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**NOTICE OF PROPOSED RULEMAKING**  
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 847  
OREGON MEDICAL BOARD

**FILED**

01/13/2025 12:09 PM  
ARCHIVES DIVISION  
SECRETARY OF STATE

FILING CAPTION: Implements Servicemembers Civil Relief Act for servicemembers and their spouse or domestic partner to practice.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 02/24/2025 5:00 PM

*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.*

*A public rulemaking hearing may be requested in writing by 10 or more people, or by a group with 10 or more members, within 21 days following the publication of the Notice of Proposed Rulemaking in the Oregon Bulletin or 28 days from the date the Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, the notice of the date and time of the rulemaking hearing must be published in the Oregon Bulletin at least 14 days before the hearing.*

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Filed By:  
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**NEED FOR THE RULE(S)**

The Veterans Auto and Education Improvement Act of 2022 (HB 7939) was signed into law on January 5, 2023, and amended on December 23, 2024, at 50 U.S.C. § 4025a as part of the Servicemembers Civil Relief Act (SCRA) supporting servicemembers and their spouses. The proposed rulemaking is needed to implement licensing portability for servicemembers, or their spouse or domestic partner licensed in another state and relocated to Oregon by the military. The proposed rule outlines the requirements and documents that must be submitted to the Oregon Medical Board for a person to receive Oregon licensure based on the SCRA. The rule also includes that the Board may take disciplinary action in the same manner that it would for other licensees.

**DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE**

50 U.S.C. § 4025a (January 5, 2023), <https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title50-section4025a&num=0&edition=prelim>

H.R. 5009, section 587 (December 23, 2024) amending section 705A (50 U.S.C. § 4025a),

<https://www.congress.gov/bill/118th-congress/house-bill/5009/text>

ORS 677, [https://www.oregonlegislature.gov/bills\\_laws/ors/ors677.html](https://www.oregonlegislature.gov/bills_laws/ors/ors677.html)

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

The proposed rule implements licensing portability for servicemembers and their spouses and domestic partners. The proposed rule may favorably impact racial equity by expediting licensure in Oregon for servicemembers and their spouses and domestic partners.

**FISCAL AND ECONOMIC IMPACT:**

The proposed rule amendment has no additional fiscal and economic impact. The OMB already reviews and licenses all

eligible applicants, and the OMB already has an expedited endorsement process for OMB providers practicing in another state.

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**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).*

(1) The rule amendment will have no additional economic impact on state agencies, units of local government, or the public. (2) The rule amendment applies to individual applicants of the Oregon Medical Board who are servicemembers and their spouses and domestic partners; small businesses are not eligible for a Board license. (b) The rulemaking imposes no additional mandatory reporting, recordkeeping or other administrative requirements on small businesses. (c) The rulemaking imposes no additional requirements regarding equipment, supplies, labor or administration.

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

Members of the Board who were consulted in the development of the rule represent small businesses. The rule was reviewed by the Administrative Affairs Committee of the Board on December 11, 2024, as well as the full Board at its quarterly meeting on January 9, 2025.

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

The rule was reviewed by the Administrative Affairs Committee of the Board on December 11, 2024, as well as the full Board at its quarterly meeting on January 9, 2025. Board members represent the interests of persons and communities likely to be affected by a proposed rule. Overall, board members are licensees of the Oregon Medical Board or public members who represent Oregon patients.

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**ADOPT:** 847-026-0500

**RULE SUMMARY:** The Veterans Auto and Education Improvement Act of 2022 (HB 7939) was signed into law on January 5, 2023, and amended on December 23, 2024, at 50 U.S.C. § 4025a as part of the Servicemembers Civil Relief Act (SCRA) supporting servicemembers and their spouses. The proposed rulemaking implements licensing portability for servicemembers, or their spouse or domestic partner licensed in another state and relocated to Oregon by the military. The draft defines "servicemember," "spouse," and "domestic partner." The proposed rule outlines the requirements and documents that must be submitted to the Oregon Medical Board for a person to receive Oregon licensure based on the SCRA. The rule also includes that the Board may take disciplinary action in the same manner that it would for other licensees.

**CHANGES TO RULE:**

**847-026-0500**

**Servicemember, Spouse or Domestic Partner Practice**

**(1) For the purposes of this rule, the following terms are defined:¶**

**(a) "Domestic partner" means a domestic partner of a servicemember.¶**

**(b) "Servicemember" means a member of the Army, Navy, Air Force, Marine Corps, Space Force, Coast Guard; the commissioned corps of the National Oceanic and Atmospheric Administration; and the commissioned corps of the Public Health Service who is the subject of a military transfer to Oregon.¶**

**(c) "Spouse" means a spouse of a servicemember.¶**

**(2) To qualify to practice medicine, podiatry, or acupuncture under this rule, a servicemember, spouse, or domestic partner must:¶**

**(a) Hold a license to practice medicine, podiatry, or acupuncture in good standing in another State¶**

**(b) Have not had a license revoked or had discipline imposed by any State licensing authority;¶**

(c) Have no investigations relating to unprofessional conduct pending in any State licensing authority; and ¶  
(d) Have not voluntarily surrendered a license while under investigation for unprofessional conduct in any State.¶  
(3) A servicemember, spouse, or domestic partner who meets the requirements in section (2) may apply to practice medicine, podiatry, and/or acupuncture in Oregon by submitting the following to the Oregon Medical Board:¶  
(a) The Board's application form in the manner prescribed by the Board and the applicable licensing and registration fees in OAR 847-005-0005;¶  
(b) For a spouse or domestic partner a marriage certificate or satisfactory evidence of a domestic partnership, which includes the name of the applicant and the name of the servicemember;¶  
(c) Proof of military orders for military service in Oregon; and¶  
(d) An affidavit affirming, under the penalty of law:¶  
(A) The applicant is the person described and identified in the application;¶  
(B) All statements made in the application are true, correct, and complete;¶  
(C) The applicant has read and understands the licensure requirements and scope of practice in Oregon;¶  
(D) The applicant meets and will comply with state laws governing the practice of medicine, podiatry, and/or acupuncture; and¶  
(E) The applicant is in good standing in all States in which the applicant holds or has held a license;¶  
(e) If requested by the Board, license verifications from all states or territories in which the applicant is currently or previously licensed to practice and evidence that the applicant is in good standing and not subject to any disciplinary action or pending investigations in that state or territory; and¶  
(f) Legible fingerprints as described in OAR 847-008-0068 for the purpose of a criminal records background check. ¶  
(4) The Board will review and act on the information submitted in accordance with rules adopted by the Oregon Medical Board. In addition, for any application submitted under this rule, the Board may:¶  
(a) Review and investigate the applicant to determine whether the applicant meets the requirements of the rules, including but not limited to confirming the veracity of submitted documentation or requesting additional documentation.¶  
(b) Deny an application if the applicant fails to meet the minimum requirements for licensure or if the Board is unable to authenticate submitted documents.¶  
(5) A person licensed under this rule to practice medicine, podiatry, or acupuncture must practice in accordance with ORS chapter 677 and any rules adopted by the Oregon Medical Board. ¶  
(6) The Board will monitor the National Practitioner Data Bank (NPDB) Continuous Query alert system for the duration of the license to ensure the licensee remains in good standing with any state or territory in which the licensee is currently licensed.¶  
(7) A license issued under this rule may be renewed in accordance with OAR 847-008-0005 and subject to the Board's continuing education requirements, including the requirements in OAR 847-008-0070, OAR 847-008-0075, and OAR 847-008-0077.¶  
(8) A license issued under this rule is valid for the duration of the military orders and will expire based on the date of the military orders. A person licensed under this rule is responsible for providing the Board the military orders ending military service in Oregon.¶  
(9) The Board may investigate and take disciplinary action as described in OAR chapter 676 and 677 against a person licensed under this rule for any reason that it may take disciplinary action against a licensee in ORS chapter 677 and OAR chapter 847.¶  
(10) A person licensed under this rule desiring to continue practice in Oregon beyond the duration of the military orders, must apply as a new applicant by submitting the license application form and fee, meeting all current licensing requirements, and satisfactorily completing the application process.  
Statutory/Other Authority: ORS 677.115, ORS 677.100, ORS 677.265, ORS 677.512, ORS 677.759  
Statutes/Other Implemented: 50 USC §4025a, ORS 677.133