

FISCAL IMPACT OF PROPOSED LEGISLATION

80th Oregon Legislative Assembly – 2019 Regular Session
Legislative Fiscal Office

Measure: HB 2454 - A

*Only Impacts on Original or Engrossed
Versions are Considered Official*

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Date: 4/8/2019

Measure Description:

Allows out-of-state applicant seeking occupational license in Oregon more time to meet Oregon standards if applicant is already licensed in another state and is seeking to work in Eastern Oregon Border Economic Development Region.

Government Unit(s) Affected:

Statewide

Summary of Fiscal Impact:

Costs related to the measure are indeterminate at this time - See explanatory analysis.

Analysis:

The measure would permit a professional licensing board to issue a provisional license or other provisional authorization to an out-of-state applicant (provisional applicant) intending to provide an occupational or professional service in the Eastern Oregon Border Economic Development Region (the Region). To be eligible for the provisional license or other authorization, a provisional applicant would have to be licensed or otherwise licensed in another state in the same occupation or profession; certify that the applicant intends to practice in the Region and that the applicant is actively seeking full licensure or other authorization to practice; and pay the application fee. A provisional applicant would be required to meet the Oregon standards for full licensure or other authorization imposed by the applicable professional licensing board within two years of being licensed or authorized to practice. The measure would permit a professional licensing board to adopt administrative rules to implement the measure.

Ambiguities in the measure make its fiscal impact difficult to quantify. First, it is unclear whether an authorization for pre-licensed practice would be permitted, such as post-graduate work or clinical experience, or whether an applicant practicing under a licensure exemption in another state would qualify as “otherwise [being] authorized.” At a minimum, a professional licensing board would need to adopt administrative rules to clarify these provisions, develop new procedures to process applications, create new forms and website instructions, and respond to public requests for information.

Second, it is unclear whether an applicant would be entitled to a contested case hearing upon revocation of the license or authorization to practice. Assuming the measure would require a contested case hearing, this could result in substantial added costs, depending on the number of cases and whether a provisional applicant could be assessed reasonable costs and attorney’s fees.

Third, the measure does not specify what action a professional licensing board would need to take if it were to learn that a provisional applicant did not intend to practice in the Region or began to practice outside of the Region. Depending on the level of oversight involved, a professional licensing board might need to provide additional staffing resources to monitor a provisional applicant.

Finally, it is unclear how many provisional applicants would apply for this provisional license or authorization. For the foregoing reasons, the fiscal impact of the measure is indeterminate.