

Arrest or criminal record: Will it prevent licensure in Oregon?

The Occupational Therapy Licensing Board does not have a list of crimes that would prevent an applicant from being licensed in Oregon. There are too many factors to consider. A licensing board may not deny an occupational or professional license solely for the reason that the applicant or licensee has been convicted of a crime, but it will consider the relationship of the facts which support the conviction and all intervening circumstances. The Board will then consider how these factors relate to the specific occupational or professional standards in determining the fitness of the person to receive or hold the license.

The Mission of the Board is **“To protect the public by supervising occupational therapy practice; to assure safe and ethical delivery of occupational therapy services.”** ORS 675.240, 675.250 and 675.270 establish eligibility criteria for licensure in the State of Oregon. ORS 675.300 specifically determines the grounds for denial:

675.300 Grounds and procedures for denial, refusal to renew, suspension or revocation of license; confidentiality of information.

(1) The Occupational Therapy Licensing Board may deny, suspend, revoke or refuse to renew a license or may impose probationary conditions where the licensee or applicant has been guilty of:

- (a) Unprofessional conduct as defined by the standards established by the board;
- (b) Obtaining or attempting to obtain a license by means of fraud, misrepresentation or concealment of material facts;
- (c) Violating any lawful order or rule adopted by the board that may affect the health, welfare or safety of the public; or
- (d) Gross negligence or incompetence in the performance of professional duties.

(2) The board may suspend or revoke the license of any person licensed under ORS 675.210 to 675.340 and 675.990 (2) if the licensee has been adjudged mentally incompetent by a court of competent jurisdiction.

(3) Where the board proposes to refuse to issue or renew a license or proposes to revoke or suspend a license, opportunity for hearing shall be accorded as provided in ORS 183.310 to 183.550.

(4) Judicial review of orders under subsection (3) of this section shall be in accordance with ORS 183.310 to 183.550.

(5) Information that the board obtains as part of an investigation into licensee or applicant conduct or as part of a contested case proceeding, consent order or stipulated agreement involving licensee or applicant conduct is confidential as provided under ORS 676.175.

The Oregon Administrative Rule **339-010-0020 Unprofessional Conduct** dealing with

(5) Unprofessional conduct relating to federal or state law or rules:

- (c) Engaging in assault and/or battery of any person;
- (d) Conviction of a crime or engaging in any act which the Board determines substantially related to the practice of occupational therapy or indicates an inability to safely and proficiently engage in the practice of occupational therapy.

An individual who is considering entering an OT or OT Assistant educational program or has already entered the program can have their background reviewed prior to applying for the exam by requesting an “early determination review” from the National Board for Certification in Occupational Therapy, Inc. (NBCOT). The 2005 fee for the review is \$100. In this “early determination” process, the NBCOT may give early or prior approval to take the certification exam, as it pertains to good moral character, provided that the information reviewed is not found to be a violation of any of the principles of the Code of Conduct. Check under the web site at www.nbcot.org for Early Determination. If you have additional questions or would like additional information, you may contact the Credentialing Services at NBCOT, located at 800 S. Frederick Avenue, Suite 200, Gaithersburg, Maryland 20877; (301) 990-7979; or e-mail character.review@nbcot.org .

An applicant for licensure in Oregon must pass the NBCOT exam and send verification from NBCOT to the licensing board with their application. Early determination by NBCOT is not a guarantee that the Oregon Occupational Therapy Licensing Board will license an applicant. The applicant must disclose the arrest or conviction, with relevant information to the board. Questions are found on the application form about crime or arrest. Find “Application Forms” on the menu bar of the web site at www.otlb.state.or.us The Occupational Therapy Licensing Board will then consider all the facts and determine whether the facts “substantially relate to the practice of occupational therapy or indicate an inability to safely and proficiently engage in the practice of occupational therapy”.

Although there are no specific crimes defined in the law that would preclude an applicant from receiving a license, the more serious the crime, repeated behaviors, crimes related to acts of aggression, and those involving drugs or alcohol would be cause for the Board to deliberate on the fitness of an applicant to provide safe occupational therapy services to the public. Occupational therapists often work with people in vulnerable situations and the Board must consider all factors before they approve licensure, carefully considering factors as they relate to safe occupational therapy practice and protection of the public. In conclusion, the more serious the crime, the more potential for license denial under the Oregon laws and rules of the Board.

The Board is sensitive to the fact that individuals invest a lot of time and financial resource into the education preparatory work and prerequisites necessary to qualify for licensure. However, the Board does not pre-approve an applicant for licensure in advance of the application process. There are too many unknowns, laws change, and the profile of the Board members change.

If you have additional questions, please contact the Executive Director, Felicia Holgate by e-mail at Felicia.M.Holgate@state.or.us or call the Occupational Therapy Licensing Board at 971-673-0198.