that the attached copies\* are true, full and correct copies of the TEMPORARY Rule(s) adopted on July 23, 2010 by the \_\_\_\_\_ Date prior to or same as filing date

HLA 5-2010 (T)

Oregon Health Licensing Agency (OHLA) \_\_\_\_\_ OAR Chapter 331  
Agency and Division \_\_\_\_\_ Administrative Rules Chapter Number  
Samantha Patnode, Rules Coordinator 700 Summer St NE, Suite 320, Salem, OR 97301-1287 (503)373-1917  
Rules Coordinator \_\_\_\_\_ Address \_\_\_\_\_ Telephone \_\_\_\_\_

to become effective July 26, 2010 through January 15, 2011  
Date upon filing or later \_\_\_\_\_ A maximum of 180 days including the effective date.

**RULE CAPTION**

Establishes purposes for affidavits of licensure as well as protocols for sending and receiving the affidavits.  
**Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.**

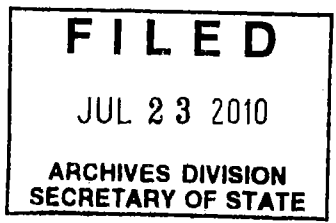
**RULEMAKING ACTION**

List each rule number separately, 000-000-0000.  
Secure approval of new rule numbers (Adopted rules) with the Administrative Rules Unit prior to filing

**ADOPT:**

**AMEND:** 331-030-0040

**SUSPEND:**



Stat. Auth.: ORS 676.615

Other Auth.: ORS 676.610

Stats. Implemented: ORS 676.607

**RULE SUMMARY**

The temporary rule defines the different types of affidavit of licensure which is a document or other approved means of verifying an authorization to practice including status, history, and information disclosing all unresolved or outstanding penalties and/or disciplinary actions. The agency has identified two purposes for affidavits of licensure:

- 1. Incoming – OHLA receives an affidavit that an individual holds an authorization from another regulatory authority. Method for receiving and verifying authenticity of affidavit is prescribed and approved by the agency.
- 2. Outgoing – OHLA sends an affidavit that an individual holds an authorization from an OHLA-regulated profession to another regulatory authority or individual designated on the application. Sets requirements to process request including identification and authenticity methods.

Authorized Signer \_\_\_\_\_ Printed name \_\_\_\_\_ Date \_\_\_\_\_

Randall Everitt, Director

7/23/2010

Printed name

Date

\*With this original and Statement of Need, file one photocopy of certificate, one paper copy of rules listed in Rulemaking Actions, and electronic copy of rules. ARC 940-2005

Secretary of State  
**STATEMENT OF NEED AND JUSTIFICATION**

A Certificate and Order for Filing Temporary Administrative Rules accompanies this form.

Oregon Health Licensing Agency (OHLA)  
Agency and Division

OAR Chapter 331  
Administrative Rules Chapter Number

In the Matter of: Amendment of 331-030-0040

Rule Caption: Establishes purposes for affidavits of licensure as well as protocols for sending and receiving the affidavits.

Statutory Authority: ORS 676.615

Other Authority:

Stats. Implemented: ORS 676.607

**Need for the Temporary Rule(s):**

The temporary rule is necessary to begin to eliminate a potential avenue of licensing fraud in Oregon and other states by requiring protocols when receiving and sending affidavits of licensure. Currently the agency specifies only one purpose for affidavit of licensure which is *incoming*, where the agency receives an affidavit that an individual holds an authorization from another regulatory authority; this is usually done to determine if the individual is eligible for reciprocity and is fit to practice. However, over the past several months the agency has seen a rise in the number of individuals requesting *outgoing* affidavits of licensure to multiple states and regulatory authorities. Setting parameters and requirements for individuals seeking outgoing affidavits of licensure will provide the agency with tools to verify identity of the authorization holder, and ensure that the request is legitimate. The agency suspects that individuals are using other licensed individuals identity to gain licensure in other states.

**Documents Relied Upon, and where they are available:**

OHLA regulatory and licensing records. Documentation from other regulatory authorities.

All documents are available at the Oregon Health Licensing Agency, 700 Summer Street NE, Suite 320, Salem, OR 97301-1287. To obtain information or copies of information please contact Samantha Patnode, Policy Analyst, at 503-373-1917, during normal business hours Monday Through Friday between 7:30 am to 4:30 pm. Email: [samie.patnode@state.or.us](mailto:samie.patnode@state.or.us)

**Justification of Temporary Rule(s):**

The agency finds that following the permanent rulemaking process, rather than temporary and immediate rulemaking action, will result in serious prejudice to the public interest and the interest of parties concerned such as other regulatory authorities. Failure to act promptly will cause the following consequences:

- Fraudulent licensing in Oregon and other states, to persons who do not qualify;
- Decrease in public safety if individuals have not been properly trained to perform services they have been licensed in; and
- Inconsistencies in communication and collaboration among regulatory authorities.

This temporary rulemaking action will prevent or mitigate these consequences.



Authorized Signer

Randall Everitt, Director

Printed name

07/23/2010

Date

# OREGON HEALTH LICENSING AGENCY

## DIVISION 30

### CERTIFICATION, LICENSURE AND REGISTRATION REQUIREMENTS

331-030-0040

#### Affidavit of Licensure

(1) "Affidavit of Licensure" means an original document or other approved means of verifying an authorization to practice (certification, licensure or registration) status and history, including information disclosing all unresolved or outstanding penalties and/or disciplinary actions. Affidavit of Licensure may be requested from other regulatory authorities or from the Oregon Health Licensing Agency.

(2) For the purpose of this rule regulatory authority means:

(a) An Oregon health professional regulatory board as defined in ORS 676.160

(b) A regulatory authority in Oregon or another state;

(c) A regulatory authority in another country or territory.

#### **BOLD** Outgoing Affidavit of Licensure

(3) An applicant may request an affidavit of licensure be sent from the Oregon Health Licensing Agency for programs listed under ORS 676.606 to another regulatory authority or individual designated on the application. The following must be submitted to the agency:

(a) An application on a form prescribed by the agency;

(b) Two forms of identification listed in OAR 331-0300(8); at least one must be photographic; and

(c) Photocopies of identification listed in subsection (b) of this section if request is made through the mail must be submitted with the application.

(4) The agency may request an applicant present additional proof of identity if the required documents listed under subsection (3)(c) of this section do not establish the applicant's identity to the satisfaction of OHLA.

#### **BOLD** Incoming Affidavit of Licensure

(5) An applicant applying for an authorization from a program listed under ORS 676.606 must arrange for the originating regulatory authority to forward directly to the agency a current and original "Affidavit of Licensure" document, signed by an authorized representative of the regulatory authority and affixed with an official seal or stamp to the document. The document is issued and signed by the regulatory authority which issued the authorization with an official seal or stamp affixed to the document; it is not the certificate, license or registration form issued which authorizes the holder to practice. The applicant is responsible for payment of any service fee the originating regulatory authority may assess for producing the affidavit.

(b) The agency may verify an applicant's authorization to practice through accessing the regulatory authorities entity's Web site and using online licensing verification systems to validate information required to determine an applicant's qualifications and fitness to practice in a program administered under ORS 676.606. The agency will assess a charge for obtaining a verification of licensure from a regulatory authority by means of computer based data system.

(c) The document may be electronically transmitted to the agency from the regulatory authority. The applicant is responsible for payment of any service fee the originating regulatory authority may assess for producing the affidavit.

{2} (d) An Affidavit of Licensure document hand delivered or mailed by the applicant and not mailed directly or transmitted through an approved means to the agency from the regulatory authority will invalidate qualification for certification, scheduling and examination.

NOTE: The Affidavit of Licensure may be referred to as a "Verification of Licensure", "License Verification", "Certification of Licensure" or "License Certification" by other regulatory authorities. Both terms have the same purpose in disclosing an applicant's licensing status and history.

Stat. Auth.: ORS 676.606, 676.612, 676.615  
Stats. Implemented: ORS 676.606, 676.612, 676.615  
Hist.: HLA 1-2009, f. & cert. ef. 6-1-09