

OREGON BULLETIN

Supplements the 2014 *Oregon Administrative Rules Compilation*

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Secretary of State
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INFORMATION ABOUT ADMINISTRATIVE RULES

General Information

The Administrative Rules Unit, Archives Division, Secretary of State publishes the Oregon *Administrative Rules Compilation* and the online *Oregon Bulletin*. The *Oregon Administrative Rules Compilation* is an annual print publication containing complete text of Oregon Administrative Rules (OARs) filed through November 15 of the previous year. The *Oregon Bulletin* is a monthly online supplement that contains rule text adopted or amended after publication of the print Compilation, as well as Notices of Proposed Rulemaking and Rulemaking Hearing. The Bulletin also includes certain non-OAR items when they are submitted, such as Executive Orders of the Governor, Opinions of the Attorney General and Department of Environmental Quality cleanup notices.

Background on Oregon Administrative Rules

ORS 183.310(9) defines “rule” as “any agency directive, standard, regulation or statement of general applicability that implements, interprets or prescribes law or policy, or describes the procedure or practice requirements of any agency.” Agencies may adopt, amend, repeal or renumber rules, permanently or temporarily (up to 180 days), using the procedures outlined in the *Oregon Attorney General’s Administrative Law Manual*. The Administrative Rules Unit assists agencies with the notification, filing and publication requirements of the administrative rulemaking process.

OAR Citations

Every Administrative Rule uses the same numbering sequence of a three-digit chapter number followed by a three-digit division number and a four-digit rule number (000-000-0000). For example, Oregon Administrative Rules, chapter 166, division 500, rule 0020 is cited as OAR 166-500-0020.

Understanding an Administrative Rule’s “History”

State agencies operate in an environment of ever-changing laws, public concerns and legislative mandates which necessitate ongoing rulemaking. To track changes to individual rules and organize the original rule documents for permanent retention, the Administrative Rules Unit maintains history lines for each rule, located at the end of the rule text. OAR histories contain the rule’s statutory authority, statutes implemented and dates of each authorized modification to the rule text. Changes are listed chronologically in abbreviated form, with the most recent change listed last. In the history line “OSA 4-1993, f. & cert. ef. 11-10-93,” for example, “OSA” is short for Oregon State Archives; “4-1993” indicates this was 4th administrative rule filing by the Archives in 1993; “f. & cert. ef. 11-10-93” means the rule was filed and certified effective on November 10, 1993.

Locating Current Versions of Administrative Rules

The online version of the OAR Compilation is updated on the first of each month to include all rule actions filed with the Administrative Rules Unit by the 15th of the previous month. The annual printed OAR Compilation volumes contain text for all rules filed through

November 15 of the previous year. Administrative Rules created or changed after publication in the print Compilation will appear in a subsequent edition of the online Bulletin. These are listed by rule number in the Bulletin’s OAR Revision Cumulative Index, which is updated monthly. The listings specify each rule’s effective date, rule-making action, and the issue of the Bulletin that contains the full text of the adopted or amended rule.

Locating Administrative Rule Publications

Printed volumes of the Compilation are deposited in Oregon’s Public Documents Depository Libraries listed in OAR 543-070-0000. Complete sets and individual volumes of the printed OAR Compilation may be ordered from the Administrative Rules Unit, Archives Division, 800 Summer Street NE, Salem, Oregon 97301, (503) 373-0701.

Filing Administrative Rules and Notices

All hearing and rulemaking notices, and permanent and temporary rules, are filed through the Administrative Rules Unit’s online filing system. To expedite the rulemaking process, agencies are encouraged to file a Notice of Proposed Rulemaking Hearing specifying hearing date, time and location, and to submit their filings early in the submission period. All notices and rules must be filed by the 15th of the month to be included in the next month’s Bulletin and OAR Compilation postings. Filings must contain the date stamp from the deadline day or earlier to be published the following month.

Administrative Rules Coordinators and Delegation of Signing Authority

Each agency that engages in rulemaking must appoint a rules coordinator and file an Appointment of Agency Rules Coordinator form with the Administrative Rules Unit. Agencies that delegate rule-making authority to an officer or employee within the agency must also file a Delegation of Rulemaking Authority form. It is the agency’s responsibility to monitor the rulemaking authority of selected employees and keep the forms updated. The Administrative Rules Unit does not verify agency signatures as part of the rulemaking process.

Publication Authority

The Oregon Bulletin is published pursuant to ORS 183.360(3). Copies of the original Administrative Orders may be obtained from the Archives Division, 800 Summer Street, Salem, Oregon, 97310; (503) 373-0701. The Archives Division charges for such copies.

The official copy of an Oregon Administrative Rule is contained in the Administrative Order filed at the Archives Division. Any discrepancies with the published version are satisfied in favor of the Administrative Order.

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EXECUTIVE ORDERS

EXECUTIVE ORDER NO. 14 - 14

GOVERNOR'S PROCESS FOR CALCULATING THE FORECASTED BUDGET LEVEL FOR K-12 SCHOOL FUNDING

The Oregon Education Investment Board (OEIB), the Early Learning Council, and the Higher Education Coordinating Commission (HECC) will work to define the outcomes expected for learners at every stage of the education system, establish a statewide student data system to measure outcomes, and make legislative and budget proposals to invest in greater student success. The goal is to transform Oregon's approach to education from institutional silos into an integrated and meaningful pathway to success for Oregonians of all ages.

One of the outcomes of this effort will be to create a unified, performance based P-20 education budget model. This would lead to a budget process that is based on the needs of different learner groups, rather than on the needs of institutions. A first step in the transition to this learner-based budgeting process will be to move toward consistency in budget processes across all education sectors.

NOW THEREFORE, IT IS HEREBY ORDERED AND DIRECTED:

1. No later than November 1, of each even-numbered year, the Oregon Department of Education shall calculate the cost to maintain the current level of performance for the State School Fund for the upcoming biennium. That forecast shall consider:

- a. Projected changes in the cost of personal services;
- b. Projected changes in the cost of services and supplies and capital outlay based on state budgeting standards;
- c. Projected changes in ADMw counts;
- d. Adjustments resulting from legislatively approved phase-ins, phase-outs, and one-time expenditures; and
- e. Forecasted local revenues for local education agencies as provided by the Department of Administrative Services, Legislative Revenue Office, Legislative Fiscal Office, and Department of Revenue.

2. This Order rescinds and supersedes Executive Order 99 - 15.

Done at Salem, Oregon this 30th day of September, 2014.

/s/ John A. Kitzhaber
John A. Kitzhaber, M.D.
GOVERNOR

ATTEST

/s/ Kate Brown
Kate Brown
SECRETARY OF STATE

EXECUTIVE ORDER NO. 14 - 15

INVOCATION OF EMERGENCY CONFLAGRATION ACT FOR THE SCOGGINS CREEK FIRE IN WASHINGTON COUNTY

Pursuant to my authority as Governor of the State of Oregon, I find that:

The fire known as the Scoggins Creek Fire is burning in Washington County.

The resources necessary for protecting life and property from the Scoggins Creek Fire is beyond local capabilities. Assistance with life, safety, and structural fire protection was requested by Brian Coussens, Washington County Fire Defense Board Chief. The State Fire Marshal concurs with that request.

In accordance with ORS 476.510 through 476.610, I have determined that a threat to life, safety, and property exists due to a fire known as the Scoggins Creek Fire in Washington County and the threat exceeds the firefighting capabilities of local firefighting personnel and equipment. Accordingly, I have invoked the Emergency Conflagration Act.

These findings were made at 11:20 p.m. on September 19, 2014, and I now confirm them with this Executive Order.

IT IS HEREBY DIRECTED AND ORDERED:

1. The Oregon State Police and the Office of State Fire Marshal shall mobilize fire resources statewide and coordinate with all appropriate Fire Defense Chiefs for the use of personnel and equipment in accordance with the Emergency Conflagration Act to suppress and contain this fire. Resources responding to Scoggins Creek Fire, burning near Hagg Lake may be redistributed by the State Fire Marshal.

2. This emergency is declared only for the Scoggins Creek Fire threatening structures in Washington County near Hagg Lake.

These findings were made by verbal proclamation on September 19, 2014, at 11:20 p.m.

Done at Salem, Oregon, this 7th day of October, 2014.

/s/ John A. Kitzhaber
John A. Kitzhaber, M.D.
GOVERNOR

ATTEST

/s/ Kate Brown
Kate Brown
SECRETARY OF STATE

OTHER NOTICES

PUBLIC NOTICE AND REQUEST FOR COMMENTS PROPOSED PROSPECTIVE PURCHASER AGREEMENT WITH CITY OF TIGARD FOR SAXONY-PACIFIC PROJECT IN TIGARD

COMMENTS DUE: Thursday, Dec. 1, 2014

PROJECT LOCATION: 12535 SW Main Street, Tigard, Oregon.

PROPOSAL: The Department of Environmental Quality proposes to enter into a prospective purchaser agreement with the City of Tigard. Tigard intends to buy the property for redevelopment into public space and a mixed use building. Tigard or a future developer will demolish existing structures and install a vapor barrier system below new development or may remove contaminated soil before redevelopment.

HIGHLIGHTS: In the 1930s the surrounding land use was agricultural. By 1947 the site was occupied by a large building that housed the Tigard Planing Mill. Later businesses that occupied the building include a tire shop, automotive repair shop, bakery, jewelry store, real estate office, and insurance office.

Solvents including tetrachloroethene, commonly known as PCE, and trichloroethene commonly known as TCE, have been found in groundwater and at low concentrations in soil gas. There is a dry cleaning establishment immediately northeast of the site which may be a potential source of solvents and there may be an onsite source in or near the auto repair shop. Little or no soil contamination has been found. Contaminants found in sediments of Fanno Creek include the metals arsenic and lead and the polycyclic aromatic hydrocarbons, commonly known as PAHs, benz(a)anthracene, benzo(a)pyrene, fluoranthene, and pyrene. Investigations did not suggest that the property was significant source to sediment contamination.

Tigard's proposed redevelopment will provide both environmental and economic benefits. Extensive environmental investigation has already been performed, and the project will result in proper management and/or cleanup of site contamination. In addition, an under-used property will be returned to more productive use and increase local employment and access to public space.

The proposed prospective purchaser agreement will provide Tigard with a release from liability for claims by the State of Oregon under ORS 465.200 to 465.545 and 465.990, 466.640, and 468B.310 regarding existing hazardous substance releases at or from the property. The proposed prospective purchaser agreement will also provide Tigard with third party liability protection.

DEQ created the Prospective Purchaser Agreement Program in 1995 through amendments to the state's Environmental Cleanup Law. The prospective purchaser agreement is a tool that facilitates the beneficial reuse of contaminated property and its cleanup, and encourages property transactions that would otherwise not likely occur because of the liabilities associated with purchasing contaminated property. DEQ has approved many prospective purchaser agreements throughout the state since the program began.

HOW TO COMMENT: Send comments by 5 p.m., Monday, Dec. 1, 2014, to DEQ Project Manager Robert Williams, 2020 SW 4th Avenue, Suite 400, Portland, Oregon 97201-4987, williams.robert.k@deq.state.or.us. For more information, contact Williams at 503-229-6802.

Find information about requesting a review of DEQ project files at: <http://www.deq.state.or.us/records/recordsRequestFAQ.htm>

Find the File Review Application form at: <http://www.deq.state.or.us/records/RecordsRequestForm.pdf>

To access the proposed prospective purchaser agreement along with site summary information and other documents in DEQ's Environmental Cleanup Site Information database, go to: <http://www.deq.state.or.us/lq/ECSI/ecsi.htm>, select "Search complete ECSI database", then enter 5889 in the Site ID box and click "Submit" at the bottom of the page. Next, click the link labeled 5889 in the Site ID/Info column. Alternatively, you may go directly to the database website for this page at <http://www.deq.state.or.us/Webdocs/Forms/Output/FPCController.ashx?SourceId=5889&SourceIdType=11>.

THE NEXT STEP: DEQ will consider all public comments received by the end of the comment period before making a final decision regarding the prospective purchaser agreement.

ACCESSIBILITY INFORMATION: DEQ is committed to accommodating people with disabilities. Please notify DEQ of any special physical or language accommodations or if you need information in large print, Braille or another format. To make these arrangements, call 503-229-5696 or toll free in Oregon at 800-452-4011; fax to 503-229-6762; or email to deqinfo@deq.state.or.us. People with hearing impairments may call 711.

PUBLIC NOTICE PROSPECTIVE PURCHASER AGREEMENT FOR FORMER GROCERY MARKET (ANGKOR)

COMMENTS DUE: 5 pm, Monday, Dec. 1, 2014

PROJECT LOCATION: 1949 SE Division St. in Portland, OR

PROPOSAL: The Department of Environmental Quality seeks comments on its proposed consent order for a prospective purchaser agreement with Community Vision, Inc. for the property located at 1949 SE Division St. in Portland, Ore. Community Vision, Inc. is acquiring the property from the current owner and plans to use the property for commercial use.

The property was historically used as a fueling facility and a release from the underground storage tank system was reported in 1994. Community Vision, Inc. plans to complete multiple tasks and has agreed to site restrictions, contaminated materials management, vapor intrusion mitigation and surface controls related to any development of the property. Subject to satisfactory recording of an Easement and Equitable Servitude, DEQ will issue a No Further Action determination for the property, conditioned as appropriate to reflect Community Vision's remaining obligations under the agreement and to ensure long-term effectiveness of the remedy.

DEQ created the prospective purchaser agreement program in 1995 through amendments to the state's Environmental Cleanup Law. The prospective purchaser agreement is a tool that expedites the cleanup of contaminated property and encourages property transactions that would otherwise not likely occur because of the liabilities associated with purchasing a contaminated site.

The proposed consent order will provide Community Vision, Inc. with a release from liability for claims by the State of Oregon under ORS 465.200 to 465.545 and 465.990, 466.640, and 468B.310 regarding existing hazardous substance releases at or from the property. The proposed consent order will also provide Community Vision, Inc. with third party liability protection.

HOW TO COMMENT: Send comments to DEQ Project Manager Rob Hood at 2020 SW 4th Ave, Portland, OR 97201 or hood.robert@deq.state.or.us. For more information contact the project manager at 503-229-5617.

Find information about requesting a review of DEQ project files at: <http://www.deq.state.or.us/records/recordsRequestFAQ.htm>

Find the file review application form at: <http://www.deq.state.or.us/records/RecordsRequestForm.pdf>

To access site summary information and other documents in the DEQ Leaking Underground Storage Tank (LUST) Cleanup database, go to <http://www.deq.state.or.us/lq/tanks/lust/LustPublicLookup.asp>, then enter 26-94-0033 in the LUST Number boxes and click "Lookup" at the bottom of the page. Next, click the link labeled in the Log 26-94-0033 Number column. Alternatively, you may go directly to the database website for this page at <http://www.deq.state.or.us/Webdocs/Forms/Output/FPCController.ashx?SourceId=26-94-0033&SourceIdType=12>

If you do not have web access and want to review the project file contact the DEQ project manager.

THE NEXT STEP: DEQ will consider all public comments received by the date and time stated above before making a final decision regarding the proposed prospective purchaser agreement for the site. A public notice of DEQ's final decision will be issued in this publication.

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OTHER NOTICES

special physical or language accommodations or if you need information in large print, Braille or another format. To make these arrangements, call DEQ at 503-229-5696 or toll free in Oregon at 800-452-4011; fax to 503-229-6762; or email to deqinfo@deq.state.or.us. People with hearing impairments may call 711.

REQUEST FOR COMMENTS PROPOSED PROSPECTIVE PURCHASER AGREEMENT FOR CONE LUMBER COMPANY MILL SITE

COMMENTS DUE: 5 p.m., Friday, Nov. 28, 2014

PROJECT LOCATION: 85810 Hwy 99 S., Goshen, Oregon

PROPOSAL: The Oregon Department of Environmental Quality seeks comments on its proposed Consent Judgment for a prospective purchaser agreement with Goshen Properties LLC concerning its acquisition of real property located at 85810 Highway 99 South, Goshen, Oregon (Property). The property is a former lumber mill site, and is identified in DEQ's Environmental Cleanup Site Investigation database as site number 5754. Cone Lumber stopped full-scale sawmill operations in 1995, but continued running parts of the mill until 2006. Portions of the mill are currently used by various wood products companies, including Zip-O-Log Mills, and a septic pumping business. Much of the mill equipment has been removed, but most of the original mill structures remain at the site.

DEQ has overseen numerous phases of investigation at the mill site, and identified two locations on the property that require cleanup to protect human health and the environment. Both contaminated areas involve shallow soil contaminated with dioxins. Under the proposed Consent Judgment, contaminated soil in one area will be removed by excavation. Contaminated soils in the other area will be capped and managed in place.

The prospective purchaser intends to use the site as a wood products mill. By expanding their business at this property, it will allow them to increase the number of jobs in the area.

DEQ created the prospective purchaser agreement program in 1995 through amendments to the state's Environmental Cleanup Law. The prospective purchaser agreement is a tool that expedites cleanup of contaminated property and encourages property transactions that would otherwise not likely occur because of the liabilities associated with purchasing a contaminated site.

The proposed Consent Judgment will provide Goshen Properties LLC with a release from liability for claims by the State of Oregon under ORS 465.200 to 465.545 and 465.990, 466.640, and 468B.310 regarding existing hazardous substance releases at or from the property. The proposed Consent Judgment will also provide Goshen Properties LLC with third-party liability protection.

HOW TO COMMENT: Send comments to DEQ Project Manager, Don Hanson at 165 E. 7th Ave., Suite 100, Eugene, OR 97401, or by email to hanson.do@deq.state.or.us. For more information contact the project manager at 541-687-7349.

Find information about requesting a review of DEQ project files at: <http://www.deq.state.or.us/records/recordsRequestFAQ.htm>

Find the file review application form at: <http://www.deq.state.or.us/records/RecordsRequestForm.pdf>

To access site summary information and other documents in the DEQ Environmental Cleanup Site Information database, go to <http://www.deq.state.or.us/lq/ECSI/ecsi.htm>, select "Search complete ECSI database," then enter 5754 in the Site ID box and click "Submit" at the bottom of the page. Next, click the link labeled 5754 in the Site ID/Info column. Alternatively, you may go directly to the database website for this page at <http://www.deq.state.or.us/Webdocs/Forms/Output/FPCcontroller.aspx?SourceId=5754&SourceIdType=11>.

If you don't have web access and want to review the project file, contact the DEQ project manager.

NEXT STEP: DEQ will consider all public comments received by the date and time stated above before entering into the Consent Judgment. A public notice of DEQ's final decision will be issued in this publication.

ACCESSIBILITY INFORMATION: DEQ is committed to accommodating people with disabilities. Please notify DEQ of any

special physical or language accommodations or if you need information in large print, Braille or another format. To make these arrangements, call DEQ at 503-229-5696, Portland, or toll free in Oregon at 800-452-4011; fax to 503-229-6762; or email to deqinfo@deq.state.or.us. People with hearing impairments may call 711.

REQUEST FOR COMMENTS PROPOSAL FOR RESTORATION AND CONSENT JUDGMENT FOR THE FORMER LINNTON PLYWOOD ASSOCIATION SITE

COMMENTS DUE: Dec. 1, 2014, 5 p.m.

PROJECT LOCATION: 10504 NW St. Helens Road, Portland, Oregon

PROPOSAL: DEQ is proposing to enter into a prospective purchaser agreement in the form of a consent judgment with Linnton Water Credits LLC (LWC) regarding the former Linnton Plywood Association Site. LWC intends to acquire the development rights in perpetuity on 24 acres for the purpose of constructing a series of open water, emergent wetland, and forested riparian areas. All building and existing infrastructure demolition materials and debris will be recycled or appropriately disposed offsite. Flow from Linnton Creek west of the Site that currently is piped through the Site will be conveyed into an open channel as part of planned shallow water habitat improvements in the central portion of the Site. A minor unnamed tributary from Forest Park flowing into the northwest portion of the Site will be re-routed to a new conveyance system and outfall on the northern portion of the Site along Northwest 107th Avenue. All existing on-Site stormwater conveyance systems and associated outfalls will be demolished or decommissioned in-place.

Soils removed from the southern area will be redistributed on the Site for the creation of upland forested habitat. Because the restoration plan provides for forested riparian and upland habitat on the northern portion of the Site, areas of shallow soil impact previously identified during investigations at the Site will likely not be disturbed unless areas of significant impact are identified that warrant removal action. Based on current estimates, the overall grading plan is largely balanced, with an estimated maximum of 30,000 cubic yards to be transported off the Site for disposal as warranted. All new soil surfaces will have concentrations that are protective of human health and the environment.

To ensure permanent protection of the Site as a wildlife habitat, a conservation easement will be granted to a non-profit entity or government organization approved by the Portland Harbor Trustees or the property will be encumbered by a deed restriction that is approved by the Portland Harbor Trustees.

HIGHLIGHTS: A former lumber and plywood mill operated on the Site from the late 1800s until 2001 when the Linnton Plywood Association (LPA) ceased mill operations. DEQ issued a No Further Action for the Site in 2009 based on land use at that time. More recent investigations showed low level petroleum hydrocarbon concentrations in soil and groundwater samples; however, all analytes were either not detected above the method reporting limit or were below applicable screening levels in the soil and groundwater samples analyzed. There is a petroleum groundwater plume on the Site that originates on the south-adjacent BP bulk fuel facility, and BP is finalizing remedial plans for that plume with DEQ.

DEQ created the prospective purchaser agreement program in 1995 through amendments to the state's Environmental Cleanup Law. The prospective purchaser agreement is a tool that expedites the cleanup of contaminated property and encourages property transactions that would otherwise not likely occur because of the liabilities associated with purchasing a contaminated site.

The proposed consent judgment will provide LWC with a release from liability for claims by the State of Oregon under ORS 465.200 to 465.545 and 465.990, 466.640, and 468B.310 regarding existing hazardous substance releases at or from the property. The proposed consent judgment will also provide LWC with third party liability protection.

HOW TO COMMENT: The project file, including environmental investigation reports, the draft prospective purchaser agreement, and

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the draft restoration plan may be reviewed by appointment at DEQ's Northwest Region office, 2020 SW 4th Avenue, Suite 400, Portland, OR 97201. To schedule an appointment, contact Dawn Weinberger at 503-229-6729. For more information, please contact project manager Tom Gainer at 503-229-5326 or by email (gainer.tom@deq.state.or.us). To access Site summary information in DEQ's Environmental Cleanup Site Information (ECSI) database on the Internet, go to <http://www.deq.state.or.us/lq/ECSI/ecsiquery.asp>, then enter ECSI #2373 in the Site ID box and click "Submit" at the bottom of the page. Next, click the link labeled ECSI #2373 in the Site ID/Info column. Send comments by 5 pm Friday, Dec. 1 to gainer.tom@deq.state.or.us, or by mail to Oregon DEQ NW Region, Attn: Tom Gainer, 2020 SW Fourth Avenue, Suite 400, Portland, Oregon 97201.

THE NEXT STEP: DEQ will review and consider all comments received during the comment period. If DEQ then determines to enter the consent judgment, the consent judgment will be executed with LWC and filed with the Multnomah County Circuit Court, after which the company intends to acquire the development rights in perpetuity and proceed with the activities described above.

ACCESSIBILITY INFORMATION: DEQ is committed to accommodating people with disabilities. Please notify DEQ of any special physical or language accommodations or if you need information in large print, Braille or another format. To make these arrangements, contact DEQ Communications and Outreach at 503-229-5696 or toll free in Oregon at 800-452-4011; fax to 503-229-6762; or e-mail to deqinfo@deq.state.or.us.

PUBLIC NOTICE

DEQ SELECTS CLEANUP APPROACH FOR NW CAST

PROJECT LOCATION: 9209 N Calvert Ave., Portland, Oregon
ACTION: The Oregon Department of Environmental Quality selected the cleanup approach for NW Cast in North Portland. The selected remedial action includes excavation and off-site disposal of contaminated soil and backfill of the excavation area with gravel.

HIGHLIGHTS: Northwest Cast Metal Products and Universal Silver operated on site from approximately 1935 to the late 1970s. Activities included metals recovery and smelting operations and decommissioning of transformers containing polychlorinated biphenyl commonly known as PCBs. Currently, the site is used for truck and trailer parking.

Several site investigations between 1998 and 2014 found elevated concentrations of metals and PCBs in surface soils. Surface soil in some areas contain PCBs and metals at concentrations that exceed levels protective of on-site workers. Soil across the site could potentially be carried by stormwater discharges to the Columbia Slough. Site soil contains contaminants at concentrations that exceed protective levels established for Columbia Slough. Shallow groundwater samples collected in the vicinity of a former underground storage tank had detections of metals and petroleum. However, shallow groundwater is not used and contaminants are not expected to reach the Columbia Slough at concentrations of concern.

The selected cleanup action is to remove one to three feet of soil such that residual concentrations are below levels protective of occupational workers and, to the extent practical, below Columbia Slough sediment screening levels. The excavation area would then be back-filled with clean gravel reducing the potential for remaining site soils to be carried in stormwater to the Columbia Slough.

The remedy is considered to be consistent with Oregon rule and statute and, if properly implemented, protective of public health and the environment.

A DEQ staff report outlining the proposed cleanup approach was made available for public review in September 2014. No comments were received. The Record of Decision can be found at: <http://www.deq.state.or.us/Webdocs/Forms/Output/FPController.ashx?SourceIdType=11&SourceId=999&Screen=Load>

NEXT STEPS: The site owner is preparing remedial design documents and completing permitting procedures with a goal to carry out the action in summer 2015.

ACCESSIBILITY INFORMATION: DEQ is committed to accommodating people with disabilities. Please notify DEQ of any special physical or language accommodations or if you need information in large print, Braille or another format. To make these arrangements, call DEQ at 503-229-5696 or toll free in Oregon at 800-452-4011; fax to 503-229-6762; or email to deqinfo@deq.state.or.us. People with hearing impairments may call 711.

REQUEST FOR COMMENTS CLEANUP PLAN FOR CENTENNIAL MILLS

COMMENTS DUE: 5 p.m., Dec. 1, 2014

PROJECT LOCATION: 1362 NW Naito Parkway, Portland, OR
PROPOSAL: The Department of Environmental Quality seeks comments on a proposed cleanup action to address soil contamination at the Centennial Mills property located in Portland's River District. The proposed cleanup consists of soil removal and capping as part of future site redevelopment.

HIGHLIGHTS: Investigation at the Centennial Mills property has identified elevated concentrations of petroleum constituents and lead in soil. Soil contamination is principally from historical contaminated fill. To address contamination, limited soil (hot spot) removal and capping of the entire site is proposed. Both activities would be completed as part of future site redevelopment work. DEQ determined in March 2014 that contamination at the site does not pose a significant risk to the adjacent Willamette River.

HOW TO COMMENT: Send comments to DEQ Project Manager Daniel Hafley at 2020 SW Fourth Ave., Suite 400, Portland, OR or hafley.dan@deq.state.or.us. For more information contact the project manager at 503-229-5417.

Find information about requesting a review of DEQ project files at: <http://www.deq.state.or.us/records/recordsRequestFAQ.htm>

Find the File Review Application form at: <http://www.deq.state.or.us/records/RecordsRequestForm.pdf>

To access site summary information and other documents in the DEQ Environmental Cleanup Site Information database, go to <http://www.deq.state.or.us/lq/ECSI/ecsi.htm>, select "Search complete ECSI database", then enter 5136 in the Site ID box and click "Submit" at the bottom of the page. Next, click the link labeled 5136 in the Site ID/Info column. Alternatively, you may go directly to the database website for this page at <http://www.deq.state.or.us/lq/ecsi/ecsilist.asp?SiteID=5136>.

If you do not have web access and want to review the project file contact the DEQ project manager.

THE NEXT STEP: After all comments have been considered, DEQ will proceed with site closure.

ACCESSIBILITY INFORMATION: DEQ is committed to accommodating people with disabilities. If you need information in another format, please contact DEQ toll free in Oregon at 800-452-4011, deqinfo@deq.state.or.us, or 711 for people with hearing impairments.

NOTICES OF PROPOSED RULEMAKING

Notices of Proposed Rulemaking and Proposed Rulemaking Hearings

The following agencies provide Notice of Proposed Rulemaking to offer interested parties reasonable opportunity to submit data or views on proposed rulemaking activity. To expedite the rulemaking process, many agencies have set the time and place for a hearing in the notice. Copies of rulemaking materials may be obtained from the Rules Coordinator at the address and telephone number indicated.

Public comment may be submitted in writing directly to an agency or presented orally at the rulemaking hearing. Written comment must be submitted to an agency by 5:00 p.m. on the Last Day for Comment listed, unless a different time of day is specified. Oral comments may be submitted at the appropriate time during a rulemaking hearing as outlined in OAR 137-001-0030.

Agencies providing notice request public comment on whether other options should be considered for achieving a proposed administrative rule's substantive goals while reducing negative economic impact of the rule on business.

In Notices of Proposed Rulemaking where no hearing has been set, a hearing may be requested by 10 or more people or by an association with 10 or more members. Agencies must receive requests for a public rulemaking hearing in writing within 21 days following notice publication in the Oregon Bulletin or 28 days from the date notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received by an agency, notice of the date and time of the rulemaking hearing must be published in the Oregon Bulletin at least 14 days before the hearing.

**Auxiliary aids for persons with disabilities are available upon advance request. Contact the agency Rules Coordinator listed in the notice information.*

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Board of Nursing Chapter 851

Rule Caption: To address rules related to the standards for nursing assistant and medication aide training programs

Date: 11-20-14 **Time:** 9 a.m. **Location:** 17938 SW Upper Boones Ferry Rd.
Portland, OR 97224

Hearing Officer: Kay Carnegie, Board President

Stat. Auth.: ORS 678.440, 678.444 & 678.445

Stats. Implemented: ORS 678.440 & 678.444

Proposed Amendments: 851-061-0020, 851-061-0030, 851-061-0040, 851-061-0050, 851-061-0070, 851-061-0080, 851-061-0090

Last Date for Comment: 11-20-14, 5 p.m.

Summary: The proposed revisions are to add clarity to the rules by adding or re-defining definitions, remove references to the three different CNA 2 categories, mirror Division 21 faculty terminology, update references, clarify current standards, add language to ensure that the students are allowed to give anonymous and confidential feedback to the training programs, and increase the nursing assistant level one training program curriculum to 155 hours divided into 80 hours of classroom instruction and 75 hours of supervised clinical experience.

Rules Coordinator: Peggy A. Lightfoot

Address: Board of Nursing, 17938 SW Upper Boones Ferry Rd., Portland, OR 97224

Telephone: (971) 673-0638

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Rule Caption: To address rules related to the standards for certification of nursing assistants and medication aides

Date: 11-20-14 **Time:** 9 a.m. **Location:** 17938 SW Upper Boones Ferry Rd.
Portland, OR 97224

Hearing Officer: Kay Carnegie, Board President

Stat. Auth.: ORS 678.440, 678.442 & 678.445

Stats. Implemented: ORS 678.440 & 678.442

Proposed Amendments: 851-062-0010, 851-062-0050, 851-062-0070

Proposed Repeals: 851-062-0016

Last Date for Comment: 11-20-14, 5 p.m.

Summary: The proposed revisions are to add clarity to the rules by adding or re-defining definitions, remove references to the three different CNA 2 categories, clarify eligibility for military trained individuals to obtain Oregon nursing assistant certification, and add language to facilitate the transition of current CNA 2s to one general CNA 2 certification.

Rules Coordinator: Peggy A. Lightfoot

Address: Board of Nursing, 17938 SW Upper Boones Ferry Rd., Portland, OR 97224

Telephone: (971) 673-0638

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Rule Caption: To address standards and authorized duties for certified nursing assistants (CNAs)

Date: 11-20-14 **Time:** 9 a.m. **Location:** 17938 SW Boones Ferry Rd.
Portland, OR 97224

Hearing Officer: Kay Carnegie, Board President

Stat. Auth.: ORS 678.440, 678.442 & 678.445

Stats. Implemented: ORS 678.440, 678.442 & 678.445

Proposed Amendments: 851-063-0010, 851-063-0020, 851-063-0030, 851-063-0035, 851-063-0070, 851-063-0080, 851-063-0090, 851-063-0100, 851-063-0110

Last Date for Comment: 11-20-14, 5 p.m.

Summary: The proposed revisions are to add clarity to the rules by adding or re-defining definitions, add definitions from Division 45 for consistency between divisions, remove references to CNA 2 categories, increase CNA 1 authorized duties by moving some tasks from level two to level one, eliminate the three categories of CNA 2 and create one general CNA 2, expand CNA 2 authorized duties, and mirror the Division 45 conduct derogatory standards.

Rules Coordinator: Peggy A. Lightfoot

Address: Board of Nursing, 17938 SW Upper Boones Ferry Rd., Portland, OR 97224

Telephone: (971) 673-0638

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Rule Caption: To add definition and align with language in Division 56

Date: 11-20-14 **Time:** 9 a.m. **Location:** 17938 SW Boones Ferry Rd.
Portland, OR 97224

Hearing Officer: Kay Carnegie, Board President

Stat. Auth.: ORS 678.380

Stats. Implemented: ORS 678.380

Proposed Amendments: 851-050-0000, 851-050-0142

Last Date for Comment: 11-20-14, 5 p.m.

Summary: 1. Define the term "structured continuing education" credit; and

2. Update the renewal standards for APRN prescriptive authority from 100 CE annually to "maintenance of national certification" or 45 structured contact hours of CE (15 in pharmacotherapeutic content) and to be in alignment with Division 56 recommended changes; and

3. Add the American Association of Nurse Anesthetists (AANA) as an approved accreditation organization; and

4. Update the name of the name of the American Association of Nurse Practitioners (AANP).

Rules Coordinator: Peggy A. Lightfoot

Address: Board of Nursing, 17938 SW Upper Boones Ferry Rd., Portland, OR 97224

Telephone: (971) 673-0638

NOTICES OF PROPOSED RULEMAKING

Rule Caption: Incorporation of CRNAs and changes to prescriptive authority language based on statute changes

Date: 11-20-14
Time: 9 a.m.
Location: 17938 SW Upper Boones Ferry Rd.
Portland, OR 97224

Hearing Officer: Kay Carnegie

Stat. Auth.: ORS 678.111, 678.113, 678.150, 678.285 & 678.390
Stats. Implemented: ORS 678.111, 678.350, 678.370, 678.372, 678.375, 678.380, 678.385 & 678.390

Proposed Amendments: 851-056-0000, 851-056-0004, 851-056-0006, 851-056-0008, 851-056-0010, 851-056-0012, 851-056-0014, 851-056-0016, 851-056-0018, 851-056-0020, 851-056-0022, 851-056-0026

Last Date for Comment: 11-20-14, 5 p.m.

Summary: 1. Reflect the changes in statute 678. 282 authorizing certified registered nurse anesthetist's prescriptive authority; and

2. Define the term Advanced Practice Registered Nurse (APRN) and incorporate the term throughout the document; and

3. Update the renewal standards for APRN prescriptive authority from 100 CE annually to "maintenance of national certification" or 45 structured contact hours of CE (15 in pharmacotherapeutic content); and

4. Introduce new documentation standards for APRNs prescribing Schedule II-V medications, for a period of time longer than 3 months.

Rules Coordinator: Peggy A. Lightfoot

Address: Board of Nursing, 17938 SW Upper Boones Ferry Rd., Portland, OR 97224

Telephone: (971) 673-0638

Board of Optometry
Chapter 852

Rule Caption: Revisions governing optometry for clarity, changes in standards of practice and agency budget.

Stat. Auth.: ORS 683

Other Auth.: ORS 58, 63, 181, 182, 342, 408, 431, 646, 670, 676, 689

Stats. Implemented: ORS Chapter 683.010–340; 683.990; 58.367; 63.074; 181.534; 182.460; 182.462; 182.466; 183.341; 183.413; 292.250; 292.495; 342.195; 408.450; 431.962; 431.972; 646.605; 670.350; 676.110; 676.150; 676.303; 676.306; 676.340; 676.345; 689.225

Proposed Adoptions: 852-010, 852-010-0024

Proposed Amendments: 852-005, 852-005-0005, 852-010, 852-010-0005, 852-010-0015, 852-010-0020, 852-010-0023, 852-010-0051, 852-010-0080, 852-020, 852-020-0029, 852-020-0031, 852-020-0035, 852-020-0060, 852-050, 852-050-0001, 852-050-0005, 852-050-0006, 852-050-0012, 852-050-0013, 852-050-0014, 852-050-0016, 852-050-0018, 852-050-0021, 852-050-0025, 852-060, 852-060-0025, 852-060-0027, 852-070, 852-070-0010, 852-070-0016, 852-070-0020, 852-070-0025, 852-070-0030, 852-070-0035, 852-070-0055, 852-080, 852-080-0040

Last Date for Comment: 11-21-14, 4 p.m.

Summary: Overall: Adopt revised 2013–15 agency budget; streamlining of regulatory processes; clarification of unprofessional conduct; delete requirement for in-person continuing education.

Division 5:

0005: Revised 2013-15 Biennium budget to reflect changing revenues and costs based on Board policy decisions and personnel costs.

Division 10:

0005: Sets framework for Board elections, per statute.

0015: Removes specific fee and refers to fee list at 852-010-0080.

0020: Makes reporting entity name change to "National Practitioner Data Bank."

0023: Removes specific fee and refers to fee list at 852-010-0080.

0024: Adds provisions for expedited licensure for active-duty military spouses and domestic partners as required in ORS 342.195.

0051: Clarifies recordkeeping requirements and transfer upon permanent disability; clarifies requirement for written request or release form.

0080: Adds requirement for phone number of record for licensees to requirement of address of record; clarifies that examination fee is only for those administered by the Board.

Division 20:

0029: Allows use of stamped signature.

0031: Defines when a prescription is deemed to be officially signed and allows delegation of release for subsequent copies.

0035: Clarifies that all drugs dispensed must follow Oregon Board of Pharmacy rules.

0060: Prohibits optometric physicians from entering into specific agreements; defines "direct supervision" and provisions for delegation of the duties of an optometrist.

Division 50

0001: Adds requirement for reporting a telephone number of record and provisions to request exemption from disclosure. Removes specific fee and refers to fee list at 852-010-0080.

0005: Clarifies pharmaceutical certification.

0006: Clarifies timeliness of renewals sent to the Board's mailing address, and responsibility of licensee. Removes specific fees and refers to fee list at 852-010-0080.

0012: Allows optometric physicians to convert active licenses to inactive status between renewals at no charge. Clarifies timeliness of renewals sent to the Board's mailing address. Clarifies address to be printed on license. Removes outdated provision of charging reactivation fee only within one year. Removes specific fee and refers to fee list at 852-010-0080.

0013: Clarifies no license renewal fees will be assessed for active-duty military.

0014: Clarifies reinstatement following license surrender and status of investigations and discipline. Requires request to be made in writing. Removes specific fee and refers to fee list at 852-010-0080.

0016: Removes specific fee and refers to fee list at 852-010-0080.

0018: Requires telephone number of record and makes provisions to hold confidential from disclosure. Allows mailing addresses when different from practice locations. Removes specific fee and refers to fee list at 852-010-0080.

0021: Allows optometric physicians to use portable multiple practice location license in nonprofit services.

0025: Removes requirement to provide information on a prescribed form; clarifies use of sources for criminal background checks. Removes requirement for recommendations of an employer; allows Board to request additional information.

Division 60:

0025: Clarifies requirement to report adverse actions within 10 calendar days. Adds failing to report suspected misconduct as required by statute

0027: Clarifies unprofessional conduct to include: any conduct or practice contrary to recognized standards, misrepresentation to patients, the Board or an agent of the Board; willful deception; violations of ORS 676.110(5) regarding use of titles; clarifies improper delegation of duties; adds mind-altering substances to list of abused substances; records requirement failures; violating patient privacy or confidentiality; obstruction and harassment; failure to cooperate under terms of confidentiality agreements; limiting ability of person to file a complaint or answer questions of the Board; failure to timely report own or suspected misconduct.

Division 70

0010: Add statutory language on purpose of continuing education. Removes limit on non-live CE hours allowed. Allows cultural competency continuing education to be credited.

0016: Clarifies language.

0020: Removes obsolete provision regarding communication skills, now included under cultural competency.

0025: Changes term "eligible" to "approved."

NOTICES OF PROPOSED RULEMAKING

0030: Clarifies when new licensees are required to submit continuing education.

0035: Removes specific fee and refers to fee list at 852-010-0080.

0055: Clarifies that Board review of continuing education proposals take at least 30 days; licensees may not submit CE that has not yet been approved.

Division 80

0040: Removes obsolete provisions for TPA certification. Removes specific fee and refers to fee list at 852-010-0080. Clarifies requirements for certifications. Clarifies that only initial licensing requires CPR certification with a hands-on component.

Rules Coordinator: Nancy DeSouza

Address: Board of Optometry, 1500 Liberty St. SE, Suite 210, Salem, OR 97302

Telephone: (503) 399-0662, ext. 23

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Board of Pharmacy
Chapter 855

Rule Caption: Amend, adopt or repeal Division 001, 019, 021, 025, 041, 044, 080 and 110 rules.

Date:	Time:	Location:
11-25-14	9:30 a.m.	800 NE Oregon St. Conference Rm. 1A Portland, OR 97232

Hearing Officer: Courtney Wilson

Stat. Auth.: ORS 183.341, 183.705, 291.055, 689.205 & 689.285
Stats. Implemented: ORS 183.341, 409.560, 409.565, 431.972, 475.035, 475.059, 475.065, 676.410, 689.135, 689.151, 689.155, 689.205, 689.225, 689.255, 689.275, 689.285, 689.405, 689.445, 689.455, 689.505, 689.515 & 689.774

Proposed Adoptions: 855-019-0122, 855-019-0171, 855-025-0012

Proposed Amendments: 855-001-0005, 855-019-0100, 855-019-0120, 855-019-0170, 855-019-0205, 855-021-0005, 855-021-0010, 855-021-0016, 855-021-0025, 855-021-0045, 855-021-0050, 855-021-0055, 855-025-0001, 855-025-0005, 855-025-0010, 855-025-0015, 855-025-0020, 855-025-0025, 855-025-0030, 855-025-0035, 855-025-0040, 855-025-0050, 855-025-0060, 855-041-1120, 855-044-0070, 855-080-0022, 855-110-0003, 855-110-0005

Proposed Repeals: 855-019-0320

Last Date for Comment: 11-25-14, 4:30 p.m.

Summary: Amendments to Division 001 are updated to the most current version of the Attorney General's Uniform and Model Rules of Procedure under the Administrative Procedures Act. These rules are proposed to be effective January 1, 2015.

Amendments and new rules in Division 019 reflect a change in the expiration date of Pharmacist licensure. The rules propose that Pharmacist licenses will be valid for two years and will be renewed biennially. Pharmacists licenses will expire on June 30 in odd numbered years. Amendments to Division 019 also incorporate that pharmacists will be subject to a criminal background check annually. Note that this is not a new requirement. However, rules relating to criminal background checks for Pharmacists are currently in Division 010. The amendments add this information to Division 019 to clearly identify that criminal background checks are conducted annually. Other amendments include requiring Pharmacists to provide a valid email address and notify the Board in writing if they have had a change in their e-mail address. It is proposed that the existing rules for the petition for reinstatement of pharmacist licenses be repealed. A new section of rules have are proposed for the reinstatement of a suspended, revoked or surrendered license. These rules allow a Pharmacist to petition the Board for reinstatement in writing and provide a more streamlined process. These rules are proposed to be effective January 1, 2015.

Amendments in Division 021 are part of the transition to Pharmacist biennial licensure. The amendments require pharmacists to complete three continuing pharmacy education units from July 1 through June 30 of each biennial license renewal cycle in an

approved continuing pharmacy education program. Rule amendments also allow pharmacists reciprocating into Oregon to not be required to submit proof of continuing pharmacy education during the initial license renewal cycle. These rules are proposed to be effective July 1, 2015.

Amendments and new rules in Division 025 require a Pharmacy Technician or Certified Oregon Pharmacy Technician to be at least 18 years of age and hold either a high school diploma or GED. This does not apply to persons currently under the age of 18 licensed by the Board as a Pharmacy Technician prior to January 1, 2015. Amendments also make the Pharmacy Technician license valid for only one year except by petition to the Board or it may be reinstated if lapsed for more than five years. Amendments and new rules in Division 025 change requirements for Certified Oregon Pharmacy Technicians. The rule amendments require Certified Oregon Pharmacy Technicians to complete 10 continuing pharmacy education hours from September 1 through August 31 of each license renewal cycle and effective January 1, 2015 national certification is no longer a requirement for renewal. However, national certification is required for initial licensure as a Certified Oregon Pharmacy Technician, as well as for Certified Oregon Pharmacy Technicians that have had a license that has been lapsed for more than four years and would like to have an active Oregon license. Reinstatement rules have been amended to provide applicants with a more streamlined process. These rules are proposed to be effective January 1, 2015.

Amendments made to the Division 041 prescription refill rules establish requirements for the use of auto-refill programs, reminders and pick-up notifications for retail pharmacies. Note that mail order pharmacies are a type of retail pharmacies'. These rules are proposed to be effective July 1, 2015.

Amendments made to the Division 044 Charitable Pharmacy rules establish a waiver clause in the records section. These rules are proposed to be effective January 1, 2015.

Amendments made to the Division 080 controlled substances rules add delta-9-tetrahydrocannabinol (THC) to Schedule II substances for clarification. These rules are proposed to be effective January 1, 2015.

Amendments made to the Division 110 fee rules reflect the fee structure for Pharmacist biennial licensure. Note that the current fee of \$120 remains the same. However, the Pharmacist license will be valid for two years. Also reflected is a biennial fee for the electronic prescription monitoring fund fee. A reduction in fees is also included for initial pharmacist licenses issued within 13 months of expiration. These rules are proposed to be effective April 1, 2015.

Rules Coordinator: Karen MacLean

Address: Board of Pharmacy, 800 NE Oregon St., # 150, Portland, OR 97232

Telephone: (971) 673-0001

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Department of Agriculture
Chapter 603

Rule Caption: Housekeeping Updates to Plant Pest and Disease Quarantines.

Stat. Auth.: ORS 561.190

Stats. Implemented:

Proposed Amendments: 603-051-0835, 603-052-0020, 603-052-0051, 603-052-0075, 603-052-0118, 603-052-0129, 603-052-0150, 603-052-0153, 603-052-0160, 603-052-0187, 603-052-0265, 603-052-0360, 603-052-0450, 603-052-1200, 603-052-1221, 603-052-1245, 603-054-0040

Last Date for Comment: 11-21-14, 5 p.m.

Summary: The proposed changes are housekeeping in nature: scientific names updated and italicized, spelling corrected, distribution of quarantine pests/diseases updated, and other minor changes to improve clarity.

Rules Coordinator: Sue Gooch

NOTICES OF PROPOSED RULEMAKING

Address: Department of Agriculture, 635 Capitol St. NE, Salem, OR 97301
Telephone: (503) 986-4583

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**Department of Consumer and Business Services,
Building Codes Division
Chapter 918**

Rule Caption: Adopts 2015 Oregon Boiler and Pressure Vessel Specialty Code

Date:	Time:	Location:
11-18-14	9:30 a.m.	1535 Edgewater St. NW Salem, OR 97304

Hearing Officer: Kevin Perdue

Stat. Auth.: ORS 455.020, 455.154, 455.155, 480.545, 480.550, 480.585, 480.595, & 480.605

Stats. Implemented: ORS 455.058, 455.154, 455.155, 480.545, 480.550, 480.560, 480.585, 480.595, 480.605, & 480.630

Proposed Adoptions: Rules in 918-225

Proposed Amendments: Rules in 918-225

Proposed Repeals: Rules in 918-225

Proposed Renumberings: Rules in 918-225

Proposed Ren. & Amends: Rules in 918-225

Last Date for Comment: 11-21-14, 5 p.m.

Summary: These proposed rules adopt minimum safety standards for the safe installation and operation of boilers and pressure vessels in Oregon by adopting provisions of national boiler and pressure vessel model codes and standards. Additionally, the proposed rules include some non-substantive housekeeping changes to administrative rule that provide clarity and consistency among the division's rules.

Rules Coordinator: Holly A. Tucker

Address: Department of Consumer and Business Services, Building Codes Division, PO Box 14470, Salem, OR 97309-0404

Telephone: (503) 378-5331

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**Department of Consumer and Business Services,
Division of Finance and Corporate Securities
Chapter 441**

Rule Caption: Establishes a securities registration exemption for community scale public offerings by Oregon small businesses.

Date:	Time:	Location:
12-3-14	9 a.m.	350 Winter St. NE 2nd Floor, Conference Rm. 260 Salem, OR

Hearing Officer: Staff

Stat. Auth.: ORS 59.035

Stats. Implemented: ORS 59.035

Proposed Adoptions: Rules in 441-035

Proposed Amendments: 441-035-0005

Last Date for Comment: 12-10-14, 5 p.m.

Summary: Title III of the Jumpstart Our Business Startups Act (JOBS Act), enacted in 2012, created a federal exemption for equity crowdfunding. Federal rules under the JOBS exemption have not yet been finalized. Under the federal intrastate exemption, Oregon may enact its own exemption from securities registration for purely domestic offerings unrelated to federal law. ORS 59.035(15) provides that the Director of the Department of Consumer and Business Services may create transactional exemptions for securities through rule. This proposed rulemaking establishes an exemption for small amounts raised by Oregon small businesses through a "community public offering" or what is generally referred to as "crowdfunding." The proposed rules place certain substantive restrictions on Oregon businesses relying on the exemption, such as individual investor and total offering caps. The rulemaking activity also requires disclosures be given to prospective investors and places restrictions on general advertising of the securities to the public.

Rules Coordinator: Shelley Greiner

Address: Department of Consumer and Business Services, Finance and Corporate Securities, 350 Winter St. NE, Rm. 410, Salem, OR 97301

Telephone: (503) 947-7484

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Rule Caption: Corrects administrative rule filing governing mortgage lending activities that occurred in September 2014

Stat. Auth.: ORS 86A.136, 86A.242

Stats. Implemented: ORS 86A.106, 86A.227, 86A.239

Proposed Amendments: 441-860-0085, 441-860-0090

Proposed Renumberings: 441-875-0075 to 441-870-0075

Last Date for Comment: 12-5-14, 5 p.m.

Summary: On September 16, 2014, the Department of Consumer and Business Services adopted numerous changes to the administrative rules governing mortgage lending, though implementation of the rules was delayed until January 1, 2015. Unfortunately, the department inadvertently omitted citations to two amended rules that revised bonding calculations from the original notice, even though the original statement of need and fiscal impact addressed them. Additionally, the original notice proposed the adoption of OAR 441-875-0075 - which deemed filing false reports of condition as a dishonest, fraudulent or illegal practice or conduct - though the rule was meant to be codified in chapter 441, division 870. This limited rulemaking activity only gives formal notice of amendments to 441-860-0085 and 441-860-0090, as well as renumbering 441-875-0075 to 441-870-0075.

Rules Coordinator: Shelley Greiner

Address: Department of Consumer and Business Services, Finance and Corporate Securities, 350 Winter St. NE, Rm. 410, Salem, OR 97301

Telephone: (503) 947-7484

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**Department of Consumer and Business Services,
Insurance Division
Chapter 836**

Rule Caption: Adoption of New Annuity Mortality Table for Determining Reserve Liabilities for Annuities

Date:	Time:	Location:
11-18-14	10 a.m.	Labor & Industries Bldg., Rm. E 350 Winter St. NE Salem OR

Hearing Officer: Jeannette Holman

Stat. Auth.: ORS 731.244, 733.306 & 743.215

Stats. Implemented: ORS 733.306

Proposed Adoptions: 836-051-0235

Proposed Amendments: 836-051-0210, 836-051-0220, 836-051-0230

Last Date for Comment: 11-28-14, Close of Business

Summary: These proposed permanent rules recognize a new annuity mortality table (2012 IAR Table) for use in determining reserve liabilities for annuities. The National Association of Insurance Commissioners (NAIC) adopted the revisions to NAIC Model Rule (Regulation) #821 in December 2012. Adoption of this table will require insurers to use the new table as the reserve mortality standard for individual annuity or pure endowment contracts issued after January 1, 2015. The 2012 IAR Table is a generational mortality table developed by the Society of Actuaries that incorporates projections for future mortality improvements. For affected contracts, reserves will more accurately reflect anticipated mortality improvements for years beyond contract issue. Generally, the new table will result in higher reserves than current requirements.

Rules Coordinator: Victor Garcia

Address: Department of Consumer and Business Services, Insurance Division, 350 Winter St. NE, Salem, OR 97301

Telephone: (503) 947-7260

NOTICES OF PROPOSED RULEMAKING

Department of Consumer and Business Services, Oregon Occupational Safety and Health Division Chapter 437

Rule Caption: Adopt changes to Electric Power Generation, Transmission, and Distribution standards in general industry and construction.

Date:	Time:	Location:
11-25-14	10 a.m.	Associated General Contractors (AGC), Board Rm. 9450 SW Commerce Circle, #200 Wilsonville, OR 97070
12-3-14	10 a.m.	City of Medford City Hall, Alba Rm. 411 West 8th St. Medford, OR 97501
12-8-14	11 a.m.	Oregon OSHA, Red Oaks Square 1230 NE Third St., Suite A-115 Bend, OR 97701-4374

Hearing Officer: Sue Joye

Stat. Auth.: ORS 654.025(2) & 656.726(4)

Stats. Implemented: ORS 654.001–654.295

Proposed Adoptions: Rules in 437-002, 437-003, 437-003-3333

Proposed Amendments: Rules in 437-002, 437-002-0317, 437-003, 437-003-0115, 437-003-0145, 437-003-0255, 437-003-355, 437-003-0510

Proposed Repeals: 437-002-0138, Rules in 437-003

Last Date for Comment: 12-12-14, Close of Business

Summary: On April 11, 2014 federal OSHA published in the Federal Register their revised Power Generation, Transmission, and Distribution standards in general industry and construction, 29 CFR part 1910.269 and 29 CFR part 1926 subpart V respectively. Federal OSHA also revised its general industry standard for electrical protective equipment and added a corresponding standard for construction along with revising several other related provisions in their standards for general industry and construction. The final rule updated those standards and made the general industry and construction standards consistent.

Oregon OSHA started the rulemaking process involving numerous stakeholder sectors. Current Oregon-initiated rules were evaluated to ensure that they were still applicable and align with the new federal standards. Approximately 138 Oregon-initiated rules existed in Division 3/V while only a few existed in Division 2/R. This proposal incorporates Oregon initiated rules found in Division 3/V into Division 2/R.

As a result of that evaluation it was determined that some Oregon-initiated rules were no longer needed as the new federal standard adequately addressed the hazards. In some cases, several Oregon-initiated rules were combined. This process of consistency between general industry and construction standards allows work crews who do work involving both maintenance and construction activities in the course of a day to follow substantially similar rule requirements.

Oregon OSHA is proposing a new rule to address helicopter use due to technology changes and an increased use of helicopters in the construction and maintenance of transmission and distribution systems. Hazards have not been adequately addressed. The proposed standard assigns responsibility for job briefing, the integrity of rigging and safe delivery of cargo, and speaks to the use of personal protective equipment under or in the near vicinity of helicopters. Definitions were added to reflect language that is currently used in the industry.

Oregon's current rules related to the testing of rubber gloves varies from that of other neighboring states as well as within Oregon's own rules between Division 2/R and Division 3/V. This proposal adopts the federal rule language making the testing interval requirement consistent, both across standards as well as with neighboring states since companies are often working in multiple states.

NOTE: The listing of rules in the Rulemaking Action section is not all rules to be adopted, amended, or repealed. Please use our web site listed below for the complete list of rules for this rulemaking.

Please visit our web site www.orosha.org

Click 'Rules' in the left vertical column and view our proposed, adopted, and final rules.

Rules Coordinator: Sue C. Joye

Address: Department of Consumer and Business Services, Oregon Occupational Safety and Health Division, 350 Winter St. NE, Salem, OR 97301-3882

Telephone: (503) 947-7449

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**Department of Consumer and Business Services,
Workers' Compensation Board
Chapter 438**

Rule Caption: Eliminates requirement of notice by "mail" for hearing request acknowledgment and expedited claim hearing notice.

Date:	Time:	Location:
11-21-14	10 a.m.	2601 25th St. SE, Suite 150 Salem, OR 97302

Hearing Officer: Debra L. Young

Stat. Auth.: ORS 656.307, 656.388, 656.593 & 656.726(5)(a) & (b)

Stats. Implemented: ORS 656.283(3), (4)(a) & (b) & 656.291

Proposed Amendments: 438-006-0020, 438-013-0025

Last Date for Comment: 11-21-14, Close of Business

Summary: As part of its comprehensive review of OAR Chapter 438 rules, the Board invited public comment, which ultimately resulted in the appointment of an Advisory Committee on Technology. Among other recommendations, the Technology Committee suggested that OAR 438-006-0020 be amended to allow the Hearings Division to acknowledge receipt of a request for hearing by electronic means, in addition to acknowledgment "by mail," as currently required under that rule. After again considering this suggestion, along with the further development of its website portal in handling other electronic communications, the Board proposes to amend OAR 438-006-0020 to eliminate the requirement that the Hearings Division acknowledge receipt of a request for hearing "by mail." The Board proposes this amendment to permit the Hearings Division to acknowledge receipt of a request for hearing by mail, website portal, or other means. In addition, in conjunction with this proposed change, the Board proposes to amend OAR 438-013-0025, which concerns notice of hearing date for expedited service claims, to change references from "mail" and "mailing" to "distribute" and "distributing." This proposed amendment would eliminate the requirement that the hearing notice be mailed and permit such notice by mail, website portal, or other means.

Rules Coordinator: Karen Burton

Address: Department of Consumer and Business Services, Workers' Compensation Board, 2601 25th St. SE, Suite 150, Salem, OR 97302
Telephone: (503) 934-0123

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**Department of Consumer and Business Services,
Workers' Compensation Division
Chapter 436**

Rule Caption: Workers' compensation rules governing annual reporting requirements for Oregon self-insured employers

Stat. Auth.: ORS 656.407, 656.430 & 656.726(4)

Stats. Implemented: ORS 656.407 & 656.430

Proposed Amendments: 436-050-0003, 436-050-0175

Last Date for Comment: 11-25-14, Close of Business

Summary: The agency proposes to amend OAR chapter 436, division 050, "Employer/Insurer Coverage Responsibility," to modify self-insured employers' reporting requirements affecting claims with incurred losses. Currently, reports must aggregate claims with incurred costs of \$13,500 or less, providing aggregate totals for total paid, outstanding reserves, total incurred losses, and number of claims, while claims exceeding \$13,500 must be detailed individually.

The agency proposes to increase the reporting threshold for individual claims to \$15,000, effective Jan. 1, 2015, to remain consis-

NOTICES OF PROPOSED RULEMAKING

tent with reporting requirements used by the National Council on Compensation Insurance.

Rules Coordinator: Fred Bruyns

Address: Department of Consumer and Business Services, Workers' Compensation Division, PO Box 14480, Salem, OR 97309-0405

Telephone: (503) 947-7717

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Department of Fish and Wildlife
Chapter 635

Rule Caption: Implementation of the Columbia River Transition Program.

Date:	Time:	Location:
12-5-14	8 a.m.	Oregon Fish and Wildlife 4034 Fairview Industrial Dr. SE Salem, OR 97302

Hearing Officer: Oregon Fish and Wildlife Commission

Stat. Auth.: ORS 509.230

Other Auth.: SB 830 (2013)

Stats. Implemented: ORS 508.775–508.796

Proposed Adoptions: Rules in 635-440

Last Date for Comment: 12-5-14, Close of Business

Summary: Adopt new rules relating to Columbia River commercial fisheries reform. One provision of Senate Bill 830 (2013), dealing with Columbia River commercial fisheries reform, established a Columbia River Transition Program. The purpose of these new rules is to provide criteria and procedures for the implementation of said program. The Oregon Department of Fish and Wildlife will be the only state agency affected by these rules.

Rules Coordinator: Therese Kucera

Address: Department of Fish and Wildlife, 4034 Fairview Industrial Dr. SE, Salem, OR 97302

Telephone: (503) 947-6033

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Rule Caption: Siletz Tribe Special Gathering Permit for Clams.

Date:	Time:	Location:
12-5-14	8 a.m.	Oregon Fish and Wildlife Commission Rm. 4034 Fairview Industrial Dr. SE Salem, OR 97302

Hearing Officer: Oregon Fish and Wildlife Commission

Stat. Auth.: ORS 497.075

Stats. Implemented: ORS 497.075

Proposed Adoptions: Rules in 635-041

Proposed Amendments: Rules in 635-041

Last Date for Comment: 12-5-14, Close of Business

Summary: The Oregon Department of Fish and Wildlife (Department) has worked with the Confederated Tribes of the Siletz Indians of Oregon (Siletz Tribe) for many years (since 1980) to provide opportunity for tribal harvest of mussels, rock oysters, and sea anemones through a special gathering permit for ceremonial and subsistence purposes. Under a new Memorandum of Understanding (MOU), the State will annually issue a Special Gathering Permit for Clams to the Siletz Tribe. Tribal members may gather clams any time the Department authorizes non-commercial clam harvest that includes Lincoln County. The MOU stipulates the Siletz Tribal members engage in harvest with no waste, have in possession their Tribal Gathering License while gathering clams, use hands or hand tools, and allow Department employees or enforcement officers to inspect Tribal Gathering License, gear and catch upon request.

Rules Coordinator: Therese Kucera

Address: Department of Fish and Wildlife, 4034 Fairview Industrial Dr. SE, Salem, OR 97302

Telephone: (503) 947-6033

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Rule Caption: Amend Rules Relating to Hunter Education Course Length

Date:	Time:	Location:
12-5-14	8 a.m.	4034 Fairview Industrial Dr. SE Salem, OR 97302

Hearing Officer: Oregon Fish and Wildlife Commission

Stat. Auth.: ORS 496 & 497

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 497.360

Proposed Amendments: Rules in 635-048

Last Date for Comment: 12-5-14, Close of Hearing

Summary: Change current hunter education course length to meet all course delivery methods.

Rules Coordinator: Therese Kucera

Address: Department of Fish and Wildlife, 4034 Fairview Industrial Dr. SE, Salem, OR 97302

Telephone: (503) 947-6033

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Department of Geology and Mineral Industries
Chapter 632

Rule Caption: Rulemaking Amendments to OAR 632-030-0025 Relating to Mined Land Reclamation and Requirements for Imported Fill

Date:	Time:	Location:
11-18-14	10 a.m.	229 Broadalbin St SW Albany, OR 97321

Hearing Officer: Bob Houston

Stat. Auth.: ORS 517

Stats. Implemented: ORS 517.702–517.992

Proposed Amendments: 632-030-0025

Last Date for Comment: 12-2-14, Close of Business

Summary: The amendments to OAR 632-030-0025 requires that all fill material used as reclamation backfill or other subsurface placement must meet the Oregon Department of Environmental Quality definition of clean fill as provided in OAR 340-093-0030 or the use must be specifically allowed by Department of Environmental Quality by rule, permit or other written authorization. Additionally, these amendments to the rule would require a reclamation site using fill material to have a written plan that has been approved by the Department, showing locations for stockpiling and permanent placement. The plan provides monitoring of the quality and quantity of the fill material. The quality, quantity and location of fill material used on the site must be consistent with local land use plans and regulations. Documentation showing compliance with the approved plan must be provided to the Department upon request.

Rules Coordinator: Gary Lynch

Address: Department of Geology and Mineral Industries, 229 Broadalbin St. SW, Albany, OR 97321

Telephone: (541) 967-2053

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Department of Human Services,
Administrative Services Division and Director's Office
Chapter 407

Rule Caption: Background Check Registry

Date:	Time:	Location:
11-18-14	10:30 a.m.	State Library, Rm. 305 250 Winter St NE Salem, OR 97301

Hearing Officer: Jennifer Bittel

Stat. Auth.: Or Laws 2014, ch 104; ORS 181.534, 181.537, 183.459, 409.025, 409.027, 409.050, 410.020, 411.060, 443.725 & 443.735

Stats. Implemented: Or Laws 2014, ch 104; ORS 181.534, 181.537, 183.459, 409.010, 409.025, 409.027, 411.060 & 443.004

Proposed Adoptions: 407-007-0600 – 407-007-0640

Last Date for Comment: 11-21-14, 5 p.m.

Summary: These rules implement 2014 Oregon Laws, Chapter 104, Section 6. The Background Check Unit, serving the Department of Human Services (Department) and the Oregon Health Authority (Authority), is augmenting its Criminal Records Information Management System (CRIMS) to include a searchable registry of individuals with completed background checks who are eligible to work as homecare workers, or eligible to work in certain facilities. Placement on the registry allows an individual to be hired by a facility or work as a homecare worker without a new background check.

NOTICES OF PROPOSED RULEMAKING

An individual maintains placement on the registry by having rechecks every two years.

The proposed rule is available at: <http://www.oregon.gov/DHS/admin/Pages/dwssrules/index.aspx>. For hardcopy requests, call: (503) 947-5250.

Rules Coordinator: Jennifer Bittel

Address: Department of Human Services, Administrative Services Division and Director's Office, 250 Winter St. NE, Salem, OR 97301
Telephone: (503) 947-5250

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Rule Caption: Update Criminal Records Check and Abuse Check Rules for Department of Human Services Providers

Date:	Time:	Location:
11-18-14	10:30 a.m.	State Library, Rm. 305 250 Winter St. NE Salem, OR 97301

Hearing Officer: Jennifer Bittel

Stat. Auth.: ORS 181.534, 181.537 & 409.050

Stats. Implemented: ORS 181.534, 181.537, 409.010, 409.027 & 443.004

Proposed Amendments: 407-007-0210 – 407-007-0370

Last Date for Comment: 11-21-14, 5 p.m.

Summary: The Background Check Unit (BCU) needs to amend these rules due to the impact of 2013 Oregon Laws, chapter 693. This law requires the electronic capture and submission of fingerprints. BCU also needs to amend these rules due to the impact of 2014 Oregon Laws, chapter 104, section 6. This law requires the augmentation of the current Criminal Records Information Management System (CRIMS) to include a registry of certain subject individuals. These proposed rules also correct grammar and clarify language to meet current practice.

The proposed rules are available at: <http://www.oregon.gov/DHS/admin/Pages/dwssrules/index.aspx>. For hardcopy requests, call (503) 947-5250.

Rules Coordinator: Jennifer Bittel

Address: Department of Human Services, Administrative Services Division and Director's Office, 250 Winter St. NE, Salem, OR 97301
Telephone: (503) 947-5250

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Department of Human Services, Aging and People with Disabilities and Developmental Disabilities Chapter 411

Rule Caption: Oregon Project Independence for Adults with Disabilities

Date:	Time:	Location:
11-21-14	9 a.m.	Human Services Bldg. 500 Summer St. NE, Rm. 160 Salem, OR 97301

Hearing Officer: Staff

Stat. Auth.: ORS 409.050, 410.070, 410.435

Other Auth.: H.B. 5201-A (2014)

Stats. Implemented: ORS 409.010, 410.410–410.480

Proposed Adoptions: 411-032-0050

Proposed Repeals: 411-032-0050(T)

Last Date for Comment: 11-25-14, 5 p.m.

Summary: The Department of Human Services (Department) is proposing adopt OAR 411-032-0050 to make permanent temporary rule language that became effective July 1, 2014. OAR 411-032-0050 establishes the policies that apply to the pilot project which expands Oregon Project Independence (OPI) services to allow adults with physical disabilities in regionally diverse pilot locations access to OPI services starting. This rule sets out implementation, eligibility, and services offered through the pilot.

Rules Coordinator: Kimberly Colkitt-Hallman

Address: Department of Human Services, Aging and People with Disabilities and Developmental Disabilities, 500 Summer St. NE, E48, Salem, OR 97301

Telephone: (503) 945-6398

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Rule Caption: ODDS - In-Home Support for Children with Intellectual or Developmental Disabilities

Date:	Time:	Location:
11-19-14	2:30 p.m.	Human Services Bldg., Rm. 160 500 Summer St. NE Salem, OR 97301

Hearing Officer: Staff

Stat. Auth.: ORS 409.050 & 430.662

Stats. Implemented: ORS 427.005, 427.007, 430.610, 430.620 & 430.662–430.670

Proposed Adoptions: 411-308-0135

Proposed Amendments: Rules in 411-308

Proposed Repeals: 411-308-0135(T), 411-308-0020(T), 411-308-0030(T), 411-308-0050(T), 411-308-0060(T), 411-308-0070(T), 411-308-0080(T), 411-308-0100(T), 411-308-0120(T), 411-308-0130(T)

Last Date for Comment: 11-28-14, 5 p.m.

Summary: The Department of Human Services (Department), Office of Developmental Disability Services is proposing to update the rules in OAR chapter 411, division 308 for in-home support for children with intellectual or developmental disabilities.

The proposed rules:

- Make permanent temporary rule language that became effective on July 1, 2014;
- Incorporate the general definitions in OAR 411-317-0000, update the definitions to reflect correct terminology, and include definitions for terms created by the temporary rulemaking;
- Provide a uniform dispute resolution process by incorporating the complaint, Notification of Planned Action, and hearing rules adopted in OAR chapter 411, division 318;
- Clarify that a child who accesses in home support through general fund eligibility must be to prevent out-of-home placement and to allow time for the transition into other Medicaid services, if eligible;
- Account for changes in Medicaid service eligibility;
- Clarify when a child may be exited from in-home supports and to reiterate the requirement for a Notification of Planned Action in the instance supports are terminated;
- Require a plan to reduce or eliminate the need for children accessing in-home supports through general funds. The plan may include assisting the child to access waiver or Community First Choice services, if eligible;
- Remove the sanctions for independent providers, provider organizations, and general business providers;
- Update the language to reflect the completion of the transition period for implementation of the Community First Choice 1915(k) state plan amendment and update the available supports to reflect changes to the proposed 1915(c) Home and Community-Based Services waiver;
- Update provider types to reflect changes in the 1915(c) Home and Community-Based Services waiver;
- Adopt standards for employers to assure the proper authority exists to withdraw employer authority in cases where it is necessary to protect a child, parent, or an employee from its misuse;
- Reflect new Department terminology and current practice; and
- Correct formatting and punctuation.

Rules Coordinator: Kimberly Colkitt-Hallman

Address: Department of Human Services, Aging and People with Disabilities and Developmental Disabilities, 500 Summer St. NE, E48, Salem, OR 97301

Telephone: (503) 945-6398

NOTICES OF PROPOSED RULEMAKING

Rule Caption: ODDS — Definitions, Individual Rights, Complaints, Notification of Planned Action, and Contested Case Hearings

Date: 11-19-14
Time: 1:30 p.m.
Location: Human Services Bldg., Rm. 160
500 Summer St. NE
Salem, OR 97301

Hearing Officer: Staff

Stat. Auth.: ORS 409.050 & 427.107

Other Auth.: SB 22 (2013 Regular Session)

Stats. Implemented: ORS 183.411–183.471, 409.010, 427.107 & 427.109

Proposed Adoptions: 411-317-0000, 411-318-0000, 411-318-0005, 411-318-0010, 411-318-0015, 411-318-0020, 411-318-0025, 411-318-0030

Proposed Repeals: 411-317-0000(T), 411-318-0000(T), 411-318-0005(T), 411-318-0010(T), 411-318-0015(T), 411-318-0020(T), 411-318-0025(T), 411-318-0030(T)

Last Date for Comment: 11-28-14, 5 p.m.

Summary: The Department of Human Services (Department), Office of Developmental Disability Services is proposing to make permanent the July 1, 2014 temporary adoption of OAR 411-317-0000 and the rules in OAR chapter 411, division 318.

The Department is proposing to permanently adopt OAR 411-317-0000 to create a general rule for definitions and rules in OAR chapter 411, division 318 to prescribe:

- The rights of individuals receiving developmental disability services in accordance with Senate Bill 22 (2013 Regular Session);

- The process for reporting and investigating a complaint regarding dissatisfaction with a developmental disability service or provider;

- The requirements for a Notification of Planned Action in the event a developmental disability service is denied, reduced, suspended, or terminated;

- The contested case hearing process for challenging a denial, reduction, suspension, or termination of a developmental disability service; and

- The contested case hearing processing for challenging a provider notice of involuntary reduction, transfer, or exit.

Rules Coordinator: Kimberly Colkitt-Hallman

Address: Department of Human Services, Aging and People with Disabilities and Developmental Disabilities, 500 Summer St. NE, E48, Salem, OR 97301

Telephone: (503) 945-6398

Rule Caption: ODDS - Community Developmental Disability Programs

Date: 11-19-14
Time: 3:30 p.m.
Location: Human Services Bldg., Rm. 160
500 Summer St. NE
Salem, OR 97301

Hearing Officer: Staff

Stat. Auth.: ORS 409.050, 430.662

Other Auth.: Executive Order No.13-04, Senate Bill 22 (2013 Regular Session)

Stats. Implemented: ORS 427.005, 427.007, 430.610, 430.620, 430.662-695

Proposed Amendments: Rules in 411-320

Proposed Repeals: 411-320-0020(T), 411-320-0040(T), 411-320-0060(T), 411-320-0080(T), 411-320-0090(T), 411-320-0100(T), 411-320-0110(T), 411-320-0120(T), 411-320-0130(T), 411-320-0170(T), 411-320-0175(T)

Last Date for Comment: 11-28-14, 5 p.m.

Summary: The Department of Human Services, Office of Developmental Disability Services (Department) is proposing to update the rules in OAR chapter 411, division 320 for Community Developmental Disability Programs (CDDPs).

The proposed rules:

- Make permanent temporary rule language that became effective on July 1, 2014;

- Incorporate the general definitions in OAR 411-317-0000, align the definitions with ORS 427.005, clarify adaptive behavior and adaptive behavior assessments, update the definitions to reflect correct terminology, and include definitions for terms created by the temporary rulemaking;

- Implement Senate Bill 22 by updating the rights of individuals and providing a uniform dispute resolution process by incorporating the complaint, Notification of Planned Action, and hearing rules adopted in OAR chapter 411, division 318;

- Modify and clarify eligibility for developmental disability services to provide clear direction to eligibility specialists and mirror federal regulations and statutory intent. Specifically, the rule changes:

- Clarify adaptive behavior, the adaptive behavior assessments that may be used to determine developmental disability eligibility and level of care, and who may perform an adaptive behavior assessment;

- Clarify intellectual disability and the documentation required if an individual is not able to participate in an intellectual functioning assessment due to profound intellectual disability;

- Specify that a General Abilities Index score may be used in place of a Full Scale IQ in the event a qualified professional determines the General Abilities Index score is more valid than the Full Scale IQ;

- Include “motor impairment” in the list of conditions, diagnoses, or syndromes for which adaptive impairment may not be primarily attributed to;

- Clarify developmental disability, including specifying that “other developmental disability” may not be a motor impairment;

- Clarify determinations for children less than 7 years of age, including using a physician’s statement only if a formal assessment is not available and using the school aged requirements to determine eligibility for children who are at least 5 years of age and who have had school aged testing completed; and

- Adjust timelines for the application process and clarify the criteria for a completed application;

- Correct language associated with financial eligibility for services and bring the rule into closer compliance with the Community First Choice 1915(k) state plan by:

- Recognizing that assistance with OSIPM and OHP Plus are appropriately identified as case management services; and

- Eliminating certain timeframes for activities that are not able to be accomplished as currently written. The changes will allow for greater flexibility in meeting the overall expectations for timely access to services;

- Require exit of an individual unavailable to participate in service planning due to incarceration;

- Require that appropriate placement setting options are offered prior to entry and transfer as described in ORS 427.121;

- Assure compliance with the Community First Choice 1915(k) state plan by:

- Assuring a Level of Care determination is completed;

- Assuring a functional needs assessment is completed; and

- Assuring federal requirements associated with person-centered planning occurs consistent with CFR 441.540;

- Require that individuals participate in the assessment process;

- Incorporate the requirement for individuals of working age to have a Career Development Plan attached to their Individual Support Plan (ISP);

- Require that an ISP be provided in a format and language understandable to an individual;

- Comply with case management monitoring requirements found in the Community First Choice 1915(k) state plan by requiring a case management contact at least once every three months;

- Require a plan of improvement within 45 days of a compliance review conducted every two years;

- Reflect new Department terminology and current practice; and

- Correct formatting and punctuation.

Rules Coordinator: Kimberly Colkitt-Hallman

NOTICES OF PROPOSED RULEMAKING

Address: Department of Human Services, Aging and People with Disabilities and Developmental Disabilities, 500 Summer St. NE, E48, Salem, OR 97301
Telephone: (503) 945-6398

Rule Caption: ODDS — Agency Certification and Endorsement, 24-Hour Residential Settings, and Supported Living Settings

Date: 11-19-14
Time: 11 a.m.
Location: Human Services Bldg., Rm. 160
500 Summer St. NE
Salem, OR 97301

Hearing Officer: Staff

Stat. Auth.: ORS 409.050, 430.662, 443.450 & 443.455

Other Auth.: Executive Order No.13-04, SB 22 (2013 Regular Session)

Stats. Implemented: ORS 409.050, 430.610, 430.662, 430.670 & 443.400–443.455

Proposed Amendments: Rules in 411-323, 411-325, 411-328

Proposed Repeals: 411-325-0320, 411-325-0330, 411-325-0400, 411-328-0740, 411-328-0800, 411-323-0010(T), 411-323-0020(T), 411-323-0030(T), 411-323-0035(T), 411-323-0050(T), 411-323-0060(T), 411-323-0070(T), 411-325-0020(T), 411-325-0060(T), 411-325-0110(T), 411-325-0120(T), 411-325-0300(T), 411-325-0390(T), 411-325-0430(T), 411-325-0460(T), 411-328-0560(T), 411-328-0700(T), 411-328-0720(T), 411-328-0750(T), 411-328-0760(T), 411-328-0770(T), 411-328-0790(T)

Last Date for Comment: 11-28-14, 5 p.m.

Summary: The Department of Human Services (Department), Office of Developmental Disability Services is proposing to update the rules in:

- OAR chapter 411, division 323 for agency certification and endorsement to provide services to individuals with intellectual or developmental disabilities in community-based settings;
- OAR chapter 411, division 325 for 24-hour residential settings for individuals with intellectual or developmental disabilities; and
- OAR chapter 411, division 328 for supported living settings for individuals with intellectual or developmental disabilities.

The proposed rules:

- Make permanent temporary rule language that became effective on July 1, 2014;
- Update the Medicaid eligibility criteria, remove crisis eligibility requirements, and incorporate service eligibility requirements related to the transfer of assets in accordance with OAR 461-140-0210 to 461-140-0300;
- Implement Senate Bill 22 by updating the rights of individuals and providing a consistent dispute resolution process;
- Incorporate the requirement for individuals of working age to have a Career Development Plan attached to their Individual Support Plan (ISP);
- Align the supported living services rules for behavior support services with the rules for 24-hour residential services by updating the requirements for documenting and reporting occurrences of injury, accidents, acts of physical aggression, protective physical intervention, or unusual incidents;
- Incorporate the general definitions in OAR 411-317-0000, update the definitions to reflect correct terminology, and include definitions for terms created by the proposed rulemaking;
- Remove references to proctor care services;
- Update provider qualifications and personnel requirements;
- Reflect new Department terminology and current practice; and
- Correct formatting and punctuation.

Rules Coordinator: Kimberly Colkitt-Hallman

Address: Department of Human Services, Aging and People with Disabilities and Developmental Disabilities, 500 Summer St. NE, E48, Salem, OR 97301

Telephone: (503) 945-6398

Rule Caption: ODDS — Comprehensive In-Home Support for Adults with Intellectual or Developmental Disabilities

Date: 11-21-14
Time: 2:30 p.m.
Location: Human Services Bldg., Rm. 160
500 Summer St. NE
Salem, OR 97301

Hearing Officer: Staff

Stat. Auth.: ORS 409.050 & 430.662

Stats. Implemented: ORS 427.005, 427.007, 430.610, 430.620 & 430.662–430.670

Proposed Amendments: Rules in 411-330

Proposed Repeals: 411-330-0020 (T), 411-330-0030(T), 411-330-0040(T), 411-330-0050(T), 411-330-0060(T), 411-330-0070(T), 411-330-0080(T), 411-330-0090(T), 411-330-0100(T), 411-330-0110(T), 411-330-0130(T)

Last Date for Comment: 11-28-14, 5 p.m.

Summary: The Department of Human Services (Department), Office of Developmental Disability Services is proposing to update the rules in OAR chapter 411, division 330 for comprehensive in-home support for adults with intellectual or developmental disabilities.

The proposed rules:

- Make permanent temporary rule language that became effective on July 1, 2014;
- Incorporate the general definitions in OAR 411-317-0000, update the definitions to reflect correct terminology, and include definitions for terms created by the temporary rulemaking;
- Reflect correct program eligibility requirements with respect to the 1915(k) Community First Choice state plan amendment;
- Update the conditions under which an individual must exit comprehensive in-home supports;
- Update language to assure continued availability of services to an individual who transfers case management entities;
- Update language to reflect the completion of the transition period for the implementation of the 1915(k) Community First Choice state plan amendment and to incorporate service parameters associated with the proposed Comprehensive Services 1915(c) Home and Community-Based Services waiver;
- Adjust to the adoption of the personal support worker rules in OAR chapter 411, division 375 by excluding specific requirements for personal support workers;
- Reflect terminology associated with service descriptions found in the 1915(k) Community First Choice state plan amendment;
- Reflect the terminology associated with the proposed Comprehensive Services 1915(c) Home and Community-Based Services waiver and the 1915(k) Community First Choice state plan amendment;
- Account for changes in service eligibility related to the types of Medicaid eligibility an individual may have and to update the available supports to reflect changes to the proposed Comprehensive Services 1915(c) Home and Community Based Services waiver;
- Provide a uniform dispute resolution process by incorporating the complaint, Notification of Planned Action, and hearing rules adopted in OAR chapter 411, division 318;
- Reflect new Department terminology and current practice; and
- Correct formatting and punctuation.

Rules Coordinator: Kimberly Colkitt-Hallman

Address: Department of Human Services, Aging and People with Disabilities and Developmental Disabilities, 500 Summer St. NE, E48, Salem, OR 97301

Telephone: (503) 945-6398

Rule Caption: ODDS — Support Services for Adults with Intellectual or Developmental Disabilities

Date: 11-21-14
Time: 2:30 p.m.
Location: Human Services Bldg., Rm. 160
500 Summer St. NE
Salem, OR 97301

Hearing Officer: Staff

NOTICES OF PROPOSED RULEMAKING

Stat. Auth.: ORS 409.050, 427.402 & 430.662

Other Auth.: Executive Order No.13-04, SB 22 (2013 Regular Session)

Stats. Implemented: ORS 427.005, 427.007, 427.400–427.410, 430.610, 430.620 & 430.662–430.695

Proposed Adoptions: 411-340-0135

Proposed Amendments: Rules in 411-340

Proposed Repeals: 411-340-0020(T), 411-340-0060(T), 411-340-0100(T), 411-340-0110(T), 411-340-0120(T), 411-340-0130(T), 411-340-0135(T), 411-340-0150(T), 411-340-0160(T), 411-340-0170(T)

Last Date for Comment: 11-28-14, 5 p.m.

Summary: The Department of Human Services (Department), Office of Developmental Disability Services is proposing to update the rules in OAR chapter 411, division 340 for support services for adults with intellectual or developmental disabilities.

The proposed rules:

- Make permanent temporary rule language that became effective on July 1, 2014;
- Incorporate the general definitions in OAR 411-317-0000, update the definitions to reflect correct terminology, and include definitions for terms created by the temporary rulemaking;
- Provide a uniform dispute resolution process by incorporating the complaint, Notification of Planned Action, and hearing rules adopted in OAR chapter 411, division 318;
- Clarify that eligibility for support services is determined by the Community Developmental Disability Program (CDDP) of the county of origin according to OAR 411-320-0110;
- Refer to the individual's rights adopted in OAR 411-318-0010 that implement Senate Bill 22;
- Incorporate the complaint, Notification of Planned Action, and hearing rules adopted in OAR chapter 411, division 318;
- Clarify the conditions under which an individual must be exited from support services;
- Come into compliance with monitoring requirements established in the Community First Choice 1915(k) state plan;
- Add requirements for individual participation in assessment processes;
- Provide clarity around transfers from one case management entity to another;
- Incorporate the requirement for individuals to have a Career Development Plan;
- Account for changes in service eligibility related to the types of Medicaid eligibility an individual may have and incorporate service eligibility requirements related to the transfer of assets in accordance with OAR 461-140-0210 to 461-140-0300;
- Specify the use of support services funds to purchase individual supports based on assessments and approved waiver language;
- Update the available supports to reflect changes to the proposed Support Services 1915(c) Home and Community-Based Services waiver;
- Specify the circumstances that lead to the inactivation of the provider enrollment for personal support workers and independent providers;
- Adopt standards for employers to assure the proper authority exists to withdraw employer authority in cases where it is necessary to protect an individual or an employee from misuse;
- Reflect the completed transition period for the implementation of the Community First Choice 1915(k) state plan and make terminology consistent with the proposed Support Services 1915 (c) Home and Community-Based Services waiver;
- Incorporate the provider qualification requirements for personal support workers adopted in OAR chapter 411, division 375;
- Update provider types to reflect changes in the Support Services 1915(c) Home and Community-Based Services waiver and the Long-Term Care Community Nursing Program;
- Reflect terminology associated with service descriptions found in the Community First Choice 1915(k) state plan;

- Clarify that the authority to sanction a certified provider organization lies with the Department;
- Reflect new Department terminology and current practice; and
- Correct formatting and punctuation.

Rules Coordinator: Kimberly Colkitt-Hallman

Address: Department of Human Services, Aging and People with Disabilities and Developmental Disabilities, 500 Summer St. NE, E48, Salem, OR 97301

Telephone: (503) 945-6398

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Rule Caption: ODDS — Employment Services for Adults with Intellectual or Developmental Disabilities

Date:	Time:	Location:
11-21-14	1 p.m.	Human Services Bldg., Rm. 160 500 Summer St. NE Salem, OR 97301

Hearing Officer: Staff

Stat. Auth.: ORS 409.050 & 430.662

Other Auth.: Executive Order No.13-04

Stats. Implemented: ORS 430.610, 430.662 & 430.670

Proposed Adoptions: 411-345-0027, 411-345-0085

Proposed Amendments: Rules in 411-345

Proposed Repeals: 411-345-0100, 411-345-0010(T), 411-345-0020(T), 411-345-0025(T), 411-345-0027(T), 411-345-0030(T), 411-345-0050(T), 411-345-0085(T), 411-345-0090(T), 411-345-0095(T), 411-345-0110(T), 411-345-0130(T), 411-345-0140(T), 411-345-0160(T), 411-345-0170(T), 411-345-0180(T), 411-345-0190(T), 411-345-0200(T), 411-345-0230(T), 411-345-0240(T), 411-345-0250(T), 411-345-0260(T), 411-345-0270(T)

Last Date for Comment: 11-28-14, 5 p.m.

Summary: The Department of Human Services (Department), Office of Developmental Disability Services is updating the rules in OAR chapter 411, division 345 for employment services for adults with intellectual or developmental disabilities to reflect the following:

- Alignment with the rules in OAR chapter 407, division 025, Executive Order No.13-04, and Oregon's "Employment First" policy;
- Alignment with the 1915(c) Home and Community-Based Services waivers and the services available under the waivers;
- Alignment with the Executive Order by outlining the requirements for a Career Development Plan completed as a part of the annual Individual Support Plan (ISP);
- Changes to provider types who may deliver employment services;
- Changes in the funding authority for non-employment services from the 1915(c) Home and Community-Based Services waiver to the 1915(k) Community First Choice state plan amendment; and
- Alignment of provider qualifications and requirements with the rules in OAR chapter 407, division 025 and Executive Order No. 13-04.

The proposed rules:

- Make permanent temporary rule language that became effective on July 1, 2014;
- Change the references to "alternatives to employment" to "attendant care" or "skills training" where appropriate;
- Incorporate the general definitions in OAR 411-317-0000 and update the definitions relating to employment and other available services, provider types, and service descriptions;
- Describe who is eligible to receive services as described in these rules and assure employment services are only available to individuals who are eligible for OSIPM;
- Update provider requirements consistent with the 1915(c) Home and Community-Based Services waiver, incorporate new provider types, and include qualifications for providers by service type;
- Assure that adequate documentation of services is kept by providers;

NOTICES OF PROPOSED RULEMAKING

- Incorporate limits to employment services as described in the 1915(c) Home and Community-Based Services waivers;
- Account for the adoption of rules in OAR chapter 411, division 318 and to recognize the authority of that rule in matters of complaints, individual rights, Notification of Planned Action, and hearings;
- Require and describe a Career Development Plan;
- Reflect new Department terminology and current practice; and
- Correct formatting and punctuation.

Rules Coordinator: Kimberly Colkitt-Hallman

Address: Department of Human Services, Aging and People with Disabilities and Developmental Disabilities, 500 Summer St. NE, E48, Salem, OR 97301

Telephone: (503) 945-6398

Rule Caption: ODDS — Foster Homes for Children with Intellectual or Developmental Disabilities

Date:	Time:	Location:
11-19-14	11:30 a.m.	Human Services Bldg., Rm. 160 500 Summer St. NE Salem, OR 97301

Hearing Officer: Staff

Stat. Auth.: ORS 409.050, 443.835

Other Auth.: SB 22 (2013 Regular Session)

Stats. Implemented: ORS 430.215, 443.830, 443.835

Proposed Amendments: Rules in 411-346

Proposed Repeals: 411-346-0110(T), 411-346-0150(T), 411-346-0180(T), 411-346-0190(T)

Last Date for Comment: 11-28-14, 5 p.m.

Summary: The Department of Human Services (Department), Office of Developmental Disability Services is proposing to update the rules in OAR chapter 411, division 346 for foster homes for children with intellectual or developmental disabilities (CFH).

The proposed rules:

- Make permanent temporary rule language that became effective on July 1, 2014;
- Incorporate the general definitions in OAR 411-317-0000, update the definitions to reflect correct terminology, and include definitions for terms created by the temporary rulemaking;
- Include portability of background check approval to allow alternate caregivers, employees of foster providers, and volunteers to have approval to work in multiple foster homes within a county when working in the same employment role at each foster home;
- Incorporate the hearing process for provider notices of involuntary reductions, transfers, and exits adopted in OAR 411-318-0030;
- Clarify nursing services to provide consistency with the rules for community nursing services in OAR chapter 411, division 048;
- Reflect new Department terminology and current practice; and
- Correct formatting and punctuation.

Rules Coordinator: Kimberly Colkitt-Hallman

Address: Department of Human Services, Aging and People with Disabilities and Developmental Disabilities, 500 Summer St. NE, E48, Salem, OR 97301

Telephone: (503) 945-6398

Rule Caption: ODDS — Foster Homes for Adults with Intellectual or Developmental Disabilities

Date:	Time:	Location:
11-19-14	11:30 a.m.	Human Services Bldg., Rm. 160 500 Summer St. NE Salem, OR 97301

Hearing Officer: Staff

Stat. Auth.: ORS 409.050, 410.070, 443.725, 443.730, 443.735, 443.738, 443.742, 443.760, 443.765, 443.767, 443.775 & 443.790

Other Auth.: Executive Order No.13-04, HB 4151 (2014 Regular Session), SB 22 (2013 Regular Session)

Stats. Implemented: ORS 443.705-825

Proposed Amendments: Rules in 411-360

Proposed Repeals: 411-360-0020(T), 411-360-0140(T), 411-360-0170(T), 411-360-0190(T), 411-360-0250(T), 411-360-0275(T)

Last Date for Comment: 11-28-14, 5 p.m.

Summary: The Department of Human Services (Department), Office of Developmental Disability Services is proposing to update the rules in OAR chapter 411, division 360 for adult foster homes for the individuals with intellectual or developmental disabilities (AFH-DD).

The proposed rules:

- Make permanent temporary rule language that became effective on July 1, 2014;
- Incorporate the general definitions in OAR 411-317-0000, update existing definitions to reflect correct terminology, and include definitions for terms created by the proposed rulemaking;
- Clarify nursing services to provide consistency with the rules for community nursing services in OAR chapter 411, division 048;
- Incorporate the requirement for individuals of working age to have a Career Development Plan attached to their Individual Support Plan;
- Incorporate the rights of individuals adopted in OAR 411-318-0010;
- Update the Medicaid eligibility criteria, remove crisis eligibility requirements, and incorporate service eligibility requirements related to the transfer of assets in accordance with OAR 461-140-0210 to 461-140-0300
- Implement House Bill 4151 which provides the ability for an AFH-DD provider to immediately exit an individual on parole, probation, or post-release supervision after being convicted of a sex crime;
- Reflect new Department terminology and current practice; and
- Correct formatting and punctuation.

Rules Coordinator: Kimberly Colkitt-Hallman

Address: Department of Human Services, Aging and People with Disabilities and Developmental Disabilities, 500 Summer St. NE, E48, Salem, OR 97301

Telephone: (503) 945-6398

Rule Caption: ODDS — Personal Support Workers Providing Developmental Disability Home Care Services

Date:	Time:	Location:
11-21-14	3:30 p.m.	Human Services Bldg., Rm. 160 500 Summer St. NE Salem, OR 97301

Hearing Officer: Staff

Stat. Auth.: ORS 409.050

Stats. Implemented: ORS 410.600, 410.606–410.619 & 427.007

Proposed Adoptions: 411-375-0000, 411-375-0010, 411-375-0020, 411-375-0030, 411-375-0040, 411-375-0050, 411-375-0060, 411-375-0070, 411-375-0080

Proposed Repeals: 411-375-0000(T), 411-375-0010(T), 411-375-0020(T), 411-375-0030(T), 411-375-0040(T), 411-375-0050(T), 411-375-0060(T), 411-375-0070(T), 411-375-0080(T)

Last Date for Comment: 11-28-14, 5 p.m.

Summary: The Department of Human Services (Department), Office of Developmental Disability Services is proposing to adopt rules in OAR chapter 411, division 375 for personal support workers providing home and community-based waiver, state plan, and general fund home care services to individuals eligible for developmental disability services and receiving supports authorized by the Department, Children's Intensive In-Home Services (CIIS), Community Developmental Disability Programs (CDDPs), or Support Services Brokerages (Brokerages).

The proposed rules make permanent the temporary rule language that became effective on July 1, 2014 that established the standards and procedures governing personal support workers and the fiscal services provided on behalf of individuals who employ or contract with personal support workers.

Rules Coordinator: Kimberly Colkitt-Hallman

NOTICES OF PROPOSED RULEMAKING

Address: Department of Human Services, Aging and People with Disabilities and Developmental Disabilities, 500 Summer St. NE, E48, Salem, OR 97301
Telephone: (503) 945-6398

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**Department of Human Services,
Child Welfare Programs
Chapter 413**

Rule Caption: Changing rules relating to psychotropic medication management for children and young adults in substitute care

Date: 11-24-14 **Time:** 9 a.m. **Location:** Human Services Bldg., Rm. 257
500 Summer St. NE
Salem, OR 97301

Hearing Officer: Kris Skaro

Stat. Auth.: ORS 418.005 & 418.517

Stats. Implemented: ORS 109.640, 109.675, 418.005 & 418.517

Proposed Amendments: 413-070-0410, 413-070-0430, 413-070-0450, 413-070-0470, 413-070-0480, 413-070-0490

Last Date for Comment: 11-26-14, 5 p.m.

Summary: The Department of Human Services, Office of Child Welfare Program, is amending its rules related to Psychotropic Medication Management, which describe the responsibilities of the substitute caregiver and the Department when a child or young adult in substitute care is prescribed or administered psychotropic medication. The primary change is to clarify that the Department authorizes, but does not consent to, the administration of psychotropic medication. Other changes are also made to update terminology, clarify language, correct grammar and punctuation, and add and update references.

A copy of the draft rules can be accessed at the child welfare policy website: <http://www.dhs.state.or.us/policy/childwelfare/drafts/drafts.htm>.

Rules Coordinator: Kris Skaro

Address: Department of Human Services, Child Welfare Programs, 500 Summer St. NE, E-48, Salem, OR 97301

Telephone: (503) 945-6067

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Rule Caption: Amending child welfare rules related to personal care services for children and young adults

Date: 11-24-14 **Time:** 9 a.m. **Location:** 500 Summer St. NE, Rm. 257
Salem, OR 97301

Hearing Officer: Kris Skaro

Stat. Auth.: ORS 409.050 & 418.005

Stats. Implemented: ORS 409.010, 418.005 & 418.015

Proposed Amendments: 413-090-0110, 413-090-0120, 413-090-0133, 413-090-0135, 413-090-0136, 413-090-0140, 413-090-0150, 413-090-0210

Last Date for Comment: 11-26-14, 5 p.m.

Summary: The Department of Human Services, Office of Child Welfare Programs, is amending the rules related to personal care services for children and young adults placed with a foster parent or relative caregiver. The rule changes: allow the Department to pay for personal care services using federal funds sooner if there is a delay in the process; clarify when personal care services end and a new assessment is required; add rating criteria that are specific to infants; add references to applicable forms; update terminology, position titles, and references; clarify language; and correct punctuation.

Rules Coordinator: Kris Skaro

Address: Department of Human Services, Child Welfare Programs, 500 Summer St. NE, E-48, Salem, OR 97301

Telephone: (503) 945-6067

**Department of Human Services,
Home Care Commission
Chapter 418**

Rule Caption: Adoption of initial rules for the Oregon Home Care Commission

Date: 11-17-14 **Time:** 1 p.m. **Location:** Oregon Home Care Commission
676 Church St. NE,
Large Conference Rm.
Salem, OR 97301

Hearing Officer: Staff

Stat. Auth.: ORS 410.602

Other Auth.: Article XV, Section 11, Oregon State Constitution

Stats. Implemented: ORS 410.595-625

Proposed Adoptions: 418-010-0010, 418-010-0020, 418-010-0030, 418-010-0040, 418-020-0010, 418-020-0020, 418-020-0030, 418-020-0040, 418-020-0050, 418-020-0060, 418-030-0000, 418-030-0010, 418-030-0020

Last Date for Comment: 11-21-14, 5 p.m.

Summary: The Oregon Home Care Commission is proposing to adopt rules for Oregon Home Care Commission in OAR chapter 418 to establish rules that will ensure high quality homecare services to those using the Commission's services.

Rules Coordinator: Kimberly Colkitt-Hallman

Address: Department of Human Services, Home Care Commission, 500 Summer St. NE, E-48, Salem, OR 97301

Telephone: (503) 945-6398

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**Department of Human Services,
Self-Sufficiency Programs
Chapter 461**

Rule Caption: Amending rules relating to public assistance programs, including SNAP, TANF, and OSIPM

Date: 11-24-14 **Time:** 11 a.m. **Location:** Human Services Bldg., Rm. 257
500 Summer St. NE
Salem, OR 97301

Hearing Officer: Kris Skaro

Stat. Auth.: ORS 409.050, 411.060, 411.070, 411.083, 411.404, 411.816, 412.006, 412.014 & 412.049

Other Auth.: P.L. 92-336

Stats. Implemented: ORS 409.050, 411.060, 411.070, 411.081, 411.083, 411.087, 411.400, 411.404, 411.704, 411.706, 411.816, 411.825, 411.837, 412.006, 412.014, 412.049, 414.025, 414.231 & 414.826

Proposed Amendments: 461-115-0071, 461-135-0780, 461-145-0220, 461-155-0180, 461-155-0250, 461-155-0270, 461-155-0290, 461-155-0291, 461-155-0295, 461-155-0300, 461-160-0015, 461-160-0580, 461-160-0620

Proposed Repeals: 461-115-0071(T), 461-125-0190, 461-160-0015(T)

Last Date for Comment: 12-5-14, 5 p.m.

Summary: OAR 461-115-0071 about who must sign the application and complete the application process is being amended to make permanent temporary changes adopted July 16, 2014 to allow an employee of a public institution to witness the mark of an inmate who is applying for OSIPM Medicaid services, when that inmate is unable to sign the application.

OAR 461-125-0190 about the unemployment or underemployment of the principal wage earner (PWE) is being repealed because the concept of the PWE is no longer used when determining TANF eligibility.

OAR 461-135-0780 about eligibility for Pickle Amendment clients in the OSIPM program, 461-145-0220 about treatment of the home, 461-155-0250 about income and payment standard for OSIPM, 461-155-0270 about room and board standards for OSIPM, 461-155-0300 about shelter-in-kind standard for OSIP, OSIPM and QMB, 461-160-0015 about resource limits, 461-160-0580 about

NOTICES OF PROPOSED RULEMAKING

excluded resources (community spouse provision) OSIPM program (except OSIP-EPD and OSIPM-EPD), and 461-160-0620 about income deductions and client liability for Long Term Care Services and Waivered Services are being amended effective January 1, 2015 to reflect the annual federal cost of living adjustments. In addition, OAR 461-160-0015 about resource limits is being amended to make permanent a temporary change adopted October 1, 2014 that increased the resource limit for some SNAP households from \$2,000 to \$2,250.

OAR 461-155-0180 about poverty related income standards (for non-medical), 461-155-0290 about income standards for QMB-BAS, 461-155-0291 about income standards for QMB-DW, and 461-155-0295 about income standards for QMB-SMB and QMB-SMF are being amended to reflect the annual Federal Poverty Level (FPL) adjustments. The poverty guidelines are updated annually by the US Department of Health and Human Services based on the Consumer Price Index for All Urban Consumers (CPI-U). The poverty guidelines are then used to determine financial eligibility for public assistance programs.

In addition, the above rules may also be changed to reflect new Department terminology, update references, and correct formatting and punctuation.

Rules Coordinator: Kris Skaro

Address: Department of Human Services, Self-Sufficiency Programs, 500 Summer St. NE, E-48, Salem, OR 97301

Telephone: (503) 945-6067

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Rule Caption: Amending rule relating to eligibility requirements for some child care providers

Date:	Time:	Location:
11-25-14	3 p.m.	Public Service Bldg., Rm. 251A 255 Capitol St. NE Salem, OR 97301

Hearing Officer: Kris Skaro

Stat. Auth.: ORS 181.537, 409.050, 411.060 & 411.070

Stats. Implemented: ORS 181.537, 409.010, 409.050, 409.610, 411.060, 411.070, 411.122 & 329A.340

Proposed Amendments: 461-165-0180

Proposed Repeals: 461-165-0180(T)

Last Date for Comment: 12-5-14, 5 p.m.

Summary: OAR 461-165-0180 about eligibility of child care providers is being amended to increase and clarify standards and requirements for providers that care for individuals receiving child care benefits through the Employment Related Day Care (ERDC) program or Temporary Assistance to Needy Families Jobs Opportunities and Basic Skills (TANF-JOBS) program. This rule amendment makes the following changes to protect the health, safety and the physical, moral, and mental well-being of children cared for by DHS-approved child care providers, align with the Office of Child Care rules for licensed providers, and the goals of the Governor's Early Learning Council for quality child care:

- Prohibits individuals who hold a medical marijuana card, distribute, grow, or use marijuana (including medical marijuana) or any controlled substance (except lawfully prescribed and over-the-counter medications) from being a DHS-approved child care provider.

- Prohibits controlled substances (except lawfully prescribed and over-the-counter medications), marijuana (including medical marijuana, marijuana edibles, and other products containing marijuana), marijuana plants, derivatives, and associated paraphernalia from being on the child care premises during child care operational hours or anytime child care children are present. Adds a definition of premises which includes the home or facility structure and grounds, including indoors and outdoors and space not directly used for child care.

- Clarifies the prohibition on consumption of alcohol and use of controlled substances (except lawfully prescribed and over-the-counter medications) and marijuana (including medical marijuana).

- Prohibits child care providers, any individual supervising, transporting, preparing meals, or otherwise working in the proximity of child care children and those completing daily attendance and billing records from being "under the influence". Adds a definition of this term which includes observed abnormal behavior or impairments in mental or physical performance leading a reasonable person to believe the individual has used alcohol, any controlled substance (including lawfully prescribed and over-the-counter medications), marijuana (including medical marijuana), or inhalants that impairs their performance of essential job function or creates a direct threat to child care children or others.

- Prohibits smoking within ten feet of any entrance, exit, window that opens, or any ventilation intake that serves an enclosed area and adds e-cigarettes and vaporizers to the list of smoking products that are prohibited.

- Adds a requirement for the provider to report to DHS when they no longer meet the provider eligibility requirements under this rule.

- Adds requirement to report if any subject individual has any involvement with adult protective services, (in addition to child protective services).

- Clarifies alcohol, inhalants, tobacco and e-cigarette products, matches and lighters, any prescription or non-prescription medications are also considered items that may be dangerous to children and must be kept in a secure place out of a child's reach.

Many of these changes have been in place since August 13, 2014 by temporary rule.

Rules Coordinator: Kris Skaro

Address: Department of Human Services, Self-Sufficiency Programs, 500 Summer St. NE, E-48, Salem, OR 97301

Telephone: (503) 945-6067

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Department of Justice

Chapter 137

Rule Caption: Good cause, redirect of support and joining a party to a proceeding

Stat. Auth.: ORS 180.345 & 416.455

Stats. Implemented: ORS 25.080 & 416.407

Proposed Adoptions: 137-055-3495

Proposed Amendments: 137-055-1090, 137-055-3500

Last Date for Comment: 12-5-14, 5 p.m.

Summary: OAR 137-055-1090 is being amended to conform the rule to the Department of Human Service's policy regarding removal of good cause coding, upon request of the obligee and the program currently providing services, when the program that originally granted good cause is no longer providing services. This amendment also changes the process for removing arrears from a case when closing the case for good cause.

OAR 137-055-3495 is being adopted to implement the Program's policy and procedures regarding redirection of support.

OAR 137-055-3500 is being amended to update cite references and to clarify the process when joining a party to the order.

Please submit written comments by 5:00 p.m. Friday, 12-5-14, to Lori Woltring, Policy Analyst, Division of Child Support, 1162 Court St NE Salem, Oregon 97301. Questions may be directed to that address or you may call 503-947-4367

Rules Coordinator: Carol Riches

Address: Department of Justice, 1162 Court St. NE, Salem, OR 97301

Telephone: (503) 947-4700

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Department of Revenue

Chapter 150

Rule Caption: Corporation income/excise tax: Estimated Tax: Application of payments; Long Term Enterprise Zone distributions.

NOTICES OF PROPOSED RULEMAKING

Date: 11-17-14
Time: 10 a.m.
Location: Revenue Bldg.,
Fishbowl Conference Rm.,
955 Center St. NE
Salem, OR 97301

Hearing Officer: Andrea Parrent

Stat. Auth.: ORS 305.100

Stats. Implemented: ORS 314.515 & 317.131

Proposed Adoptions: 150-317.131

Proposed Amendments: 150-314.515(2)

Last Date for Comment: 11-17-14, 5 p.m.

Summary: 150-314.515(2) provides a method to determine the application of a corporate refund application and clarifies the date an amended return is posted.

150-317.131 provides guidance regarding how the department handles long-term enterprise zone distributions after a change in underlying corporate tax liability; also provides a procedure regarding how the department may recover erroneous distributions.

Rules Coordinator: Deanna Mack

Address: Department of Revenue, 955 Center St. NE, Salem, OR 97301

Telephone: (503) 947-2082

Rule Caption: Define “last known address” for purposes of mailing notices to taxpayers.

Date: 11-17-14
Time: 10 a.m.
Location: Revenue Bldg.,
Fishbowl Conference Rm.,
955 Center St. NE
Salem, OR 97301

Hearing Officer: Andrea Parrent

Stat. Auth.: ORS 305.100

Stats. Implemented: ORS 305.265

Proposed Amendments: 150-305.265(11)

Last Date for Comment: 11-17-14, 5 p.m.

Summary: 150-305.265(11) — Clarifies what constitutes a “last known address” for the purpose of mailing notices to taxpayers. Removes IRS information as a source of the last known address. Implements 2013 SB 183, delivery of notices by electronic means.

Rules Coordinator: Deanna Mack

Address: Department of Revenue, 955 Center St. NE, Salem, OR 97301

Telephone: (503) 947-2082

Rule Caption: Property Tax: Schools, Urban Renewal, Continuing Education, Deferral, Adjudicated Values, Applications, Exemptions, Valuation

Date: 11-17-14
Time: 10 a.m.
Location: Revenue Bldg.,
Fishbowl Conference Rm.,
955 Center St. NE
Salem, OR 97301

Hearing Officer: Andrea Parrent

Stat. Auth.: ORS 305.100, 308.411, 311.683

Stats. Implemented: ORS 306.265, 307.180, 308.010, 308.057, 308.059, 308.149, 457.440

Proposed Adoptions: 150-307.145, 150-457.440(9)-(B)

Proposed Amendments: 150-306.265, 150-308.057, 150-308.059-(A), 150-308.149(6), 150-311.672(1)(a)

Proposed Repeals: 150-307.130-(B)

Proposed Renumberings: 150-294.311(30) to 150-294.311(31)

Proposed Ren. & Amends: 150-309.115(2)(b) to 150-309.115(2), 150-311.670(1) to 150-311.670(1)(a)

Last Date for Comment: 11-17-14, 5 p.m.

Summary: 150-294.311(30) to 150-294.311(31) aligns the rule number with the current numbering in the statute.

150-306.265 enables county assessors to accept other electronic exemption and special assessment applications.

150-307.130-(B) content of this rule is covered in OAR 150-311.216

150-307.145 provides guidance to taxpayers and county assessor staff regarding what constitutes a “school” or “academy” that qualifies for property tax exemption under the statute.

150-308.057 prescribes continuing education requirements for county assessors.

150-308.059-(A) sets continuing education requirements for non-appraisal managers.

150-308.149(6) prescribes procedures for calculating the minor construction thresholds.

150-309.115(2)(b) to 150-309.115(2) clarifies the procedure to adjust an adjudicated value.

150-311.670(1) to 150.311670(1)(a) clarifies what constitutes being away from the home “by reason of health” for Property Tax Deferral Programs.

150-311.672(1)(a) outlines the required supplemental information that the county assessor includes with the Property Tax Deferral Application prior to forwarding the application to the Department of Revenue.

150-457.440(9)-(B) provides direction for calculating urban renewal division of tax rates derived from city taxes when the city’s taxes are being phased-in.

Rules Coordinator: Deanna Mack

Address: Department of Revenue, 955 Center St. NE, Salem, OR 97301

Telephone: (503) 947-2082

Department of Transportation, Driver and Motor Vehicle Services Division Chapter 735

Rule Caption: Updates DMV’s procedural rule on agency representation at contested case hearings

Stat. Auth.: ORS 183.415, 183.450, 183.452, 184.616, 814.619 & 802.010

Stats. Implemented: ORS 183.450

Proposed Amendments: 735-001-0040

Last Date for Comment: 11-21-14, Close of Business

Summary: The Attorney General is authorized to consent to agency representation by an agency officer or employee in particular hearings or particular class of contested case hearings, in accordance with ORS 183.452. Earlier this year, DMV requested and was granted authorization from the Attorney General for agency representation to conduct the contested case hearings listed below. DMV is currently authorized to use lay representatives for the first seven hearing categories.

1. Suspension, revocation and cancellation of driving privileges;
2. Non-issuance of driver licenses and identification cards;
3. Suspension, revocation, cancellation, probation and denial of vehicle dealer certificates;
4. Suspension, revocation, cancellation and denial of dismantler certificates;
5. Suspension, revocation, denial and refusal to issue or renew a towing company certificate;
6. Revocation and denial of a vehicle transporter certificate;
7. Civil penalties assessed on unlicensed dealers and on licensed dealers who violate laws and rules relating to the sale of vehicles, under the authority of ORS 822.009 and OAR chapter 735, division 150;
8. Civil penalties for violations related to dismantlers assessed under authority of ORS 822.137 and OAR chapter 735, division 152;
9. Cancellation of vehicle title and registration under authority of ORS 809.090 and 809.095;
10. Implied consent cases under ORS 813.410 and OAR 735, division 90;
11. Denial, suspension or revocation of a commercial driving school certificate;

NOTICES OF PROPOSED RULEMAKING

12. Denial, suspension or revocation of a commercial driver training instructor certificate;

13. Suspension or cancellation of identification cards.

The purpose of this rulemaking is to align OAR 735-001-0040 with the authorization granted by the Attorney General and the requirements of ORS 183.452. Authorization for the first seven categories of hearings is and will remain in effect after this rulemaking. Authorization for the additional classes of hearings is effective upon the adoption of this rulemaking.

Rules Coordinator: Lauri Kunze

Address: Department of Transportation, Driver and Motor Vehicle Services Division, 355 Capitol St. NE, MS 51, Salem, OR 97301
Telephone: (503) 986-3171

.....
**Department of Transportation,
Highway Division
Chapter 734**

Rule Caption: Adds definitions; adds criteria for non-OAS illuminated (digital) signs; clarifies restrictions on temporary signs

Stat. Auth.: ORS 184.616, 184.619, 377.725, 377.753, 377.715

Stats. Implemented: ORS 377.730 & 377.735

Proposed Adoptions: 734-059-0040, 734-060-0190

Proposed Amendments: 734-059-0015, 734-059-0020, 734-059-0025, 734-059-0220, 734-060-0000, 734-060-0175

Last Date for Comment: 11-21-14, Close of Business

Summary: This rulemaking adds language in the definitions portion of chapter 734 that will assist the Department in communicating the scope of certain rules as they apply to the location of outdoor advertising signs. In addition, guidance is provided for non-outdoor advertising digital signs that are visible to a state highway. This addresses an ongoing issue with driver safety caused by lack of clear standards for digital sign illumination and brings non-outdoor advertising signs into an illumination standard comparable to regulated outdoor advertising digital signs. Some edits further clarify current practices and policies of the department regarding the outdoor advertising permit process.

Rules Coordinator: Lauri Kunze

Address: Department of Transportation, Highway Division, 355 Capitol St. NE, MS 51, Salem, OR 97301
Telephone: (503) 986-3171

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**Health Licensing Office,
Board of Direct Entry Midwifery
Chapter 332**

Rule Caption: Align rules with legislative changes including mandatory licensing, continuing education and traditional midwife requirements.

Date:	Time:	Location:
11-25-14	9 a.m.	Veterans Affairs Auditorium 700 Summer St. NE, Suite 320 Salem, OR 97301

Hearing Officer: Samanth Patnode

Stat. Auth.: ORS 676.615, 676.616, 687.410, 687.145, 687.420, 687.425, 687.445, 687.480 & 687.493

Stats. Implemented: ORS 676.615, 676.616, 687.410, 687.145, 687.420, 687.425, 687.445, 687.480 & 687.493

Proposed Adoptions: 332-015-0025, 332-025-0125

Proposed Amendments: 332-015-0000, 332-015-0030, 332-020-0000, 332-020-0010

Proposed Repeals: 332-015-0070, 332-030-0000

Last Date for Comment: 11-28-14, 5 p.m.

Summary: During the 2013 Legislative Session House Bill 2997 passed requiring mandatory licensure for direct entry midwives as of January 1, 2015 unless the individual met one of the statutory exemptions including the traditional midwifery exemption. As part of their statutory exemption a traditional midwife may perform direct entry midwifery services if a disclosure statement is provided to each patient on a form prescribed by the Board of Direct Entry Midwifery.

The disclosure statement must include but is not limited to the person stating they do not possess a professional license issued by the state; the person's education and qualification have not been reviewed by the state; that the person is not authorized to carry and administer potentially lifesaving medications.

HB 2997 also requires all applicants for licensure must be a certified professional midwife through the North American Registry of Midwives (NARM).

Align rules with statutory authority to allow for continuing education for legend drugs and devices upon renewal rather than a requirement for initial licensure. Increase the number of standard continuing education hours from 30 hours to 35 hours every two years and allow licensed direct entry midwives to obtain continuing education hours from online sources.

Rules Coordinator: Samantha Patnode

Address: Health Licensing Office, Board of Direct Entry Midwifery, 700 Summer St. NE, Suite 320, Salem, OR 97304
Telephone: (503) 373-1917

.....
**Higher Education Coordinating Commission
Chapter 715**

Rule Caption: Enables commission to enter into and administer state reciprocity and interstate agreements; assess fees.

Date:	Time:	Location:
11-17-14	8 a.m.	775 Court Street NE Salem, OR 97301

Hearing Officer: Kelly Dickinson

Stat. Auth.: ORS 348.594–348.615 & 348.992, 2014 SB 1525 & 2014 HB 4018

Stats. Implemented: ORS 348.594–348.615 & 348.992

Proposed Amendments: 715-010-0015

Last Date for Comment: 11-21-14, 5 p.m.

Summary: The Higher Education Coordinating Commission (commission) is amending OAR 715-010-0015 to enable the commission to enter into and administer any interstate agreements, such as the State Authorization Reciprocity Agreement (SARA), including reviewing applications, administering agreements for participation in SARA between the commission and educational institutions, and establishing a biennial fee for participating institutions based on an educational institution's total enrolled full-time equivalent (FTE).

Rules Coordinator: Kelly Dickinson

Address: Higher Education Coordinating Commission, 775 Court St NE, Salem, OR 97301
Telephone: (503) 378-5690

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**Landscape Contractors Board
Chapter 808**

Rule Caption: Clarifies scope of work, exam sections to pass to upgrade, and exam score transfer.

Stat. Auth.: ORS 670.310 & 671.670

Stats. Implemented: ORS 671.570

Proposed Amendments: 808-003-0040, 808-003-0045, 808-003-0065

Last Date for Comment: 11-24-14, Close of Business

Summary: Clarifies scope of work, exam sections to pass to upgrade, and exam score transfer.

Rules Coordinator: Kim Gladwill-Rowley

Address: Landscape Contractors Board, 2111 Front Street NE, Suite 2-101, Salem, OR 97301
Telephone: (503) 967-6291, ext. 223

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**Oregon Business Development Department
Chapter 123**

Rule Caption: This new division of rules relates to the Beginning and Expanding Farmer Loan Program.

Stat. Auth.: ORS 285A.420–285A.435 & 2013 OL Ch. 742

Stats. Implemented: ORS 285A.420–285A.435 & 2013 OL Ch. 742

NOTICES OF PROPOSED RULEMAKING

Proposed Adoptions: Rules in 123-052

Last Date for Comment: 11-20-14, 4 p.m.

Summary: In the 2013 regular legislative session HB 2700 was passed creating the Beginning and Expanding Farmer Loan Program, otherwise known as "Aggie Bonds". This program lowers the interest cost on loans made by private parties to beginning farmers for the acquisition of agricultural land and improvements as well as depreciable agricultural property. These rules provide for the administration of the program, requirements of the farmers, requirements for lenders and the bonds and fees.

Rules Coordinator: Mindie Sublette

Address: Oregon Business Development Department, 775 Summer St. NE, Suite 200, Salem, OR 97301

Telephone: (503) 986-0036

.....
Oregon Department of Education
Chapter 581

Rule Caption: Changes term "second languages" to "world languages" in education rules

Date:	Time:	Location:
11-21-14	9 a.m.	Public Services Bldg., Rm. 200A 255 Capitol St. NE Salem OR

Hearing Officer: Emily Nazarov

Stat. Auth.: ORS 326.051

Stats. Implemented: ORS 329

Proposed Amendments: 581-022-1130, 581-022-1133, 581-022-1134, 581-022-1210

Last Date for Comment: 12-5-14, 5 p.m.

Summary: Changes term second language to world languages in kindergarten through grade 12 education statutes. Reflects changes made by 2013 legislation.

Rules Coordinator: Cindy Hunt

Address: Oregon Department of Education, 255 Capitol St. NE, Salem, OR 97310

Telephone: (503) 947-5651

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Rule Caption: Modifies Extended Diploma requirements for high school graduation

Date:	Time:	Location:
11-21-14	9 a.m.	Public Service Bldg., Rm. 200A 255 Capitol St. NE Salem, OR

Hearing Officer: Emily Nazarov

Stat. Auth.: ORS 326.051

Stats. Implemented: ORS 329.451

Proposed Amendments: 581-022-1133

Last Date for Comment: 12-5-14, 5 p.m.

Summary: Under current law, a student may earn an extended diploma if they have demonstrated an inability to maintain grade level achievement due to significant learning, instructional, or medical barrier. Additionally, a student must have participated in an alternative assessment beginning no later than grade six and lasting for two or more assessment cycles, or have an illness or injury that occurs after grade eight that changes the student's ability to achieve at grade level and that results in the student participating in alternative assessments. Some students have Individual Education Programs that exempt them from assessments because their team has determined that it is no longer useful for the student to take them. Others that have attended private schools or were homeschooled in their early school years did not have access to the alternative assessment and so could not meet the requirements in the statute. Finally, students who move to Oregon from out of state face the same issues meeting the requirements of the law. The result has been that many students who would otherwise had been eligible for an extended diploma have instead been prevented from taking advantage of the extended diploma option due to their unique circumstances. Instead many of these students accept an alternative certificate and because there are no stan-

dards for earning an Alternative Certificate, students are counted as non-completers.

HB 2193 and ORS 329.451 eliminates the requirement that students must have completed multiple alternate assessments in order to be eligible for an extended diploma. These changes also eliminate confusing language in the eligibility requirements. Specifically, the changes enable a student to qualify for an extended diploma if they have a documented history of inability to maintain grade level achievement due to significant learning and instructional barriers, a medical condition that creates a barrier to achievement, or a change in ability to participate in grade level activities due to a serious illness or injury that occurred after grade eight and eliminates the requirements related to the alternative assessment. Further, the new rules require school district's or public charter school's to provide information about extended diplomas to parents on an annual basis.

Rules Coordinator: Cindy Hunt

Address: Oregon Department of Education, 255 Capitol St. NE, Salem, OR 97310

Telephone: (503) 947-5651

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Rule Caption: School district compliance state standards reporting

Date:	Time:	Location:
11-21-14	9 a.m.	255 Capitol St. NE, Rm. 200A Salem, OR

Hearing Officer: Emily Nazarov

Stat. Auth.: ORS 326.051

Stats. Implemented: ORS 326.051

Proposed Amendments: 581-022-1610

Last Date for Comment: 12-5-14, 5 p.m.

Summary: Rule specifies that school districts must report compliance with state standards (Division 22) to the Department of Education annually on form to be provided by the Department. the rule amendments also removes obsolete language from rule which is otherwise covered by public records laws.

Rules Coordinator: Cindy Hunt

Address: Oregon Department of Education, 255 Capitol St. NE, Salem, OR 97310

Telephone: (503) 947-5651

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Rule Caption: Judicial review of charter school appeals

Date:	Time:	Location:
11-21-14	9 a.m.	255 Capitol St. NE, Rm. 200A Salem, OR

Hearing Officer: Emily Nazarov

Stat. Auth.: ORS 326.051 & 338.025

Stats. Implemented: ORS 338

Proposed Amendments: 581-026-0065, 581-026-0130, 581-026-0210, 581-026-0505

Last Date for Comment: 12-5-14, 5 p.m.

Summary: The amendments change the statutory reference to the type of judicial review an applicant may seek from a State Board of Education denial of a charter school sponsorship request and termination of a school.

Rules Coordinator: Cindy Hunt

Address: Oregon Department of Education, 255 Capitol St. NE, Salem, OR 97310

Telephone: (503) 947-5651

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Oregon Department of Education,
Early Learning Division
Chapter 414

Rule Caption: Central Background Registry for child care providers

Date:	Time:	Location:
10-28-14	3:30 p.m.	35 S. Bartlett St., Rm. 102 Medford OR
11-24-14	4 p.m.	2475 Center St. NE Main Conference Rm. Salem OR

NOTICES OF PROPOSED RULEMAKING

Hearing Officer: Kathleen Hynes

Stat. Auth.: ORS 329A.030

Stats. Implemented: ORS 329A.030

Proposed Amendments: 414-061-0000, 414-061-0010, 414-061-0020, 414-061-0030, 414-061-0040, 414-061-0050, 414-061-0060, 414-061-0065, 414-061-0070, 414-061-0080, 414-061-0090, 414-061-0100, 414-061-0110, 414-061-0120

Last Date for Comment: 11-24-14, Close of Hearing

Summary: The rule changes implement the transfer of the Child Care Division from the Employment Department to the Department of Education. The rule amendments also:

Modify the list of crimes that will be considered as part of a subject individual's history.

Allows consideration of patterns of behavior.

Modifies fees for background checks.

Rules Coordinator: Cindy Hunt

Address: Oregon Department of Education, Early Learning Division, 255 Capitol St. NE, Salem, OR 97310

Telephone: (503) 947-5651

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Rule Caption: Registered Family Child Care Homes

Date:	Time:	Location:
10-28-14	3:30 p.m.	35 S. Bartlett St., Rm. 102 Medford OR
11-24-14	4 p.m.	2475 Center St. NE, Main Conference Rm. Salem, OR

Hearing Officer: Kathleen Hynes

Stat. Auth.: ORS 329A.260

Stats. Implemented: ORS 329A

Proposed Amendments: 414-205-0000, 414-205-0010, 414-205-0020, 414-205-0035, 414-205-0040, 414-205-0055, 414-205-0065, 414-205-0075, 414-205-0085, 414-205-0090, 414-205-0100, 414-205-0110, 414-205-0120, 414-205-0130, 414-205-0140, 414-205-0150, 414-205-0160, 414-205-0170

Last Date for Comment: 11-24-14, Close of Hearing

Summary: The rule amendments implement transfer of Office of Child Care from Employment Department to Department of Education. The rule amendments also modify various requirements relating to registered family child care homes.

Rules Coordinator: Cindy Hunt

Address: Oregon Department of Education, Early Learning Division, 255 Capitol St. NE, Salem, OR 97310

Telephone: (503) 947-5651

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Rule Caption: Health and safety standards relating to certified child care centers

Stat. Auth.: ORS 329A.260

Stats. Implemented: ORS 329A

Proposed Amendments: 414-300-0005, 414-300-0015, 414-300-0070

Last Date for Comment: 11-28-14, 5 p.m.

Summary: Prohibits issuance of certification to applicant who holds medical marijuana card. Prohibits issuance of certification to an applicant who grows or uses medical marijuana or distributes medical marijuana. Places other restrictions on growing or possessing medical marijuana on child care center premises.

Allows Office of Child Care to require references, professional evaluations and other information if additional information is needed to assess person's ability to care for children.

Prohibits alcohol from being consumed or stored on the child care center premises during the hours the child care business is conducted or when child care children are present. Prohibits anyone from being under the influence of alcohol during hours of child care business or when children are present.

Clarifies the prohibition on possession and use of illegal controlled substances.

Clarifies limitations on use of tobacco products, including smokeless tobacco and e-cigarettes.

Rules Coordinator: Cindy Hunt

Address: Oregon Department of Education, Early Learning Division, 255 Capitol St. NE, Salem, OR 97310

Telephone: (503) 947-5651

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Rule Caption: Health and safety standards relating to certified family child care business.

Stat. Auth.: ORS 329A.260

Stats. Implemented: ORS 329A

Proposed Amendments: 414-350-0010, 414-350-0030, 414-350-0050, 414-350-0090

Last Date for Comment: 11-28-14, 5 p.m.

Summary: Prohibits issuance of certification to applicant who holds medical marijuana card. Prohibits issuance of certification to an applicant who grows or uses medical marijuana or distributes medical marijuana. Places other restrictions on growing or possessing medical marijuana on in family child care homes.

Clarifies inspection authority of Office of Child Care.

Allows Office of Child Care to require references, professional evaluations and other information if additional information is needed to assess person's ability to care for children.

Prohibits alcohol from being consumed or stored on the premises during the hours the child care business is conducted or when child care children are present. Prohibits anyone from being under the influence of alcohol during hours of child care business or when children are present.

Clarifies the prohibition on possession and use of illegal controlled substances.

Clarifies limitations on use of tobacco products, including smokeless tobacco and e-cigarettes.

Rules Coordinator: Cindy Hunt

Address: Oregon Department of Education, Early Learning Division, 255 Capitol St. NE, Salem, OR 97310

Telephone: (503) 947-5651

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Rule Caption: Health and safety standards for registered family care homes.

Stat. Auth.: ORS 329A.260

Stats. Implemented: ORS 329A

Proposed Amendments: 414-205-0010, 414-205-0035, 414-205-0040, 414-205-0100

Last Date for Comment: 11-28-14, 5 p.m.

Summary: Prohibit individuals who hold a medical marijuana card from being a registered family child care home. Prohibits providers from growing using and distributing medical marijuana.

- Clarifies authority of office to inspect facility.

- Prohibit any individual from possessing, storing, or using medical marijuana on the premises of a licensed child care facility at any time.

- Prohibit any individual under the influence of medical marijuana from being on the licensed child care premises at any time.

- Clarifies the prohibition on possession and use of illegal controlled substances.

- Prohibit consumption of alcohol by any individual in the home during child care hours or when child care children are present.

- Clarifies limitations on use of tobacco products, including smokeless tobacco and e-cigarettes

- Places other restrictions on providers relating to medical marijuana.

Rules Coordinator: Cindy Hunt

Address: Oregon Department of Education, Early Learning Division, 255 Capitol St. NE, Salem, OR 97310

Telephone: (503) 947-5651

NOTICES OF PROPOSED RULEMAKING

Oregon Health Authority, Division of Medical Assistance Programs Chapter 410

Rule Caption: Precluded Payment for Out-of-Hospital Birth in High Risk Pregnancies

Date: 11-18-14 **Time:** 10:30 a.m. **Location:** 500 Summer St. NE
Salem, OR 97301

Hearing Officer: Sandy Cafourek

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 414.025 & 414.065

Proposed Amendments: 410-130-0240

Last Date for Comment: 11-20-14, 5 p.m.

Summary: Add risk criteria requirement for determining when OHP will pay for a home birth. OHP will only pay for labor and delivery services in a home setting for women experiencing a low risk pregnancy. Risk criteria will match what is already in place for births in a birthing center. Additionally, the age limitation (seven or under) for applying dental varnish in a medical setting is being removed opening this service up to older children. This service is already available in dental settings. The change only applies to medical settings.

Rules Coordinator: Sandy Cafourek

Address: Oregon Health Authority, Division of Medical Assistance Programs, 500 Summer St. NE, Salem, OR 97301

Telephone: (503) 945-6430

Rule Caption: PHP and CCO Payment Methodologies for A & B Hospitals

Date: 11-18-14 **Time:** 10:30 a.m. **Location:** 500 Summer St. NE, Rm. 137C
Salem, OR 97301

Hearing Officer: Sandy Cafourek

Stat. Auth.: ORS 413.042, 414.065, 414.615, 414.625, 414.635 & 414.651

Other Auth.: SB 204 & HB 3650

Stats. Implemented: ORS 414.065 & 414.610-414.685

Proposed Amendments: 410-141-0420, 410-141-3420

Proposed Repeals: 410-141-0420(T), 410-141-3420(T)

Last Date for Comment: 11-20-14, 5 p.m.

Summary: The Division is amending these rules to comply with ORS 414.653. The statute requires Type A & B Hospitals to move to a new payment methodology. Type A & B hospitals that are found at financial risk will remain on the current methodology and will not have to change.

Rules Coordinator: Sandy Cafourek

Address: Oregon Health Authority, Division of Medical Assistance Programs, 500 Summer St. NE, Salem, OR 97301

Telephone: (503) 945-6430

Rule Caption: Revise CCO Enrollment Requirement and Remove Sunset Date for Third Trimester Pregnancy Exemption

Date: 11-18-14 **Time:** 10:30 a.m. **Location:** 500 Summer St. NE, Rm. 137C
Salem, OR 97301

Hearing Officer: Sandy Cafourek

Stat. Auth.: ORS 413.042, 414.615, 414.625, 414.635, 414.651

Stats. Implemented: ORS 414.610-414.685

Proposed Amendments: 410-141-3060

Proposed Repeals: 410-141-3060(T)

Last Date for Comment: 11-20-14, 5 p.m.

Summary: This rule provides the framework for Coordinated Care Organization (CCO) enrollment requirements, including any existing exemptions from CCO enrollment. The Authority requested stakeholder and public comment on the following: The Licensed Direct Entry Midwives (LDEM) Staff Advisory Workgroup made recommendations related to perinatal service options for Medicaid enrollees. The Authority's Director Suzanne Hoffman responded with a letter dated May 21, 2014, stating the Division would imple-

ment changes, necessitating the removal of the sunset date and allowing for time to make further program implementations and additional rule revisions. The Authority decided to implement the CCO enrollment exemption criteria on which to build additional program specific criteria later in 2015 outlining the detail level of the program requirements.

Rules Coordinator: Sandy Cafourek

Address: Oregon Health Authority, Division of Medical Assistance Programs, 500 Summer St. NE, Salem, OR 97301

Telephone: (503) 945-6430

Rule Caption: Hospital Assessment Rate Increase

Stat. Auth.: ORS 413.042

Stats. Implemented: OL 2013, Ch. 608, Sec. 2; OL 2009, Ch. 867, Sec. 17; 2007 OL Ch. 780, Sec. 1; 2003 OL Ch. 736, Sec. 2 & 3

Proposed Amendments: 410-050-0861

Proposed Repeals: 410-050-0861(T)

Last Date for Comment: 11-21-14, 5 p.m.

Summary: This proposed hospital assessment rule increases the hospital assessment rate from 5.30% to 5.80% effective October 1, 2014. Upon adoption of this rule, the temporary rule, effective October 1, 2014, will be repealed.

Proposed rules are available at: <http://www.oregon.gov/DHS/admin/Pages/dwssrules/index.aspx>. For hardcopy requests, call: (503) 947-5250.

Rules Coordinator: Sandy Cafourek

Address: Oregon Health Authority, Division of Medical Assistance Programs, 500 Summer St. NE, Salem, OR 97301

Telephone: (503) 945-6430

Oregon Health Authority, Public Health Division Chapter 333

Rule Caption: County relinquishment of public health authority

Date:	Time:	Location:
12-2-14	1 p.m.	Portland State Office Bldg. Rm. 221 800 NE Oregon St. Portland, OR 97232
12-2-14	2 p.m.	Jackson Co Public Health 1005 E Main St. Bldg. A, Rm. A Medford, OR 97504

Hearing Officer: Staff

Stat. Auth.: ORS 413.042 & 431.375

Stats. Implemented: ORS 431.375

Proposed Adoptions: 333-014-0042, 333-014-0080, 333-014-0090, 333-014-0100

Proposed Amendments: 333-014-0040

Proposed Repeals: 333-014-0040(T), 333-014-0042(T), 333-014-0080(T), 333-014-0090(T), 333-014-0100(T)

Last Date for Comment: 12-2-14, 5 p.m.

Summary: The Oregon Health Authority, Public Health Division is proposing permanent rules to clarify: a) the process for counties that choose to relinquish public health authority; b) the remaining responsibilities for counties that relinquish public health authority; and c) the new responsibilities for the state in maintaining basic public health functions in the county.

Rules Coordinator: Brittany Sande

Address: Oregon Health Authority, Public Health Division, 800 NE Oregon St., Suite 930, Portland, OR 97232

Telephone: (971) 673-1291

Rule Caption: Update Radiation Protection Service's X-ray, tanning and radioactive materials program administrative rules

NOTICES OF PROPOSED RULEMAKING

Date: 11-19-14
Time: 11 a.m.
Location: Portland State Office Bldg.
Rm. 221
800 NE Oregon St.
Portland, OR 97232

Hearing Officer: Staff

Stat. Auth.: ORS 413.042, 431.925–431.955 & 453.605–453.807 & 2013 OL Ch. 411

Other Auth.: Nuclear Regulatory Commission’s (NRC) 10 CFR Parts 20, 30, 36, 39, 40, & 70

Stats. Implemented: ORS 431.655, 431.925–431.955 & 453.605–453.807 & 2013 OL Ch. 411

Proposed Adoptions: 333-106-0060

Proposed Amendments: 333-102-0203, 333-102-0305, 333-106-0005, 333-106-0025, 333-106-0040, 333-106-0045, 333-106-0055, 333-106-0201, 333-106-0205, 333-106-0210, 333-106-0215, 333-106-0220, 333-106-0225, 333-106-0240, 333-106-0245, 333-106-0301, 333-106-0325, 333-106-0601, 333-106-0700, 333-106-0735, 333-106-0750, 333-116-0130, 333-116-0190, 333-119-0010, 333-119-0020, 333-119-0030, 333-119-0040, 333-119-0041, 333-119-0050, 333-119-0060, 333-119-0070, 333-119-0080, 333-119-0090, 333-119-0100, 333-119-0110, 333-119-0120, 333-119-0130, 333-120-0200, 333-120-0670, 333-121-0001, 333-121-0010, 333-121-0020, 333-122-0005

Last Date for Comment: 11-24-14, 5 p.m.

Summary: The Oregon Health Authority, Public Health Division, Center for Health Protection is proposing to amend and adopt Oregon Administrative Rules in chapter 333, divisions 102, 106, 116, 119, 120, 121 and 122 pertaining to radiation protection. Proposed rules in relation to the Radioactive Material Licensing program are to meet compatibility with the Nuclear Regulatory Commission’s requirements within 10 CFR. In addition, the proposed rules relating to the X-ray program outlines X-ray operator requirements, consolidates rules relating to the use of fluoroscopy and revises the breast density notification rule and statement. The Tanning program’s rules have been amended to match the Food and Drugs Administration’s definitions and requirements relating to a tanning device, with additional rules requiring all clients to have identification checked during the initial visit.

Rules Coordinator: Brittany Sande

Address: Oregon Health Authority, Public Health Division, 800 NE Oregon St., Suite 930, Portland, OR 97232

Telephone: (971) 673-1291

**Oregon Housing and Community Services Department
Chapter 813**

Rule Caption: Amends process for soliciting and administering funding awards for the Low-Income Housing Tax Credit Program

Date: 11-24-14
Time: 9 a.m.
Location: 725 Summer St. NE, Rm. 124B
Salem, OR 97301

Hearing Officer: Sandy McDonnell

Stat. Auth.: ORS 183 & 456.515–456.720

Stats. Implemented: ORS 456.508, 456.510, 456.513, 456.559, 456.605, 456.626 & 456.722

Proposed Adoptions: 813-090-0055, 813-090-0064

Proposed Amendments: 813-090-0005, 813-090-0010, 813-090-0015, 813-090-0031, 813-090-0036, 813-090-0037, 813-090-0039, 813-090-0080

Proposed Repeals: 813-090-0005(T), 813-090-0010(T), 813-090-0015(T), 813-090-0027(T), 813-090-0031(T), 813-090-0036(T), 813-090-0037(T), 813-090-0039(T), 813-090-0080(T), 813-090-0110(T), 813-090-0027, 813-090-0089, 813-090-0095

Last Date for Comment: 11-28-14, 5 p.m.

Summary: The Low Income Housing Tax Credit Program assists and encourages the development of multi-family housing development rental units through the allocation of housing tax credits. The rules reflect changes in the allocation of the tax credits and repeals

rules for monitoring, transfer of owner, tax credit or project ownership, and suspends the temporary rule for remedies. All of these rules can be found in the department’s general rules.

Rules Coordinator: Sandy McDonnell

Address: Oregon Housing and Community Services Department, 725 Summer St. NE, Suite B, Salem, OR 97301

Telephone: (503) 986-2012

Rule Caption: Amends the applicable manual date, adds application criteria, extends term of reservation and clarifies charges.

Date: 11-24-14
Time: 9 a.m.
Location: North Mall Office Bldg.
725 Summer St. NE, Rm. 124B
Salem, OR 97301

Hearing Officer: Sandy McDonnell

Stat. Auth.: ORS 317.097 & 456.555

Stats. Implemented: ORS 317.097, 456.508, 456.510, 456.513, 456.559, 456.605, 456.625 & 456.722

Proposed Adoptions: 813-110-0031

Proposed Amendments: 813-110-0005, 813-110-0015, 813-110-0020, 813-110-0021, 813-110-0026, 813-110-0027

Proposed Repeals: 813-110-0005(T), 813-110-0030, 813-110-0034, 813-110-0040, 813-110-0045

Proposed Renumberings: 813-110-0032 to 813-110-0029

Last Date for Comment: 11-28-14, 5 p.m.

Summary: The Oregon Affordable Housing Tax Credit Program certifies affordable multi-family rental housing development projects sponsored by government entities, nonprofit corporations and certain persons (“sponsoring entities” and “sponsors”) so as to enable a lending institution to claim tax credits against Oregon taxes with respect to loans for the construction or acquisition and rehabilitation of such projects. The proposed rules amend the applicable date of the program manual; clarifies criteria that may be considered during the review of an application; clarifies applicable charges; and repeals rules for monitoring and compliance; transfer of loans, owner or project; and remedies. These rules are centrally located in the department’s General Rules.

Rules Coordinator: Sandy McDonnell

Address: Oregon Housing and Community Services Department, 725 Summer St. NE, Suite B, Salem, OR 97301

Telephone: (503) 986-2012

Rule Caption: Amends date of applicable program manual and repeals rules centrally located in department’s General Rules.

Date: 11-24-14
Time: 9 a.m.
Location: North Mall Office Bldg.,
Rm. 124B
725 Summer St. NE
Salem, OR 97301-1266

Hearing Officer: Sandy McDonnell

Stat. Auth.: ORS 456.555, 458.665

Stats. Implemented: ORS 456.515–456.725 & 458.665

Proposed Amendments: 813-055-0001

Proposed Repeals: 813-055-0095, 813-055-0105, 813-055-0115

Last Date for Comment: 11-28-14, 5 p.m.

Summary: The General Housing Account carries out the allocation of monies deposited in the General Housing Account to meet critical housing needs, building the organizational capacity of affordable housing partners throughout the state, and requiring equitable distribution of resources over time based on objective measures of need. The proposed rules amend the date of the applicable General Housing Account program manual and repeals rules for monitoring requirements; transfer of recipient, assistance or ownership, subordinate liens, encumbrances; and remedies. The repealed rules are centrally located in the department’s General Rules.

Rules Coordinator: Sandy McDonnell

Address: Oregon Housing and Community Services Department, 725 Summer St. NE, Suite B, Salem, OR 97301

Telephone: (503) 986-2012

NOTICES OF PROPOSED RULEMAKING

Oregon Medical Board Chapter 847

Rule Caption: Volunteer Emeritus licensure qualifications and application requirements

Stat. Auth.: ORS 677.265

Stats. Implemented: ORS 677.100, 677.120 & 677.265

Proposed Amendments: 847-023-0005, 847-023-0010, 847-023-0015

Last Date for Comment: 11-21-14, Close of Business

Summary: The proposed rule amendments reference the complete list of acceptable licensing examinations or combination of examinations; allow applicants with ongoing maintenance of certification to request a SPEX/COMVEX waiver; require documents in a foreign language to be submitted with an official translation; remove references to a paper application form; revise the requirements for a photograph so that it may be submitted digitally; include fingerprints within the rule on documents to be submitted for licensure; clarify that the Board may ask for additional documents regarding information received during the processing of the application; and include the ECFMG certificate among the documents that must be sent to the Board.

Rules Coordinator: Nicole Krishnaswami

Address: Oregon Medical Board, 1500 SW 1st Ave., Suite 620, Portland, OR 97201

Telephone: (971) 673-2667

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Rule Caption: Qualifications for license by expedited endorsement

Stat. Auth.: ORS 677.133 & 677.265

Stats. Implemented: ORS 677.133 & 677.265

Proposed Amendments: 847-026-0000

Last Date for Comment: 11-21-14, Close of Business

Summary: The proposed rule amendment clarifies that applicants who qualify for expedited endorsement must have one year of current, active, unrestricted practice in the United States or Canada immediately preceding the application for licensure. Practice in other countries for that period will not qualify due to the differences in medical regulation and potential difficulty in obtaining documents with primary source verification from international regulatory bodies.

Rules Coordinator: Nicole Krishnaswami

Address: Oregon Medical Board, 1500 SW 1st Ave., Suite 620, Portland, OR 97201

Telephone: (971) 673-2667

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Rule Caption: Supervising Physician Organizations

Stat. Auth.: ORS 677.265 & 677.510

Stats. Implemented: ORS 677.205, 677.495, 677.510 & 677.515

Proposed Adoptions: 847-050-0036

Proposed Amendments: 847-050-0010, 847-050-0027

Last Date for Comment: 11-21-14, Close of Business

Summary: The proposed new rule is a collective rule for all requirements for establishing and maintaining a supervising physician organization. The proposed rule amendments remove substantive provisions regarding supervising physician organizations from the definitions rule and the rule governing the supervising physician approval process.

Rules Coordinator: Nicole Krishnaswami

Address: Oregon Medical Board, 1500 SW 1st Ave., Suite 620, Portland, OR 97201

Telephone: (971) 673-2667

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Rule Caption: Acupuncture mentors and clinical supervisors

Stat. Auth.: ORS 677.265, 677.756 & 677.759

Stats. Implemented: ORS 677.175, 677.265, 677.275, 677.757, 677.759 & 677.780

Proposed Amendments: 847-070-0005, 847-070-0007, 847-070-0015, 847-070-0016, 847-070-0019, 847-070-0022, 847-070-0045

Last Date for Comment: 11-21-14, Close of Business

Summary: The proposed rule amendments alphabetize the definitions, eliminate references to forms or printed photographs to reflect electronic submission of applications and required materials, renumber the subsections under the rule on qualifications for clarity, distinguish mentorships from clinical training by changing the terminology from “clinical supervisor” to “mentor” under the rules for demonstrating competency, and make general language and grammar housekeeping updates.

Rules Coordinator: Nicole Krishnaswami

Address: Oregon Medical Board, 1500 SW 1st Ave., Suite 620, Portland, OR 97201

Telephone: (971) 673-2667

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Oregon Public Employees Retirement System Chapter 459

Rule Caption: Remove rule language that conflicts with House Bill 4155 (2014) regarding recovery of administrative expenses.

Date:	Time:	Location:
11-25-14	2 p.m.	PERS Boardroom 11410 SW 68th Pkwy. Tigard, OR 97223

Hearing Officer: Daniel Rivas

Stat. Auth.: ORS 238.650, 238A.450

Stats. Implemented: ORS 238.610(1)(b)

Proposed Amendments: 459-007-0009

Last Date for Comment: 12-31-14, 5 p.m.

Summary: OAR 459-007-0009(2) states: “Earnings on employer contribution accounts shall be reduced by the amount of those costs. In any year in which earnings on those accounts are not sufficient to recover those costs, employer contribution accounts will be reduced by the amount of those costs.” ORS 238.610(1)(a) states that administrative expenses can be deducted from employer accounts, but (1)(b) specifically says that the costs can only be recovered from earnings. In a year when earnings are insufficient, the statute does not authorize full recovery of the costs. In order to comply with the statute, the last sentence of 459-007-0009 is proposed for deletion.

Rules Coordinator: Daniel Rivas

Address: Oregon Public Employees Retirement System, PO Box 23700, Tigard, OR 97281

Telephone: (503) 603-7713

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Rule Caption: Remove language that allows workers’ compensation payments to qualify a member for service.

Date:	Time:	Location:
11-25-14	2 p.m.	PERS Boardroom. 11410 SW 68th Pkwy. Tigard, OR 97223

Hearing Officer: Daniel Rivas

Stat. Auth.: ORS 238A.450

Stats. Implemented: ORS 238A

Proposed Amendments: 459-070-0001

Last Date for Comment: 12-31-14, 5 p.m.

Summary: ORS 238A.005(17) defines “salary” to mean remuneration paid to an employee in return for services to the public employer. However, unlike Chapter 238, ORS 238A.005(7)(b) defines “hour of service” as specifically excluding any hour for which payment is made under a plan maintained solely for the purposes of complying with applicable workers’ compensation laws or unemployment compensation laws. The OAR definition that applies to the OPSRP Pension Program generally, OAR 459-070-0001(17), applies the “service” definition that was used in Chapter 238 — solely for membership purposes — broadly to all of OPSRP. This is inconsistent with statute. The proposed rule modifications remove the language in 459-070-0001 that allows workers’ compensation payments to qualify a member for service.

Rules Coordinator: Daniel Rivas

NOTICES OF PROPOSED RULEMAKING

Address: Oregon Public Employees Retirement System, PO Box 23700, Tigard, OR 97281
Telephone: (503) 603-7713

Rule Caption: Update OSGP rules to reflect changes to federal law and improvements in the program.

Stat. Auth.: ORS 243.470

Stats. Implemented: ORS 243.401–243.507

Proposed Amendments: 459-050-0076, 459-050-0120

Last Date for Comment: 11-21-14, 1:30 p.m.

Summary: OAR 459-050-0076, In-Plan Roth Conversion allows plan participants to convert their pre-tax dollars in OSGP to after-tax and move their money to the Roth 457 account. Initially, the Internal Revenue Code only allowed this option after plan participants had a severance from employment. However, with the passage of the American Taxpayer Relief Act of 2012, plan participants are now eligible to convert any pre-tax money in their OSGP account to the Roth 457 account while still employed.

Paragraph (1)(a)(A) has been modified and paragraph (B) has been deleted because plan participants no longer need a severance of employment to be eligible for an In-Plan Roth Conversion. Paragraph (1)(a)(E) has been deleted because the IRS has not provided guidance that non-spouse beneficiaries are eligible for In-Plan Roth Conversion.

Finally, subsection (3)(a) has been modified because only plan participants who are making a Roth conversion after a severance from employment are required to receive a written explanation on the rollover eligibility of their Roth conversion amount.

OAR 459-050-0120, Self-Directed Brokerage Option was adopted in 2011 to implement the new option added to the OSGP. Previously, the Oregon State Treasury believed there should be some restrictions on the amount that plan participants could transfer into the Self-Directed Brokerage Option. Therefore, it was required that a participant have at least \$20,000 in their OSGP account before they could participate, and they could transfer up to half of that amount. Treasury now believes it is appropriate to lower the option participation restriction to a \$10,000 account balance. This change was approved by the Oregon Investment Council at its July 30, 2014 meeting. Subsection (2)(a) of the rule was modified to reflect the new dollar amount.

Rules Coordinator: Daniel Rivas

Address: Oregon Public Employees Retirement System, PO Box 23700, Tigard, OR 97281

Telephone: (503) 603-7713

Oregon State Lottery Chapter 177

Rule Caption: Amends rule to set compensation rates for Video Lottery retailers beginning June 28, 2015

Date:	Time:	Location:
12-4-14	1 p.m.	Willamette Heritage Center Mission Mill Museum Spinning Rm. 1313 Mill St. SE Salem, OR

Hearing Officer: Staff

Stat. Auth.: ORS 461, 461.310 & 461.445

Other Auth.: Oregon Constitution, Article XV, Section 4(4)

Stats. Implemented: ORS 461.310 & 461.445

Proposed Amendments: 177-040-0026

Last Date for Comment: 12-5-14, 5 p.m.

Summary: The Oregon State Lottery has initiated permanent rulemaking to set the compensation rates that the Lottery shall pay Video Lottery retailers for selling Video Lottery game shares under the new retailer contract that will go into effect at the start of the business day (5:00 a.m.) on June 28, 2015. This is necessary because the current retailer contract expires at 4:59 a.m. on June 28, 2015.

Lottery proposes to amend OAR 177-040-0026 which is the rule containing the retailer compensation rates for the sale of shares from Video Lottery games.

The Lottery encourages interested parties to submit testimony to the Lottery regarding the compensation to be paid to Video Lottery retailers under the new retailer contract to assist Lottery in undertaking to develop a compensation system that maximizes net revenue to the state while providing a reasonable rate of return to Video Lottery retailers.

Rules Coordinator: Mark W. Hohlt

Address: Oregon State Lottery, 500 Airport Rd. SE, Salem, OR 97301

Telephone: (503) 540-1417

Psychiatric Security Review Board Chapter 859

Rule Caption: Clarify notice, cost and definitions regarding Board Adult Panel responsibilities, operations and processes.

Date:	Time:	Location:
11-25-14	9 a.m.	PSRB 610 SW Alder St. Suite 420 Portland, OR 97205

Hearing Officer: Lucy Heil

Stat. Auth.: ORS 161.387

Stats. Implemented: ORS 161.387

Proposed Amendments: 859-001-0005, 859-001-0010, 859-010-0005

Last Date for Comment: 12-3-14, 8 a.m.

Summary: The PSRB seeks to clarify its operations, processes and responsibilities by modifying and amending the first three sections of its current rules for its Adult Panel: Notice(859-001-0005), Cost (859-001-0010) and Definitions (859-010-0010).

Rules Coordinator: Lucy Heil

Address: Psychiatric Security Review Board, 610 SW Alder St., Suite 420, Portland, OR 97205

Telephone: (503) 229-5596

Rule Caption: These rules establish procedures and guidelines for media, teleconferencing and video teleconferencing at adult hearings.

Date:	Time:	Location:
11-25-14	9 a.m.	PSRB 610 SW Alder St. Suite 420 Portland 97205

Hearing Officer: Lucy Heil

Stat. Auth.: ORS 161.387

Stats. Implemented:

Proposed Adoptions: 859-050-0100, 859-050-0105

Last Date for Comment: 12-03-14, 8 a.m.

Summary: These rules provide specific guidelines and establish procedures regarding the protocol for media at hearings and the use of teleconferencing and video teleconferencing during hearings for clients, victims, witnesses and other participants who may attend.

Rules Coordinator: Lucy Heil

Address: Psychiatric Security Review Board, 610 SW Alder St., Suite 420, Portland, OR 97205

Telephone: (503) 229-5596

Public Utility Commission Chapter 860

Rule Caption: In the Matter of a Rulemaking to Update ANSI Edition adopted in Vegetation Pruning Standards.

Stat. Auth.: ORS 756, 757 & 758

Stats. Implemented: ORS 757.035 & 758.280–758.286

Proposed Amendments: 860-024-0017

Last Date for Comment: 11-25-14, 5 p.m.

Summary: This rulemaking proposes to update the adopted American National Standard for Tree Care Operations, ANSI A300

NOTICES OF PROPOSED RULEMAKING

(Part 1) from the 2001 edition to the 2008 edition, approved May 1, 2008 by the American National Standards Institute.

The Commission encourages participants to file written comments as early as practicable in the proceedings so that other participants have the opportunity to consider and respond to the comments before the deadline. Please reference Docket No. AR 585 on comments and file them by e-mail to the Commission's Filing Center at PUC. FilingCenter@state.or.us and also send a signed paper copy to the Filing Center at PO Box 1088, Salem, Oregon 97308-1088.

Interested persons may review all filings online at <http://apps.puc.state.or.us/edockets/docket.asp?DocketID=19233>. For guidelines on filing and participation, please see OAR 860-001-0140 through 860-001-0160 and 860-001-0200 through 860-001-0250 found online at http://arcweb.sos.state.or.us/pages/rules/oars_800/oar_860/860_001.html.

Rules Coordinator: Diane Davis

Address: Public Utility Commission of Oregon, PO Box 1088, Salem, OR 97308-1088

Telephone: (503) 378-4372

Public Utility Commission, Board of Maritime Pilots Chapter 856

Rule Caption: Training rule amendments for the Columbia-Willamette River pilotage ground.

Stat. Auth.: ORS 776.115 & 670

Stats. Implemented: ORS 776.115, 776.300, 776.315 & 670.310

Proposed Amendments: 856-010-0010, 856-010-0011, 856-010-0012

Last Date for Comment: 11-21-14, 4 p.m.

Summary: Training rules for the Columbia-Willamette River pilotage ground are being amended to address changes in traffic patterns. This has resulted in the need to redistribute some of the requirements across various stages of the training program in order to make sure that trainees are able to meet the requirements.

Rules Coordinator: Susan Johnson

Address: Public Utility Commission, Board of Maritime Pilots, 800 NE Oregon St., Suite 507, Portland, OR 97232

Telephone: (971) 673-1530

Racing Commission Chapter 462

Rule Caption: Rule implements regulation of mutuel wagering for "Instant" or historical racing.

Date: 11-17-14 **Time:** 10 a.m. **Location:** PSOB

800 NE Oregon St., Rm. 1A
Portland, OR 97232

Hearing Officer: Charles Williamson, ORC Vice Chair

Stat. Auth.: ORS 462.270(3)

Stats. Implemented: ORS 462.010 & 462.270(3)

Proposed Adoptions: 462-200-0700

Last Date for Comment: 11-17-14, 10 a.m.

Summary: Rule allows the agency to govern the Instant Racing 1-2-3 with Pick N wager. This wager will be offered on a pari-mutuel wagering device with historic races.

Rules Coordinator: Karen Parkman

Address: Oregon Racing Commission, 800 NE Oregon St., Suite 310, Portland, OR 97232

Telephone: (971) 673-0208

Rule Caption: Amends rule to void a claim if horse dies or is catastrophically injured on racetrack.

Date: 11-17-14 **Time:** 10 a.m. **Location:** 800 NE Oregon St., Rm. 1A
Portland, OR 97232

Hearing Officer: Charles Williamson, ORC Vice Chair

Stat. Auth.: ORS 462.270(3)

Stats. Implemented: ORS 462.270(3)

Proposed Amendments: 462-150-0030

Last Date for Comment: 11-17-14, 11:30 a.m.

Summary: Amends claiming rule 462-150-0030(11). Claimant would not be obligated to follow through with claim if horse is determined to be a starter but dies or is catastrophically injured resulting in euthanasia by the State Veterinarian on the racetrack .

Rules Coordinator: Karen Parkman

Address: Oregon Racing Commission, 800 NE Oregon St., Suite 310, Portland, OR 97232

Telephone: (971) 673-0208

ADMINISTRATIVE RULES

Board of Nursing Chapter 851

Rule Caption: To address the specific role and population foci of Adult and Pediatric NPs in Oregon

Adm. Order No.: BN 4-2014

Filed with Sec. of State: 10-8-2014

Certified to be Effective: 11-1-14

Notice Publication Date: 9-1-2014

Rules Amended: 851-050-0005

Subject: The purpose of the proposed revisions to OAR 851-050-0050 is to address the specific role and population foci of Adult and Pediatric Nurse Practitioners (NPs) in Oregon and clarify language related to the qualifications and training of Advanced Practice Registered Nurses (APRNs). The proposed revisions will also clarify that licensees holding the following titles, which are all scheduled for national exam certification retirement in December 2014, will remain protected as long as they maintain their licensure and national certification requirements:

- Adult Nurse Practitioner
- Acute Care Nurse Practitioner
- Gerontological Nurse Practitioner

During the rule making process stakeholder feedback was received requesting change to the title and abbreviation for Pediatric Nurse Practitioner to better reflect their national organization's use of the title and abbreviation.

Rules Coordinator: Peggy A. Lightfoot—(971) 673-0638

851-050-0005

Nurse Practitioner Scope of Practice

(1) Purpose of Scope of Practice:

(a) To establish acceptable levels of safe practice for the nurse practitioner.

(b) To serve as a guide for the Board to evaluate nurse practitioner practice.

(c) To distinguish the scope of practice of the nurse practitioner from that of the registered nurse.

(2) The role of the nurse practitioner will continue to expand in response to societal demand and new knowledge gained through research, education, and experience.

(3) The nurse practitioner provides holistic health care to individuals, families, and groups across the life span in a variety of settings, including hospitals, long term care facilities and community based settings.

(4) Within his or her specialty, the nurse practitioner is responsible for managing health problems encountered by the client and is accountable for health outcomes. This process includes:

- (a) Assessment;
- (b) Diagnosis;
- (c) Development of a plan;
- (d) Intervention;
- (e) Evaluation.

(5) The nurse practitioner is independently responsible and accountable for the continuous and comprehensive management of a broad range of health care, which may include:

- (a) Promotion and maintenance of health;
- (b) Prevention of illness and disability;
- (c) Assessment of clients, synthesis and analysis of data and application of nursing principles and therapeutic modalities;
- (d) Management of health care during acute and chronic phases of illness;
- (e) Admission of his/her clients to hospitals and/or health services including but not limited to home health, hospice, long term care and drug and alcohol treatment;
- (f) Counseling;
- (g) Consultation and/or collaboration with other health care providers and community resources;
- (h) Referral to other health care providers and community resources;
- (i) Management and coordination of care;
- (j) Use of research skills;
- (k) Diagnosis of health/illness status;
- (l) Prescribing, dispensing, and administration of therapeutic devices and measures, including legend drugs and controlled substances as provided in Division 56 of the Oregon Nurse Practice Act, consistent with the definition of the practitioner's specialty category and scope of practice.

ed in Division 56 of the Oregon Nurse Practice Act, consistent with the definition of the practitioner's specialty category and scope of practice.

(6) The nurse practitioner scope of practice includes teaching the theory and practice of advanced practice nursing.

(7) The nurse practitioner is responsible for recognizing limits of knowledge and experience, and for resolving situations beyond his/her nurse practitioner expertise by consulting with or referring clients to other health care providers.

(8) The nurse practitioner will only provide health care services within the nurse practitioner's scope of practice for which he/she is educationally prepared and for which competency has been established and maintained. Educational preparation includes academic coursework, workshops or seminars, provided both theory and clinical experience are included.

(9) The scope of practice as previously defined is incorporated into the following specialty categories and further delineates the population served:

(a) Acute Care Nurse Practitioner (ACNP) — The Acute Care Nurse Practitioner independently provides health care to persons who are acutely or critically ill. The Acute Care Nurse Practitioner scope may be further differentiated by care of populations newborn to young adulthood, or adults to older adults. National certification exams for ACNPs are scheduled for retirement on December 31, 2014. Licensees currently holding this title will need to maintain their current state and national certification to continue recognition of this designation;

(b) Adult Nurse Practitioner (ANP) The Adult Nurse Practitioner independently provides health care to adolescents and adults. The Adult Nurse Practitioner scope may be further differentiated by additional competencies in care of older adults. National certification exams for ANPs are scheduled for retirement on December 31, 2014. Licensees currently holding this title will need to maintain their current state and national certification to continue recognition of this designation;

(c) Adult — Gerontology Acute Care Nurse Practitioner (AGACNP), independently cares for adolescents to older adults that are acutely or critically ill;

(d) Adult — Gerontology Primary Care Nurse Practitioner (AGPCNP) independently provides comprehensive primary health care for adolescents to the older adults;

(e) Nurse Midwife Nurse Practitioner (NMNP) The Nurse Midwife Nurse Practitioner independently provides health care to women, focusing on pregnancy, childbirth, the postpartum period, care of the newborn, and the family planning and gynecological needs of women. The scope of practice includes treating the male partners of their female clients for sexually transmitted diseases, and reproductive health. Counseling related to sexuality, relationship, and reproductive issues is included in this scope;

(f) Family Nurse Practitioner (FNP) The Family Nurse Practitioner independently provides health care to families and to persons across the lifespan;

(g) Geriatric Nurse Practitioner (GNP) The Geriatric Nurse Practitioner independently provides health care to older adults. National certification exams for GNPs are scheduled for retirement on December 31, 2014. Licensees currently holding this title will need to maintain their current state and national certification to continue recognition of this designation;

(h) Neonatal Nurse Practitioner (NNP) — The Neonatal Nurse Practitioner independently provides health care to neonates and infants;

(i) Pediatric Nurse Practitioner (PNP) The Pediatric Nurse Practitioner independently provides health care to persons newborn to young adulthood. In August of 2013 the national certification examination changed their title to Pediatric Nurse Practitioner Primary Care (PNP-PC) to more accurately reflect the focus of comprehensive pediatric primary care. All previous PNPs licensees will transition to title of PNP-PC with renewal;

(j) Pediatric Nurse Practitioner Acute Care (PNP-AC) independently cares for newborns to young adults that are acutely or critically ill;

(k) Psychiatric/Mental Health Nurse Practitioner (PMHNP) The Psychiatric/Mental Health Nurse Practitioner independently provides health care to clients with mental and emotional needs and/or disorders. The Psychiatric/Mental Health Nurse Practitioner scope may be further differentiated by care of populations newborn to young adulthood, adolescent to adult, or across the lifespan;

(l) Women's Health Care Nurse Practitioner (WHCNP) The Women's Health Care Nurse Practitioner independently provides health care to adolescent and adult females. The scope of practice includes treating the male partners of their female clients for sexually transmitted diseases and repro-

ADMINISTRATIVE RULES

ductive health. Counseling related to sexuality, relationship, and reproductive health is included in this scope.

Stat. Auth.: ORS 678.380 & 678.395
Stats. Implemented: ORS 678.380
Hist.: NB 3-1987, f. & ef. 3-12-87; NB 3-1990, f. & cert. ef. 4-2-90; NB 1-1992, f. & cert. ef. 2-13-92; NB 7-1992, f. & cert. ef. 7-15-92; NB 4-1994, f. & cert. ef. 8-2-94; NB 9-1994, f. & cert. ef. 12-7-94; NB 2-1995, f. & cert. ef. 4-12-95; NB 7-1996, f. & cert. ef. 10-29-96; NB 6-1997, f. & cert. ef. 5-13-97; BN 10-2003, f. & cert. ef. 10-2-03; BN 13-2006, f. & cert. ef. 10-5-06; BN 9-2009, f. 12-17-09, cert. ef. 1-1-10; BN 6-2013, f. 5-6-13, cert. ef. 6-1-13; BN 2-2014(Temp), f. 6-24-14, cert. ef. 7-1-14 thru 11-30-14; BN 4-2014, f. 10-8-14, cert. ef. 11-1-14

Bureau of Labor and Industries Chapter 839

Rule Caption: Amends the prevailing rates of wage for the period beginning October 1, 2014

Adm. Order No.: BLI 11-2014

Filed with Sec. of State: 9-24-2014

Certified to be Effective: 10-1-14

Notice Publication Date: 9-1-2014

Rules Amended: 839-025-0700

Subject: The amended rule amends the prevailing rates of wage as determined by the Commissioner of the Bureau of Labor and Industries for the period beginning October 1, 2014.

Rules Coordinator: Marcia Ohlemiller—(971) 673-0784

839-025-0700

Prevailing Wage Rate Determination/Amendments to Determination

(1) Pursuant to ORS 279C.815, the Commissioner of the Bureau of Labor and Industries has determined that the wage rates stated in the publication of the Bureau of Labor and Industries entitled *Prevailing Wage Rates on Public Works Contracts in Oregon* dated July 1, 2014, are the prevailing rates of wage for workers upon public works in each trade or occupation in the locality where work is performed for the period beginning July 1, 2014, and the effective dates of the applicable special wage determination and rates amendments: Amendments to Oregon Determination 2014-02 (effective October 1, 2014).

(2) Copies of *Prevailing Wage Rates on Public Works Contracts in Oregon* dated July 1, 2014, are available from any office of the Wage and Hour Division of the Bureau of Labor and Industries. The offices are located in Eugene, Portland and Salem. Copies are also available on the bureau's webpage at www.oregon.gov/boli or may be obtained from the Prevailing Wage Rate Coordinator, Prevailing Wage Rate Unit, Wage and Hour Division, Bureau of Labor and Industries, 800 NE Oregon Street #1045, Portland, Oregon 97232; (971) 673-0839.

Stat. Auth.: ORS 279C.815, 651.060
Stats. Implemented: ORS 279C.815
Hist.: BLI 7-1998(Temp), f. & cert. ef. 10-29-98 thru 4-27-99; BLI 1-1999, f. 1-8-99, cert. ef. 1-15-99; BLI 4-1999, f. 6-16-99, cert. ef. 7-1-99; BLI 6-1999, f. & cert. ef. 7-23-99; BLI 9-1999, f. 9-14-99, cert. ef. 10-1-99; BLI 16-1999, f. 12-8-99, cert. ef. 1-1-00; BLI 4-2000, f. & cert. ef. 2-1-00; BLI 9-2000, f. & cert. ef. 3-1-00; BLI 10-2000, f. 3-17-00, cert. ef. 4-1-00; BLI 22-2000, f. 9-25-00, cert. ef. 10-1-00; BLI 26-2000, f. 12-14-00 cert. ef. 1-1-01; BLI 1-2001, f. & cert. ef. 1-5-01; BLI 3-2001, f. & cert. ef. 3-15-01; BLI 4-2001, f. 3-27-01, cert. ef. 4-1-01; BLI 5-2001, f. 6-21-01, cert. ef. 7-1-01; BLI 8-2001, f. & cert. ef. 7-20-01; BLI 14-2001, f. 9-26-01, cert. ef. 10-1-01; BLI 16-2001, f. 12-28-01, cert. ef. 1-1-02; BLI 2-2002, f. 1-16-02, cert. ef. 1-18-02; BLI 8-2002, f. 3-25-02, cert. ef. 4-1-02; BLI 12-2002, f. 6-19-02 cert. ef. 7-1-02; BLI 16-2002, f. 12-24-02 cert. ef. 1-1-03; BLI 1-2003, f. 1-29-03, cert. ef. 2-14-03; BLI 3-2003, f. & cert. ef. 4-1-03; BLI 4-2003, f. 6-26-03, cert. ef. 7-1-03; BLI 5-2003, f. 9-17-03, cert. ef. 10-1-03; BLI 9-2003, f. 12-31-03, cert. ef. 1-5-04; BLI 1-2004, f. 4-9-04, cert. ef. 4-15-04; BLI 6-2004, f. 6-25-04, cert. ef. 7-1-04; BLI 11-2004, f. & cert. ef. 10-1-04; BLI 17-2004, f. 12-10-04 cert. ef. 12-13-04; BLI 18-2004, f. 12-20-04, cert. ef. 1-1-05; Renumbered from 839-016-0700, BLI 7-2005, f. 2-25-05, cert. ef. 3-1-05; BLI 8-2005, f. 3-29-05, cert. ef. 4-1-05; BLI 18-2005, f. 9-19-05, cert. ef. 9-20-05; BLI 19-2005, f. 9-23-05, cert. ef. 10-1-05; BLI 26-2005, f. 12-23-05, cert. ef. 1-1-06; BLI 1-2006, f. 1-24-06, cert. ef. 1-25-06; BLI 2-2006, f. & cert. ef. 2-9-06; BLI 4-2006, f. 2-23-06, cert. ef. 2-24-06; BLI 14-2006, f. 3-30-06, cert. ef. 4-1-06; BLI 20-2006, f. & cert. ef. 6-16-06; BLI 21-2006, f. 6-16-06 cert. ef. 7-1-06; BLI 23-2006, f. 6-27-06 cert. ef. 6-29-06; BLI 25-2006, f. & cert. ef. 7-11-06; BLI 26-2006, f. & cert. ef. 7-13-06; BLI 28-2006, f. 7-21-06, cert. ef. 7-24-06; BLI 29-2006, f. 8-8-06, cert. ef. 8-9-06; BLI 32-2006, f. & cert. ef. 9-13-06; BLI 33-2006, f. 9-28-06, cert. ef. 10-1-06; BLI 36-2006, f. & cert. ef. 10-4-06; BLI 37-2006, f. & cert. ef. 10-19-06; BLI 40-2006, f. 11-17-06, cert. ef. 11-20-06; BLI 43-2006, f. 12-7-06, cert. ef. 12-8-06; BLI 45-2006, f. 12-26-06, cert. ef. 1-1-07; BLI 5-2007, f. 1-30-07, cert. ef. 1-31-07; BLI 6-2007, f. & cert. ef. 3-5-07; BLI 7-2007, f. 3-28-07, cert. ef. 3-30-07; BLI 8-2007, f. 3-29-07, cert. ef. 4-1-07; BLI 9-2007, f. & cert. ef. 4-2-07; BLI 10-2007, f. & cert. ef. 4-30-07; BLI 12-2007, f. & cert. ef. 5-31-07; BLI 13-2007, f. 6-8-07, cert. ef. 6-11-07; BLI 14-2007, f. 6-27-07, cert. ef. 6-28-07; BLI 15-2007, f. & cert. ef. 6-28-07; BLI 16-2007, f. 6-29-07, cert. ef. 7-1-07; BLI 18-2007, f. 7-10-07, cert. ef. 7-12-07; BLI 21-2007, f. 8-3-07, cert. ef. 8-8-07; BLI 22-2007, cert. ef. 8-30-07; BLI 23-2007, f. 8-31-07, cert. ef. 9-4-07; BLI 24-2007, f. 9-11-07, cert. ef. 9-12-07; BLI 25-2007, f. 9-19-07, cert. ef. 9-20-07; BLI 26-2007, f. 9-25-07 cert. ef. 9-26-07; BLI 27-2007, f. 9-25-07 cert. ef. 10-1-07; BLI 28-2007, f. 9-26-07 cert. ef. 10-1-07; BLI 31-2007, f. 11-20-07, cert. ef. 11-23-07; BLI 34-2007, f. 12-27-07, cert. ef. 1-1-08; BLI 1-2008, f. & cert. ef. 1-4-08; BLI 2-2008, f. & cert. ef. 1-11-08; BLI 3-2008, f. & cert. ef. 2-21-08; BLI 6-2008, f. & cert. ef. 3-13-08; BLI 8-2008, f. 3-31-08, cert. ef. 4-1-08; BLI 9-2008, f. & cert. ef. 4-14-08; BLI 11-2008, f. & cert. ef. 4-24-08; BLI 12-2008, f. & cert. ef. 4-30-08; BLI 16-2008, f. & cert. ef. 6-11-08; BLI 17-2008, f. & cert. ef.

6-18-08; BLI 19-2008, f. & cert. ef. 6-26-08; BLI 20-2008, f. & cert. ef. 7-1-08; BLI 23-2008, f. & cert. ef. 7-10-08; BLI 26-2008, f. & cert. ef. 7-30-08; BLI 28-2008, f. & cert. ef. 9-3-08; BLI 30-2008, f. & cert. ef. 9-25-08; BLI 31-2008, f. 9-29-08, cert. ef. 10-1-08; BLI 32-2008, f. & cert. ef. 10-8-08; BLI 36-2008, f. & cert. ef. 10-29-08; BLI 41-2008, f. & cert. ef. 11-12-08; BLI 42-2008, f. & cert. ef. 12-1-08; BLI 44-2008, f. & cert. ef. 12-29-08; BLI 45-2008, f. 12-31-08, cert. ef. 1-1-09; BLI 1-2009, f. & cert. ef. 1-6-09; BLI 2-2009, f. & cert. ef. 1-12-09; BLI 4-2009, f. & cert. ef. 2-11-09; BLI 6-2009, f. & cert. ef. 3-17-09; BLI 7-2009, f. & cert. ef. 3-24-09; BLI 8-2009, f. 3-31-09, cert. ef. 4-1-09; BLI 10-2009, f. 6-9-09, cert. ef. 6-10-09; BLI 11-2009, f. 6-29-09, cert. ef. 6-30-09; BLI 12-2009, f. 6-29-09, cert. ef. 7-1-09; BLI 13-2009, f. & cert. ef. 7-1-09; BLI 14-2009, f. & cert. ef. 7-10-09; BLI 15-2009, f. & cert. ef. 7-16-09; BLI 16-2009, f. & cert. ef. 7-22-09; BLI 17-2009, f. & cert. ef. 7-29-09; BLI 19-2009, f. & cert. ef. 8-18-09; BLI 20-2009, f. & cert. ef. 9-14-09; BLI 21-2009, f. & cert. ef. 9-21-09; BLI 22-2009, f. 9-30-09, cert. ef. 10-1-09; BLI 23-2009, f. & cert. ef. 10-8-09; BLI 24-2009, f. & cert. ef. 11-12-09; BLI 25-2009, f. & cert. ef. 11-23-09; BLI 29-2009, f. 12-31-09, cert. ef. 1-1-10; BLI 1-2010, f. 1-8-10, cert. ef. 1-12-10; BLI 2-2010, f. 1-11-10, cert. ef. 1-13-10; BLI 3-2010, f. & cert. ef. 1-19-10; BLI 4-2010, f. & cert. ef. 1-27-10; BLI 13-2010, f. & cert. ef. 4-1-10; BLI 17-2010, f. 6-29-10, cert. ef. 7-1-10; BLI 20-2010, f. & cert. ef. 10-1-10; BLI 24-2010, f. 12-30-10, cert. ef. 1-1-11; BLI 2-2011, f. 3-25-11, cert. ef. 4-1-11; BLI 4-2011, f. 6-30-11, cert. ef. 7-1-11; BLI 7-2011, f. & cert. ef. 10-12-11; BLI 10-2011, f. 12-30-11, cert. ef. 1-1-12; BLI 4-2012, f. & cert. ef. 3-29-12; BLI 6-2012, f. & cert. ef. 7-2-12; BLI 10-2012, f. 9-26-12, cert. ef. 10-1-12; BLI 13-2012, f. 12-28-12, cert. ef. 1-1-13; BLI 1-2013, f. & cert. ef. 3-25-13; BLI 2-2013, f. & cert. ef. 9-20-13; BLI 3-2013, f. 9-30-13, cert. ef. 10-1-13; BLI 5-2013, f. 12-16-13, cert. ef. 1-1-14; BLI 3-2014, f. & cert. ef. 4-2-14; BLI 8-2014, f. 6-13-14, cert. ef. 7-1-14; BLI 11-2014, f. 9-24-14, cert. ef. 10-1-14

Rule Caption: Amend public records rule to conform fees to agency costs and clarify response procedure.

Adm. Order No.: BLI 12-2014

Filed with Sec. of State: 10-3-2014

Certified to be Effective: 10-3-14

Notice Publication Date: 12-1-2011

Rules Amended: 839-030-0010

Subject: The amendments update the figures used to calculate costs of staff time spent on providing requested public records in order to reimburse the bureau for the actual costs of responding to a request for public records as provided by the public records laws. The amendments also remove references to outdated media used to store and convey public records and make other clarifying changes.

Rules Coordinator: Marcia Ohlemiller—(971) 673-0784

839-030-0010

Public Records Requests

(1) The bureau will make available any public record requested by any person pursuant to ORS 192.420, unless the record requested is exempt from disclosure under the provisions of ORS chapter 192 or other applicable law.

(2) Forms for making public record requests may be obtained from the bureau's website or the bureau's Custodian of Records.

(3) Upon receipt of a request for public records, as soon as practicable and without unreasonable delay, bureau staff will respond to the requester acknowledging receipt of the request and advising the requester of one of the following:

(a) The bureau is the custodian of at least some of the requested public records, the form in which the records are available, and that those not exempt from disclosure under ORS 192.410 to 192.505 will be provided;

(b) The bureau does not possess, or is not the custodian of, the public record;

(c) The bureau is uncertain whether it possesses the public record and will search for the public record and make an appropriate response as soon as practicable; or

(d) More information is needed to fill the request.

(4) When the bureau determines it is the custodian of a requested public record under subsection (3)(a) of this rule, the bureau's response will also include:

(a) An estimate of the time the bureau requires before the records may be inspected or copies will be provided and an estimate of the fees the requester must pay under this rule as a condition of receiving the records, along with the manner of calculating the fees; or

(b) A statement that an estimate of the time and fees for disclosure of the records, along with the manner of calculating the fees, will be provided within a reasonable time.

(5) The bureau may take a reasonable period of time to locate and retrieve the requested information.

(6) The bureau may charge a fee reasonably calculated to reimburse the bureau for the actual costs of providing and conveying copies of public records. If for operational or other reasons the bureau uses the services of an outside facility or contractor to photocopy requested records, the bureau may charge the actual costs incurred.

ADMINISTRATIVE RULES

(7) After providing a written estimate of the fees the requester must pay as a condition of receiving the records, the bureau may require written confirmation that the requester wants the bureau to proceed with making the public record available and the form in which the requester wants the record to be made available. The bureau may require that the fees be paid before the bureau provides the records.

(8) As used in these rules:

(a) "Page" refers to paper either 8 1/2 x 11 inches or 8 1/2 x 14 inches. Staff will not reduce size, or otherwise manipulate records to fit additional records on a page, unless staff concludes that it will be the most effective use of their time. A double-sided copy is charged as two pages. Because of the increased staff time involved in double-sided copying, there is no reduction in the per-page fee;

(b) "Normal and reasonable" staff time is 10 minutes or less per request.

(9) If the time required to provide the records requested exceeds normal and reasonable staff time, the actual costs of staff or supervisor time necessary for locating, reviewing, separating, redacting, photocopying, certifying and preparing records for mailing or other delivery or monitoring the review of records will be charged for each hour or fraction thereof as follows:

- (a) Office Specialist 2: \$31.97 per hour;
- (b) Administrative Specialist 1: \$34.34 per hour;
- (c) Administrative Specialist 2: \$37.08 per hour;
- (d) Civil Rights Field Rep 1: \$38.48 per hour;
- (e) Civil Rights Field Rep 2: \$43.19 per hour;
- (f) Wage and Hour Compliance Specialist: \$43.19 per hour;
- (g) Apprenticeship Representative: \$43.19 per hour;
- (h) Compliance Specialist 2: \$46.82 per hour;
- (i) Compliance Specialist 3: \$55.07 per hour;
- (j) Training and Development Specialist 2: \$50.75 per hour;
- (k) Operations and Policy Analyst 2: \$50.75 per hour;
- (l) Administrative Law Judge 3: \$77.38 per hour;
- (m) Principal Exec/Manager A: \$46.47 per hour;
- (n) Principal Exec/Manager C: \$54.86 per hour;
- (o) Principal Exec/Manager E: \$67.85 per hour;
- (p) Principal Exec/Manager F: \$74.04 per hour;
- (q) Principal Exec/Manager G: \$84.44 per hour; and

(r) The total hourly rate for any other classifications used in processing the public records request.

(10) In addition to staff time, the bureau will charge for supplies and use of equipment for producing records as follows:

(a) Twenty-five cents (25¢) per page for black and white photocopies and sixty cents (60¢) per page for color copies to recover the costs of photocopying;

(b) The actual cost for postage or other delivery costs.

(c) Fifty cents per page for copies provided by facsimile (fax) machine with a limit of 20 pages.

(11) Charges for copies of Civil Rights Division closed investigative files are calculated based on the weight of the file.

(12) For electronic public records, the requester must use blank reproduction media provided by the bureau. The bureau will provide blank reproduction media at the following rates:

- (a) Video cassettes, 2 hours: \$6.00 each;
- (b) Audio cassettes: \$2.00 each;
- (c) Compact disks: \$2.00 each;
- (d) Flash drives/USB drives: \$7.50 each.

(13) The costs of any necessary Attorney General review of requested public records will be charged to the requester at the rate billed by the Department of Justice to the bureau.

(14) The bureau may require that all fees assessed pursuant to this rule be paid in cash, in exact change, prior to furnishing any copies, material or information.

(15) When a request is made to inspect records, the bureau may impose restrictions regarding the location where the requested information will be made available for inspection. When the bureau allows the person requesting the information to search or inspect bureau records, the bureau may, as it deems necessary for the protection of the records, assign an employee to supervise the search or inspection. The charge for this service will be in accordance with section (9) of this rule.

(16) The bureau may enter into agreements to provide routine, periodic reports in a consistent format for a negotiated price.

(17) The commissioner may waive the requirements to pay part or all of the fees described in this rule if the commissioner determines that the

waiver or fee reduction is in the public interest because making the record available primarily benefits the general public.

(a) The commissioner may require that a request for a fee waiver or reduction be submitted in writing.

(b) In determining whether making the record available primarily benefits the general public, relevant factors include, but are not limited to:

- (A) The requester's identity;
- (B) The intended use of the information;
- (C) The character of the information;
- (D) Whether the requested information is already in the public domain;

(E) Whether the requester can demonstrate the ability to disseminate the information to the public;

(F) The requester's inability to pay, although this alone is not sufficient basis to waive a fee.

(c) Even if the commissioner determines that making the record available primarily benefits the general public, the commissioner has discretion whether to grant a fee waiver or reduction. With respect to a particular records request, factors relevant to that discretion include, but are not limited to:

- (A) Financial hardship on the agency;
- (B) Impact on the operations of the agency including but not limited to use of staff time, equipment and supplies;
- (C) Extent to which inspection of records would be sufficient for the public interest or the particular needs of the requester;
- (D) Volume of records requested; and
- (E) The necessity of segregating exempt from non-exempt materials.

Stat. Auth.: ORS 651.060(4)

Stats. Implemented: ORS 192.410 - 192.505

Hist.: BL 4-1986, f. & ef. 6-16-86; BL 4-1993(Temp), f. 4-7-93, cert. ef. 4-12-93; BL 8-1993, f. & cert. ef. 9-3-93; BLI 9-1998, f. & cert. ef. 11-2-98; BLI 25-2000, f. 11-17-00, cert. ef. 12-1-00; BLI 15-2006, f. 4-6-06, cert. ef. 4-7-06; BLI 34-2008, f. 10-22-08, cert. ef. 10-25-08; BLI 12-2014, f. & cert. ef. 10-3-14

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**Department of Consumer and Business Services,
Building Codes Division
Chapter 918**

Rule Caption: Adopts the 2014 Oregon Residential Specialty Code.

Adm. Order No.: BCD 9-2014

Filed with Sec. of State: 9-25-2014

Certified to be Effective: 10-1-14

Notice Publication Date: 7-1-2014

Rules Amended: 918-480-0005, 918-480-0010, 918-480-0020

Rules Repealed: 918-480-0001

Subject: These rules adopt the 2014 Oregon Residential Specialty Code (ORSC). The 2014 ORSC consists of the the following: the structural and mechanical provisions of the 2011 ORSC with amendments; low-rise plumbing provisions of the 2014 Oregon Plumbing Specialty Code; low-rise electrical provisions of the 2014 Oregon Electrical Specialty Code; and the low-rise apartment provisions of the 2014 Oregon Structural Specialty Code and 2014 Oregon Mechanical Specialty Code. These rules also include some non-substantive housekeeping changes to administrative rule that provide clarity and consistency among division rules.

Additionally, these rules establish a three month phase-in period that allows builders the choice of using the 2011 ORSC or the 2014 ORSC.

Rules Coordinator: Holly A. Tucker—(503) 378-5331

918-480-0005

Adopted Oregon Residential Specialty Code

(1) The Low-Rise Residential Dwelling Code, identified in ORS 455.610, will be known as the Oregon Residential Specialty Code.

(2) The **Oregon Residential Specialty Code** is adopted pursuant to OAR chapter 918, division 8.

(3) Effective October 1, 2014, the **2014 Oregon Residential Specialty Code** consists of the following:

(a) The **2011 Oregon Residential Specialty Code** and as further amended by the Division.

(b) The low-rise plumbing provisions of the Oregon Residential Specialty Code are adopted in the **2014 Oregon Plumbing Specialty Code**.

ADMINISTRATIVE RULES

(c) The low-rise electrical provisions of the Oregon Residential Specialty Code are adopted in the 2014 Oregon Electrical Specialty Code.

(d) Low-rise apartment construction provisions of the Oregon Residential Specialty Code are adopted in the **2014 Oregon Structural Specialty Code** and the 2014 Oregon Mechanical Specialty Code.

(4) Applicability of code changes to pending applications. Code requirements in effect at the time a plan review or permit application is filed controls the construction under the application unless the applicant agrees to be controlled by subsequent changes.

(5) For the purposes of implementing a phase-in period for the 2014 Oregon Residential Specialty Code, the 2011 Oregon Residential Specialty Code is adopted for a period of 90-days beginning October 1, 2014 and ending December 31, 2014.

(6) During the 90-day phase-in period established in subsection (5), all building departments in the state are required to accept plans for low-rise residential dwellings designed to either the 2014 Oregon Residential Specialty Code or to the 2011 Oregon Residential Specialty Code.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 455.020, 455.030, 455.110, 455.380 & 455.525

Stats. Implemented: ORS 455.610

Hist.: DC 11-1986, f. 6-30-86, ef. 7-1-86; DC 6-1987(Temp), f. & ef. 4-3-87; Renumbered from 814-031-0005; BCA 3-1990, f. 1-30-90, cert. ef. 4-1-90; BCA 7-1990(Temp), f. 3-23-90, cert. ef. 4-1-90; BCA 21-1990, f. 8-28-90, cert. ef. 9-24-90; BCA 30-1990, f. 12-21-90, cert. ef. 1-1-92; BCA 8-1991, f. 4-10-91, cert. ef. 7-1-91; BCA 32-1991(Temp), f. & cert. ef. 9-30-91; BCA 1-1992, f. & cert. ef. 2-6-91; BCA 4-1992(Temp), f. 3-4-92, cert. ef. 3-5-92; BCA 6-1992, f. 3-24-92, cert. ef. 3-27-92; BCA 13-1992, f. 6-29-92, cert. ef. 7-1-92; BCA 28-1992(Temp), f. 12-30-92, cert. ef. 1-1-93; BCA 3-1993(Temp), f. & cert. ef. 3-3-93; BCA 7-1993, f. 4-28-93, cert. ef. 5-1-93; BCA 10-1993(Temp), f. & cert. ef. 6-11-93; BCD 3-1996, f. 2-2-96, cert. ef. 4-1-96; BCD 19-1998, f. 9-30-98, cert. ef. 10-1-98, Renumbered from 918-480-0000; BCD 3-2000, f. 1-14-00 cert. ef. 4-1-00; BCD 33-2002, f. 12-20-02 cert. ef. 4-1-03; BCD 15-2004, f. 9-10-04, cert. ef. 10-1-04; BCD 5-2005, f. & cert. ef. 3-28-05; BCD 5-2008, f. 2-22-08, cert. ef. 4-1-08; BCD 13-2011, f. 5-13-11, cert. ef. 7-1-11; BCD 9-2014, f. 9-25-14, cert. ef. 10-1-14

918-480-0010

Amendments to the Oregon Residential Specialty Code

The **Oregon Residential Specialty Code** is amended pursuant to OAR chapter 918, division 8. Amendments adopted for inclusion into the Oregon Residential Specialty Code are placed in this rule, showing the section reference and a descriptive caption.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 455.020, 455.110, 455.525 & 455.610

Stats. Implemented: ORS 455.610

Hist.: BCA 18-1993, f. 8-24-93, cert. ef. 8-29-93; BCA 28-1993, f. 10-22-93, cert. ef. 1-1-94; BCA 29-1993, f. 11-24-93, cert. ef. 12-1-93; BCD 6-1995, f. 3-31-95, cert. ef. 4-1-95; BCD 3-1996, f. 2-2-96, cert. ef. 4-1-96; BCD 22-1996(Temp), f. 10-1-96, cert. ef. 10-4-96; BCD 5-1997, f. 3-21-97, cert. ef. 4-1-97; Administrative Reformatting 1-19-98; BCD 3-1998, f. 1-29-98, cert. ef. 4-1-98; BCD 19-1998, f. 9-30-98, cert. ef. 10-1-98; BCD 3-2000, f. 1-14-00 cert. ef. 4-1-00; BCD 19-2000(Temp), f. & cert. ef. 8-15-00 thru 2-10-01; BCD 32-2000, f. 12-27-00, cert. ef. 1-1-01; BCD 3-2001, f. 2-9-01, cert. ef. 3-1-01; BCD 2-2002, f. 3-5-02, cert. ef. 4-1-02; BCD 22-2002(Temp), f. 9-13-02 cert. ef. 10-1-02 thru 3-29-03; BCD 30-2002, f. 12-6-02, cert. ef. 1-1-03; BCD 1-2003(Temp), f. & cert. ef. 1-10-03 thru 3-31-03; BCD 33-2002, f. 12-20-02 cert. ef. 4-1-03; BCD 15-2004, f. 9-10-04, cert. ef. 10-1-04; BCD 5-2005, f. & cert. ef. 3-28-05; BCD 9-2006, f. 6-30-06, cert. ef. 7-1-06; BCD 1-2007, f. 2-15-07, cert. ef. 4-1-07; BCD 5-2008, f. 2-22-08, cert. ef. 4-1-08; BCD 13-2008(Temp), f. & cert. ef. 7-3-08 thru 12-30-08; BCD 21-2008, f. 9-30-08, cert. ef. 10-1-08; BCD 24-2008(Temp), f. & cert. ef. 10-6-08 thru 4-1-09; BCD 1-2009, f. 1-30-09, cert. ef. 2-1-09; BCD 8-2009, f. 9-30-09, cert. ef. 10-1-09; BCD 5-2010, f. 5-14-10, cert. ef. 7-1-10; BCD 19-2010, f. 12-30-10, cert. ef. 1-1-11; BCD 1-2011, f. & cert. ef. 2-15-11; BCD 11-2011(Temp), f. & cert. ef. 4-15-11 thru 9-30-11; BCD 13-2011, f. 5-13-11, cert. ef. 7-1-11; BCD 9-2014, f. 9-25-14, cert. ef. 10-1-14

918-480-0020

One- and Two-Family Dwelling Permit Fees

(1) Effective July 1, 1999, the Building Codes Division fees for administration of the **Oregon Residential Specialty Code** are found in Table 1-A. These fees are based on 130 percent of the 1979 Uniform Building Code and 1979 Uniform Mechanical Code as published by the International Conference of Building Officials, as authorized in ORS 455.210.

(2) Table 1-A Structural Permit Fees can be found at the end of division 480.

(3) Table 1-A Mechanical Permit Fees can be found at the end of division 480.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 455.020 & 455.210

Stats. Implemented: ORS 455.210

Hist.: BCD 8-1999(Temp), f. & cert. ef. 7-1-99 thru 12-27-99; BCD 11-1999, f. 9-7-99, cert. ef. 10-1-99; BCD 33-2002, f. 12-20-02 cert. ef. 4-1-03; BCD 15-2004, f. 9-10-04, cert. ef. 10-1-04; BCD 13-2011, f. 5-13-11, cert. ef. 7-1-11; BCD 9-2014, f. 9-25-14, cert. ef. 10-1-14

Rule Caption: Repeals redundant and outdated provisions; housekeeping change.

Adm. Order No.: BCD 10-2014

Filed with Sec. of State: 9-25-2014

Certified to be Effective: 10-1-14

Notice Publication Date: 7-1-2014

Rules Amended: 918-040-0000

Rules Repealed: 918-005-0010, 918-400-0210

Subject: OAR 918-005-0010 and 918-400-0210 both contain information which is redundant of other provision already listed in Chapter 918 or which was designed to comply with outdated provisions of the Attorney Generals' Administrative Law Manual. In order to update rules to reflect current APA requirements and remove duplicate provisions, these sections are repealed.

OAR 918-040-0000 is edited for greater clarity and to provide further background on board membership which interprets the requirements of ORS Chapter 183 (APA).

Rules Coordinator: Holly A. Tucker—(503) 378-5331

918-040-0000

Purpose and Scope

(1) The Building Codes Division coordinates the activities of and has general supervision over seven advisory boards, as follows:

(a) Board of Boiler Rules, established under ORS 480.535;

(b) Electrical and Elevator Board, established under ORS 455.138;

(c) Residential and Manufactured Structures Board, established under ORS 455.135;

(d) State Plumbing Board, established under ORS 693.115;

(e) Building Codes Structures Board, established under ORS 455.132;

(f) Mechanical Board, established under ORS 455.140; and

(g) Construction Industry Energy Board, established under ORS 455.492.

(2) Appointing authority for the six boards listed in subsections (1)(a) through (f) of this rule rests with the Governor and requires Senate confirmation. Appointing authority for (1)(g) rests with the boards listed in (1)(b) through (1)(f).

(3) The rules in OAR chapter 918, division 40 establish consistent protocols for the administration of activities carried out by the boards listed in subsection (1).

Stat. Auth.: ORS 455.110

Stats. Implemented: ORS 455.110

Hist.: BCD 14-2006, f. & cert. ef. 12-29-06; BCD 9-2009, f. 12-30-09, cert. ef. 1-1-10; BCD 10-2014, f. 9-25-14, cert. ef. 10-1-14

Rule Caption: Adopts 2014 Oregon Plumbing Specialty Code

Adm. Order No.: BCD 11-2014

Filed with Sec. of State: 9-30-2014

Certified to be Effective: 10-1-14

Notice Publication Date: 6-1-2014

Rules Adopted: 918-780-0065, 918-780-0085

Rules Amended: 918-750-0100, 918-750-0110, 918-750-0115, 918-780-0130, 918-780-0140

Rules Repealed: 918-690-0300, 918-780-0060, 918-780-0070, 918-785-0200, 918-785-0210, 918-785-0230

Rules Ren. & Amend: 918-785-0100 to 918-690-0440, 918-785-0110 to 918-690-0450, 918-785-0220 to 918-780-0090

Subject: These rules adopt the 2014 Oregon Plumbing Specialty Code based upon 2011 Oregon Plumbing Specialty Code with Oregon specific amendments. Additionally these rules include some non-substantive housekeeping changes to administrative rule that provide clarity and consistency among the division's rules.

Rules Coordinator: Holly A. Tucker—(503) 378-5331

918-690-0440

Plumbing Section

The chief plumbing inspector is charged with the organization and enforcement of the Oregon Plumbing Specialty Code created under ORS 447.020 and defined as a Specialty Code under ORS 455.010, as a part of the State Building Code under ORS 455.010.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 447.020

Stats. Implemented: ORS 447.020

Hist.: DC 39, f. 1-6-75, ef. 2-1-75; DC 1-1983, f. & ef. 1-3-83; Renumbered from 814-021-0113; BCD 6-1998, f. 3-2-98, cert. ef. 4-1-98, Renumbered from 918-760-0010; Renumbered from 918-785-0100, BCD 11-2014, f. 9-30-14, cert. ef. 10-1-14

ADMINISTRATIVE RULES

918-690-0450

Powers and Duties of the Chief Plumbing Inspector

(1) The chief plumbing inspector is authorized and directed to enforce all the provisions of the Oregon Plumbing Specialty Code and to assist in enforcement of the pertinent regulations of the Oregon Structural Specialty Code.

(2) The chief plumbing inspector and the building official are authorized and directed under provisions of ORS Chapters 447, 455 and 693 to enforce all provisions, rules and regulations governing plumbing systems and plumbing fixtures in effect on the date of adoption of the Oregon Plumbing Specialty Code when requested by federal, state or municipal agencies whose rules and regulations require conformity to this code as a condition of acceptance, licensing, operation or occupancy.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 447.020

Stats. Implemented: ORS 447.020

Hist.: DC 39, f. 1-6-75, ef. 2-1-75; DC 32-1978, f. 12-19-78, ef. 1-1-79; DC 8-1981, f. & ef. 7-2-81; DC 1-1983, f. & ef. 1-3-83; Renumbered from 814-021-0114; BCD 6-1998, f. 3-2-98, cert. ef. 4-1-98, Renumbered from 918-760-0015; Renumbered from 918-785-0110, BCD 11-2014, f. 9-30-14, cert. ef. 10-1-14

918-750-0100

Scope of the Oregon Plumbing Specialty Code

(1) The **Oregon Plumbing Specialty Code** is applicable and uniform throughout the state and in all municipalities.

(2) Unless a local amendment request is approved by the division under ORS 455.040, a municipality may not enact or enforce any ordinance, rule or regulation in conflict with the Oregon Plumbing Specialty Code.

(3) The **Oregon Plumbing Specialty Code** applies to all plumbing installations as addressed in ORS 447.020 and ORS chapter 455 including one- and two-family dwellings of three stories or less within the scope of the Oregon Residential Specialty Code.

[Publications: Publications referenced are available for review at the agency.]

Stat. Auth.: ORS 447.020

Stats. Implemented: ORS 447.020

Hist.: BCD 6-1998, f. 3-2-98, cert. ef. 4-1-98; BCD 2-2011, f. & cert. ef. 2-15-11; BCD 11-2014, f. 9-30-14, cert. ef. 10-1-14

918-750-0110

Oregon Plumbing Specialty Code

(1) The **Oregon Plumbing Specialty Code** is adopted pursuant to OAR chapter 918, division 8.

(2) Effective October 1, 2014, the **2014 Oregon Plumbing Specialty Code** is based upon the 2011 Oregon Plumbing Specialty Code and as further amended by the division.

[Publications: Publications are available for review at the division. See division website for information on where to purchase publications.]

Stat. Auth.: ORS 447.020, 455.020, 455.030 & 455.110

Stats. Implemented: ORS 447.020, 455.020, 455.030 & 455.110

Hist.: DC 40, f. 1-6-75, ef. 2-1-75; DC 99, f. 9-2-77, ef. 11-1-77; DC 15-1979(Temp), f. 12-21-79, ef. 1-1-80; DC 2-1980, f. 2-14-80, ef. 3-1-80; DC 3-1980, f. & ef. 2-14-80; DC 4-1981, f. 5-15-81, ef. 7-1-81; DC 9-1981, f. & ef. 7-6-81; DC 14-1981(Temp), f. 10-30-81, ef. 11-6-81; DC 15-1982(Temp), f. & ef. 5-5-82; DC 1-1983, f. & ef. 1-3-83; DC 28-1984, f. 9-5-84, ef. 10-15-84; DC 10-1985, f. & ef. 4-1-85; DC 4-1987, f. & ef. 3-4-87; DC 11-1987, f. & ef. 4-21-87; Renumbered from 814-021-0005; BCA 27-1989, f. 12-5-89, cert. ef. 1-1-90; BCA 14-1990, f. & cert. ef. 6-13-90; BCA 42-1991, f. & cert. ef. 12-23-91; BCA 19-1993(Temp), f. 8-26-93, cert. ef. 9-1-93; BCA 26-1993, f. 10-22-93, cert. ef. 11-1-93; BCD 4-1996, f. 2-29-96, cert. ef. 4-1-96; BCD 6-1998, f. 3-2-98, cert. ef. 4-1-98, Renumbered from 918-750-0010; BCD 7-1999, f. 6-21-99, cert. ef. 4-1-2000; BCD 6-2000, f. 3-15-00, cert. ef. 4-1-00; BCD 27-2000, f. 10-13-00, cert. ef. 10-01-01; BCD 24-2000, f. 12-15-04, cert. ef. 4-1-05; BCD 4-2008, f. 2-21-08, cert. ef. 4-1-08; BCD 2-2011, f. & cert. ef. 2-15-11; BCD 11-2014, f. 9-30-14, cert. ef. 10-1-14

918-750-0115

Amendments to the Oregon Plumbing Specialty Code

The Oregon Plumbing Specialty Code is amended pursuant to OAR chapter 918, division 8. Amendments adopted for inclusion into the Oregon Plumbing Specialty Code are placed in this rule, showing the section reference, a descriptive caption, and a short description of the amendment.

[Publications: Publications are available for review at the division. See division website for information on where to purchase publications.]

Stat. Auth.: ORS 447.020, 455.020, 455.030 & 455.110

Stats. Implemented: ORS 447.020, 455.020, 455.030 & 455.110

Hist.: BCD 16-2012, f. 12-21-12, cert. ef. 1-1-13; BCD 11-2014, f. 9-30-14, cert. ef. 10-1-14

918-780-0065

Permits Required

No person, firm, or corporation shall do plumbing or medical gas systems work in the State of Oregon without first obtaining a plumbing permit or minor label when required and paying the appropriate fees to the authorized permit issuing agency.

Stat. Auth.: ORS 447.010 & 447.020

Stats. Implemented: ORS 447.010 & 447.020

Hist.: BCD 11-2014, f. 9-30-14, cert. ef. 10-1-14

918-780-0085

License Required

Whenever any plumbing installation is being made by an unlicensed person contrary to the provisions of the Oregon Plumbing Specialty Code or OAR chapter 918, division 695, the building official must stop the installation through written notice. The building official may serve the notice on any person engaged in such an installation, or by posting a copy of the written notice at the site of the installation. No person may proceed with the installation until authorized by the building official.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 447.010 & 447.020

Stats. Implemented: ORS 447.010 & 447.020

Hist.: BCD 11-2014, f. 9-30-14, cert. ef. 10-1-14

918-780-0090

Requests for Inspection and Notice of Results

(1) Except as provided in section (2) of this rule, an inspecting jurisdiction shall inspect within 48 hours of a written request for inspection unless the time for inspection is extended to a set date by mutual agreement. The 48 hours excludes Saturdays, Sundays and holidays.

(2) The inspecting jurisdiction shall inspect an installation at a remote location within a reasonable time of the request.

(a) For the purpose of this section, a "remote location" is:

(A) An inspection location that is more than 60 miles one way using the most direct route, measured from the closest of the inspector's station, inspection office or the inspecting jurisdiction's primary offices; or

(B) An inspection location that requires more than one hour or normal driving, one way, using the most direct route from the closest point mentioned in paragraph (A) of this subsection.

(b) For the purposes of this section, "within a reasonable time" means a response time that takes into account the time, distance and number of inspection requests, but shall not exceed seven consecutive calendar days including the date the request was received unless the time for inspection is extended to a set date by mutual agreement. If the seventh calendar day falls on a weekend or holiday, this is extended to include the next business day.

(3) Reasonable procedures designed to provide actual notice of inspection results shall be used by all inspecting jurisdictions to notify the person requesting inspections, of the results of plumbing inspection. "Reasonable procedures designed to provide actual notice" shall include posting at the job site and:

(a) Nothing more when the installation is by an owner;

(b) Nothing more when the installation is approved;

(c) For other than for a one- or two-family dwelling, notification of any deficiencies on a specific permit by:

(A) FAX transmittal to the plumbing contractor;

(B) Personal delivery to the plumbing contractor;

(C) Mailing;

(D) Telephone followed by written notification; or

(E) Other electronic or automated notification systems.

(d) By written confirmation of inspection approval if a permit holder requests confirmation.

(4) If the inspection mentioned in sections (1) and (2) of this rule involved a cover inspection and does not include any medical gas systems or components, the work cannot be covered unless:

(a) Inspection clearance is given; or

(b) The request for inspection is in writing communicated to the inspecting jurisdiction, with notice that a cover inspection is involved, no extensions are agreed to and the maximum time for making the required inspection under sections (1) and (2) of this rule are exceeded. For the purposes of this subsection:

(A) Written request includes a letter, telegram or FAX transmittal; and

(B) The burden of proof is on the person requesting the plumbing inspection to prove that a written request was communicated.

(5) Correction Notice for Violations. All deviations from the requirements of the statutes or rules shall be specified in writing and a copy of the notice furnished to the permittee. An additional copy of the notice may be posted at the site of the installation or mailed or delivered to the permittee or the permittee's agent at the address shown on the permit. The division may provide information on the meaning or application of the statutes and rules but shall not design or lay out work for contractors, owners, or users. Refusal, failure, or neglect to correct deviations from the minimum standards specified in the notice within 30 days of receipt or of posting of notice of violation shall be considered a separate violation of these administrative rules.

Stat. Auth.: ORS 447.010 & 447.020

Stats. Implemented: ORS 447.010 & 447.020

ADMINISTRATIVE RULES

Hist.: BCD 6-1998, f. 3-2-98, cert. ef. 4-1-98; BCD 27-2000, f. 10-13-00 cert. ef. 10-01-01; Renumbered from 918-785-0220, BCD 11-2014, f. 9-30-14, cert. ef. 10-1-14

918-780-0130

Use of Minor Installation Labels

(1) Plumbing contractors having a valid certificate of registration under ORS 447.030 and a verified Construction Contractors Board license, when using plumbers having a certificate of competency under ORS Chapter 693, may purchase and use minor labels as described by OAR 918-100-0000 through 918-100-0060; and

(2) Only permit requirements are deleted. **The Oregon Plumbing Specialty Code and Oregon Residential Specialty Code** plumbing installation provisions and plumbing product certification requirements shall be followed.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 447.072, 447.076, 455.154 & 455.155

Stats. Implemented: ORS 447.072, 447.076, 455.154 & 455.155

Hist.: BCD 17-1994, f. 7-21-94, cert. ef. 10-1-94; BCD 9-1997(Temp), f. 6-30-97, cert. ef. 7-1-97; BCD 17-1997, f. 9-30-97, cert. ef. 10-1-97; BCD 22-2000, f. 9-19-00, cert. ef. 10-1-00; BCD 4-2002, f. 3-8-02, cert. ef. 4-1-01; BCD 22-2004, f. & cert. ef. 10-1-04; BCD 11-2014, f. 9-30-14, cert. ef. 10-1-14

918-780-0140

Scope of Plumbing Work Allowed with Minor Installation Label

“Minor plumbing” for installations under the minor label programs permitted by OAR 918-100-0000 through 918-100-0060 shall be as follows:

(1) Commercial and industrial minor installation label programs include:

- (a) Accessible plumbing repair and maintenance;
- (b) Replacement of up to three accessible plumbing appliances, appurtenances or fixtures as defined in the Oregon Plumbing Specialty Code; or
- (c) Replacement of up to 20 feet of plumbing piping.

(2) One- and two-family dwelling minor installation label programs include:

- (a) Repair, replacement, or maintenance of water heaters, including water heater conversions;
 - (b) Alteration of parts of an existing plumbing system not exceeding three fixtures, or 20 feet of new piping or both provided the work is “accessible” to an inspector; or
 - (c) Repair or replacement of concealed freeze-damaged or leaking parts of an existing plumbing system not exceeding three fixtures, or 20 feet of new piping or both.
- (d) Plumbing fixtures as used in this section include, but are not limited to, bathtubs, bidets, showers, sinks, water closets and water heaters.

(3) Cross-connection control devices are not considered minor plumbing installations and are excluded under these rules.

Stat. Auth.: ORS 447.072, 447.076, 455.154 & 455.155

Stats. Implemented: ORS 447.072, 447.076, 455.154 & 455.155

Hist.: BCD 17-1994, f. 7-21-94, cert. ef. 10-1-94; BCD 6-1998, f. 3-2-98, cert. ef. 4-1-98; BCD 4-2002, f. 3-8-02, cert. ef. 4-1-01; BCD 22-2004, f. & cert. ef. 10-1-04; BCD 11-2014, f. 9-30-14, cert. ef. 10-1-14

Rule Caption: Adopts 2014 Oregon Electrical Specialty Code

Adm. Order No.: BCD 12-2014

Filed with Sec. of State: 9-30-2014

Certified to be Effective: 10-1-14

Notice Publication Date: 6-1-2014

Rules Amended: 918-251-0090, 918-305-0005, 918-305-0030, 918-305-0100, 918-305-0105, 918-306-0005, 918-306-0010, 918-309-0070, 918-309-0080, 918-309-0100

Rules Repealed: 918-251-0000, 918-261-0010

Subject: These rules adopt the 2014 Oregon Electrical Specialty Code based upon 2014 edition of the NFPA 70, National Electrical Code, with Oregon specific amendments. Additionally, the proposed rules include some non-substantive housekeeping changes to administrative rules that provide clarity and consistency among the division’s rules.

Rules Coordinator: Holly A. Tucker—(503) 378-5331

918-251-0090

Definitions

For purposes of OAR chapter 918, divisions 251 through 311, unless otherwise specified, the following apply:

(1) “Appliance” as applied to the limited maintenance specialty contractor license established by ORS 479.630, means any built-in or perma-

nently-connected electrical utilization equipment, not including lighting fixtures, other than industrial, that is installed or connected as a unit to perform one or more functions such as clothes washing, air conditioning, food mixing, deep frying, etc.

(2) “Approved” when referring to electrical product certification means approved in Oregon or for Oregon by the Electrical and Elevator Board.

(3) “Balance of system” as it relates to renewable electrical energy systems are those products, equipment, and systems for the conversion, control and storage of electrical energy.

(4) “Board” means Electrical and Elevator Board.

(5) “Building” means a structure that stands alone or that is isolated from adjoining structures by area separation walls as identified in Chapter 7 of the Oregon Structural Specialty Code adopted in OAR chapter 918, division 460, with all openings therein protected by approved fire doors as required.

(6) “Certification Mark” is identification on an electrical product indicating that the product has been certified under ORS 479.760.

(7) “Certified Electrical Product” is an electrical product certified under ORS 479.760 to which a label or other identifying mark.

(8) “Continuously Employ” means a person, including a person leased from a worker leasing company licensed under ORS 656.850, during time periods when electrical work for which they are responsible is performed, devotes their entire time of employment to tasks of supervising, designing, laying out, planning, controlling, and making electrical installations for the electrical contractor for which the supervisor is registered as signing supervisor.

(9) “Custom Made” means electrical products that are designed for a specific purpose and location.

(10) “Document” means prepare records itemizing what was checked, why it was checked, when it was done, how it was checked, what was determined, and who did the work.

(11) “Electrical Specialty Code” means the National Electrical Code with Oregon amendments.

(12) “Electrical Specialty Code Inspector,” formerly referred to as “A-Level Electrical Inspector,” is a person certified to inspect under the Oregon Electrical Specialty Code.

(13) “Energy generation,” as it relates to renewable electrical energy generation equipment, are those products, equipment, and systems in renewable electrical energy systems that produce or convert electrical energy.

(14) “Engineer” is an individual who has completed a minimum four-year degree program in electrical engineering or electrical technology with power specialty, from an accredited college or university and has received a Bachelor of Science degree.

(15) “Field Evaluation” means the evaluation of electrical products by an approved field evaluation firm.

(16) “Indorsement” is a designation within the restricted energy electrical area showing qualifications and training regarding a product area. It determines the scope of restricted energy electrical activity authorized under a restricted energy electrical license.

(17) “Industrial Electronic Equipment” means a device, appliance, motor, or machine regulated, operated, or controlled through fiber optics or by a combination of electron tubes, capacitors, resistors, impedance transformer, and relays; the control circuit, and/or the power circuits having electrons flowing through a vacuum, metallic vapor, gas tubes, or transistors as used in an industrial plant.

(18) “Industrial Plant”, for purposes of licensing and electrical master permit inspection program, means an establishment engaged in industrial production, or service, or a school, hospital, sewer plant, water plant, commercial office building, building occupied by the state or a local government entity, or an institution. For purposes of the elevator program, “industrial plant” does not include a school, hospital, commercial office building, building occupied by the state or a local government entity, or an institution where the elevators are accessible to and used by persons other than the employees of that building.

(19) “Installation” includes external and field wiring, service contracts or warranties by the seller or manufacturer concerning the longevity of the equipment or parts after the original installation. It does not include “start-up” activities where new equipment is placed in service, and that type of work related to delivering and setting in place a piece of machinery.

(20) “Inverter”, as it relates to renewable electrical energy generation equipment, is a product, equipment or system that converts direct current into alternating current.

ADMINISTRATIVE RULES

(21) "Jurisdictional Inspector" is a state or municipal inspector having inspection responsibility within their jurisdiction over electrical products or their installation, or both.

(22) "Labeled" means a label, symbol or other identifying mark of a Nationally Recognized Testing Laboratory (NRTL), field evaluation firm or the division that is attached to an electrical product indicating the product is manufactured according to approved standards and tested or evaluated for specific end uses or both.

(23) "Lighting Fixture" is a complete lighting unit consisting of a lamp or lamps together with the parts designed to distribute the light, to position and protect the lamps, and to connect the lamp to the power supply.

(24) "Limited Energy System" means those systems that include Class 1, Class 2 or Class 3 systems as defined by Section 725.2 of NFPA 70 (National Electrical Code) and audio systems, communication systems and power-limited fire alarm systems, covered in the Oregon Electrical Specialty Code.

(25) "Listed Product" means a product was examined and accepted by a Nationally Recognized Testing Laboratory (NRTL) to meet a particular product standard and is maintained on a list of the listing laboratory.

(26) "Maintain" means to preserve electrical equipment in a good sound condition.

(27) "Maintenance" Compare with repair, replacement, and maintain for definition.

(28) "Minimum Electrical Installation Safety Code" means the adopted Oregon Electrical Specialty Code.

(29) "Nationally Recognized Testing Laboratory (NRTL)" means a laboratory recognized by the Federal Occupational Safety and Health Administration (OSHA) under 29 CFR 1910.7.

(30) "NEMA" means the National Electrical Manufacturers Association.

(31) "Off grid system" is a stand-alone system, connected to a structure, whose electrical systems are not connected to a utility-supplied electrical production and distribution network.

(32) "On grid system" is an electrical power system connected to a structure whose electrical systems are also connected to a utility-supplied electrical production and distribution network.

(33) "Plug-in Replacement" is a part, component or assembly designed to be inserted directly into a mating receptacle or socket such as printed circuit boards, control relays, control harnesses or other equipment connected by a cord or cable and plug assembly. A plug-in replacement does not have any field wiring that is connected to the plug-in part or assembly.

(34) "Power Circuitry" means that portion of the system, other than control, that provides electrical power to utilization equipment.

(35) "Registered Professional Electrical Engineer" is an individual licensed by the State of Oregon Board of Engineering Examiners as a professional electrical engineer under OAR chapter 820, division 10.

(36) "Renewable Electrical Energy System" as it relates to electrical energy generation, is the total components and subsystems that, in combination, convert wind energy, solar energy, micro-hydroelectricity, photovoltaic energy or fuel cell energy into electrical energy suitable for connection to a utilization load.

(37) "Repair" means to restore worn or damaged parts to a good, sound condition by means other than replacement.

(38) "Replacement" means substitution of complete units of damaged or worn equipment with similar new or used equipment of a size and rating that does not exceed the design capacity of the existing product.

(39) "Signing Supervising Electrician" or "Signing Supervisor" is a licensed supervising electrician who has been authorized by the electrical contractor to sign permits.

(40) "Similar Equipment," as applied to the limited maintenance specialty contractor license established by ORS 479.630(12), means components of light fixtures other than ballasts.

(41) "Special Deputy" means a person certified by the board or Chief Electrical Inspector to perform special deputy inspections allowed under ORS 479.760.

(42) "Stand-alone system" is a renewable electrical energy system that supplies power independently of an electrical production and distribution network.

(43) "Up to the load side of the inverter", as it relates to electrical energy generation equipment, is the renewable electrical energy system equipment up to the alternating current connection terminals of the inverter.

[Publications: Publications referenced are available from the agency.]
Stat. Auth.: ORS 479.630

Stats. Implemented: ORS 479.730

Hist.: DC 10, f. 4-13-72, ef. 5-1-72; DC 12-1981, f. 9-29-81, ef. 10-1-81; DC 10-1982, f. & ef. 3-1-82; Renumbered from 814-022-0105; BCA 44-1991, f. & cert. ef. 12-26-91; BCD 19-1996, f. 9-17-96, cert. ef. 10-1-96, Renumbered from 918-260-0005; BCD 4-1999, f. & cert. ef. 4-1-99; BCD 23-2000, f. 9-29-00, cert. ef. 10-1-2000; BCD 5-2001, f. 6-7-01, cert. ef. 7-1-01; BCD 23-2001(Temp), f. 12-28-01, cert. ef. 1-1-02 thru 6-29-02; BCD 9-2002, f. 3-29-02, cert. ef. 4-1-02; BCD 21-2002(Temp), f. 8-30-02, cert. ef. 9-1-02 thru 2-27-03; BCD 23-2002, f. 9-13-02 cert. ef. 10-1-02; BCD 34-2002, f. 12-20-02, cert. ef. 1-1-03; BCD 12-2003(Temp), f. & cert. ef. 6-24-03 thru 10-31-03; BCD 15-2003, f. & cert. ef. 10-1-03; BCD 4-2004, f. 3-31-04, cert. ef. 4-1-04; BCD 3-2007, f. 3-30-07, cert. ef. 4-1-07; BCD 5-2010, f. 5-14-10, cert. ef. 7-1-10; BCD 4-2011, f. & cert. ef. 3-11-11; BCD 21-2011, f. 7-26-11, cert. ef. 10-1-11; BCD 12-2014, f. 9-30-14, cert. ef. 10-1-14

918-305-0005

Interpretations

All electrical interpretations dated prior to October 1, 2014, issued by the Building Codes Division are withdrawn.

Stat. Auth.: ORS 479.730

Stats. Implemented: ORS 479.730

Hist.: BCD 19-2002, f. 8-1-02, cert. ef. 10-1-02; BCD 23-2004, f. 12-15-04, cert. ef. 4-1-05; BCD 6-2008, f. 3-7-08, cert. ef. 4-1-08; BCD 3-2011, f. 3-11-11, cert. ef. 4-1-11; BCD 12-2014, f. 9-30-14, cert. ef. 10-1-14

918-305-0030

Other Codes or Publications that Impact Electrical Installations

Other codes and publications that impact electrical installations include, but are not limited to those listed below:

(1) Chapter 9 of the Oregon Structural Specialty Code relating to fire protection systems and Chapter 3 of the Oregon Residential Specialty Code relating to smoke alarm installations.

(2) ORS 455.420 requiring individual electric meters for dwelling units.

(3) The Oregon Energy Efficiency Specialty Code, and chapter 11 of the Oregon Residential Specialty Code which address the energy efficiency issues of motors, electric lighting and other electric equipment; and

(4) Chapter 16 and 17 of the Oregon Structural Specialty Code which addresses the seismic requirements of nonstructural components and special inspection requirements.

(5) Publications and requirements of the serving utility.

(6) Public Law 101-336, the Americans with Disabilities Act, Part III; Department of Justice Regulations of Friday, July 26, 1991; 28 CFR Part 36, as amended, including the 2010 ADA Standards for Accessible Design and Public Law 100-430, the Fair Housing Act and the regulations adopted thereunder.

(7) Chapter 11 of the Oregon Structural Specialty Code which relates to the Americans with Disabilities Act for mounting height requirements for electrical and communication receptacles located in affected buildings and structures.

(8) The interconnection of all net-metering facilities and solar photovoltaic systems operated as interconnected power production sources shall comply with the Oregon Electrical Specialty Code. In addition, the interconnection of all net-metering facilities utilizing solid-state inverters shall comply with OAR 860-039 Net Metering.

(9) Oregon Manufactured Dwelling Installation Specialty Code. The electrical installations shall be in accordance with the requirements of the Oregon Electrical Specialty Code.

(10) The electrical portions of the installation or product standards identified in OAR 918-306-0005. These standards are informational only and are to be used to clarify code intent. They may be used as installation guides when not specifically referenced or covered in the Oregon Electrical Specialty Code. Examples include, but are not limited to, the electrical sections of NFPA 20, NFPA 54, NFPA 99, NFPA 101, NFPA 110, NFPA 780 and NFPA 820.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 479.730

Stats. Implemented: ORS 479.730 & 757.262

Hist.: DC 13-1987, f. & ef. 5-1-87; Renumbered from 814-022-0610; BCA 17-1990, f. 6-27-90, cert. ef. 7-1-90; BCA 12-1993, f. 6-23-93, cert. ef. 7-1-93; BCD 19-1996, f. 9-17-96, cert. ef. 10-1-96, Renumbered from 918-290-0020; BCD 1-2000, f. 1-6-00, cert. ef. 4-1-00; BCD 12-2000, f. 6-3-00, cert. ef. 7-1-00; BCD 23-2000, f. 9-29-00, cert. ef. 10-1-00; BCD 19-2002, f. 8-1-02, cert. ef. 10-1-02; BCD 23-2004, f. 12-15-04, cert. ef. 4-1-05; BCD 29-2005, f. 12-30-05, cert. ef. 1-1-06; BCD 6-2008, f. 3-7-08, cert. ef. 4-1-08; BCD 1-2010, f. 3-1-10, cert. ef. 4-1-10; BCD 5-2010, f. 5-14-10, cert. ef. 7-1-10; BCD 4-2011, f. & cert. ef. 3-11-11; BCD 21-2011, f. 7-26-11, cert. ef. 10-1-11; BCD 12-2014, f. 9-30-14, cert. ef. 10-1-14

918-305-0100

Adoption of Oregon Electrical Specialty Code

(1) The Oregon Electrical Specialty Code is adopted pursuant to OAR chapter 918, Division 8.

(2) Effective October 1, 2014, the 2014 Oregon Electrical Specialty Code consists of the following:

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(a) 2014 Edition of the NFPA 70, National Electrical Code (NEC), and as further amended by the division in Table 1-E;

(b) 2012 Edition of the IEEE C2-2012, National Electrical Safety Code (NEC); and

(c) The electrical provisions of the Oregon Elevator Specialty Code adopted in OAR 918-400-0455.

(3) In the event of a conflict between the NEC and NESC requirements, the NEC requirement, as amended in subsection (2) of this rule, applies.

(4) As used in this rule:

(a) "ANSI" is the American National Standards Institute;

(b) "ASME" is the American Society of Mechanical Engineers;

(c) "IEEE" is the Institute of Electrical and Electronics Engineers;

and

(d) "NFPA" is the National Fire Protection Association.

NOTE: Table 1-E is printed at the end of Division 305 and is available on the division's website at <http://www.bcd.oregon.gov/rules.html#oar>

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 479.730

Stats. Implemented: ORS 479.730

Hist.: DC 13-1987, f. & ef. 5-1-87; Renumbered from 814-022-0600; BCA 17-1990, f. 6-27-90, cert. ef. 7-1-90; BCA 12-1993, f. 6-23-93, cert. ef. 7-1-93; BCD 19-1996, f. 9-17-96, cert. ef. 10-1-96, Renumbered from 918-290-0010; BCD 1-2000, f. 1-6-00, cert. ef. 4-1-00; BCD 19-2002, f. 8-1-02, cert. ef. 10-1-02; BCD 23-2004, f. 12-15-04, cert. ef. 4-1-05; BCD 6-2008, f. 3-7-08, cert. ef. 4-1-08; BCD 3-2011, f. 3-11-11, cert. ef. 4-1-11; BCD 5-2013, f. 4-12-13, cert. ef. 5-1-13; BCD 12-2014, f. 9-30-14, cert. ef. 10-1-14

918-305-0105

Amendments to the Oregon Electrical Specialty Code

The Oregon Electrical Specialty Code is amended pursuant to OAR chapter 918, Division 8. Amendments adopted for inclusion into the Oregon Electrical Specialty Code are placed in this rule, showing the section reference and a descriptive caption. Amendments to the Oregon Electrical Specialty Code are printed in their entirety in Table 1-E.

NOTE: Table 1-E is printed at the end of Division 305 and is available on the division's website at <http://www.bcd.oregon.gov/rules.html#oar>

[Publications: Publications referenced are available for review from the agency.]

Stat. Auth.: ORS 479.730 & 455.610

Stats. Implemented: ORS 479.730 & 455.610

Hist.: BCD 23-2004, f. 12-15-04, cert. ef. 4-1-05; BCD 6-2008, f. 3-7-08, cert. ef. 4-1-08; BCD 3-2011, f. 3-11-11, cert. ef. 4-1-11; BCD 5-2012(Temp), f. & cert. ef. 6-7-12 thru 10-31-12; BCD 11-2012(Temp), f. 10-5-12, cert. ef. 1-1-13 thru 6-29-13; BCD 14-2012(Temp), f. 11-16-12, cert. ef. 1-1-13 thru 6-29-13; BCD 5-2013, f. 4-12-13, cert. ef. 5-1-13; BCD 12-2014, f. 9-30-14, cert. ef. 10-1-14

918-306-0005

Standards for Product Evaluations

The following standards shall be adopted for use when completing product evaluation:

(1) NFPA standards on list dated October 1, 2014, maintained by the division titled "NFPA Standards"; and

(2) UL standards on list dated October 1, 2014, maintained by the division titled "UL Standards."

Stat. Auth.: ORS 479.730

Stats. Implemented: ORS 479.730

Hist.: BCD 19-2002, f. 8-1-02, cert. ef. 10-1-02; BCD 23-2004, f. 12-15-04, cert. ef. 4-1-05; BCD 12-2014, f. 9-30-14, cert. ef. 10-1-14

918-306-0010

Overview

(1) ORS 479.610 establishes certification requirements for electrical products.

(2) The certification process generally involves inspection, testing and evaluation of the product. This is done through:

(a) Listing and application of listing label by a Nationally Recognized Testing Laboratory (NRTL);

(b) Special Deputy Evaluation and Certification. A product can be submitted to the division for certification under ORS 479.760. The special deputy procedures, rules and limitations are located in OAR 918-306-0510 to 918-306-0530; or

(c) Field Evaluation of Products. Field evaluation involves inspection, testing, evaluation and application of an evaluation label utilizing the 2014 NFPA Recommended Practice and Procedures for Unlabeled Electrical Equipment Evaluation.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 479.730

Stats. Implemented: ORS 479.730

Hist.: BCD 19-1996, f. 9-17-96, cert. ef. 10-1-96; BCD 23-2000, f. 9-29-00, cert. ef. 10-1-00; Suspended by BCD 12-2003(Temp), f. & cert. ef. 6-24-03 thru 10-31-03; BCD 15-2003, f. & cert. ef. 10-1-03; BCD 4-2004, f. 3-31-04, cert. ef. 4-1-04; BCD 12-2014, f. 9-30-14, cert. ef. 10-1-14

918-309-0070

Miscellaneous

Special fees are established for the following items in lieu of fees set under OAR 918-309-0060.

(1) Permit for each domestic water or sewage pump, irrigation pump or circle and its associated controls, excluding service fee, \$63;

(a) Single Circuit. If a well pump or sewage pump and its associated controls are serviced from the house main service, and the pump is installed and ready for inspection, no additional fee is charged. If the pump is installed by another contractor or later, an additional pump fee and a new permit is necessary under this part;

(b) Feeder. If the well has a subpanel, there is a fee for the feeder from the main service to the subpanel and a fee for branch circuits. If the pump is installed later, or by another contractor, a new permit and pump fee is required;

(c) Separate Service. If the well has separate service the fee is based on the service (amps) and the number of branch circuits. If the pump is installed later, or by a different contractor, a new permit and pump fee is required.

(2) Permit for the installation of each electrical sign or outline lighting system supplied by a single branch circuit, \$63.

(3) Each limited energy circuit panel, one or more air-conditioning or heater thermostats installed at a job site, multiple circuit terminal board or installation or extension of limited energy circuits, \$63.

(4) The permit fees in this rule, except as noted in subsection (11), are for up to two inspections and are charged in addition to other fees for electrical service.

(5) Note the exception under OAR 918-309-0030(3)(a)(A) dealing with residential limited energy.

(6) Installation of signal circuits in buildings over three floors. Each floor in excess of three shall be considered a separate panel for the purpose of calculating fees.

(7) Fees for Inspections in Excess of Those Allowed Under OAR 918-309-0030 through 918-309-0060. Charge for each additional inspection to be paid in advance unless requested by a bonded electrical contractor using the bulk label system, \$55.

(8) Fees for Other Inspections not Covered by This Rule. All inspections not provided in this rule shall be charged at \$86 per hour including travel and office time with a minimum charge of one hour.

(9) Fees for Bulk Labels:

(a) Bulk labels sold only to electrical contractors, \$25 per label;

(b) Contractors working under a bulk label system are billed for any difference in the cost of the bulk label and the cost of the permit fees required in this rule.

(10) The fee for swimming pools shall be permitted as provided in OAR 918-309-0040 and 918-309-0060. The inspection of the grounding of the pool shall be included in the permit for the pool and counted as one of the number of allowed inspections under the permit.

(11) Permit fees for renewable electrical energy systems. For renewable electrical energy permit applications, see OAR 918-309-0410. For repairs and maintenance of renewable electrical energy systems, see OAR 918-309-0220(5).

(a)(A) 5 KVA or less: \$79;

(B) 5.01 KVA to 15 KVA: \$94;

(C) 15.01 KVA to 25 KVA: \$156.

(b) For wind generation systems in excess of 25KVA:

(A) 25.01 KVA to 50 KVA: \$204;

(B) 50.10 KVA to 100 KVA: \$469;

(C) For wind generation systems that exceed 100 KVA the permit fee shall be calculated in accordance with OAR 918-309-0040.

(c) For solar generation systems in excess of 25KVA:

(A) Each additional KVA over 25 will be charged an additional \$6.25 per KVA.

(B) The permit charge will not increase beyond the calculation for 100 KVA.

(d) Permits issued under this sub-section include three inspections. Additional inspections will be billed at an hourly rate.

(12) Work Commencing before permit issuance. Any person who commences electrical work on a building or structure before obtaining the necessary permits shall be subject to an investigative fee. The amount of the investigative fee shall be the average or actual additional cost of ensuring that a building or structure is in conformance with the Oregon Electrical Specialty Code and shall be in addition to the required permit fees.

Stat. Auth.: ORS 479.870

Stats. Implemented: ORS 479.870

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Hist.: BCA 16-1990, f. 6-27-90, cert. ef. 7-1-90; BCA 6-1991(Temp), f. 3-21-91, cert. ef. 7-1-91; BCA 10-1991, f. 4-26-91, cert. ef. 7-1-91; BCD 19-1996, f. 9-17-96, cert. ef. 10-1-96, Renumbered from 918-260-0260; BCD 9-1998(Temp), f. 6-2-98, cert. ef. 7-1-98 thru 12-27-98; BCD 18-1998, f. 9-30-98, cert. ef. 10-1-98; BCD 19-1999, f. 12-30-99, cert. ef. 1-1-00; BCD 23-2000, f. 9-29-00, cert. ef. 10-1-00; BCD 9-2001(Temp), f. 8-15-01, cert. ef. 9-4-01 thru 3-3-02; BCD 10-2001, f. 9-28-01, cert. ef. 10-1-01; BCD 23-2001(Temp), f. 12-28-01, cert. ef. 1-1-02 thru 6-29-02; BCD 4-2002, f. 3-8-02, cert. ef. 4-1-02; BCD 9-2002, f. 3-29-02, cert. ef. 4-1-02; BCD 13-2010, f. 9-30-10, cert. ef. 10-1-10; BCD 12-2014, f. 9-30-14, cert. ef. 10-1-14

918-309-0080

Temporary Electrical Permit Rule

(1) Authority and Scope of Rule. This rule:

(a) Is required by ORS 479.550;

(b) Applies to the Building Codes Division and all municipalities that enforce the electrical laws;

(c) Can only be used by a licensed electrical contractor.

(2) Definitions. For the purposes of this rule only, the following definitions are adopted:

(a) "Emergency Electrical Work" is an acute, unplanned and immediate need for electrical repair or replacement involving an existing electrical installation or product or both;

(b) "Licensed Electrical Contractor" or "Contractor" means any type of electrical contractor licensed by the Building Codes Division;

(c) "Jurisdiction" means the Building Codes Division, a municipality enforcing the electrical laws or municipality issuing electrical permits having authority over the electrical work;

(d) "Unanticipated Electrical Work" is electrical work, including a new installation, requested by a customer where the timing of a request for commencement of work does not reasonably allow the contractor time to obtain an electrical permit before starting the work:

(A) This includes, but is not limited to, additional work assigned at the work site as well as preassigned work when the customer requests service at an unplanned date or time;

(B) This does not include electrical work where a permit already exists covering all or part of the work.

(3) Temporary Permit. A jurisdiction shall recognize the existence of a temporary electrical permit when the contractor encounters "emergency electrical work" or "unanticipated electrical work," complies with section (4) of this rule and does electrical work.

(4) Temporary Permit Procedures. The contractor must comply with subsection (a) of this section and with one of the requirements of subsections (b) to (d) of this section:

(a) Prior to commencing work, the contractor shall fill out a standard form electrical permit application for any jurisdiction, identify the proper jurisdiction, identify the contractor, and provide the electrical contractor and Construction Contractors Board identifications:

(A) The standard permit application form covering electrical installations can be used in any transaction, except the fees shall be that of the jurisdiction where the work is done;

(B) A restricted energy electrical application can only be used if the work is strictly covered by that permit;

(C) The temporary permit must be signed by the journeyman or technician that does the work or by a supervising electrician;

(D) A copy must be posted at the job site marked "temporary permit," showing the starting work date and the ending date of the temporary permit. The ending date shall not be more than seven days from the starting date.

(b) FAX a copy to the jurisdiction and mail the original with proper payment to the jurisdiction all within five days of the start of the work;

(c) If the jurisdiction does not have a FAX machine, telephone the jurisdiction informing it of the time, place and type of work that was started within 24 hours of the opening for business by the jurisdiction, and mail a copy of the completed application and payment within seven days of the start of the work; or

(d) If the jurisdiction has a recording device, call in the time, place and type of work within 12 hours of the start of work and complete the electrical permit application and payment within seven days of the start of the work.

(5) If bulk label or minor label procedures are appropriate for the electrical installation and are allowed by the jurisdiction, those procedures may be followed in lieu of the requirements of this rule.

(6) An inspection shall be requested at any time following the temporary permit procedures. A jurisdiction may, but is not required to, require permit fees before providing an inspection.

(7) Burden of Proof and Assumed Risks. The contractor who uses this rule has:

(a) The burden of proving that an "emergency" or "unanticipated electrical work" existed which justified using this rule; and

(b) Assumes all risks that are inherent with starting electrical installations before review and approval by the jurisdiction.

(8) In addition to civil penalties that may be assessed for violation of this rule, the use of this rule may be suspended, restricted or denied to a contractor who violates this rule more than once.

Stat. Auth.: ORS 479.540(1), 479.550 & 479.730(5)

Stats. Implemented: ORS 479.550

Hist.: BCA 17-1992, f. & cert. ef. 9-1-92; BCD 19-1996, f. 9-17-96, cert. ef. 10-1-96, Renumbered from 918-260-0265; BCD 12-2014, f. 9-30-14, cert. ef. 10-1-14

918-309-0100

Master Permit Program Under ORS 479.560(3)

(1) Authority for Rule. This rule is authorized by ORS 479.560, only deals with electrical master permits and shall not be interpreted as changing any licensing requirement.

(2) Definitions. For the purpose of this rule:

(a) "Applicant" is an owner, building operating manager or an electrical contractor of a covered facility who complies with ORS 479.630;

(b) "Covered Facility" is one or more industrial plants as defined in OAR 918-251-0090 or any successor rule; commercial office buildings; buildings owned, leased, managed or operated by a state or local government entity; or other facilities designated by the board:

(A) Under common ownership or operating management;

(B) Located within the boundaries of the same inspecting jurisdiction; and

(C) Within the same complex or contiguous lots located at the same geographic site.

(c) "Inspecting Jurisdiction" is the state or municipality having authority to inspect a covered facility under a master permit program.

(d) "Master Permit" is an annual permit issued under ORS 479.560 and these rules by the inspecting jurisdiction.

(3) Additional Facilities Designated by the Board. "Covered facilities" also include:

(a) Where only a single building or structure is involved, the grounds and adjacent facilities under common control or management that make up the complex containing the building or structure;

(b) Isolated buildings and structures in multiple sites within the area served by the inspecting jurisdiction that individually meet the definition of "covered facility" but only when acceptable by both the inspecting jurisdiction and owner or operating manager; and

(c) Incidental buildings and structures adjacent or connected to a commercial office building, industrial plant, government building or building designated by the board, provided the building or structure is under the same ownership or management as the covered facility.

(4) Scope of Master Permit Program:

(a) Under ORS 479.540 which allows electrical master permit for "repair, alteration or replacement of existing electrical products," an "electrical product replacement" includes installing a product in place of another that shall not exceed the capacity or design of the existing electrical system;

(b) The following do not constitute "repair, alteration or replacement of existing electrical products" and require a separate permit and inspection:

(A) Electrical installations in a new building shell, structural retrofits, installation or alteration of load bearing walls, foundations or exit passageways;

(B) Any electrical installation in connection with changing the type of use or occupancy classification of the building or structure;

(C) Any addition which increases the square footage of the building or structure;

(D) Remodeling within an occupied existing shell which results in:

(i) Vacation of more than 25 percent of occupants within a floor or building resulting from remodel;

(ii) Termination of a tenant's usual activities for more than ten working days; or

(iii) Construction that involves more than 25 percent of the contiguous area of any floor.

(E) Electrical installations a part of construction within a covered facility that also involve a plumbing, structural or mechanical permit other than a master permit under ORS 455.154.

(5) Interpretation. Who can use a master permit:

(a) A master permit shall only be provided to an electrical contractor, owner or operating manager responsible for all electrical installations in the whole covered facility;

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(b) An owner, electrical contractor or operating manager of a covered facility can obtain a permit only if appropriately licensed electricians are to do the work.

(6) Operation of the Master Permit Program:

(a) An applicant electing to have a covered building inspected under the master permit program shall take out a master permit with the inspecting jurisdiction and pay required fees;

(b) If applicant is an owner or operating manager, applicant shall file a roster with the inspecting jurisdiction of all electricians currently employed by applicant showing name, electrical license number and type of electrical license, and all electrical contractors whose work is included under a master permit taken out by the owner or operating manager. The roster must be filed at the same time as the permit application:

(A) When an electrical contractor under a continuing retainer ceases to serve the covered facility, notice of termination shall be filed with the inspecting jurisdiction by the permit holder within ten working days of termination;

(B) An updated roster shall be available to the inspecting jurisdiction at any regularly scheduled inspection;

(C) An updated roster shall be filed with the inspecting jurisdiction at each master permit renewal.

(c) If applicant is an owner, operating manager or contractor, applicant shall:

(A) Create and keep records of all electrical work done under the master permit, show the person doing the work, electrical license number, date of work and have the records available for the electrical inspector at the covered facility at site or sites agreed to in writing with the inspecting jurisdiction. If there is no written agreement, each building shall have a record of electrical work done and of persons employed electrically for that building and its adjacent facilities;

(B) Set up an inspection schedule with the inspecting jurisdiction which shall be at least once a year;

(C) Call for inspections when necessary under the electrical requirements and not cover electrical work until an inspection is performed;

(D) Call for immediate inspections, if applicant chooses to discontinue the electrical master permit program. All future work must be by separate permit and inspection.

(7) Enforcement. The inspecting jurisdiction shall:

(a) Report and document all electrical licensing violations by a person holding an electrical master permit to the board;

(b) Take enforcement actions against persons who violate the scope of the master permit or compliance requirement and report the violations and actions taken to the board; and

(c) Make inspections at more frequent intervals to insure that licensing and scope of master permit requirements are being complied with.

(8) Limited Maintenance Electrician. Work by a limited maintenance electrician licensed under ORS 479.630 and performed under the scope of that license can be combined with a master permit program, provided separate records are kept and there is an annual inspection.

(9) Operations by Electrical Contractors. Electrical contractors:

(a) Shall be issued a separate master permit only if the contractor is a general electrical contractor, has a licensed signing supervisor on staff and is authorized by the owner or operating manager;

(b) Can work under the master permit of the applicant if the work is recorded together with the applicant's electrical installations and the work is within the scope of the contractor's license; and

(c) Shall comply with the applicable requirements of section (6) of this rule.

(10) Inspection Fees:

(a) A person obtaining a master inspection permit does not have to pay the normal permit inspection fees of the inspecting jurisdiction for installations within the scope of the permit. A separate permit, fees and individual inspections are required for installations outside the scope of a master permit;

(b) By the Division. Building Codes Division inspection charges are the division's miscellaneous fee for hourly inspections where no specific fee category is established, OAR 918-309-0070(5) and successor rules;

(c) By Municipalities. Municipal inspection charges shall be the municipality's miscellaneous fee for hourly inspections where no specific fee category is established;

(d) A one-time, set-up fee may be charged by the inspecting jurisdiction when a master permit is obtained, which shall not exceed \$100;

(e) To determine time charges, the "cost of making the inspection" in ORS 479.560 includes the inspector's travel time from the inspector's office to return, actual lodging and per diem expenses as established by the

jurisdiction and preparation and review of reports whether this is done at the plant or at the inspector's office. The lodging and per diem expenses shall not exceed the standard amounts allowed by the inspecting jurisdiction.

(11) Delegation Standards. Delegation shall only be granted to municipalities that also serve essentially the same area with basic electrical inspection services:

(a) A municipality requesting delegation of the master permit program shall, in addition to the notice required by ORS 455.148 or 455.150, file an application prior to January 1 of the year for which delegation is requested and provide:

(A) The number of master permits anticipated to be issued and the names of electrical inspectors certified to inspect under the Oregon Electrical Specialty Code who are or will be assigned to the program;

(B) A master permit inspection operating plan. Initial applicants, excluding those who were doing industrial plant inspections under contract with the division on the effective date of this rule, shall also show what arrangements are to be operational on July 1;

(C) An agreement with each surrounding inspecting jurisdiction having covered facilities crossing municipal boundaries, providing who will inspect each covered facility, if the facility elects to be inspected under the master permit program. The agreement:

(i) Shall cover all electrical inspections for the facility;

(ii) May identify specific facilities but shall also include a method of determining who shall serve those facilities that become operational or make elections during the term of the agreement; and

(iii) Shall show how fees will be established for the complete covered facility that elects to be inspected under the master permit program.

(D) An authorization to the division that if the agreement in paragraph

(C) of this subsection fails to include a contingency or method of resolving a contingency and there is any disagreement between the jurisdictions over who should serve a complete facility, the division is authorized to immediately assign the facility to an inspecting jurisdiction as it deems appropriate and that each will enter into intergovernmental agreements as needed to carry out the assignment;

(E) A prototype agreement with a facility that crosses municipal boundaries covering the terms and conditions of electrical inspection services unless other arrangements are made which gives the municipality enforcement and fee setting authority over the complete facility.

(b) Delegation shall only be granted where it is affirmatively found that the jurisdiction is clearly able to perform the new master permit program with no loss of efficiency or effectiveness to its basic electrical inspection program.

(12) Renewal of Delegation:

(a) Prior to January 1 of any year, when the municipality applies for renewal of the master permit program, it shall provide a report of number of master permits issued and number inspected during the prior calendar year. It shall be granted the delegation automatically if its basic electrical program is also renewed, unless the division expressly notifies the municipality to the contrary by April 30;

(b) All notices of discontinuation of the master permit program shall be filed by the same date shown in subsection (a) of this section;

(c) All amendments to the filing made under section (11) of this rule should be filed as soon as amendments are available, but no later than the date shown in subsection (a) of this section to allow review by division staff.

Stat. Auth.: ORS 479.560

Stats. Implemented: ORS 479.560

Hist.: BCA 2-1992(Temp), f. 2-28-92, cert. ef. 3-18-92; BCA 11-1992, f. & cert. ef. 6-26-92;

BCD 28-1994, f. & cert. ef. 12-1-94; BCD 19-1996, f. 9-17-96, cert. ef. 10-1-96;

Renumbered from 918-260-0350; BCD 12-2014, f. 9-30-14, cert. ef. 10-1-14

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Department of Consumer and Business Services, Director's Office Chapter 440

Rule Caption: 2015 Workers' Compensation Premium Assessment Rates

Adm. Order No.: DO 1-2014

Filed with Sec. of State: 10-7-2014

Certified to be Effective: 1-1-15

Notice Publication Date: 9-1-2014

Rules Amended: 440-045-0020, 440-045-0025

Subject: The director adopts by rule the workers' compensation premium assessment rate that is paid by all employers based on their workers' compensation premium and is collected by the insurer at the

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time the employer pays the premium. This assessment is used to fund workers' compensation related programs and workplace safety and health programs that serve Oregon employers and workers. In addition, the rule adopts the rate for an additional assessment percentage amount that is collected from all self-insured employers as well as all self-insured employer groups to fund the Self-Insured Employer Adjustment Reserve and the Self-Insured Employer Group Adjustment Reserve. These reserves are established to assure benefits are available in the event of a financial failure of a self-insured employer or self-insure employer group. These rules establish the following assessment rates for calendar year 2015:

The assessment to be levied against insurers, self-insured employers and self-insured employer groups for Calendar Year 2015 shall be 6.2 percent of direct earned premium and the direct earned premium self-insured employers and self-insured employer groups would have paid had they been insured employers.

In addition to the assessments established in OAR 440-045-0020, self-insured employers for the Calendar Year 2015 shall be assessed an additional 0.2 percent to fund the Self-Insured Employer Adjustment Reserve. Public self-insured employer groups for the Calendar Year 2015 shall be assessed an additional 0.2 percent to fund the Self-Insured Employer Group Adjustment Reserve. Private self-insured employer groups for the Calendar Year 2015 shall be assessed an additional 1.0 percent to fund the Self-Insured Employer Group Adjustment Reserve.

Rules Coordinator: Jenny Craig—(503) 947-7866

440-045-0020

Assessment Rate

The assessment to be levied against insurers, self-insured employers and self-insured employer groups for Calendar Year 2015 shall be 6.2 percent of direct earned premium and the direct earned premium self-insured employers and self-insured employer groups would have paid had they been insured employers.

Stat. Auth.: ORS 656.612, 656.726, 705.135

Stats. Implemented: ORS 656.612 & 656.614

Hist.: DO 2-1999, f. 10-1-99, cert. ef. 1-1-00; DO 1-2000, f. 10-11-00; DO 3-2001, f. 10-22-01, cert. ef. 1-1-02; DO 4-2002, f. 10-17-02 cert. ef. 1-1-03; DO 3-2003, f. 10-22-03, cert. ef. 1-1-04; DO 1-2004 f. 10-21-04 cert. ef. 1-1-05; DO 1-2005, f. 10-20-05, cert. ef. 1-1-06; DO 3-2006, f. 10-19-06, cert. ef. 1-1-07; DO 1-2007, f. 10-4-07, cert. ef. 1-1-08; DO 2-2008, f. 10-1-08, cert. ef. 1-1-09; DO 1-2009, f. 10-7-09 cert. ef. 1-1-10; DO 3-2010, f. 9-24-10, cert. ef. 1-1-11; DO 1-2011, f. 10-14-11, cert. ef. 1-1-12; DO 1-2012, f. 9-28-12, cert. ef. 1-1-13; DO 1-2013, f. 10-2-13, cert. ef. 1-1-14; DO 1-2014, f. 10-7-14, cert. ef. 1-1-15

440-045-0025

Adjustment Reserve Rate

In addition to the assessments established in OAR 440-045-0020, self-insured employers for the Calendar Year 2015 shall be assessed an additional 0.2 percent to fund the Self-Insured Employer Adjustment Reserve. Public self-insured employer groups for the Calendar Year 2015 shall be assessed an additional 0.2 percent to fund the Self-Insured Employer Group Adjustment Reserve. Private self-insured employer groups for the Calendar Year 2015 shall be assessed an additional 1.0 percent to fund the Self-Insured Employer Group Adjustment Reserve.

Stat. Auth.: ORS 656.612, 656.726, 705.135

Stats. Implemented: ORS 656.612 & 656.614

Hist.: DO 2-1999, f. 10-1-99, cert. ef. 1-1-00; DO 1-2000, f. 10-11-00, cert. ef. 1-1-01; DO 3-2001, f. 10-22-01, cert. ef. 1-1-02; DO 4-2002, f. 10-17-02 cert. ef. 1-1-03; DO 3-2003, f. 10-22-03, cert. ef. 1-1-04; DO 1-2004 f. 10-21-04 cert. ef. 1-1-05; DO 1-2005, f. 10-20-05, cert. ef. 1-1-06; DO 3-2006, f. 10-19-06, cert. ef. 1-1-07; DO 1-2007, f. 10-4-07, cert. ef. 1-1-08; DO 2-2008, f. 10-1-08, cert. ef. 1-1-09; DO 1-2009, f. 10-7-09 cert. ef. 1-1-10; DO 3-2010, f. 9-24-10, cert. ef. 1-1-11; DO 1-2011, f. 10-14-11, cert. ef. 1-1-12; DO 1-2012, f. 9-28-12, cert. ef. 1-1-13; DO 1-2013, f. 10-2-13, cert. ef. 1-1-14; DO 1-2014, f. 10-7-14, cert. ef. 1-1-15

Department of Consumer and Business Services, Division of Finance and Corporate Securities Chapter 441

Rule Caption: Further harmonizes mortgage lending licensing rules with the Nationwide Mortgage Licensing System and Registry

Adm. Order No.: FCS 5-2014

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Rules Adopted: 441-875-0075

Rules Amended: 441-850-0005, 441-850-0035, 441-860-0020, 441-860-0040, 441-860-0045, 441-860-0050, 441-860-0070, 441-860-0130, 441-865-0020, 441-865-0025, 441-865-0030, 441-870-0080, 441-875-0030, 441-875-0040, 441-880-0200, 441-880-0210, 441-880-0215, 441-880-0300, 441-880-0310, 441-880-0315

Subject: In 2008, Congress passed the Secure and Fair Enforcement for Mortgage Licensing Act. The Act, more commonly known as the S.A.F.E. Act, required states to license individuals that take applications and negotiate terms for residential mortgage loans as mortgage loan originators. To implement this new federal licensing requirement, Congress encouraged the states to establish a Nationwide Mortgage Licensing System (NMLS) to provide a comprehensive licensing database. Because of the close supervision of mortgage loan originators by their employers, most states also license mortgage lending business through NMLS. These permanent rules are adopted to ensure that Oregon business licensees may continue to efficiently do business through the NMLS system. Furthermore, because the regulation of mortgage lending businesses has evolved since passage of the S.A.F.E. Act, these rules make minor changes to definitions, application submissions, bonding calculations, reporting requirements, and testing.

Rules Coordinator: Shelley Greiner—(503) 947-7484

441-850-0005

Definitions

As used in OAR chapter 441, divisions 850 to 885, unless the context otherwise requires:

(1) "Advertising" means any form of sales or promotional materials used in connection with the mortgage banker or mortgage broker business including, but not limited to, materials that may appear:

(a) In newspapers, magazines, leaflets, flyers, catalogs, direct mail literature, or other printed material;

(b) On radio or television;

(c) On an inside or outside sign or display, or a window display;

(d) In a facsimile;

(e) In point-of-sale literature, price tags, signs, and billboards; or

(f) Online, such as on the Internet, email, or via social media.

(2) "At least as prominently disclosing" means displaying in the same or most similar type, size, font, color, and general location in the advertisement as the featured term.

(3) "Branch office" means a location, separate from the principal place of business of a mortgage banker or mortgage broker, where a mortgage banker, mortgage broker or mortgage loan originator performs the activities described in ORS 86A.100(3)(a) and 86A.100(5)(a).

(4) "Clients' Trust Account" means an account held in a federally-insured financial institution into which trust funds are deposited.

(5) "Compensation or gain" means anything of economic value that is paid, loaned, granted, given, donated, or transferred to a person or entity for or in consideration of services, personal or real property, or another thing of value.

(6) "Control person" means a managing partner, director, principal, executive officer or other person occupying a similar position or performing similar functions for a person licensed as a mortgage banker or a mortgage broker.

(7) "Director" means the Director of the Department of Consumer and Business Services.

(8) "Deficiency" means information contained in the application for a mortgage banker, mortgage broker, or mortgage loan originator license that is inaccurate, incomplete or otherwise not in conformance with applicable law, policy or provisions of the NMLS Policy Guidebook.

(9) "Department" means the Department of Consumer and Business Services.

(10) "Employee" means any employment relationship, acknowledged by both the employed individual and the mortgage banker or mortgage broker, which meets the following conditions:

(a) The employee receives payment through the mortgage banker or mortgage broker in a manner wherein deductions for federal unemployment taxes, Federal Insurance Contributions Act taxes, and other such federal and state taxes have been withheld by the mortgage banker or mortgage broker;

(b) The mortgage banker or mortgage broker has the right to hire and terminate the employee, and hire and terminate the employee's assistants;

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(c) The mortgage banker or mortgage broker provides the methods and procedures for performing the employee's services;

(d) The mortgage banker or mortgage broker supervises the employee in the conduct of the employed individual's business and supervises the employee's compliance with applicable statute and rules; and

(e) The employee does not act in any capacity as an employee or independent contractor for another mortgage banker or mortgage broker.

(11) "Experienced person" means the control person that possesses the required experience under ORS 86A.106 in the mortgage business, negotiating loans, or in lending.

(12) "Financial institution" has the same meaning given to that term in ORS 706.008.

(13) "Form MU1" means the Uniform Mortgage Lender/Mortgage Broker Form, published by the Conference of State Bank Supervisors on April 16, 2012, and available at <http://mortgage.nationwidelicencingsystem.org/slr/common/policy/Pages/default.aspx>.

(14) "Form MU2" means the Uniform Mortgage Biographical Statement & Consent Form, published by the Conference of State Bank Supervisors on April 16, 2012, and available at <http://mortgage.nationwidelicencingsystem.org/slr/common/policy/Pages/default.aspx>.

(15) "Form MU3" means the Uniform Mortgage Branch Office Form, published by the Conference of State Bank Supervisors on April 16, 2012, and available at <http://mortgage.nationwidelicencingsystem.org/slr/common/policy/Pages/default.aspx>.

(16) "Form MU4" means the Uniform Individual Mortgage License/Registration & Consent Form, published by the Conference of State Bank Supervisors on April 16, 2012, and available at <http://mortgage.nationwidelicencingsystem.org/slr/common/policy/Pages/default.aspx>.

(17) "Independent accountant" means a certified public accountant or a public accountant who holds an Oregon permit under ORS 673.150 or similar permit or license from another state or province.

(18) "Mortgage loan originator employed by the mortgage banker or mortgage broker" means every mortgage loan originator operating under the authority or sponsorship of a mortgage banker or mortgage broker's license, regardless of whether the mortgage loan originator is an employee of the mortgage banker or mortgage broker or purports to act as an agent or independent contractor for the mortgage banker or mortgage broker;

(19) "Loan terms" include, but are not limited to:

(a) The provisions related to the payment amounts, expressed either as a percentage or dollar amount;

(b) The length of the loan;

(c) The market or fully indexed rate;

(d) The start rate;

(e) The life cap rate; and

(f) Whether the loan permits negative amortization.

(20) "Loan-to-value ratio" means the ratio between the amount of a mortgage loan and the value of the property pledged as security, expressed as a percentage.

(21) "Lock agreement" means an agreement with a borrower made by a mortgage banker, mortgage broker or mortgage loan originator, in which the mortgage banker, mortgage broker or mortgage loan originator agrees that, for a specified period of time, a specific interest rate or other financing term will be the rate or term at which it will make a loan available to that borrower.

(22) "Material litigation" means any past or pending litigation, which would be relevant to the director's action on an application for a mortgage broker or mortgage banker license, including but not limited to the following types of litigation:

(a) Any civil action within the previous ten years from the date of the application, including suits filed in civil court, administrative actions, arbitration proceedings, or alternative dispute resolutions, resulting in damages or penalties of \$10,000 or more assessed against the applicant;

(b) Any pending civil action including suits filed in civil court, administrative actions, arbitration, or alternative dispute resolution, seeking damages or penalties of \$10,000 or more against the applicant; and

(c) Any bankruptcy filing or declaration of bankruptcy within the previous ten years from the date of the application regardless of final disposition.

(23) "Neutral escrow depository" means the deposit of money with an escrow agent licensed under ORS 696.511.

(24) "NMLS Policy Guidebook" means the Conference of State Bank Supervisors/American Association of Residential Mortgage Regulators NMLS Policy Guidebook for Licensees, published by the State Regulatory

Registry, updated on August 1, 2011, and available at <http://mortgage.nationwidelicencingsystem.org/slr/common/policy/Pages/default.aspx>.

(25) "Principal place of business" means that location, designated by the mortgage banker or mortgage broker, where the owners, officers, directors or other control persons conduct business and maintain books and records.

(26) "Savings statement" means written material given to the consumer which outline how much a consumer may save in interest costs if they make additional payments above the required minimum monthly payment on their proposed or current mortgage.

(27) "Supervisor" means a partner, officer, branch manager, or other experienced person with management or supervisory responsibilities who is an employee of the mortgage banker or mortgage broker.

(28) "Trust Funds" mean those funds deposited into a trust account or with a neutral escrow depository. Trust funds shall include, but are not limited to:

(a) All funds received by a licensee or persons authorized to act on behalf of the licensee from or on behalf of a client for payment of services to be provided by persons other than the licensee in connection with processing, arranging, or making a mortgage banking loan or mortgage loan;

(b) All funds received by a licensee or persons authorized to act on behalf of a licensee from or on behalf of a borrower for payment of principal, interest or taxes on a mortgage banking loan or mortgage loan, but shall not include such funds where the licensee and the lender have an agreement providing for the disposition of such funds, and the financial statements of licensee are audited on an annual basis in accordance with generally accepted auditing standards; and

(c) All funds received by a licensee or persons authorized to act on behalf of a licensee from or on behalf of a client for payment of services to be provided by a licensee in connection with processing, arranging, or making a mortgage banking loan or mortgage loan by the licensee, except for those funds received by a licensee on a nonrefundable basis under the provisions of OAR 441-875-0030.

(d) For purposes of this section, "licensee" means a mortgage banker, a mortgage broker or a mortgage loan originator.

Stat. Auth.: ORS 86A.136, 86A.242

Stat. Implemented: ORS 86A.100, 86A.200

Hist.: FCS 3-1993, f. & cert. ef. 11-15-93; FCS 11-1994, f. 11-4-94, cert. ef. 11-15-94; FCS 14-2009, f. 12-30-09, cert. ef. 1-4-10; FCS 4-2012, f. & cert. ef. 8-1-12; FCS 5-2014, f. 9-18-14, cert. ef. 1-1-15

441-850-0035

Records and Reports Retention Period

(1) All books and records required under the provisions of ORS 86A.095 through 86A.242 and OAR chapter 441, divisions 850 to 885 shall be maintained for a five year period beginning from the date of a residential mortgage loan is closed, denied or withdrawn:

(a) At the principal place of business as designated by the mortgage banker or mortgage broker;

(b) At the branch office of the mortgage banker or mortgage broker if the mortgage banker or mortgage broker provides notice to the director; or

(c) At a remote storage location if the file is more than six months old, the mortgage broker or banker provides notice to the director, and the mortgage broker or banker institutes an archiving system which provides for identification of the off site file drawer, box or storage container and exact location.

(2) An electronically produced or microphotographic duplicate of each document may be substituted for the original document at any time.

Stat. Auth.: ORS 86A.112

Stat. Implemented: ORS 86A.112

Hist.: FCS 3-1993, f. & cert. ef. 11-15-93; FCS 11-1994, f. 11-4-94, cert. ef. 11-15-94; FCS 1-1996, f. 11-20-96, cert. 12-1-96; FCS 14-2009, f. 12-30-09, cert. ef. 1-4-10; FCS 5-2014, f. 9-18-14, cert. ef. 1-1-15

441-860-0020

Application Requirements

Each person applying for a mortgage banker or mortgage broker license shall submit to the director all the following required application materials and information:

(1) A completed Form MU1 submitted through the Nationwide Mortgage Licensing System and Registry and approved by the director.

(2) A completed Form MU2 submitted through the Nationwide Mortgage Licensing System and Registry and approved by the director for any individual that acts as a control person for the mortgage banker or mortgage broker.

(3)(a) A corporate surety bond meeting specified terms and calculated using the appropriate loan volume amounts under OAR 441-860-0085 if

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the applicant acts as the applicant's sole mortgage loan originator or employs a mortgage loan originator; or

(b) A corporate surety bond or irrevocable letter of credit meeting specified terms and calculated using the appropriate loan volume amounts under OAR 441-860-0090 if the applicant is a mortgage banker and the applicant is either not a mortgage loan originator or the applicant is not required to employ a mortgage loan originator.

(4) Financial statements prepared in accordance with generally accepted accounting principles, including a balance sheet and a statement of income or operations, dated not more than six months prior to submission of the application through the Nationwide Mortgage Licensing System and Registry.

(a) The financial statements may be prepared by the mortgage banker or mortgage broker, except that if the director finds it in the public interest, the director may require that a mortgage banker or mortgage broker submit financial statements prepared by an independent accountant.

(b) If the financial statements are more than six months old, interim period financial statements prepared by the mortgage banker or mortgage broker for the period ending the last full month prior to the date of application shall also be submitted.

(5) A written authorization to examine the applicant's Clients' Trust Account under ORS 86A.157 or, in the case of a neutral escrow depository, a copy of the escrow agreement under OAR 441-875-0040.

(6) A copy of the written notice to financial institution of establishment of Clients' Trust Accounts under ORS 86A.160. In the event the applicant does not receive client funds except at the time of closing, an affidavit and undertaking in the form and on terms approved by the director.

(7) The name of the registered agent of the mortgage banker or mortgage broker appointed under ORS 60.111 to accept process, notices or demands served upon the mortgage banker or mortgage broker listed on the application submitted through the Nationwide Mortgage Licensing System and Registry.

(8) Biographical information required by OAR 441-860-0021 submitted through the Nationwide Mortgage Licensing System and Registry.

(9) The information required under OAR 441-860-0030 for each branch office submitted through the Nationwide Mortgage Licensing System and Registry.

(10) Payment of fees for application or renewal, as applicable, under OAR 441-860-0101, paid through the Nationwide Mortgage Licensing System and Registry.

Stat. Auth.: ORS 86A.106, 86A.109, 86A.212
Stats. Implemented: ORS 86A.103, 86A.106, 86A.212
Hist.: FCS 3-1993, f. & cert. ef. 11-15-93; FCS 11-1994, f. 11-4-94, cert. ef. 11-15-94; FCS 1-1996, f. 11-20-96, cert. ef. 12-1-96; Administrative correction 8-4-97; FCS 4-1999, f. & cert. ef. 12-23-99; FCS 10-2000, f. & cert. ef. 9-13-00; FCS 10-2001, f. 12-24-01, cert. ef. 1-1-02; FCS 7-2003, f. 12-30-03 cert. ef. 1-1-04; FCS 6-2004, f. 12-14-04, cert. ef. 1-1-05; FCS 3-2005, f. & cert. ef. 9-6-05; FCS 1-2007, f. & cert. ef. 1-17-07; FCS 12-2009, f. 12-2-09, cert. ef. 1-1-10; FCS 14-2009, f. 12-30-09, cert. ef. 1-4-10; FCS 4-2012, f. & cert. ef. 8-1-12; FCS 5-2014, f. 9-18-14, cert. ef. 1-1-15

441-860-0040

Supervision of Branch Offices and Mortgage Loan Originators

(1) A mortgage banker or a mortgage broker must diligently supervise and control every mortgage loan originator employed by the mortgage banker or the mortgage broker in the mortgage banker or mortgage broker's principal place of business and at each branch office.

(2) A mortgage banker or mortgage broker must personally supervise or designate a control person to supervise each branch office to ensure compliance with ORS 86A.095 through 86A.242 and OAR chapter 441, divisions 850 through 885, as applicable.

(3) In order to diligently supervise and control a mortgage loan originator employed by the mortgage banker or the mortgage broker, the mortgage banker or mortgage broker shall:

(a) Ensure that mortgage loan originators, and persons required to be licensed as mortgage loan originators, employed by the mortgage banker or mortgage broker obtain and maintain a license under ORS 86A.200 through 86A.242 and OAR chapter 441, division 880.

(b) Establish, maintain and enforce written procedures to supervise the activities of mortgage loan originators employed by the mortgage banker or mortgage broker and other associated persons that are subject to its supervision and to supervise the operations of each office of the mortgage banker or mortgage broker transacting loans with Oregon consumers. The procedures shall be reasonably designed to achieve compliance with applicable Oregon and federal lending laws and rules, including ORS 86A.095 through 86A.198.

(c) Review the activities of each office transacting loans with Oregon consumers, which shall include the examination of customer loan files,

including closed and opened files. The reviews shall be reasonably designed to assist in detecting violations of, preventing violations of and achieving compliance with applicable mortgage lending laws, regulations and rules, as well as detecting and preventing irregularities or abuses. Each mortgage broker shall retain a record of the dates and findings of each review. The duties of this rule may be delegated to a qualified supervisor.

(d) Provide a copy of the procedures required by this rule to every mortgage loan originator employed by the mortgage banker or mortgage broker in written or electronic format.

(e) Ensure that mortgage loan originators obtain training to address deficiencies identified by the mortgage banker or mortgage broker in loan file and operations reviews or make up deficiencies in continuing education as necessary.

(f) Establish procedures for handling consumer complaints and develop procedures to identify the types of consumer complaints that must be forwarded to a supervisor for review. Complaints that must be forwarded to a supervisor include complaints about material changes in loan terms, fees or expenses, or material omissions about loan terms, fees or expenses. The mortgage banker or mortgage broker shall also develop procedures for investigating, responding to and keeping a record of complaints forwarded to a supervisor.

(g) Visit at least annually each branch the mortgage banker or mortgage broker licenses in Oregon to review compliance with the procedures listed in this section.

(4) In establishing the procedures in section (2) of this rule and in determining the frequency of office reviews, the mortgage banker or mortgage broker shall consider the following:

(a) The number of loan transactions made by the mortgage banker or mortgage broker;

(b) The number of office locations transacting loans with Oregon consumers;

(c) The number of affiliated persons assigned to each location;

(d) The nature and complexity of the loan transactions that the mortgage banker or mortgage broker predominantly makes;

(e) The number of mortgage loan originators assigned to a location;

(f) The number of mortgage loan originators assigned to the supervision of an individual supervisor; and

(g) The results of previous office reviews.

(5) In establishing the procedures in section (2) of this rule and in determining the number of files from each mortgage loan originator to be reviewed, the mortgage banker or mortgage broker shall consider the following:

(a) The knowledge and years of lending experience of a mortgage loan originator;

(b) The disciplinary history of and the number of complaints received about a mortgage loan originator;

(c) The experience and level of sophistication of the borrowers of a mortgage loan originator, if the mortgage banker, mortgage broker or mortgage loan originator predominantly serves specific segments of society;

(d) The nature and complexity of the loan transactions that the mortgage banker or mortgage broker predominantly makes; and

(e) The results of previous file reviews for a particular mortgage loan originator.

(6) The mortgage banker or mortgage broker is subject to disciplinary action of the director for any violation of ORS 86A.095 through 86A.198 or corresponding rules committed by a mortgage loan originator authorized to make or negotiate residential mortgage loans for the mortgage banker or mortgage broker, whether or not that accountability is documented in any written agreement.

Stat. Auth.: ORS 86A.136

Stats. Implemented: ORS 86A.115

Hist.: FCS 3-1993, f. & cert. ef. 11-15-93; FCS 11-1994, f. 11-4-94, cert. ef. 11-15-94; FCS 1-2007, f. & cert. ef. 1-17-07; FCS 14-2009, f. 12-30-09, cert. ef. 1-4-10; FCS 4-2012, f. & cert. ef. 8-1-12; FCS 5-2014, f. 9-18-14, cert. ef. 1-1-15

441-860-0045

State Criminal Records Check

(1) In addition to the criminal records check required for submission to the National Mortgage Licensing System and Registry under ORS 86A.212 and 86A.230, a mortgage banker or mortgage broker must conduct a state criminal records check of each individual employed by the mortgage banker or mortgage broker as a mortgage loan originator prior to hire or, for an existing employee not previously engaging in Oregon residential mortgage transactions, prior to sponsoring the loan originator's Oregon mortgage loan originator license.

(a) The mortgage banker or mortgage broker shall search the state records of all states where the individual has resided in the past seven years

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using the person's full legal name, date of birth, place of birth and Social Security number.

(b) A mortgage banker or mortgage broker conducting a search under subsection (a) of this section shall search all state records going back at least seven years from the date of application or extension of sponsorship.

(c) The mortgage banker or mortgage broker must use the services of law enforcement agencies or an independent private company that complies with the federal Fair Credit Reporting Act, 12 U.S.C. § 1681 et seq. and Regulation V, 12 C.F.R. Part 1022, to conduct the state criminal records check.

(2) An applicant for a mortgage loan originator license may not be employed and a currently employed mortgage loan originator must be terminated immediately if the state criminal records check discloses a conviction for a felony or a misdemeanor if an essential element of the misdemeanor involved false statements or dishonesty:

(a) During a period of seven years before the date the applicant submits an application for a license as a mortgage loan originator; or

(b) At any time before the date the applicant submits an application a license as a mortgage loan originator if the conviction or plea involved a felony and an element of the felony was an act of fraud, dishonesty, a breach of trust or laundering a monetary instrument.

(3) State criminal records check documents received by the mortgage banker or mortgage broker shall be maintained in a secure location separate from personnel records, and shall be made available to the director for examination at any reasonable time and may require, without subpoena, the production of such records at the office of the director as often as is reasonably necessary. These records shall be preserved for three years after the mortgage banker or mortgage broker terminates the mortgage loan originator's employment. After the retention period, the records shall be destroyed in a secure manner.

Stat. Auth.: ORS 86A.183 & 86A.186

Stats. Implemented: ORS 86A.183 & 86A.186

Hist.: FCS 5-2003, f. 12-30-03 cert. ef. 1-1-04; FCS 2-2004, f. & cert. ef. 8-5-04; Renumbered from 441-880-0050 by FCS 14-2009, f. 12-30-09, cert. ef. 1-4-10; FCS 5-2014, f. 9-18-14, cert. ef. 1-1-15

441-860-0050

Renewal of Mortgage Banker and Mortgage Broker License

(1) A mortgage banker or a mortgage broker license shall expire on December 31 of each calendar year. At least 30 days prior to the expiration of a mortgage banker or mortgage broker license, the mortgage banker or the mortgage broker shall submit a renewal request for the license to the director through the Nationwide Mortgage Licensing System and Registry and shall:

(a) Complete a renewal request with an attestation that the records are true and accurate; and

(b) Pay any applicable renewal fees prescribed under OAR 441-860-0101.

(2) A mortgage banker or mortgage broker shall file with the director each calendar year a corporate surety bond meeting specified terms and calculated using the appropriate loan volume amounts under OAR 441-860-0085 or a corporate surety bond or irrevocable letter of credit meeting specified terms and calculated using the appropriate loan volume amounts under OAR 441-860-0090.

(3) The director may refuse to renew a license if a reason exists under ORS 86A.095 through 86A.198 or 86A.200 through 86A.239.

(4) If a mortgage banker or mortgage broker submits an application for renewal which is incomplete in any respect, the director shall notify the mortgage banker or broker of the deficiencies on the application. The mortgage banker or mortgage broker shall have 30 days from the date of the notice or the end of the renewal period, whichever occurs first, to complete the application for renewal. If the mortgage banker or mortgage broker fails to complete the application for renewal, and the license shall be terminated on the expiration date by reason of failure to renew.

Stat. Auth.: ORS 86A.106, 86A.109, 86A.136

Stats. Implemented: ORS 86A.109, 86A.179

Hist.: FCS 3-1993, f. & cert. ef. 11-15-93; FCS 11-1995, f. 11-4-94, cert. ef. 11-15-94; FCS 4-1999, f. & cert. ef. 12-23-99; FCS 10-2000, f. & cert. ef. 9-13-00; FCS 10-2001, f. 12-24-01, cert. ef. 1-1-02; FCS 7-2003, f. 12-30-04, 1-1-04; FCS 6-2004, f. 12-14-04, cert. ef. 1-1-05; FCS 12-2009, f. 12-2-09, cert. ef. 1-1-10; FCS 14-2009, f. 12-30-09, cert. ef. 1-4-10; FCS 4-2012, f. & cert. ef. 8-1-12; FCS 5-2014, f. 9-18-14, cert. ef. 1-1-15

441-860-0070

Disclosure of Significant Developments

(1) A mortgage banker or mortgage broker shall be required to notify the director within 30 days of the occurrence of any of the following significant developments:

(a) Filing for bankruptcy or reorganization.

(b) Notification of the institution of license revocation procedures against the mortgage banker or mortgage broker by any state.

(c) Filing of a felony indictment against a mortgage banker or mortgage broker, officer, director, principal, control person or experienced person.

(d) A mortgage banker or mortgage broker, officer, director, principal, control person or experienced persons being convicted of a felony or misdemeanor involving fraud.

(e) All material litigation occurring against the mortgage banker or mortgage broker.

(f) The director may require other information as deemed necessary to determine whether a new application is required if a change of control or ownership of a mortgage banker or mortgage broker occurs. For purposes of this rule, a change in control or ownership includes:

(A) Acquisition of ten percent or more of the stock in a corporation by a person or a group of persons, or the ability of a person or group acting in concert to elect a majority of the directors or otherwise effect a change in policy of the corporation.

(B) Acquisition of the mortgage banker or mortgage broker business, if the applicant is an unincorporated sole proprietorship;

(C) Acquisition by a managing partner of a limited partnership or a partner in a general partnership of ten percent or more of the partnership interests in the general or limited partnership;

(D) Acquisition by a member or managing member in a limited liability company of a membership interest greater than or equal to ten percent of the total membership interests in the limited liability company; and

(E) In the case of entities other than corporations or those listed in paragraphs (A) through (D) of this subsection, change in control shall mean any change in principals of the organization, whether active or passive.

(g) In addition to the requirements of OAR 441-860-0030, a mortgage banker or a mortgage broker shall notify the director when a branch office ceases to operate.

(h) Any changes in the information required on the mortgage banker or mortgage broker's application form, including, but not limited to address changes, phone number changes, etc.

(i) Any changes in the status of a mortgage loan originator employed by the mortgage banker or mortgage broker.

(j) Any dismissal of a mortgage loan originator employed by the mortgage banker or mortgage broker due to a change in the mortgage loan originator's licensing status or an event that would constitute grounds for license revocation under 86A.200 through 86A.239 and OAR chapter 441, division 880.

(k) Any conduct violating 86A.200 through 86A.239 and OAR chapter 441, division 880 by a mortgage loan originator.

(2) The director may request additional information regarding any of the occurrences outlined in this rule.

(3) If the mortgage banker or mortgage broker fails to comply with the provisions of this rule, the director may take action, as authorized under ORS 86A.095 through 86A.992.

Stat. Auth.: ORS 86A.106 & 86A.136

Stats. Implemented: ORS 86A.112

Hist.: FCS 3-1993, f. & cert. ef. 11-15-93; FCS 4-1999, f. & cert. ef. 12-23-99; FCS 10-2001, f. 12-24-01, cert. ef. 1-1-02; FCS 2-2004, f. & cert. ef. 8-5-04; FCS 14-2009, f. 12-30-09, cert. ef. 1-4-10; FCS 5-2014, f. 9-18-14, cert. ef. 1-1-15

441-860-0130

Private Money Loans

An individual is not engaged in the business of making loans secured by an interest in real estate as used in ORS 86A.100(3)(a)(C) and (5)(a)(F) if the individual is making a loan from their own funds and does not make more than 10 loans secured by an interest in residential real estate during any consecutive twelve month period if they do not advertise or otherwise hold themselves out as being in the business of making mortgage loans.

Stat. Auth.: ORS 86A.136

Stats. Implemented: ORS 86A.100

Hist.: FCS 4-1999, f. & cert. ef. 12-23-99; FCS 14-2009, f. 12-30-09, cert. ef. 1-4-10; FCS 5-2014, f. 9-18-14, cert. ef. 1-1-15

441-865-0020

Financial Records

At a minimum the financial records shall include:

(1) A record, such as a cash receipts journal, of all monies received from borrowers showing at least:

(a) Name of payor;

(b) Date of receipt;

(c) Amount received;

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(d) Purpose of receipt including identification of the loan to which it relates, if any;

(e) The disposition of all monies received including the date and place of deposit or, if not deposited, the date, name of the person who received the monies and the manner in which the monies were transmitted.

(2) A sequential listing of all checks written for each bank account relating to the mortgage banker or mortgage broker's business, such as a cash disbursement journal, showing at least:

(a) Name of the payee;

(b) Date of payment;

(c) Amount of the payment;

(d) Purpose of the payment including identification of the loan to which it relates, if any.

(3) Bank account activity source documents for every account maintained for the mortgage banker's or mortgage broker's business including at least:

(a) Receipted deposit tickets and if "less cash deposits" are made, an explanation of the use of the cash;

(b) Paid checks if available and if these items are truncated, a copy of a document authorizing the director to request and receive copies of processed items from the financial institution;

(c) Bank advices, including but not limited to debit and credit notices and overdraft notices;

(d) Monthly or periodic statements;

(e) Detail on wire transfers into or out of the account(s) including the name of the person who is the payor or payee, date, amount, purpose of receipt or payment, and identification of the loan to which it relates, if any.

(4) A record or file of all monies owed by the mortgage banker or mortgage broker, such as an accounts payable journal.

(5) Financial statements prepared in accordance with generally accepted accounting principles, including a balance sheet and a statement of income or operations, dated not more than ninety days following the end of the company's fiscal year.

Stat. Auth.: ORS 59.860 & 59.900

Stats. Implemented: ORS 59.860

Hist.: FCS 3-1993, f. & cert. ef. 11-15-93; FCS 11-1994, f. 11-4-94 cert. ef. 11-15-94; FCS 14-2009, f. 12-30-09, cert. ef. 1-4-10; FCS 5-2014, f. 9-18-14, cert. ef. 1-1-15

441-865-0025

Residential Mortgage Lending Reports

No later than 45 days following the end of each calendar quarter, a mortgage banker or a mortgage broker licensed at any time during the preceding calendar year must file a report of condition with the director through the National Mortgage Licensing System and Registry concerning the banker's or broker's business and operations conducted during the preceding calendar year related to residential mortgage transactions.

Stat. Auth.: ORS 86A.112

Stats. Implemented: ORS 86A.112, 86A.239

Hist.: FCS 12-2008, f. 12-8-08, cert. ef. 12-10-08; FCS 14-2009, f. 12-30-09, cert. ef. 1-4-10; FCS 3-2010, f. 3-18-10, cert. ef. 3-22-10; FCS 4-2012, f. & cert. ef. 8-1-12; FCS 5-2014, f. 9-18-14, cert. ef. 1-1-15

441-865-0030

Advertising

All mortgage bankers and mortgage brokers shall maintain copies of:

(1) All printed advertising published in newspapers, magazines, newsletters or other media designed for mass distribution;

(2) Scripts, or audio and video tapes, for advertising broadcast on radio or television; and

(3) Recorded telephone messages or voice mail messages which contain rate information.

(4) All published editions of Internet webpages accessible by borrowers; and

(5) All versions of software applications designed to be downloaded and run on a mobile device's operating system by a borrower.

Stat. Auth.: ORS 86A.112, 86A.136 & 86A.163

Stats. Implemented: ORS 86A.163

Hist.: FCS 3-1993, f. & cert. ef. 11-15-93; FCS 14-2009, f. 12-30-09, cert. ef. 1-4-10; FCS 5-2014, f. 9-18-14, cert. ef. 1-1-15

441-870-0080

Advertising

(1) Advertising containing any of the following is false, misleading or deceptive:

(a) A statement or representation of a specific installment amount in repayment of a loan without at least as prominently disclosing the following information about the loan:

(A) Principal amount;

(B) Annual percentage rate;

(C) Whether the interest rate is fixed or variable, and if variable, the loan terms;

(D) Number, amount and period of payments scheduled to the date of maturity; and

(E) Balance due at maturity (balloon payment) if not fully amortized;

(b) An interest rate without at least as prominently disclosing the annual percentage rate of the note;

(c) A statement or representation that the person can make or negotiate "low doc/no doc," "no income/no asset," "alt doc," "stated income," "stated asset," "no ratio," or similar loan products without at least as prominently disclosing that these products may have a higher interest rate, more points, or more fees than other products that require income documentation;

(d) An interest rate or annual percentage rate expressed in less than three decimal places, provided that ending zeros following the decimal point may be omitted;

(e) An offer to procure, arrange, or otherwise assist a borrower to obtain a mortgage loan on terms which the person cannot, does not intend, or does not want to provide, or which the person knows or should know cannot be reasonably provided;

(f) A statement or representation that all or most borrowers may or will qualify for a loan or that persons with bad credit histories or no credit histories may or will qualify for this loan unless the person can demonstrate that borrowers with bad credit or no credit have been routinely and successfully qualified for loans by that lender;

(g) Any statement or representation that would be in violation of Regulation X, 12 C.F.R. Part 1024, regarding kickbacks and unearned fees, including soliciting referrals with a promise to pay the advertising costs of any settlement provider;

(h) Any statement or representation that would be in violation of Regulation Z, 12 C.F.R. Part 1026, regarding advertising;

(i) The phrase "wholesale rates" when the advertising is directed to or accessible by the public;

(j) Any statement or representation about a loan that carries the potential for negative amortization without clearly identifying that potential and without at least as prominently disclosing:

(A) The market or fully indexed rate;

(B) The term of the reduced payments;

(C) The term of the entire loan; and

(D) The annual percentage rate;

(k) Official looking emblems or logos, such as eagles, crests, or flags, which resemble a format similar to that used by any governmental agency;

(l) Envelopes which resemble an official government mailing, from entities such as the Internal Revenue Service, U.S. Treasury, a state taxing authority, or other governmental mailer;

(m) Slogans such as "Buy U.S. Savings Bonds" without at least as prominently disclosing that the mailing is an advertisement and not from a government agency;

(n) The name or logo of a financial institution or the holder of an existing loan when the person responsible for the advertisement or named in the advertisement has no association, affiliation or cooperative agreement with the financial institution or holder of the loan, without at least as prominently disclosing that person's name and the following statements:

(A) "This is an advertisement";

(B) "This is an offer for a new loan"; and

(C) "This offer is not related to your existing mortgage lender or holder of your loan".

(o) Terms such as "verified as eligible", "preapproved", "prequalified" or similar words or phrases, without at least as prominently disclosing language that describes prerequisites to qualify for the loan, including, but not limited to, income verification, credit check, and property appraisal or evaluation;

(p) Solicitations from a particular mortgage loan originator or a group of mortgage loan originators without the unique identifier of each mortgage loan originator;

(q) Advertisements pertaining to a particular mortgage loan originator or a group of mortgage loan originators without the unique identifier of each mortgage loan originator;

(r) Promotional materials pertaining to a particular mortgage loan originator or a group of mortgage loan originators without the unique identifier of each mortgage loan originator; and

(s) Websites if the website lists the mortgage loan originator's name in relation to residential mortgage lending without the unique identifier of the particular mortgage loan originator.

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(2) All advertisements a mortgage banker or mortgage broker disseminates by any means must contain the mortgage banker or mortgage broker's unique identifier or Oregon-issued license number, the mortgage banker or mortgage broker's name, or the mortgage banker or mortgage broker's assumed business name that conforms to a name on file with the director.

Stat. Auth.: ORS 86A.136 & 86A.163
Stats. Implemented: ORS 86A.115, 86A.154, 86A.163
Hist.: FCS 3-2008, f. 5-2-08, cert. ef. 5-7-08; FCS 14-2009, f. 12-30-09, cert. ef. 1-4-10; FCS 3-2010, f. 3-18-10, cert. ef. 3-22-10; FCS 5-2014, f. 9-18-14, cert. ef. 1-1-15

441-875-0030

Manner of Deposit

(1) A mortgage banker or mortgage broker shall deposit all trust funds received from a client into the trust account or neutral escrow depository and shall keep such funds in the trust account or neutral escrow depository until:

(a) In the case of a neutral escrow depository, the written escrow instructions prepared pursuant to the provisions of OAR 441-875-0040(3) and agreed to by all parties have been fulfilled; or

(b) In the case of a trust account, the instructions for disbursement of trust funds have been fulfilled as contained in:

- (A) The loan application form; or
- (B) A separate fee agreement, if any.

(2) A mortgage banker or mortgage broker shall not commingle any monies received from a client for deposit into a trust account with personal funds of the mortgage banker or mortgage broker. For purposes of OAR 441-875-0010 through 441-875-0040, the following shall not constitute commingling of trust funds with personal funds if the funds are removed from the trust account within 30 days:

(a) Earned, but untransferred interest income accruing to the mortgage banker or mortgage broker pursuant to a written agreement with the client;

(b) Earned, but untransferred fees due the mortgage banker or mortgage broker.

(3) Every deposit into a trust account shall be in a form that allows deposit into the trust account including, but not limited to, cash, check, or any electronic transmission of funds or wire transfers, automated clearinghouse authorizations, credit card or debit transactions, or online payments through a website.

(4) All deposits into a trust account must be documented by:

(a) A deposit slip that has been validated by bank imprint, or an attached deposit receipt which bears the signature of an authorized representative of a mortgage banker or mortgage broker indicating that the funds were actually deposited into the proper account(s) for deposits that are not by electronic transmission; or

(b) A record of the deposit including a traceable identifying name or number supplied by the federally insured financial institution or transferring entity for electronic transmissions of funds or wire transfers, automated clearinghouse authorizations, credit card or debit transactions, online payments through a web site.

(c) Compliance with (3) of this rule may be satisfied if a mortgage banker or mortgage broker has attached a copy of the client's check to the deposit slip or has retained a receipt for the deposit of the funds containing the traceable identifying name or number supplied by the federally insured financial institution or transferring entity for electronic transmissions of funds or wire transfers, automated clearinghouse authorizations, credit card or debit transactions, online payments through a web site along with written documentation that identifies the name of the client, amount of the deposit, and the purpose of the funds for each client whose funds are included in the deposit.

(5) Every deposit into a neutral escrow depository shall be accompanied by a letter of transmittal which shall include a written notation of the file identification assigned to the transaction on whose behalf the deposit is made. Compliance with this rule may be satisfied when a mortgage banker or mortgage broker has attached a copy of the client's check to the letter of transmittal.

(6) All customer securities must be held in trust and kept in a secure depository. The securities must be held in such a manner that they will be free from claims, levy, or attachment by creditors of the mortgage banker or mortgage broker.

(7) All funds, whether in the form of money, checks, drafts, or warrants belonging to others and accepted by any mortgage banker or mortgage broker engaged in professional activity shall be deposited prior to the close of business of the third banking day following the date of the receipt of the funds into a trust account or neutral escrow depository established by the

mortgage banker or mortgage broker. The mortgage banker or mortgage broker shall account for all funds received.

(8) Every mortgage banker or mortgage broker which requires a residential loan client to pay an amount for services prior to the time that the services are rendered may maintain a separate trust account in this state for prepayments and shall keep prepayment funds subject to refund in the trust account until the services are performed according to the provisions contained in OAR 441-875-0040(5) and (6), or the loan is rejected.

(9) In the event that the mortgage banker or mortgage broker accepts fees in advance of completing professional services, or accepts fees paid as a retainer to secure the availability of the mortgage banker or mortgage broker, or accepts a consulting fee for professional services, the fees shall be refundable and are trust funds unless the mortgage banker or mortgage broker provides written notice to the client prior to or at the time of receipt of the fees that such fees are not refundable. A record of this written notice to a client shall be maintained in the client file pursuant to the provisions of OAR 441-865-0020 through 441-865-0090.

Stat. Auth.: ORS 86A.136 & 86A.157
Stats. Implemented: ORS 86A.157
Hist.: FCS 3-1993, f. & cert. ef. 11-15-93; FCS 11-1994, f. 11-4-94, cert. ef. 11-15-94; FCS 14-2009, f. 12-30-09, cert. ef. 1-4-10; FCS 5-2014, f. 9-18-14, cert. ef. 1-1-15; FCS 5-2014, f. 9-18-14, cert. ef. 1-1-15

441-875-0040

Financial Practices; Manner of Disbursement

(1) In addition to those books and records required under ORS 86A.095 through 86A.198 and OAR 441-865-0010 through 441-865-0090, a mortgage banker or mortgage broker shall maintain books and records for each trust account in accordance with this rule:

(a) Mortgage bankers and mortgage brokers must reconcile at least monthly all trust accounts:

(A) The reconciled bank balance of the trust account must equal the sum of the balances in the individual owner's ledger accounts and also must equal the balance shown in the check register or the journal of receipts and disbursements for the trust account;

(B) The mortgage banker or mortgage broker must sign and date the reconciliation upon its completion.

(b) Each mortgage banker or mortgage broker shall set up and maintain a subsidiary ledger for each trust account showing the receipts and disbursements and maintaining a running total of every transaction pertaining to the trust account.

(2) The mortgage banker's or mortgage broker's offices, places of business, books, records, accounts, files and papers relating to the trust account shall be available for examination by the director under OAR 441-865-0010 through 441-865-0090.

(3) If funds are placed in a neutral escrow depository pursuant to the written agreement required by ORS 86A.157(1), the agreement shall provide authorization for the director to examine the offices, places of business, books, records, accounts, files and papers relating to the client funds.

(4) Funds disbursed from a trust account shall be in a form that allows withdrawal from the account including by check or any electronic transmission of funds or wire transfer, automated clearinghouse authorizations, debit transactions or online payments through a website.

(5) All withdrawals must be documented by:

(a) Checks which are prenumbered and bear the words "Client Trust Account" upon the face of the check. A mortgage banker or mortgage broker shall account for all checks, including voided checks, as part of the books and records maintained by the mortgage banker or mortgage broker.

(b) A record of the withdrawal including a traceable identifying name or number supplied by a federally insured financial institution or transferring entity for electronic transmissions of funds or wire transfers, automated clearinghouse authorizations, debit transactions, or online payments through a website.

(c) Compliance with subsection 4 of this rule may be satisfied if a mortgage banker or mortgage broker has or can produce an image of the check as well as evidence that it has been negotiated or has retained a receipt for the withdrawal of funds containing the traceable identifying name or number supplied by the federally insured financial institution or transferring entity for electronic transmission of funds or wire transfers, automated clearinghouse authorizations, debit transactions, online payments through a website along with written documentation that identifies the name of the client, amount of the withdrawal, and the purpose of the funds for each client whose funds are included in the deposit.

(d) In no case may a mortgage broker or mortgage banker withdraw client trust funds in the form of cash.

(6) In the case of residential loan applications, escrow instructions and instructions for trust fund disbursement of fees shall provide that no

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trust funds may be disbursed to the mortgage banker or mortgage broker until the mortgage banker or mortgage broker has provided the following minimum services and disclosures:

- (a) A good faith estimate required by Regulation X, 12 C.F.R. Part 1024;
- (b) A completed loan application;
- (c) If prepared, a fee agreement;
- (d) HUD guide(s) for home buyers;
- (e) The adjustable rate mortgage booklet as prepared by the Federal Reserve Board, if applicable;
- (f) Truth in Lending Act disclosures as required by 12 C.F.R. Part 1026.
- (g) Notice that homeowners with reverse mortgages are not eligible to defer collection of homestead property taxes as allowed under ORS 311.666 through 311.701.

(7) In the event that the mortgage banker or mortgage broker accepts fees in advance of completing professional services, or accepts fees paid as a retainer to secure the availability of the mortgage banker or mortgage broker, or accepts a consulting fee for professional services, and such fees are subject to refund under the provisions of these rules, such amounts may be withdrawn from the trust account for the benefit of the mortgage banker or mortgage broker only when actually expended for the benefit of the client or five days after notice of the proposed withdrawal has been mailed to the client.

(8) Every mortgage banker or mortgage broker must maintain a record listing all persons employed by that firm who have signatory authority to disburse funds held in the trust account and the date such authority begins and ends.

Stat. Auth.: ORS 86A.136 & 86A.157
Stats. Implemented: ORS 86A.157

Hist.: FCS 3-1993, f. & cert. ef. 11-15-93; FCS 11-1994, f. 11-4-94, cert. ef. 11-15-94; FCS 4-1999, f. & cert. ef. 12-23-99; Administrative correction 4-18-00; FCS 7-2001, f. & cert. ef. 8-1-01; FCS 2-2004, f. & cert. ef. 8-5-04; FCS 14-2009, f. 12-30-09, cert. ef. 1-4-10; FCS 5-2014, f. 9-18-14, cert. ef. 1-1-15

441-875-0075

Filing False Reports of Condition

A dishonest, fraudulent or illegal practice or conduct under ORS 86A.115 includes reporting false or incorrect information on a report of condition filed under OAR 441-865-0025. A mortgage banker or mortgage broker who corrects an incorrect report of condition to the satisfaction of the director within 30 days of notice from the director that the information is incorrect is not subject to this rule.

Stat. Auth.: ORS 86A.136

Stat. Implemented: ORS 86A.106, 86A.239

Hist.: FCS 5-2014, f. 9-18-14, cert. ef. 1-1-15

441-880-0200

Application Process; Correcting Deficiencies in Application; Abandonment

(1) An applicant for a license as a mortgage loan originator shall submit a completed Form MU4 together with all required application materials and information to the Nationwide Mortgage Licensing System and Registry.

(2) If an applicant or a mortgage loan originator submits an application, filing or amendment which is incomplete in any respect, the director shall notify the applicant of a deficiency through the National Mortgage Licensing System and Registry. The applicant or mortgage loan originator shall correct any deficiencies associated with the application, filing or amendment within 30 days of being notified that the director placed a deficiency on the person's application. A challenge submitted to the Nationwide Mortgage Licensing System and Registry as set out in OAR 441-850-0050 shall extend the time allowed for correcting deficiencies for the duration of the challenge.

(3)(a) If an applicant fails to correct deficiencies as described in section (2) of this rule or fails to respond to deficiencies within 30 days of being notified of a deficiency the director may take action against the licensee, consistent with ORS 86A.224 and 86A.992, in order to secure compliance with this rule.

(b) In addition to any penalties assessed under subsection (a) of this rule, if an applicant does not correct deficiencies after the director takes action under this section the application shall be deemed to be abandoned. Any fees paid by the applicant under OAR 441-880-0400 will not be refunded due to abandonment. An applicant whose application is abandoned under this rule may reapply to obtain a mortgage loan originator license.

Stat. Auth.: ORS 86A.242

Stats. Implemented: ORS 86A.215

Hist.: FCS 14-2009, f. 12-30-09, cert. ef. 1-4-10; FCS 4-2012, f. & cert. ef. 8-1-12; FCS 5-2014, f. 9-18-14, cert. ef. 1-1-15

441-880-0210

Financial Responsibility Criteria

(1) For purposes of this rule, an applicant is not financially responsible if the applicant has shown a disregard of his or her own financial circumstances, taking into consideration the totality of the applicant's financial circumstances.

(2) Factors that the director may consider in determining whether an applicant has not demonstrated financial responsibility include, but are not limited to, the following:

(a) Current outstanding judgments or material litigation, excluding judgments solely as a result of medical expenses;

(b) Current outstanding tax liens or other government liens and filings;

(c) A foreclosure within the past three years and the type of property subject to foreclosure, whether residential or commercial; or

(d) Pending or completed bankruptcy proceedings, and the length of time between two or more bankruptcy filings.

(e) A pattern of seriously delinquent accounts within the past three years.

(3) In assessing the financial responsibility of the applicant, the director may consider extenuating or mitigating factors, including but not limited to the following:

(a) Involuntary loss of job or income;

(b) Involuntary medical expenses;

(c) Divorce;

(d) Attempting workout arrangements with creditors; or

(e) Any other factor the director believes reflects circumstances beyond the control of the applicant.

Stat. Auth.: ORS 86A.242

Stats. Implemented: ORS 86A.215

Hist.: FCS 14-2009, f. 12-30-09, cert. ef. 1-4-10; FCS 4-2012, f. & cert. ef. 8-1-12; FCS 5-2014, f. 9-18-14, cert. ef. 1-1-15

441-880-0215

Oregon Examination For Mortgage Loan Originators

(1) Each applicant for a new mortgage loan originator license must pass the Uniform State Mortgage Loan Originator examination approved by the National Mortgage Licensing System and Registry, that contains a uniform state test and an examination on federal regulation prior to engaging in activities as an Oregon mortgage loan originator.

(a) A passing score on the examination described in section (1) of this rule is 75 percent or greater.

(b) A passing score on the examination described in section (1) of this rule is valid for 2 years from the date of passing the examination.

(2) An applicant that fails to pass an examination may retake the examination consistent with ORS 86A.215.

(3) Notwithstanding section (2), an applicant who violates the rules of conduct governing the Uniform State Mortgage Loan Originator examination or the rules of conduct governing an examination to obtain a loan originator's license in any state or territory is considered to have engaged in an act, practice or course of business that operates or would operate as a fraud or deceit as used in ORS 86A.236(2). In addition to other remedies available, the director may refuse to issue the person a license as a mortgage loan originator.

Stat. Auth.: ORS 86A.242

Stats. Implemented: ORS 86A.215

Hist.: FCS 10-2001, f. 12-24-01, cert. ef. 1-1-02; FCS 2-2004, f. & cert. ef. 8-5-04; FCS 1-2007, f. & cert. ef. 1-17-07; Renumbered from 441-880-0020 by FCS 14-2009, f. 12-30-09, cert. ef. 1-4-10; FCS 4-2012, f. & cert. ef. 8-1-12; FCS 5-2014, f. 9-18-14, cert. ef. 1-1-15

441-880-0300

License Renewal; Reinstatement Process

(1) A mortgage loan originator license shall expire on December 31 of each calendar year. At least 30 days prior to the expiration of a mortgage loan originator license, a mortgage loan originator shall submit all information required to the National Mortgage Licensing System and Registry. The renewal application shall include evidence that:

(a) The mortgage loan originator attests that all information contained in the renewal request and application is true and accurate;

(b) The applicant continues to meet the minimum requirements for a mortgage loan originator license in ORS 86A.212;

(c) The applicant paid any required fee, as applicable, under OAR 441-880-0400; and

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(d) The applicant completed twenty hours of pre-licensure education or ten hours of continuing education that comply with the requirements in OAR 441-880-0310.

(2) A person applying to reinstate a mortgage loan originator license that has lapsed for a period of five or more years, whether or not the applicant was employed or continued to engage in business as a mortgage loan originator during the period of the lapse, shall:

(a) Complete the continuing education requirements under this section (1) of this rule; and

(b) Pass a qualified written test under ORS 86A.215 and OAR 441-880-0215.

Stat. Auth.: ORS 86A.242

Stats. Implemented: ORS 86A.215 & 86A.218

Hist.: FCS 14-2009, f. 12-30-09, cert. ef. 1-4-10; FCS 4-2012, f. & cert. ef. 8-1-12; FCS 5-2014, f. 9-18-14, cert. ef. 1-1-15

441-880-0310

Mortgage Loan Originator Continuing Education Requirements; Curing Deficiencies; License Sanctions for Failure to Maintain Continuing Education

A mortgage loan originator shall take and maintain continuing education courses in order to take an application for a residential mortgage loan or negotiate the terms of a residential mortgage loan, consistent with the requirements of this rule.

(1) An applicant for a mortgage loan originator shall complete a minimum of 20 hours of pre-licensing education courses approved by the Nationwide Mortgage Licensing System and Registry before submitting an application to obtain a mortgage loan originator's license in this state. The twenty hours must include a minimum of three hours of instruction on federal law and regulations, three hours of instruction on ethics, two hours of instruction related to lending standards for the nontraditional mortgage product market, and four hours of instruction on Oregon laws and rules.

(2) A mortgage loan originator shall take a continuing education course or courses approved by the Nationwide Mortgage Licensing System and Registry. A mortgage loan originator shall complete at least ten hours of continuing education per calendar year. The ten hours must include a minimum of three hours of instruction on federal law and regulations, two hours of instruction on ethics, two hours of instruction related to lending standards for nontraditional mortgage products, and two hours of instruction on Oregon laws and rules.

(3) A mortgage loan originator who fails to meet the continuing education requirement shall not take an application for a residential mortgage loan or negotiate the terms of a residential mortgage loan until the requirements contained in this rule are satisfied.

(4)(a) A mortgage loan originator may submit a written request to make up missing hours in continuing education due to hardship or illness. A written request shall:

(A) Describe the hardship or illness; and

(B) Describe why the mortgage loan originator was unable to meet requirements for continuing education.

(b) In all requests under this rule, the mortgage loan originator has the burden of proving the hardship or illness responsible for the missing hours in continuing education.

(c) The director shall consider and may grant a request, but the director shall not grant a request for the following:

(A) Failure or inability to pay applicable fees to obtain or maintain a mortgage loan originator license;

(B) A suspension of business activities as a mortgage loan originator; or

(C) Incapacity due to imprisonment.

(5) Nothing in this rule affects the director's authority to require by order a mortgage loan originator to make up missing hours in continuing education under ORS 86A.218 or to decline to renew the person's mortgage loan originator license.

(6) The director may deny, suspend, make inactive, or refuse to renew the mortgage loan originator's license until the mortgage loan originator makes up any missing hours of continuing education required this section.

Stat. Auth.: ORS 86A.242

Stats. Implemented: ORS 86A.218

Hist.: FCS 14-2009, f. 12-30-09, cert. ef. 1-4-10; FCS 4-2012, f. & cert. ef. 8-1-12; FCS 5-2014, f. 9-18-14, cert. ef. 1-1-15

441-880-0315

Notice of Employment Status by Employer of Mortgage Loan Originator; Prohibition on Origination Activities Before Sponsorship

(1) All mortgage brokers or mortgage bankers employing mortgage loan originators shall provide notice to the Nationwide Mortgage Licensing

System and Registry when it authorizes a mortgage loan originator to originate Oregon residential mortgage loans. Notice must be made by submitting a request to sponsor the mortgage loan originator's license.

(2) No mortgage banker or broker shall allow a mortgage loan originator to originate residential mortgage loans for the mortgage banker or mortgage broker until the Director has accepted the mortgage banker or mortgage broker's sponsorship request.

(3) All mortgage bankers or mortgage brokers shall provide notice within 30 days to the Nationwide Mortgage Licensing System and Registry when a mortgage loan originator ceases to originate loans for the mortgage banker or mortgage broker. Notice must be made by terminating the sponsorship of the mortgage loan originator.

(4) The director may request additional information regarding any of the occurrences outlined in this rule.

Stat. Auth.: ORS 86A.136

Stats. Implemented: ORS 86A.179

Hist.: FCS 4-2012, f. & cert. ef. 8-1-12; FCS 5-2014, f. 9-18-14, cert. ef. 1-1-15

Rule Caption: Implements securities registration exemption for renewable energy cooperative corporations.

Adm. Order No.: FCS 6-2014

Filed with Sec. of State: 10-6-2014

Certified to be Effective: 10-6-14

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Rules Adopted: 441-025-0120, 441-025-0121, 441-025-0122, 441-025-0123, 441-025-0124, 441-025-0125, 441-025-0126

Subject: In 2014, the Legislature enacted Senate Bill 1520. This act exempts renewable energy cooperative corporations from registering membership shares or capital stock as securities. The Legislature conditioned this exemption on any rules adopted by the Director of the Department of Consumer and Business Services. This proposed rulemaking places certain substantive restrictions on a renewable energy cooperative corporations relying on this exemption, such as restrictions on the amount of raised money from non-accredited investors. The rulemaking activity also requires two disclosures be given to prospective members: a general disclosure that discusses the workings of the renewable energy cooperative corporation and risks associated with developing renewable energy generations facilities, and a specific disclosure discussing the risks endemic to a specific project.

Rules Coordinator: Shelley Greiner—(503) 947-7484

441-025-0120

Definitions

For purposes of 441-025-0121 through 441-025-0124, the following definitions apply unless the context requires otherwise:

(1) "Accredited investor" has the same meaning as that term is defined under OAR 441-035-0010.

(2) "Capital stock" means a proportional part of a renewable energy cooperative corporation's capital that may show a person's respective interests in or entitlement to assets, reserves or dividends, if authorized by the articles of incorporation, but does not show a member's right to vote in matters affecting the governance of the renewable energy cooperative corporation, unless authorized by applicable law.

(3) "Project" includes conducting studies as to the feasibility of a potential facility, as well as the planning, design, construction and operation of a discrete facility to generate electricity from renewable energy sources.

(4) "Renewable energy cooperative corporation" has the same meaning as that term is used in ORS 59.025.

(5) "Membership share" includes membership certificates and membership stock as defined in ORS 62.015, but does not include capital stock.

(6) "Well-defined community" means:

(a) One or more adjacent precincts, districts, cities, counties or other boundaries defined by the state or a unit of local government or by a state or local government agency; or

(b) Individuals with a common bond of occupation or association, including family members.

(A) With the approval of the Director, a well-defined community based upon a common bond or association may include individuals residing or working in the city or county where the renewable energy facility will be located or where the cooperative is headquartered.

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(B) Approval for an enhanced community must be granted prior to any offer of membership or security interest to a member of the enhanced community.

Stat. Auth.: ORS 59.025 & 2014 OL Ch. 69 §2
Stat. Implemented: ORS 59.025 & 2014 OL Ch. 69 §1
Hist.: FCS 6-2014, f. & cert. ef. 10-6-14

441-025-0121

General Requirements for Renewable Energy Cooperative Corporations

(1) In order to rely on the exemption under ORS 59.025(12), a renewable energy cooperative corporation must:

- (a) Have a certificate of existence issued by the Oregon Secretary of State pursuant to ORS 62.065 and be in good standing;
- (b) Meet all the conditions set out in 441-025-0122;
- (c) Provide the disclosures in the manner required by 441-025-0123; and

(d) Make any required filings under 441-025-0124.
(2) Reliance on ORS 59.025(12) does not preclude renewable energy cooperative corporations from relying on other exemptions under 59.025 or 59.035, as appropriate, for the offer or sale of membership shares, capital stock, or other authorized securities.

Stat. Auth.: ORS 59.025 & 2014 OL Ch. 69 §2
Stat. Implemented: ORS 59.025 & 2014 OL Ch. 69 §1
Hist.: FCS 6-2014, f. & cert. ef. 10-6-14

441-025-0122

Requirements for Reliance on Registration Exemption for Renewable Energy Cooperative Corporations

A renewable energy cooperative corporation relying on the exemption in ORS 59.025(12) is limited to the following actions in connection with the exempt offering:

(1) Admit individuals for membership into the cooperative, but may not admit legal entities or non-natural persons.

(2) Sell capital stock as permitted under ORS Chapter 62 and the renewable energy cooperative corporation's articles of incorporation or bylaws.

(3) Raise up to \$1,500,000 per project from non-accredited investors.

(4) Raise funds from non-accredited members that are part of a well-defined community.

(5) Allow a non-accredited member to contribute or invest no more than ten percent of the member's liquid net worth in the purchase of membership shares or in the investment in a project of a particular renewable energy cooperative corporation.

(6) Place funds raised through the sale of membership shares or capital stock in escrow or impound the funds in an interest-bearing trust account until the renewable energy cooperative corporation raises all the money needed to complete a feasibility study or to undertake the project.

(7) With approval from the renewable energy cooperative corporation's membership, use excess funds raised for one project for other renewable energy projects of the renewable energy cooperative corporation. Approval must be obtained using voting procedures specified in ORS Chapter 62 and the renewable energy cooperative corporation's bylaws.

(8) Pursue in good faith and secure one or more executed interconnection agreements for the production and transmission of electricity.

(9) Pay its officers, directors, employees or third parties reasonable salaries comparable to cooperative corporations conducting similar business, but may not pay its officers, directors, employees, or any third party any commission or other remuneration directly or indirectly for the offer or sale of membership interests or capital stock in the renewable energy cooperative corporation.

(10)(a) Engage in limited advertising to prospective members in the renewable energy cooperative corporation. "Engage in limited advertising" means that the renewable energy cooperative corporation may provide general information about the cooperative including information about its purpose and general nature and about its operating history, including a brief description of current projects in operation, and proposed projects, to the public in Oregon for the limited purpose of promoting the cooperative and soliciting membership in the cooperative. Information about proposed projects is limited to identification of the project's proposed location, type of renewable technology, generation capacity, estimated timeline, and estimate of project cost.

(b) Limited advertising must contain information on how to receive the disclosures required in OAR 441-025-0123 and 441-025-0124. Limited advertising must also state that the disclosure materials must be received, reviewed and acknowledged by the potential investor before a securities sale may occur. "Engage in limited advertising" does not include general

solicitation or offering of investments in specific projects or in the sale of capital stock to the public. "Engage in limited advertising" does not include publication of pro forma financial information, or any indication of possible returns on investment to the general public.

(c) Any materials used for the purposes of this subsection must clearly indicate that the material does not constitute an offer of a security. Materials provided under this section do not take the place of the disclosures required by OAR 441-025-0123 and 441-025-0124. Materials must include the following statement:

"THIS IS PROMOTIONAL INFORMATION ABOUT AN OPPORTUNITY TO INVEST IN OR BECOME A MEMBER IN A RENEWABLE ENERGY COOPERATIVE CORPORATION. THIS IS NOT THE OFFER OR SALE OF SECURITIES. NO MONEY OR OTHER CONSIDERATION IS BEING SOLICITED AND NONE WILL BE ACCEPTED. NO MEMBERSHIP INTERESTS, MEMBERSHIP STOCK OR CAPITAL STOCK WILL BE SOLD OR ANY COMMITMENTS TO PURCHASE ACCEPTED UNTIL DELIVERY OF DISCLOSURES ARE MADE THAT INCLUDES COMPLETE INFORMATION ABOUT THE COOPERATIVE AND PARTICULAR PROJECTS, IF APPLICABLE. AN INDICATION OF INTEREST MADE BY A PROSPECTIVE MEMBER INVOLVES NO OBLIGATION OR COMMITMENT OF ANY KIND UNTIL DISCLOSURE MATERIALS HAVE BEEN RECEIVED AND REVIEWED. THIS PROMOTIONAL INFORMATION IS BEING PRESENTED UNDER AN EXEMPTION FROM REGISTRATION UNDER THE OREGON SECURITIES LAW AND HAS NOT BEEN REVIEWED BY THE DEPARTMENT OF CONSUMER AND BUSINESS SERVICES."

(11) Allow a membership certificate or capital stock to be returned or resold to the renewable energy cooperative corporation in exchange for a price that does not exceed the price originally paid by the purchasing individual upon termination of the individual's membership in the renewable energy cooperative corporation.

Stat. Auth.: ORS 59.025 & 2014 OL Ch. 69 §2
Stat. Implemented: ORS 59.025 & 2014 OL Ch. 69 §1
Hist.: FCS 6-2014, f. & cert. ef. 10-6-14

441-025-0123

Disclosures Required Related to the Sale of Membership Shares in Renewable Energy Cooperative Corporations

Prior to offering a membership shares in a renewable energy cooperative corporation to prospective purchaser, the renewable energy cooperative corporation shall provide, in writing, at no cost to the prospective purchaser, material information about the purpose and governance of the renewable energy cooperative corporation. For purposes of this subsection, "writing" includes printed, electronic and internet media. Disclosures under this section shall include, but are not limited to, the following:

(1) The renewable energy cooperative corporation's profit and loss statement or an unaudited financial statement, and estimated use of funds or financial projections of the renewable energy cooperative corporation.

(2) Information on the experience and ability of the renewable energy cooperative corporation's directors, principal officers and key employees to manage a renewable energy cooperative corporation and develop and operate projects to generate electricity from renewable sources.

(3) Discussion of the renewable energy cooperative corporation's experience with and ability in developing projects to generate electricity from renewable sources.

(4) Information on minimum amount to be raised to initiate a project, consistent with section (1) of this rule, and how money will be returned to members if the renewable energy cooperative corporation does not raise sufficient funds to complete a project or if the renewable energy cooperative corporation determines that a project is not feasible after completing a feasibility study.

(5) Information on how the renewable energy cooperative corporation will apportion returns on an investment, if any, as permitted by applicable state and federal law.

(6) Information on risks posed by legislative or regulatory changes affecting the development or operation of a facility to generate electricity from renewable sources, including but not limited to restrictions on the sale of generated electricity, requirements to register securities under applicable state or federal law, changes to tax treatment of facilities that generate electricity from renewable sources, or other regulations that place additional restrictions on a particular type of facility generating electricity from renewable sources.

(7) If applicable, disclosures of any pending or completed, material litigation against the renewable energy cooperative corporation or against the officers, directors, and key employees of the renewable energy cooperative corporation, including the legal basis for the action and, if completed, any judgments or settlements adverse to the renewable energy cooperative corporation or to its officers, directors, and key employees.

(8) Information on how members can participate in the decision-making process of the renewable energy cooperative corporation, consistent with ORS Chapter 62 and the renewable energy cooperative corporation's articles of incorporation or its bylaws.

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(9) Information on how members may inspect the renewable energy cooperative corporation's books and records and how the renewable energy cooperative corporation will share information with members prior to shareholder meetings.

(10) A plain language explanation of the rights and responsibilities between the renewable energy cooperative corporation and its members under the cooperative contract.

Stat. Auth.: ORS 59.025 & 2014 OL Ch. 69 §2
Stat. Implemented: ORS 59.025 & 2014 OL Ch. 69 §1
Hist.: FCS 6-2014, f. & cert. ef. 10-6-14

441-025-0124

Disclosures Related to Renewable Energy Cooperative Corporation Projects

Prior to initiating a project to be funded through membership shares, capital stock, or other permissible securities, the renewable energy cooperative corporation shall disclose, in writing, to all members, prospective members, and prospective investors, all material information about the project. For purposes of this subsection, "writing" includes printed, electronic and internet media. However, all disclosures shall be made available in printed format and prospective purchasers shall be notified of the option to obtain printed disclosures at no cost. Information disclosed shall include, but are not limited to, the following:

- (1) Basic terms of the project, including:
 - (a) The cost of the project;
 - (b) Projected amount of energy to be generated;
 - (c) Probable users or purchasers of the energy;
 - (d) Anticipated revenue to be generated by the project; and
 - (e) Anticipated returns and distribution of revenue to investors.
- (2) The physical location of the electricity-generating facility and the type of facility planned to be built and operated.

(3) Property leased or acquired by the renewable energy cooperative corporation in order to construct the facility.

(4) Information on the risks that may arise based on the outcome of an engineering analysis done to assess the suitability of a location for the project.

(5) Site surveys or other evaluations of the energy yields anticipated by the construction of the facility.

(6) All zoning approvals, building permits, and other regulatory permissions the renewable energy cooperative corporation must secure in order to complete the project.

(7) Insurance coverage for the projects, and risks if insurance coverage becomes more expensive or is unattainable at commercially reasonable rates.

(8) An estimate of how much money the renewable energy cooperative corporation intends to raise for the project, how the money will be held in escrow or otherwise impounded, and how much the renewable energy cooperative corporation may need to raise to complete the project, if any.

(9) If notes are offered to the membership or investors for a particular project, the renewable energy cooperative corporation shall disclose at a minimum the interest rate, the term, the maturity of the notes, payment dates, expected source of repayment, use of the proceeds, any conditions on prepayment, and a ban on secondary trading.

(10) A calculation of estimated net proceeds or savings that may be apportioned, distributed and paid to a member for the generation of electricity, and any risks to patronage posed by increased costs or decreased revenue.

- (11) All other material information related to the project.
- (12) Amendments to any information described in subsections (a) through (i) to account for any material changes in the project.

Stat. Auth.: ORS 59.025 & 2014 OL Ch. 69 §2
Stat. Implemented: ORS 59.025 & 2014 OL Ch. 69 §1
Hist.: FCS 6-2014, f. & cert. ef. 10-6-14

441-025-0125

Required Filings and Records

(1) At least 14 days before engaging in any limited advertising promoting membership shares, capital stock, or other authorized securities including notes and debentures, the renewable energy cooperative corporation shall file with the director:

- (a) The written disclosures required under 441-025-0123;
- (b) A generic sample of the written disclosure prepared to meet 441-025-0124; and

(c) If applicable, a written request to use the "enhanced community" standard under OAR 441-025-0120(b)(i). The request shall include identification of the geographical area to be included and the reason or basis of need for the use of the enhanced community.

(2) The renewable energy cooperative corporation shall retain a copy of each investor's signed and dated written or electronic disclosure documents developed to meet the requirements of 441-025-0123 and 441-025-0124 for no less than four years after the termination of the offering or after any notes mature.

(3) Filing with the director does not constitute approval or acceptance of the information disclosed.

Stat. Auth.: ORS 59.025 & 2014 OL Ch. 69 §2
Stat. Implemented: ORS 59.025 & 2014 OL Ch. 69 §1
Hist.: FCS 6-2014, f. & cert. ef. 10-6-14

441-025-0126

Utilization of Disclosures and Disclaimer

(1) Each investor or purchaser of a membership in a renewable energy cooperative corporation shall sign and date a copy of the disclosures required under OAR 441-025-0123 and 441-025-0124. The signed copy shall be retained by the cooperative corporation for no less than the time required by 441-025-0125.

(2) Disclosures required by OAR 441-025-0123 and 441-025-0124 shall include the following legend set out in a prominent place on the first page of the document:

"This offering is being made in reliance on an exemption to the securities registration requirements under the Oregon Securities Law. The Director of the Department of Consumer and Business Services of the State of Oregon has not made any finding that the statements made in this document are true, complete or not misleading. The fact that an exemption is available for a security or a transaction does not mean that the director has passed in any way upon the merits or qualifications of, or recommended or given approval to, any person, security or transaction. In deciding whether or not to invest in the securities offered, you should rely on your own examination of the cooperative issuing the securities and the terms of the offering including the merits and risks."

Stat. Auth.: ORS 59.025 & 2014 OL Ch. 69 §2
Stat. Implemented: ORS 59.025 & 2014 OL Ch. 69 §1
Hist.: FCS 6-2014, f. & cert. ef. 10-6-14

Department of Consumer and Business Services, Insurance Division Chapter 836

Rule Caption: Adoption of Revisions to Workers' Compensation Statistical Plan

Adm. Order No.: ID 16-2014

Filed with Sec. of State: 10-1-2014

Certified to be Effective: 10-1-14

Notice Publication Date: 9-1-2014

Rules Amended: 836-042-0045

Subject: This rule adopts revisions to the revised 2008 edition of the Statistical Plan for Workers' Compensation and Employers Liability Insurance (Statistical Plan), as filed by the National Council on Compensation Insurance (NCCI). The primary revision to the Statistical Plan is to update the Pension Tables in the plan using updated data for life expectancies and remarriage rates. The revisions also include a number of reporting clarifications and maintenance updates to enhance the rules.

Failure to adopt NCCI's proposed revisions will cause Oregon's governing statistical plan for workers' compensation and employer's liability insurance to differ from the statistical plan used in other states. The statistical plan information is used in determining annual advisory loss costs. Lack of uniformity in the statistical plan used across states can result in an inability to combine Oregon-specific data with countrywide data to generate stable, credible advisory loss costs. The lack of uniformity may also lead to inconsistencies and errors in reporting by insurers who write workers' compensation in several states, including Oregon.

This rule will take effect October 1, 2014.

Rules Coordinator: Victor Garcia—(503) 947-7260

836-042-0045

Workers' Compensation Statistical Plan

(1) The Statistical Plan for Workers Compensation and Employers Liability Insurance, 2008 Edition, filed by the National Council on Compensation Insurance and approved by the director to become effective January 1, 2009, and revisions approved by the director to become effective October 1, 2014, is prescribed as the statistical plan for workers' compensation and employers liability insurance.

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(2) Manuals or guides referenced within the statistical plan designated in section (1) of this rule are not prescribed by this rule.

[Publications: Publications referenced are available from the agency.]
Stat. Auth.: ORS 731.244 & 737.225
Stats. Implemented: ORS 737.225
Hist.: IC 3-1982, f. 1-27-82, ef. 7-1-82; IC 10-1982, f. 6-23-82, ef. 7-1-82; IC 2-1983, f. 3-16-83, ef. 4-1-83; IC 5-1983, f. 6-30-83, ef. 7-1-83; IC 4-1984, f. 9-28-84, ef. 10-1-84; ID 2-1998, f. & cert. ef. 2-6-98; ID 15-2001, f. 12-19-01, cert. ef. 1-1-02; ID 7-2003, f. 12-3-03, cert. ef. 1-1-04; ID 5-2005, f. & cert. ef. 4-7-05; ID 10-2006, f. & cert. ef. 6-9-06; ID 3-2008, f. & cert. ef. 4-7-08; ID 13-2008(Temp), f. 8-14-08, cert. ef. 9-1-08 thru 1-1-09; ID 20-2008, f. 12-30-08, cert. ef. 1-1-09; ID 15-2012, f. 8-9-12, cert. ef. 1-1-13; ID 16-2014, f. & cert. ef. 10-1-14

Rule Caption: Special Enrollment Period and Filing, Rating and Plan Guidance for 2015 Transitional Plans

Adm. Order No.: ID 17-2014

Filed with Sec. of State: 10-6-2014

Certified to be Effective: 10-6-14

Notice Publication Date: 8-1-2014

Rules Adopted: 836-010-0013, 836-053-0066

Rules Amended: 836-053-0431, 836-053-0465

Subject: These permanent rules replace temporary rules ID 6-2014 (Temp), 7-2014 (Temp), and 8-2014 (Temp), which established a special enrollment period, set forth the filing and rating requirements and plan guidance for transitional plans in 2015, and implemented the provisions of chapter 80, Oregon Laws 2014.

Rules Coordinator: Victor Garcia—(503) 947-7260

836-010-0013

Additional Filing Requirements for Transitional Health Benefit Plans

(1) Under section 5, chapter 80, Oregon Laws 2014, a transitional health benefit plan must comply with the Insurance Code as of December 31, 2013.

(2) In addition to the requirements of OAR 836-010-0000, 836-010-0011, and 836-010-0021 when submitting a filing for a rate change to a transitional health benefit plan, the insurer shall comply with the guidance provided in Exhibits 1 and 2 of this rule.

(3) The additional filing requirements set forth in this section apply only to 2015 transitional plans.

Stat. Auth.: ORS 731.244 & 743.018
Stats. Implementing: 2014 OL Ch. 80, Sec. 5 (Enrolled SB 1582)
Hist.: ID 8-2014(Temp), f. & cert. ef. 4-24-14 thru 10-20-14; ID 17-2014, f. & cert. ef. 10-6-14

836-053-0066

Rating for Transitional Health Benefit Plans

The following provisions relating to rating apply to transitional health benefit plans offered to individuals or small employers:

(1) A transitional health benefit plan offered to small employers:

(a) Is subject to the requirements of OAR 836-053-0065 that apply to grandfathered health benefit plans offered to small employers; and

(b) Must be pooled with all of the carrier's grandfathered business in the small employer market to determine its geographic average rate.

(2) An individual transitional health benefit plan:

(a) Is subject to the requirements of OAR 836-053-0465(4)(a) and 836-053-0465(4)(c)(A); and

(b) Must be pooled with all of the carrier's grandfathered business in the individual market to determine its geographic average rate.

Stat. Auth.: ORS 731.244, 743.731 & 743.737 & 2014 OL Ch. 80, Sec. 5
Stats. Implemented: ORS 743.731 & 746.737 & 2014 OL Ch. 80, Sec. 5
Hist.: ID 6-2014(Temp), f. & cert. ef. 4-11-14 thru 10-8-14; ID 17-2014, f. & cert. ef. 10-6-14

836-053-0431

Underwriting, Enrollment and Benefit Design

(1) A carrier must offer all of its approved nongrandfathered individual health benefit plans and plan options, including individual plans offered through associations, to all individuals eligible for such plans on a guaranteed issue basis without regard to health status, age, immigration status or lawful presence in the United States. Except as provided in section (2) of this rule:

(a) For individual health benefit plans approved by October 1 of each calendar year for sale in the following calendar year, a carrier may limit enrollment to:

(A) October 1, 2013 to March 31, 2014 for coverage effective in 2014;

(B) November 15, 2014 through January 15, 2015 for coverage effective in 2015; and

(C) October 15 to December 7 of each preceding calendar year for coverage effective on or after January 1, 2016; and

(b) Coverage must be effective consistent with the dates described in 45 CFR 155.410(c) and (f).

(2)(a) Notwithstanding section (1) of this rule, a carrier must deny enrollment under the following circumstances:

(A) To an individual who is not lawfully present in the United States in a plan provided through the Oregon Health Insurance Exchange Corporation.

(B) To an individual entitled to benefits under a Medicare plan under part A or B or a Medicare Choice or Medicare Advantage plan described in 42 USC 1395W-21, if and only if the individual is enrolled in such a plan.

(b) A carrier must enroll an individual who, within 60 days before application for coverage with the carrier:

(A) Loses minimum essential coverage. Loss of minimum essential coverage does not include termination or loss due to failure to pay premiums or rescission as specified in 45 CFR 147.128. The effective date of coverage for the loss of minimum essential must be consistent with the requirements of 45 CFR 155.420(b)(1).

(B) Gains a dependent or becomes a dependent through marriage, birth, adoption or placement for adoption or foster care. The effective date for coverage for enrollment under this paragraph must be:

(i) In the case of marriage, no later than the first day of the first calendar month following the date the carrier receives the request for special enrollment.

(ii) In the case of birth, on the date of birth.

(iii) In the case of adoption or placement for adoption or foster care, no later than the date of adoption or placement for adoption or foster care.

(C) Experiences a qualifying event as defined under section 603 of the Employee Retirement Income Security Act of 1974, as amended.

(D) Experiences an event described in 45 CFR 155.420(d)(4), (5), (6), or (7). The effective date of coverage for enrollment under this paragraph must be:

(i) For 45 CFR 155.420(d)(4) or (d)(5), consistent with the requirements of 45 CFR 155.420(b)(2)(iii).

(ii) For 45 CFR 155.420(d)(6) or (d)(7), consistent with the requirements of 45 CFR 155.420(b)(1).

(E) Loses eligibility for coverage under a Medicaid plan under title XIX of the Social Security Act or a state child health plan under title XXI of the Social Security Act. The effective date of coverage for enrollment under this paragraph must be consistent with the requirements of 45 CFR 155.420(b)(1).

(c) During the month of April 2014, a carrier must allow special enrollment on the basis that an individual who applies during April 2014 has experienced an event described in 45 CFR 155.420(d)(9), if no other basis for special enrollment exists. The effective date of coverage for enrollment under this paragraph must be no less restrictive than those described in 45 CFR 155.420(b)(2)(iii)(B).

(3) Notwithstanding section (1)(a)(A) of this rule, a carrier must enroll an individual who is enrolled in an individual health benefit plan with a policy year that terminates after March 31, 2014 if the individual applies for coverage within 30 calendar days before the end of the individual's individual health benefit plan policy year. This subsection does not require a carrier to enroll an individual enrolled in an individual health benefit plan with a policy year that ends after December 31, 2014 if enrollment is not otherwise required under section (1) or (2) of this rule. The effective date of coverage for enrollment under this subsection must be effective consistent with the requirements of 45 CFR 155.420(b)(1).

(4) Except as permitted under a preexisting condition provision of a grandfathered individual plan, a carrier may not modify the benefit provisions of an individual health benefit plan for any enrollee by means of a rider, endorsement or otherwise for the purpose of restricting or excluding coverage for medical services or conditions that are otherwise covered by the plan.

(5) A carrier may offer wrap-around occupational coverage to an accepted individual health benefit plan applicant.

(6) A carrier may impose an individual coverage waiting period on the coverage of certain new enrollees in a grandfathered individual health benefit plan in accordance with ORS 743.766. The terms of the waiting period must be specified in the policy form and enrollee summary. The waiting period may apply only when the carrier has determined that the enrollee has a preexisting health condition warranting the application of a waiting period through evaluation of the form entitled "Oregon Individual Standard Health Statement" as set forth on the website of the Insurance Division of

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the Department of Consumer and Business Services at www.insurance.oregon.gov.

(7) A carrier may treat a request by an enrollee in an individual health benefit plan to enroll in another individual plan as a new application for coverage.

(8) Unless otherwise required by law and except as provided in section (9) of this rule, a carrier must implement a modification of a non-grandfathered individual health benefit plan required by statute on the next anniversary or fixed renewal date of the plan that occurs on or after the operative date of the statutory provision requiring the modification.

(9) For a grandfathered individual health benefit plan:

(a) Unless otherwise required by law, a carrier must implement a modification required by statute on the first day of the calendar year that occurs on or after the operative date of the statutory provision requiring the modification.

(b) A carrier must eliminate and deem ineffective a rider or endorsement in effect for an enrollee based on the actual or expected health status of the enrollee and that excludes coverage for diseases or medical conditions otherwise covered by the plan as of the next renewal date;

(c) If an enrollee who is subject to a preexisting condition provision has a rider or endorsement eliminated in accordance with subsection (a) of this section, the enrollee's medical condition that is subject to the rider or endorsement may be subject to the preexisting conditions provision of the plan, including the prior coverage credit provisions;

(10) In accordance with applicable federal law, a carrier may not deny continuation or renewal of an individual health benefit plan based on Medicare eligibility of an individual but an individual health benefit plan may contain a Medicare non-duplication provision.

(11) Violation of this rule is an unfair trade practice under ORS 746.240.

Stat. Auth.: ORS 731.244, 743.745 & 743.769

Stats. Implemented: ORS 743.745 & 743.766 - 743.769

Hist.: ID 12-2013, f. 12-31-13, cert. ef. 1-1-14; ID 2-2014(Temp), f. & cert. ef. 2-4-14 thru 7-31-14; ID 5-2014(Temp), f. & cert. ef. 4-2-14 thru 9-24-14; ID 7-2014(Temp), f. & cert. ef. 4-16-14 thru 9-24-14; ID 14-2014, f. & cert. ef. 7-30-14; ID 17-2014, f. & cert. ef. 10-6-14

836-053-0465

Rating for Individual Health Benefit Plans

(1) Individual health benefit plans must be rated in accordance with the geographic areas specified in OAR 836-053-0065. A carrier must file a single geographic average rate for each health benefit plan that is offered to individuals within a geographic area. The geographic average rate must be determined on a pooled basis, and the pool shall include all of the carrier's business in the Oregon individual health benefit plan market, except for grandfathered health benefit plans, student health benefit plans and transitional health benefit plans.

(2) The variation in geographic average rates among different individual health benefit plans offered by a carrier must be based solely on objective differences in plan design or coverage. The variation shall not include differences based on the risk characteristics or claims experience of the actual or expected enrollees in a particular plan.

(3) A carrier may use the same geographic average rate for multiple rating areas.

(4) For a nongrandfathered health benefit plan:

(a) A carrier must implement premium rate increases on a fixed schedule that applies concurrently to all enrollees in a plan. A carrier may adjust an enrollee's premium during the rating period if the enrollee has a change in family composition.

(b) Premium rates must total the sum of the product of the applicable factors in subsection (c) of this section for each enrollee and dependent 21 years of age and older and the sum of the product of the applicable factors in section (7) of this rule for each of the three oldest dependent children under the age of 21.

(c) As determined by a carrier, variations in rates may be based on one or both of the following factors:

(A) The ages of enrollees and their dependents according to Exhibit 1 to this rule. Variations in rates based on age may not exceed a ratio of three to one; or

(B) A tobacco use factor of no more than one and one-half times the non-tobacco use rate for persons 18 years of age or older except that the factor may not be applied when the person is enrolled in a tobacco cessation program.

(5) For a grandfathered health benefit plan, a carrier must implement premium rate increases in a consistent manner for all enrollees in a plan. A carrier may use either of the following methods to schedule premium rate increases for all enrollees in a grandfathered health benefit plan:

(a) A rolling schedule that is based on the anniversary of the date of coverage issued to each enrollee or on another anniversary date established by the carrier; or

(b) A fixed schedule that applies concurrently to all enrollees in a plan. If a fixed schedule is used, a carrier may adjust the premium of an enrollee during the rating period if the enrollee moves into a higher age bracket or has a change in family composition.

(6) In addition to other bases offered by a carrier, an enrollee of an individual health benefit plan must be offered the opportunity to pay premium on a monthly basis.

Stat. Auth.: ORS 731.244, 743.019, 743.020, 743.769 & 2014 OL Ch. 80, Sec. 5

Stats. Implemented: ORS 743.766 - 743.769, 746.015, 746.240 & 2014 OL Ch. 80, Sec. 5

Hist.: ID 12-1996, f. & cert. ef. 9-23-96; Renumbered from 836-053-0420, ID 5-1998, f. & cert. ef. 3-9-98; ID 5-2000, f. & cert. ef. 5-11-00; ID 7-2001(Temp), f. 5-30-01, cert. ef. 5-31-01 thru 11-16-01; ID 14-2001, f. & cert. ef. 11-20-01; ID 5-2010, f. & cert. ef. 2-16-10; ID 12-2013, f. 12-31-13, cert. ef. 1-1-14; ID 6-2014(Temp), f. & cert. ef. 4-11-14 thru 10-8-14; ID 17-2014, f. & cert. ef. 10-6-14

Department of Corrections Chapter 291

Rule Caption: Identification and Management of Inmates that Present with Nonconforming Gender at Intake

Adm. Order No.: DOC 20-2014

Filed with Sec. of State: 10-13-2014

Certified to be Effective: 10-13-14

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Rules Adopted: 291-210-0010, 291-210-0020, 291-210-0030

Rules Repealed: 291-210-0010(T), 291-210-0020(T), 291-210-0030(T)

Subject: These rules are necessary to establish the department's policy for the identification, assessment, review and management of inmates that present with nonconforming gender at intake to the Department of Corrections

Rules Coordinator: Janet R. Worley—(503) 945-0933

291-210-0010

Authority, Purpose, and Policy

(1) Authority: The authority for these rules is granted to the Director of the Department of Corrections in accordance with ORS 179.040, 423.020, 423.030, and 423.075.

(2) Purpose: The purpose of these rules is to establish Department of Corrections policy and procedures for the identification, assessment, review, and management of inmates that present with nonconforming gender at intake.

(3) Policy: Within the inherent limitations of resources, and the need to maintain facility security, order and discipline, the health and safety of inmates and staff, and to further inmate rehabilitation, it is the policy of the Department of Corrections, based on available information, to:

(a) Identify inmates that present with nonconforming gender upon delivery to the Department of Corrections when possible during intake processing; and

(b) Assess, review, and manage inmates that present with nonconforming gender at intake on a case-by-case basis, in a respectful manner, considering each inmate's individual circumstances, including but not limited to the inmate's physical sexual characteristics, gender identification, physical presentation, behavior and programming needs.

Stat. Auth.: ORS 179.040, 423.020, 423.030 & 423.075

Stats. Implemented: ORS 179.040, 423.020, 423.030 & 423.075

Hist.: DOC 15-2014(Temp), f. & cert. ef. 6-25-14 thru 12-22-14; DOC 20-2014, f. & cert. ef. 10-13-14

291-210-0020

Definitions

(1) Gender: The socially constructed roles, behaviors, activities, and attributes that a given society typically or historically assigns to men and women.

(2) Gender Identity: The actual and perceived gender of an individual regardless of whether the individual's gender identity, appearance, expression or behavior differs from that traditionally associated with the individual's sex at birth.

(3) Nonconforming Gender: A person's physical appearance and characteristics and/or behaviors that do not conform to those typically associated with a person's sex at birth or traditional societal gender expectations.

(4) Nonconforming Gender Review Committee: A working group of ODOC officials that reviews and makes recommendations to the Assistant Director for Operations or designee for appropriate housing assignments

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for inmates that staff has identified as presenting with nonconforming gender.

(5) Physical Sexual Characteristics: The presence and type of primary and secondary sexual characteristics (i.e., genitals, developed breasts, and hair distribution) that are typically used to define and classify a person's sex as male or female.

Stat. Auth.: ORS 179.040, 423.020, 423.030 & 423.075
Stats. Implemented: ORS 179.040, 423.020, 423.030 & 423.075
Hist.: DOC 15-2014(Temp), f. & cert. ef. 6-25-14 & 12-22-14; DOC 20-2014, f. & cert. ef. 10-13-14

291-210-0030

Identification, Assessment, Review, and Management of Inmates that Present with NonConforming Gender at Intake

(1) Identification at Intake: Staff shall seek to identify inmates that present with nonconforming gender upon delivery to the Department of Corrections during intake processing, based on available information from the county, the inmate (including the inmate's stated gender identity, if any), and as developed by staff.

(2) Appropriate and Professional Questioning: Staff shall question inmates regarding their sex and gender identity only when necessary to develop information for making appropriate intake and housing assignments, classification assignments, programming assignments; to provide health care and health assessments; and as necessary for the inmate's health or safety, or for the safe, secure, and orderly operation of the facility. Staff shall question inmates in a private and professional manner to avoid subjecting the inmate to the risk of possible abuse or ridicule.

(3) Initial Placement in Holding Cell: When staff identifies an inmate as presenting with nonconforming gender during intake processing, staff shall place the inmate in a holding cell in receiving and discharge to provide for the inmate's safety and to provide the inmate with a measure of privacy pending further review.

(4) Skin Searches:

(a) Skin searches are performed by appropriate security staff on each inmate upon the inmate's delivery to the facility. Ordinarily, a security staff member of the same sex as the inmate will be assigned to conduct the skin search.

(b) If the intake sergeant cannot determine the sex of the inmate, the Intake Sergeant shall ask the inmate to identify which gender of security staff member they prefer to conduct the skin search. If the inmate does not provide the requested information, the intake sergeant shall notify the officer-in-charge (OIC). The OIC shall then assign a security staff member of an appropriate sex to conduct the skin search of the inmate based on the information available and discussion with the inmate.

(c) If staff has not determined that an inmate presents with nonconforming gender, and security staff discover during the conduct of a skin search that the inmate has physical sexual characteristics of the sex opposite of the security staff member conducting the search, the security staff member will immediately cease conducting the search and notify the intake sergeant. The intake sergeant shall follow the steps in subsection (b) above to conduct the skin search.

(5) Intake Housing Assignment:

(a) Following initial placement in a holding cell, an inmate identified by staff as presenting with nonconforming gender during intake processing shall be assigned to a single cell in the Infirmary, on a space available basis, until the appropriate housing for the inmate has been staffed by the NonConforming Gender Review Committee.

(b) If there are no infirmary beds available, the functional unit manager or designee will assign the inmate to appropriate alternative housing in the facility, and document the reasons for the alternative housing assignment.

(6) Clothing at Intake Center: Inmates that have been identified by staff as presenting with nonconforming gender at intake will be issued the following clothing to wear during intake processing - two sets of scrubs; two t-shirts; sweatshirt; two bras (if requested or needed); underwear (type issued based on inmate request); pajamas (type issued based on inmate request); and socks and intake shoes.

(7) Recreation at Intake Center: All inmates will be afforded out of cell time equal to the unit they are being housed in or as facility operation allows. A minimum out of cell time will be three (3) times a week.

(8) Shower and Hygiene at Intake Center: Inmates that have been identified by staff as presenting with nonconforming gender at intake shall shower separately from other inmates.

Stat. Auth.: ORS 179.040, 423.020, 423.030 & 423.075
Stats. Implemented: ORS 179.040, 423.020, 423.030 & 423.075
Hist.: DOC 15-2014(Temp), f. & cert. ef. 6-25-14 thru 12-22-14; DOC 20-2014, f. & cert. ef. 10-13-14

Department of Energy Chapter 330

Rule Caption: Amendment to remove Oregon State Treasurer representative ex-officio member.

Adm. Order No.: DOE 6-2014

Filed with Sec. of State: 9-30-2014

Certified to be Effective: 9-30-14

Notice Publication Date: 9-1-2014

Rules Amended: 330-110-0012

Subject: These permanent rules for the Oregon Department of Energy Small Scale Local Energy Loan Program remove from rule the Oregon State Treasurer representative ex-officio position from the Small Scale Local Energy Project Advisory Committee. The Oregon State Treasurer may still designate a representative to attend and observe the Small Scale Local Energy Project Advisory Committee meetings as a member of the public.

Rules Coordinator: Elizabeth Ross—(503) 373-8534

330-110-0012

Small Scale Local Energy Project Advisory Committee Appointments, Term and Term Limit, Renewal, Member Removal

(1) Committee Appointment Process. As committee vacancies arise, the department will issue a committee member opening announcement.

(a) Applicants must complete an Oregon executive appointments interest form.

(b) The department may conduct in-person interviews, perform a background check and consult with current committee members.

(c) An applicant may be invited to attend a committee meeting.

(d) Department staff will submit a written recommendation to the director.

(e) The director will consider the recommendation and make the final determination, in accordance with ORS 470.070(2).

(f) If selected, the director will issue a signed letter of appointment and the applicant must accept within ten days.

(2) Committee Member Term; Term Limit.

(a) A committee member serves for a four-year term.

(b) A member's term starts on the date of appointment and until a successor is appointed and qualified.

(c) No committee member may serve more than two terms.

(3) Committee Renewal Process. Upon the recommendation of the committee, the director will review and may reappoint committee members for a second term.

(4) Committee Member Removal. The director may remove a committee member for any of the following:

(a) For any cause that is counter to the interests of the citizens of this state or the goals and mission of the committee, loan program or department.

(b) Upon missing three scheduled committee meetings in a 12-month period, the director may remove a committee member. The department schedules six committee meetings a year.

Stat. Auth.: ORS 469.040 & 470.140
Stats. Implemented: ORS 470.050 - 470.815
Hist.: DOE 2-2014, f. & cert. ef. 3-7-14; DOE 6-2014, f. & cert. ef. 9-30-14

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Rule Caption: Add fleets to Alternative Fuel Vehicle tax credit; amend Alternative Fuel Vehicle Revolving Fund program.

Adm. Order No.: DOE 7-2014

Filed with Sec. of State: 10-10-2014

Certified to be Effective: 1-1-15

Notice Publication Date: 9-1-2014

Rules Amended: 330-110-0060, 330-220-0000, 330-220-0010, 330-220-0020, 330-220-0030, 330-220-0050, 330-220-0070, 330-220-0080, 330-220-0090, 330-220-0100, 330-220-0150

Subject: These permanent rules for the Oregon Department of Energy for the Alternative Fuel Vehicle tax credit program add tax credits for the acquisition of an alternative fuel vehicle fleets as provided for in Oregon Laws 2013, chapter 774 (SB 583). The rule outlines requirements for fleet projects specifically to ensure projects have a nexus with Oregon, outlines tax credit eligible costs and defines the replacement of two or more vehicles as required for program eligibility. This rulemaking also includes changes to the Alternative Fuel Vehicle Revolving Loan Fund program rules to incorporate changes

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from Oregon Laws 2014, chapter 38 (HB 4107). HB 4107 added eligibility for certain private entities and provides authority for the department to collect fees for loan applications for this program.

Rules Coordinator: Elizabeth Ross—(503) 373-8534

330-110-0060

Alternative Fuel Vehicle Revolving Fund Program; Loan Terms

(1) The department will use the moneys from the Alternative Fuel Vehicle Revolving Fund to provide loans to private entities as defined in ORS 469.960, public bodies defined in 174.109 and federally recognized Indian tribes in Oregon and may use the moneys to pay for the department's expenses in administering the Alternative Fuel Vehicle Revolving Fund, Alternative Fuel Vehicle Revolving Fund Program and related costs.

(2) As defined in ORS 469.960 to be eligible for this loan program, private entities must operate a fleet of motor vehicles that are based in an area described in 468A.390 or 815.300 and must not hire fleet drivers who qualify as independent contractors, as defined in 670.600.

(a) The department may use the address on the vehicle titles, the area the vehicles are operated the majority of time and other evidence of primary usage location to determine the fleet's base. Section (2) does not apply to public bodies or tribes.

(b) Eligible private entities must certify, on the application form, stating they do not hire fleet drivers who qualify as independent contractors.

(3) The loans may not be used for the full purchase or any expense not related to the alternative fuel vehicle project. Loans must be used to:

(a) Assist in the purchase of new alternative fuel vehicles by providing funding for the incremental cost of purchasing alternative fuel vehicles that exceeds the cost of purchasing vehicles that are not alternative fuel vehicles; or

(b) Convert or modify existing vehicles that use gasoline or diesel to alternative fuel vehicles. A conversion or modification of a motor vehicle must include at least one eligible alternative fuel as described in OAR 330-110-0060(4).

(4) Alternative fuel vehicle means:

(a) A motor vehicle, as defined in ORS 801.360;

(b) That is manufactured or modified to use an alternative fuel, including but not limited to electricity, biofuel, gasohol with at least 20 percent denatured alcohol content, hydrogen, hythane, methane, methanol, natural gas, propane or any other fuel approved by the department;

(c) That produces lower exhaust emissions or is more energy efficient than equivalent equipment fueled by gasoline or diesel;

(d) Registered in Oregon in accordance with ORS 803; and

(e) If a conversion or modification, new equipment is installed by a qualified technician that is compliant with Environmental Protection Agency or California Air Resources Board standards.

(5) The terms and interest rate for these loans will be established by the department to recover the administrative cost of this loan program and to maintain a perpetual source of funding for the Alternative Fuel Vehicle Revolving Fund Program. A loan must be fully amortized not later than six years after the purchase of the new alternative fuel vehicle being financed by the loan or the conversion of a vehicle that uses gasoline or diesel to an alternative fuel vehicle.

(6) The department will convene a review committee to review and prioritize loans, as needed.

(7) The department may list the evaluation criteria for prioritizing loan applications. The department will give priority to loans for conversions or modifications. The additional criteria the department may consider for each vehicle covered by the application include, but are not limited to:

(a) Fuel displacement capacity,

(b) Geographical area or local economic conditions of the home base,

(c) Accelerated repayment schedule,

(d) Age of the vehicle,

(e) Estimated annual mileage,

(f) Gross weight of the vehicle, and

(g) Emissions.

(8) A loan application must be made on department approved forms and in a manner set by the department. An applicant must designate the Alternative Fuel Vehicle Revolving Fund Program in the purpose section of the application and include the required fees. For each vehicle covered by the application, the application must include information needed for prioritization in OAR 330-110-0060(6) plus the following information:

(a) Vehicle Identification Number;

(b) Vehicle make, model, year and description;

(c) Current odometer reading;

(d) Name of titled owner;

(e) Gross vehicle weight;

(f) Fuel economy;

(g) Estimated annual mileage;

(h) Borrowing authority;

(i) Loan repayment information, identifying the dedicated source of revenue for repayment purposes; and

(j) Any other information requested by the department.

(9) Submitting a loan application does not guarantee the department will provide a loan to the applicant.

(10) The proceeds of loans made from the Alternative Fuel Vehicle Revolving Fund may be used for purchases or conversions as described in OAR 330-110-0060(2) no more than 60 days prior to the department receiving the loan application.

(11) No one borrower may obtain a loan for greater than 30 percent of the total available, uncommitted funds in the Alternative Fuel Vehicle Revolving Fund. The department may adjust the allowed percentage for a borrower based on program usage. The department may also set a maximum aggregate amount of all loans outstanding that a single public entity or tribe may have under the Alternative Fuel Vehicle Revolving Fund.

(12) Loans made from the Alternative Fuel Vehicle Revolving Fund will be subject to the department's underwriting standards and the requirements in OAR Chapter 330, division 110. Loans require final approval by the Director.

(13) Pursuant to ORS 469.964 as amended by Oregon Laws 2014, chapter 38, section 4, the department may charge fees for Alternative Fuel Vehicle Revolving Fund loan applications. Applicants will pay the following fees and charges:

(a) For loan amounts of \$100,000 or more:

(A) A non-refundable application fee of 0.1 percent of the amount of the loan applied for up to \$2,500.

(B) A non-refundable underwriting fee of \$500 or 1.5 percent of the loan request amount, whichever is greater, but not to exceed \$10,000.

(C) Charges for items including, but not limited to credit reports, expert advice, legal fees, construction inspections, disbursement fees, loan servicing fees and appraisals, unless charges incurred also benefit another application, in which case the charges will be divided equitably. Such charges will be estimated or itemized for the applicant before they are incurred.

(b) For loan amounts up to \$100,000, refer to the department's Loan Fee Chart for a fee that combines the fees and charges described in this section and that is equal to or less than the sum of the fees and charges described in this section.

(c) A charge for the cost of each request to release or modify security.

(14) An Alternative Fuel Vehicle Revolving Fund borrower must report, on an annual basis for the term of the loan, the following:

(a) Miles driven,

(b) Amount of fuel consumed, and

(c) Other data as described in the loan agreement.

Stat. Auth.: ORS 469.040 469.963 & 469.966

Stats. Implemented: ORS 469.960 - 469.966

Hist.: DOE 4-2013, f. & cert. ef. 12-12-13; DOE 7-2014, f. 10-10-14, cert. ef. 1-1-15

330-220-0000

Applicability of Rules in OAR 330, division 220

These rules implement the incentives program for alternative fuel vehicle projects established in ORS 315.336 and ORS 469B.320 to 469B.347. The rules also provide procedures for submission, agency review and selection of alternative fuel vehicle projects for preliminary and final certification of tax credits.

Stat. Auth.: ORS 315.336 & 469B.320 - 469B.347

Stats. Implemented: ORS 315.336 & 469B.320 - 469B.347

Hist.: DOE 2-2012(Temp), f. & cert. ef. 2-7-12 thru 8-3-12; DOE 9-2012, f. 7-31-12, cert. ef. 8-1-12; DOE 7-2014, f. 10-10-14, cert. ef. 1-1-15

330-220-0010

Definitions

For the purposes of this division, the following definitions apply:

(1) "Acquisition" includes:

(a) For an alternative fuel vehicle infrastructure project, installation or construction of a facility for mixing, storing, compressing or dispensing fuels for alternative fuel vehicles, and any other necessary and reasonable equipment.

(b) For an alternative fuel vehicle fleet project, the replacement of two or more vehicles that are not used primarily for personal, family or house-

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hold purposes, with vehicles that are modified or acquired directly from the factory and that:

(A) Use an alternative fuel, including electricity, biofuel, gasohol with at least 20 percent denatured alcohol content, hydrogen, Hythane, methane, methanol, natural gas, propane or any other fuel approved by the Director of the State Department of Energy as an alternative fuel; and

(B) Produce lower exhaust emissions, or are more energy efficient, than equivalent vehicles fueled by gasoline or diesel.

(2) "Alternative Fuel" means a motor vehicle fuel, other than petroleum gasoline or diesel, certified by the U.S. Environmental Protection Agency for roadway use that results in equivalent or lower exhaust emissions or higher energy efficiency when used. Alternative fuels include electricity, biofuels, hydrogen, hythane, methane, methanol, natural gas, compressed natural gas, liquefied natural gas, liquefied petroleum gas (propane), renewable diesel, butanol and other fuels the director allows. Blends of these alternative fuels with conventional fuels will only be considered an alternative fuel under these rules when the concentration of the alternative fuel is 20 percent of the entire volume of the blended fuel or greater. Hydrated fuels must have water content of 10 percent of the entire volume of the blended fuel or greater to be considered eligible as an alternative fuel under these rules.

(3) "Alternative fuel vehicle project" has the meaning given in ORS 469B.320.

(4) "Applicant" means a person who has applied for or who has received a preliminary certificate for a transportation energy incentives program tax credit.

(5) "Capital lease" means a fixed-term lease where the lessee records the leased vehicle as assets and is eligible to claim depreciation on those vehicles for tax purposes.

(6) "Certified cost" means the cost certified in the final certification.

(7) "Cost" includes:

(a) For an alternative fuel vehicle infrastructure project, the capital expenditures to acquire, erect, design, build, convert, or install a project.

(b) For an alternative fuel vehicle fleet project, the:

(A) Expenditures necessary to convert two or more existing vehicles into alternative fuel vehicles,

(B) Incremental expenditures to acquire two or more replacement alternative fuel vehicles, or

(C) For class 8 tractors, the incremental expenditure to acquire two or more replacement alternative fuel vehicles as determined and stated by the department in an Opportunity Announcement.

(8) "Department" means the Oregon Department of Energy.

(9) "Director" means the director of the department.

(10) "Incremental expenditure" means the difference between the cost of an alternative fuel vehicle and a comparable traditional fuel vehicle, or an amount determined by the department as defined in OAR 330-220-0010(7)(b)(C).

(11) "Natural gas" means a gaseous fuel comprised primarily of methane derived from either hydro-carbon based or renewable sources, which can be used as a transportation fuel.

(12) "Opportunity period" means the timeframe specified in an Opportunity Announcement for the department to accept applications for alternative fuel vehicle projects.

(13) "Qualifying project cost" means the amount of the alternative fuel vehicle project's cost that may be eligible for tax credits.

(14) "Replacement" or "replaced" means either:

(a) The removal of existing fleet vehicles and substitution of new alternative fuel vehicles, or

(b) Conversion of the fuel system of existing fleet vehicles to use alternative fuels.

(15) "Total project cost" means all costs directly associated with an alternative fuel vehicle project, including ineligible costs.

Stat. Auth.: ORS 315.336 & 469B.320 - 469B.347

Stats. Implemented: ORS 315.336 & 469B.320 - 469B.347

Hist.: DOE 2-2012(Temp), f. & cert. ef. 2-7-12 thru 8-3-12; DOE 9-2012, f. 7-31-12, cert. ef. 8-1-12; DOE 7-2014, f. 10-10-14, cert. ef. 1-1-15

330-220-0020

Opportunity Announcement

(1) The department will announce the availability of tax credits for alternative fuel vehicle projects by issuing an Opportunity Announcement.

(2) The department will continually monitor the allocation of tax credits to ensure that the total amount of potential tax credits does not exceed the tax credit cap specified in ORS 469B.344.

(3) If the cumulative total of all tax credits awarded under the Opportunity Announcement is less than the total amount of tax credits

available, the department may reallocate the balance to a future Opportunity Announcement.

(4) The Opportunity Announcement will include the following information:

(a) Objectives for the opportunity period;

(b) The amount of tax credits available;

(c) Application requirements, as defined in OAR 330-220-0050;

(d) Dates of the application opportunity period;

(e) Instructions and directions to the required application forms and materials;

(f) Minimum technical standards;

(g) The process the department will use to allocate tax credits;

(h) For alternative fuel vehicle fleet projects, a list of eligible on-road vehicle types;

(i) For alternative fuel vehicle fleet projects, a maximum percentage of potential tax credit available an applicant may obtain during an opportunity period;

(j) For class 8 tractors, the incremental expenditure upon which to base the tax credit;

(k) Required percentage of fleet miles driven in state on an annual basis; and

(l) Other information the department considers necessary.

Stat. Auth.: ORS 315.336 & 469B.320 - 469B.347

Stats. Implemented: ORS 315.336 & 469B.320 - 469B.347

Hist.: DOE 2-2012(Temp), f. & cert. ef. 2-7-12 thru 8-3-12; DOE 9-2012, f. 7-31-12, cert. ef. 8-1-12; DOE 7-2014, f. 10-10-14, cert. ef. 1-1-15

330-220-0030

Preliminary Certification Application

(1) Any person may apply for a preliminary certification by submitting a complete preliminary certification application. The application must meet requirements provided by applicable statutes, these rules and the current Opportunity Announcement.

(a) The application must be in the form specified in the Opportunity Announcement and these rules.

(b) An applicant must submit a complete application during the opportunity period. For the purposes of this rule, the department considers an application "submitted" when the department receives the application. The department will not process applications received outside of an opportunity period.

(2) The application must be accompanied by the application fee specified in these rules. The department will not process applications received without fee payment.

(3) The application must include the following information, unless the department specifies otherwise in the Opportunity Announcement.

(a) The name of the applicant.

(A) If the applicant is a partnership, joint venture or association, the application must include the names of each person participating in the partnership, joint venture or association. The department may use this information to ensure compliance with ORS 469B.329.

(B) If the applicant is a corporation or limited liability company, the application must include the name of the corporation or LLC and its parent corporations, members and any close affiliates or subsidiaries. The department may use this information to ensure compliance with ORS 469B.329.

(C) If the applicant is a public or governmental entity, the application must include written authorization from the entity's governing body allowing submission of the application.

(b) The name, address, email address and telephone number of the responsible party for the applicant.

(c) The applicant's federal tax identification number or social security number, which may be shared with the Oregon Department of Revenue to facilitate the administration of state tax law.

(d) A statement verifying that the applicant will be the owner, contract purchaser or lessee of the alternative fuel vehicle project at the time of acquisition of the project.

(e) A description of the personnel and teams that will be working on project development, implementation and operation.

(f) If the applicant has received final certification of tax credits or payment of grants issued by the department within the last 5 years, the application must contain a statement affirming the operational status of the projects awarded such grants or tax credits.

(g) The location of the alternative fuel vehicle project.

(h) A statement explaining the amount by which use of the alternative fuel vehicle project will displace petroleum fuel.

(i) A statement of compliance with applicable state and local regulations and that the applicant will obtain required licenses and permits.

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(j) The number and type of new jobs that will be created by the alternative fuel vehicle project and the number of existing jobs that will be sustained throughout construction, installation and operation of the project. Job estimates should be submitted in hours. These hours must directly relate to the alternative fuel vehicle project.

(k) The anticipated total project cost of the alternative fuel vehicle project.

(l) The amount of anticipated or received incentives directly related to the alternative fuel vehicle project.

(m) A project schedule and project management plan.

(n) A description of the applicant's financing plan for the alternative fuel vehicle project including:

(A) Construction or acquisition financing; and

(B) Startup costs.

(o) The dollar amount of tax credit requested by the applicant.

(p) If the applicant has already started acquisition or performance of the alternative fuel vehicle project, a written description of the special circumstances that rendered filing of an application prior to the start of acquisition or performance unreasonable.

(q) For an alternative fuel vehicle infrastructure project, a detailed description of the project including:

(A) Information that demonstrates how the project will be technically feasible and how the project will operate for at least five years as represented in the application. This may require documentation in addition to the application form.

(B) A description of proposed fueling systems, the estimated number of alternative fuel vehicles that will use the proposed station, the type of alternative fuel that will be dispensed and the expected annual amount that will be dispensed.

(C) The expected operational life of the alternative fuel vehicle infrastructure project.

(r) For an alternative fuel vehicle fleet project, a detailed description of the project including:

(A) Information that demonstrates the vehicles being replaced with new alternative fuel vehicles are no longer in the project owner's fleet or the fleet of any related entity.

(B) A description of the vehicles being replaced with new alternative fuel vehicles, including:

(i) Vehicle Identification Number;

(ii) Vehicle make, model, year and description;

(iii) Gross vehicle weight and weight class;

(iv) Fuel type;

(v) Fleet average miles per gallon; and

(vi) Estimated annual mileage.

(C) A description of the new alternative fuel vehicles acquired, including:

(i) Vehicle make, model, year and description;

(ii) Gross vehicle weight and weight class;

(iii) Fuel type;

(iv) Estimated miles per gallon; and

(v) Estimated annual mileage.

(D) A description of the existing fleet vehicles being converted or modified to use alternative fuels, including:

(i) Vehicle identification number;

(ii) Vehicle make, model, year and description;

(iii) Gross vehicle weight and weight class;

(iv) Original fuel type and proposed fuel type after conversion to use of alternative fuel;

(v) Fleet average miles per gallon before and after conversion to use of alternative fuel;

(vi) Annual mileage before and after conversion to use of alternative fuel; and

(vii) Information about the conversion kit and the entity converting the vehicles.

(E) The expected operational life of the alternative fuel vehicle project.

(F) Information that demonstrates the alternative fuel vehicles are registered and operating in Oregon. Where applicable, registration under the International Registration Plan must have Oregon as the base jurisdiction.

(s) Other information the department considers necessary.

Stat. Auth.: ORS 315.336 & 469B.320 - 469B.347

Stats. Implemented: ORS 315.336 & 469B.320 - 469B.347

Hist.: DOE 2-2012(Temp), f. & cert. ef. 2-7-12 thru 8-3-12; DOE 9-2012, f. 7-31-12, cert. ef. 8-1-12; DOE 7-2014, f. 10-10-14, cert. ef. 1-1-15

330-220-0050

Completeness Review

(1) The department will determine that sufficient potential tax credits are available prior to beginning review of an application. The department may return applications, or offer a lower tax credit amount, if there are not sufficient potential tax credits available to award the amount of tax credit requested.

(2) The department will review all preliminary certification applications to determine whether:

(a) All sections of the application are complete.

(b) The applicant has submitted the required fee.

(c) The project meets the definition of an alternative fuel vehicle project.

(d) The applicant is applying prior to the acquisition of the project.

(A) If the applicant applies after acquisition of the project has started, the department will deny the application unless a written explanation of the special circumstances is received and approved by the director. An applicant may order an alternative fuel vehicle eligible for the tax credit up to 60 days prior to the department receiving the preliminary certificate application without providing a written explanation. Alternative fuel vehicle conversion kits may not be purchased prior to the department receiving the preliminary certificate application.

(B) Failing to submit a timely application or not being selected for a grant or tax credit under this or prior department programs does not constitute special circumstances.

(e) The alternative fuel vehicle project is located in Oregon.

(3) If the department finds that the application is complete, the application will move into the technical review process and the department will notify the applicant in writing.

(4) The department will deny all incomplete applications and notify applicants in writing of the reason for denial of the application.

(5) The department considers the completeness review as a test; the decision to deny an incomplete application is not an action subject to review under ORS chapter 183.

(6) If an applicant has not started acquisition of the alternative fuel vehicle project, an applicant may apply again for the same project in the same or a future Opportunity Announcement by submitting a new application and fee. The department will not apply fees submitted with a previous application to future applications.

Stat. Auth.: ORS 315.336 & 469B.320 - 469B.347

Stats. Implemented: ORS 315.336 & 469B.320 - 469B.347

Hist.: DOE 2-2012(Temp), f. & cert. ef. 2-7-12 thru 8-3-12; DOE 9-2012, f. 7-31-12, cert. ef. 8-1-12; DOE 7-2014, f. 10-10-14, cert. ef. 1-1-15

330-220-0070

Technical Review

(1) Once the applicant has paid the technical review fee, the department will conduct a technical review of alternative fuel vehicle projects advanced from the completeness review. If the applicant does not submit the required payment to the department within 21 calendar days of notification for technical review, the department may deny the application.

(2) The department will review the information provided in the application against industry standards to determine whether the project is financially and technically feasible and should operate in accordance with the representations made by the applicant.

(3) To be eligible, the alternative fuel vehicle project must meet the following requirements:

(a) The project must meet the requirements of the statutes, these rules and the Opportunity Announcement.

(b) The applicant must be the owner, contract purchaser or project lessee at the time of the project's acquisition.

(c) The applicant must be a trade, business or rental property owner with a business site in Oregon or be an Oregon non-profit organization, a federally recognized tribe or a public body as defined in ORS 174.109 that partners with an Oregon business or resident. The applicant may not restrict membership, sales or service on the basis of race, color, creed, religion, national origin, sexual preference or gender.

(d) A project located at a residential property must be rental property. A rental property must meet laws related to rental accommodations and contain a dwelling unit or rooming unit with permanent living facilities. Living facilities include facilities for sleeping, eating, cooking and sanitation, for one or more persons, other than the property owner, which is subject to a rental agreement that provides for meaningful compensation to the owner.

(e) If the alternative fuel vehicle infrastructure project is a Level 1, 120 volt AC or similar, charging station for electric vehicles, the charger

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must provide an average of at least 12 hours of connection time per use. Applicants must provide anticipated connection and charging patterns as part of the project description section of the application.

(f) An electric charging station project must supply electricity for on-road vehicles.

(g) An alternative fuel vehicle fleet project must be an eligible on-road vehicle type as described in the Opportunity Announcement.

(h) An alternative fuel vehicle fleet must operate in Oregon as specified in the Opportunity Announcement, which will be at least 75 percent of the operation time.

(i) An alternative fuel vehicle fleet project may be acquired with a capital lease. The capital lease terms must be at least five years.

(j) An alternative fuel vehicle fleet project must include at least one eligible alternative fuel.

(k) An alternative fuel vehicle fleet conversion or modification project must include new equipment installed by a qualified technician that is compliant with Environmental Protection Agency or California Air Resources Board standards.

(4) The department will review the alternative fuel vehicle project cost for eligibility. The application must document total project cost by providing a list of itemized costs.

(a) Qualifying project costs for an alternative fuel vehicle infrastructure project include:

(A) The cost of components, including all materials and supplies needed for the erection, construction, installation or acquisition of the proposed project;

(B) The costs to extend or increase the capacity of utility connections are only eligible if located within the property lines of the project location. Qualifying costs for utility connections for electric vehicle charging stations are also limited by location to:

(i) \$5,000 for a Level 1, 120 volt AC or similar, electric vehicle charging station.

(ii) \$15,000 for a Level 2, 240 volt AC or similar, electric vehicle charging station.

(iii) \$30,000 for a DC Fast Charger, or similar, electric vehicle charging station.

(C) Fees to design or engineer the project;

(D) The cost of title searches, escrow fees, permit and license fees, excluding fees required by this rule, and shipping;

(E) Cost of work performed by the applicant's employees or independent contractors if the following conditions are met:

(i) Employees or contractors must be certified, accredited, licensed or otherwise qualified to do the work;

(ii) The work must be associated with the erection, construction, installation or acquisition of the alternative fuel vehicle infrastructure project;

(iii) Project management and other similar costs may only account for up to 15 percent of the qualifying project costs; and

(iv) Costs for employees' or contractors' work on the alternative fuel vehicle infrastructure project must be detailed and documented as to specific tasks, hours worked and compensation costs.

(F) Costs for legal counsel that are directly related to the development of an alternative fuel vehicle infrastructure project;

(G) Costs of training associated with the alternative fuel vehicle infrastructure project that is approved by the department; and

(H) Other costs the department determines should be included.

(b) Qualifying project costs for an alternative fuel vehicle fleet project include:

(A) Incremental expenditure of new alternative fuel vehicles.

(B) Vehicle modification cost directly related to converting the fuel system of the vehicle to use alternative fuel, which are limited to new conversion component costs and labor to install the new components.

(C) Other costs the department determines should be included.

(c) Qualifying alternative fuel vehicle project costs do not include:

(A) Interest and warranty charges;

(B) Litigation or other operational-related legal fees and court costs;

(C) Intellectual property search, application and filing payments;

(D) Donated, in-kind or volunteer labor and materials;

(E) Administrative costs to apply for grants, loans, tax credits or other similar funding for an alternative fuel vehicle project including, but not limited to the tax credit review charge, costs associated with the creation and development of the certified public accountant attestation letter and costs associated with securing a pass-through partner for the project;

(F) Routine operational, routine maintenance and repair costs associated with the alternative fuel vehicle project;

(G) Expenses that are deemed not to have a benefit to the alternative fuel vehicle project, including but not limited to, fines, penalties, entertainment, food, alcohol, gifts and lobbying;

(H) Costs for all or any portion of an alternative fuel vehicle project that has previously received a transportation tax credit certification issued by the department; and

(I) Other costs the department determines should be excluded.

(d) The department may do inspections to verify qualified project costs.

(e) An applicant may incur qualifying project costs prior to the submission of an application, but may not begin installation or construction. For fleet projects, no qualifying project costs exclude those incurred more than 30 days prior to the date that the department opens the applicable opportunity period.

(5) If an application does not include all information needed to complete the technical review, the department may notify the applicant in writing, requesting additional information. If the department does not receive the requested information within 30 calendar days of the date of the notice, the department may deny the application.

(6) The department will notify the applicant in writing if the department denies the application during the technical review.

Stat. Auth.: ORS 315.336 & 469B.320 - 469B.347

Stats. Implemented: ORS 315.336 & 469B.320 - 469B.347

Hist.: DOE 2-2012(Temp), f. & cert. ef. 2-7-12 thru 8-3-12; DOE 9-2012, f. 7-31-12, cert. ef. 8-1-12; DOE 7-2014, f. 10-10-14, cert. ef. 1-1-15

330-220-0080

Preliminary Certification

(1) The department may issue a preliminary certificate if it determines that the alternative fuel vehicle project is technically feasible and capable of operating in accordance with the representations made by the applicant.

(2) The department may issue a tax credit that is less than the amount requested in the alternative fuel vehicle project application, pursuant to statute and applicable rules.

(3) The sum of any incentives, grants, credits, other public funds and the alternative fuel vehicle project incentive may not exceed total project costs.

(4) The preliminary certificate will state the qualifying project cost, the potential amount of allowable tax credit and any conditions for claiming the credit.

(5) The applicant must report on the project's status beginning one year from the issuing date of the preliminary certificate, unless the department has already received the project's application for final certification. The applicant must continue to submit project progress reports to the department every six months after the initial report until the department receives the project's application for final certificate. Failure to submit reports may result in revocation of the preliminary certification or denial of the final certification.

(6) A preliminary certification remains valid for a period of three calendar years after the date the department issues the preliminary certification or until the sunset of the program, whichever comes first.

Stat. Auth.: ORS 315.336 & 469B.320 - 469B.347

Stats. Implemented: ORS 315.336 & 469B.320 - 469B.347

Hist.: DOE 2-2012(Temp), f. & cert. ef. 2-7-12 thru 8-3-12; DOE 9-2012, f. 7-31-12, cert. ef. 8-1-12; DOE 7-2014, f. 10-10-14, cert. ef. 1-1-15

330-220-0090

Amendments to Preliminary Certifications

(1) The applicant must notify the department of any changes to the project proposal as described in the application for preliminary certification.

(2) An applicant must declare all changes to the alternative fuel vehicle project by the time the department receives the final certification application. Undeclared changes found in the application for final certification or through later inspection may result in denial of final tax credit certification.

(3) Applicants must submit an amendment request to the director to amend an alternative fuel vehicle project preliminary certification.

(4) Applicants must submit amendments on the form specified in the Opportunity Announcement.

(5) The applicant must demonstrate that the alternative fuel vehicle project, with the proposed change, would continue to be technically feasible, would operate as represented and would remain in operation for at least five years. The applicant has the responsibility to provide an amendment request with complete technical documentation that will support a case for the proposed amendment. The department may deny amendments submitted without such justification.

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(6) An amendment may result in a reduction in tax credit, but may not increase the tax credit amount certified in the preliminary certificate.

(7) If an amendment request does not include all information needed to complete the review, the department may provide the applicant a written request for additional information. If the applicant does not provide the requested information to the department within 30 calendar days of the date of the notice, the department may deny the request.

(8) Requests for amendments must include payment of the appropriate fee. The department may accept non-substantive changes, such as change of contact information, without payment of the fee.

(9) The department will decide whether to approve the request.

(a) If approved, the department will draft an amended preliminary certification, which may contain new or amended conditions and requirements.

(b) If denied, the department will notify the applicant in writing. The notice will include the reasons for the denial of the amendment request.

Stat. Auth.: ORS 315.336 & 469B.320 - 469B.347

Stats. Implemented: ORS 315.336 & 469B.320 - 469B.347

Hist.: DOE 2-2012(Temp), f. & cert. ef. 2-7-12 thru 8-3-12; DOE 9-2012, f. 7-31-12, cert. ef. 8-1-12; DOE 7-2014, f. 10-10-14, cert. ef. 1-1-15

330-220-0100

Final Certification

(1) An alternative fuel vehicle project must be completed and operational prior to applying for a final certification. An applicant must submit amendments to preliminary certifications before or with the final certification application.

(2) The department will not review applications for final certification received after the expiration of the preliminary certification or without the final review fee.

(3) The applicant must submit the application on the current department-issued form and all sections must be completed.

(4) The department will review the application, and may conduct an inspection, to verify:

(a) That the alternative fuel vehicle project is complete and operating.

(b) Compliance with statute, rules and the preliminary certification.

(c) Compliance with state and local regulations, including required licenses and permits.

(d) The lease or rental agreement if the infrastructure is leased or rented.

(e) That applicable fuel taxes and property taxes for the project location are current.

(f) That the alternative fuel vehicle project will be maintained and operated for at least five years by the project owner.

(g) The total project costs for acquisition of the project were paid in full.

(A) A certified public accountant must attest to the total project cost, or if the total project cost is less than \$50,000, the applicant must submit copies of receipts for the project.

(i) The certified public accountant cannot be the project owner, nor permanently employed by the project owner or pass-through partner.

(ii) Receipts for proof of payment may include canceled checks, credit card statements, binding contracts and agreements.

(B) The application must demonstrate that contract and loan agreements directly related to the project are not in default.

(C) The application must include information regarding all incentives, regardless of source, applied for or received in connection with the project.

(D) For a capital lease, applicant must submit a copy of the lease and demonstrate that lease payments directly related to the project are not in default.

(h) Other information the director considers necessary.

(5) If an application for final certification does not include all information needed to complete the final certification review, the department may ask the applicant, in writing, to submit additional information. If the department does not receive the requested information within 30 calendar days of the date of the notice requesting additional information, the department may deny the application for final certification.

(6) The department will notify the applicant, in writing, if the department denies the application during final review. An applicant may submit a written request for reconsideration within 60 days after the department issues a decision on a final certification.

(7) The department will issue a final certification upon verification that the alternative fuel vehicle project is complete and that the project complies with statute, rules, the preliminary certification and any other applicable requirements.

(a) The department may issue a credit up to 35 percent of the certified project cost. The department may certify a lesser tax credit amount than approved in the preliminary certificate, but may not certify a greater amount.

(b) The sum of any incentives, grants, credits or other public funds and the tax credit may not exceed total project costs.

(8) The department will send a written notification to applicants of its decision whether to issue a final certification within 60 days from the date the department receives a complete application for final certification. If more than 60 days pass from the date the department receives a complete application and the applicant has not received a written decision from the department, then the application is rejected and no further action will be taken. Any time required to provide additional information as provided in OAR 330-220-0100(5) is not included in this 60 day period.

Stat. Auth.: ORS 315.336 & 469B.320 - 469B.347

Stats. Implemented: ORS 315.336 & 469B.320 - 469B.347

Hist.: DOE 2-2012(Temp), f. & cert. ef. 2-7-12 thru 8-3-12; DOE 9-2012, f. 7-31-12, cert. ef. 8-1-12; DOE 7-2014, f. 10-10-14, cert. ef. 1-1-15

330-220-0150

Compliance and Pass-through

(1) All participants in this program are subject to OAR 330-230-0000 through 330-230-0150.

(2) The department may periodically inspect records for alternative fuel vehicle projects during the five-year term of the tax credit.

(3) If any alternative fuel vehicles that are part of a project receiving the tax credit are sold, repossessed, destroyed or otherwise no longer owned by the applicant, the applicant must notify the department within 30 days of the date that the vehicle was removed from the project owner's fleet.

Stat. Auth.: ORS 315.336 & 469B.320 - 469B.347

Stats. Implemented: ORS 315.336 & 469B.320 - 469B.347

Hist.: DOE 2-2012(Temp), f. & cert. ef. 2-7-12 thru 8-3-12; DOE 9-2012, f. 7-31-12, cert. ef. 8-1-12; DOE 7-2014, f. 10-10-14, cert. ef. 1-1-15

Department of Environmental Quality Chapter 340

Rule Caption: Onsite Program Fees and Updates

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Subject: This refiled does not change any Onsite program rule text.

It attaches tables adopted December 12, 2013.

Rules Coordinator: Maggie Vandehey — (503) 229-6878

340-071-0100

Definitions

As used in OAR 340, divisions 71 and 73, unless otherwise specified:

(1) "Absorption Area" means the entire area used for underground dispersion of the liquid portion of sewage including the area designated for a future replacement system. It may consist of a seepage pit, absorption field, or combination of the two. It may also consist of a cesspool, seepage bed, bottomless sand filter, or evapotranspiration-absorption system.

(2) "Absorption Facility" means a system of open-jointed or perforated piping, alternative distribution units, or other seepage systems for receiving the flow from septic tanks or other treatment facilities that are designed to distribute effluent for oxidation and absorption by the soil within the zone of aeration.

(3) "Absorption Field" means a system of absorption trenches, a seepage trench, or a system of seepage trenches.

(4) "Absorption Trench" means a ditch or a trench installed into soil, permeable saprolite, or diggable bedrock, with vertical sides and a substantially flat bottom.

(5) "Active Sand Dune" means wind-drifted ridges and intervening valleys, pockets, and swales of sand adjacent to the beach. The sand is grayish-brown with little or no horizon, color, or textural difference. Active dunes are either bare of vegetation or lack sufficient vegetation to prevent blowing of sand.

(6) "Aerobic Sewage Treatment Facility" means a sewage treatment plant that incorporates a means of introducing air and oxygen into the sewage to provide aerobic biochemical stabilization during a detention period. Aerobic sewage treatment facilities may include anaerobic processes as part of the treatment system.

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(7) "Aerobic System" means an alternative system that incorporates a septic tank or other treatment facility, an aerobic sewage treatment facility, and an absorption facility to provide treatment before dispersal.

(8) "Agent" means the director or person authorized to act on behalf of the director, frequently referring to DEQ or contract county staff performing onsite permitting activities.

(9) "Alteration" means expansion or change in location of an existing system or any part thereof. Major alteration is the expansion or change in location of the soil absorption facility, treatment unit, or any part thereof. Minor alteration is the replacement or relocation of a septic tank or other components of the system other than the soil absorption facility, or a change in distribution technique or method.

(10) "Alternative System" means any onsite wastewater treatment system approved by the commission or DEQ for use in lieu of the standard subsurface system.

(11) "Alternative Treatment Technologies" means an alternative system that incorporates aerobic and other treatment technologies or units not specifically described elsewhere in this division.

(12) "Approved Material" means construction items that have been approved for use by DEQ.

(13) "Approved Criteria" means methods of design or construction that have been approved for use by DEQ.

(14) "ASTM" means American Society of Testing Materials.

(15) "Authorization Notice" means a written document issued by an agent establishing that an existing onsite wastewater treatment system appears adequate for its intended use.

(16) "Authorized Representative" means a person with written authorization to act as another person's delegate.

(17) "Automatic Siphon" means a hydraulic device designed to rapidly discharge the contents of a dosing tank between predetermined liquid levels.

(18) "Bedroom" means any room within a dwelling accepted as a bedroom by state or local building departments.

(19) "Biochemical Oxygen Demand" (BOD5) means the quantity of oxygen used in the biochemical oxidation of organic matter in five days at 20 degrees centigrade under specified conditions and reported as milligrams per liter (mg/L).

(20) "Black Waste" means human body wastes including feces, urine, other substances of body origin, and toilet paper.

(21) "Capping Fill System" means an alternative system that incorporates an absorption trench with an effective sidewall installed a minimum of 12 inches into the natural soil below a soil cap of specified depth and texture.

(22) "Carbonaceous Biochemical Oxygen Demand" (CBOD5) means BOD minus the nitrogenous oxygen demand, typically measured in mg/L.

(23) "Cesspool" means a lined pit that receives raw sewage, allows separation of solids and liquids, retains the solids, and allows liquids to seep into the surrounding soil through perforations in the lining.

(24) "Chemical Recirculating Toilet Facility" means a toilet facility wherein black wastes are deposited and carried from a bowl by a combination of liquid waste and water that has been chemically treated and filtered.

(25) "Chemical Toilet Facility" means a nonflushing, nonrecirculating toilet facility wherein black wastes are deposited directly into a chamber containing a solution of water and chemical.

(26) "Clayey Soil" means mineral soil with over 40 percent clay that shrinks and develops wide cracks when dry and swells and shears when wet, forming slickensides and wedge-shaped structure. Clayey soil is very hard or extremely hard when dry, very firm when moist, and very sticky and very plastic when wet.

(27) "Claypan" means a dense, compact clay layer in the subsoil. It has a much lower permeability than the overlying soil horizon from which it is separated by an abrupt boundary. Claypans are hard when dry and very sticky and very plastic when wet and impede movement of water, air, and growth of plant roots.

(28) "Combustion Toilet Facility" means a toilet facility wherein black wastes are deposited directly into a combination chamber for incineration.

(29) "Commercial Facility" means any structure or building or portion thereof other than a single-family dwelling.

(30) "Commission" means the Environmental Quality Commission.

(31) "Community System" means an onsite system that serves more than one lot or parcel, more than one condominium unit, or more than one unit of a planned unit development.

(32) "Completed Application" means an application form that is completed in full; is signed by the owner or owner's authorized representative

or, for WPCF permits, by the applicant or applicant's authorized representative; and is accompanied by all required exhibits and fees.

(33) "Conditions Associated with Saturation" means soil morphological properties that may indicate the presence of a water table that persists long enough to impair system function and create a potential health hazard. These conditions include depleted matrix chromas caused by saturation and not a relict or parent material feature, and the following:

(a) High chroma matrix with iron depletions. Soil horizons whose matrix chroma is 3 or more in which there are some visible iron depletions having a value 4 or more and a chroma of 2 or less. Iron-manganese concentrations as soft masses or pore linings may be present but are not diagnostic of conditions associated with saturation.

(b) Depleted matrix with iron concentrations. Soil horizons whose matrix color has a value of 4 or more and a chroma of 2 or less as a result of removal of iron and manganese oxides. Some visible zones of iron concentration are present as soft masses or pore linings.

(c) Depleted matrix without iron concentrations. Soil horizons whose color is more or less uniform with a value of 4 or more and a chroma of 2 or less as a result of removal of iron and manganese oxides. These horizons lack visible iron concentrations as soft masses or pore linings.

(d) Reduced matrix. Soil horizons whose color has a value of 4 or more and a chroma of 2 or less with hues that are often, but not exclusively, on the gley pages of the Munsell Color Book. Upon exposure to air, yellow colors form within 24 hours as some of the ferrous iron oxidizes.

(e) Dark colored soils with organic matter accumulation. Mineral soils with a high amount of decomposed organic matter in the saturated zone, a value of 3 or less, and a chroma of 1 or less. Included in this category are organic soils with a minor amount of mineral matter.

(f) Soils with a dark surface. The upper surface layer has a dark color with a value of 3 or less and a chroma of 1 or less immediately underlain by a layer with a chroma of 2 or less.

(g) Iron stripping and staining in sandy soils. Soil horizons in which iron/manganese oxides or organic matter or both have been stripped from the matrix, exposing the primary base color of soil materials. The stripped areas and trans-located oxides or organic matter form a diffuse splotchy pattern of two or more colors.

(h) Salt-affected soils. Soils in arid and semi-arid areas that have visible accumulations of soluble salts at or near the ground surface.

(i) Dark colored shrink-swell soils. Vertisols whose colors have values of 3 or less and chromas of 1 or less. Iron concentrations may be present but are not diagnostic of conditions associated with saturation.

(j) Other soils that lack the diagnostic value and chroma as described in this section but remain saturated long enough to impair system function and have a high water table in accordance with OAR 340-071-0130(23).

(34) "Confining Layer" means a layer associated with an aquifer that because of low permeability does not allow water to move through it perceptibly under head differences occurring in the groundwater system.

(35) "Construction" includes the installation of a new system or part thereof or the alteration, repair, or extension of an existing system. The grading, excavating, and earth-moving work connected with installation, alteration, or repair of a system or part thereof is considered system construction.

(36) "Contract County" means a local unit of government that has entered into an agreement with DEQ under OAR 340-071-0120 to perform duties of DEQ under this division.

(37) "Conventional Sand Filter" means a filter with 2 feet or more of sand filter media designed to chemically and biologically process septic tank or other treatment unit effluent from a pressure distribution system operated on an intermittent basis.

(38) "Curtain Drain" means a groundwater interceptor that is designed to divert groundwater from an absorption facility. The drain creates a "curtain" to block water from reaching the absorption facility.

(39) "Cut-manmade" means a land surface resulting from mechanical land shaping operations where the modified slope is greater than 50 percent and the depth of cut exceeds 30 inches.

(40) "DEQ" means the Department of Environmental Quality.

(41) "Design Capacity" means the maximum daily flow a system is designed to treat and disperse.

(42) "Design Criteria" means the criteria used in designing onsite wastewater treatment systems including but not limited to dimensions, geometry, type of materials, size of drain media or filter media, absorption field sizing, depth, grade or slope, hydraulic loading rate, or any other factor relevant to the successful operation of the system. It does not include absorption area siting criteria.

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- (43) "Designer" means a person who plans onsite wastewater treatment and dispersal technology for an onsite system.
- (44) "Director" means the Director of the Department of Environmental Quality.
- (45) "Disposal Trench" means "absorption trench."
- (46) "Distribution Box" means a watertight structure that receives septic tank or other treatment facility effluent and distributes it concurrently into 2 or more header pipes leading to the absorption area.
- (47) "Distribution Pipe" means an open-jointed or perforated pipe used in the dispersion of septic tank or other treatment facility effluent into absorption trenches, seepage trenches, or seepage beds.
- (48) "Distribution Unit" means a distribution box, dosing tank, diversion valve or box, header pipe, or other means of transmitting septic tank or other treatment unit effluent from the effluent sewer to the distribution pipes.
- (49) "Diversion Valve" means a watertight structure that receives septic tank or other treatment facility effluent through one inlet and distributes it to 2 outlets, only one of which is used at a time.
- (50) "Dosing Tank" means a watertight receptacle placed after a septic tank or other treatment facility equipped with an automatic siphon or pump.
- (51) "Dosing Septic Tank" means a unitized device performing functions of both a septic tank and a dosing tank.
- (52) "Drainfield" means an "absorption field."
- (53) "Drain Media" means clean washed gravel or clean, crushed rock with a minimum size of 3/4 inch and a maximum size of 2-1/2 inches used in the distribution of effluent. The material must be durable and inert so that it will maintain its integrity, will not collapse or disintegrate with time, and will not be detrimental to the performance of the system. Drain media also includes any product or material approved by DEQ for distribution of effluent in an absorption field.
- (54) "Dwelling" means any structure or building or portion thereof that is used, intended, or designed to be occupied for human living purposes including but not limited to houses, houseboats, boathouses, mobile homes, recreational cabins, travel trailers, hotels, motels, and apartments.
- (55) "Effective Seepage Area" means the sidewall area within an absorption trench or a seepage trench from the bottom of the trench to a level 2 inches above the distribution pipes; the sidewall area of any cesspool, seepage pit, unsealed earth pit privy, graywater waste absorption sump seepage chamber, or trench with drain media substitute; or the bottom area of a pressurized soil absorption facility installed in soil.
- (56) "Effective Soil Depth" means the depth of soil material above a layer that impedes movement of water and air and growth of plant roots. Layers that differ from overlying soil material enough to limit effective soil depth are hardpans, claypans, fragipans, compacted soil, bedrock, saprolite, and clayey soil.
- (57) "Effluent Filter" means an effluent treatment device installed on the outlet of a septic tank or outside the septic tank in a separate enclosure and designed to prevent the passage of suspended matter larger than 1/8 inch in size.
- (58) "Effluent Lift Pump" means a pump used to lift septic tank or other treatment facility effluent to a higher elevation.
- (59) "Effluent Sewer" means that part of the system of drainage piping that conveys partially treated sewage from a septic tank or other treatment facility into a distribution unit or an absorption facility.
- (60) "Emergency Repair" means immediate action to repair a failing system when sewage is backing up into a dwelling or building or to repair a broken pressure sewer pipe. It does not include the construction of new or additional absorption facilities but does include use of the septic tank as a temporary holding tank until new or additional absorption facilities can be permitted and constructed.
- (61) "Equal Distribution" means the distribution of effluent to a set of absorption trenches in which each trench receives effluent in equivalent or proportional volumes.
- (62) "Escarpment" means any naturally occurring slope greater than 50 percent that extends vertically 6 feet or more from toe to top, is characterized by a long cliff or steep slope that separates two or more comparatively level or gently sloping surfaces, and may intercept one or more layers that limit effective soil depth.
- (63) "Existing Onsite Wastewater Treatment System" means any installed onsite wastewater treatment system constructed in conformance with the rules, laws, and local ordinances in effect at the time of construction.
- (64) "Existing System" means "existing onsite wastewater treatment system."
- (65) "Failing System" means any system that discharges untreated or incompletely treated sewage or septic tank effluent directly or indirectly onto the ground surface or into public waters or that creates a public health hazard.
- (66) "Family Member" means any one of two or more persons related by blood or by law.
- (67) "Fecal Coliform" means bacteria common to the digestive systems of warm-blooded animals and cultured in standard tests. The term is typically used to indicate fecal pollution and the possible presence of enteric pathogens and is measured as colonies/100ml.
- (68) "Filter Fabric" means a woven or spun-bonded sheet material used to impede or prevent the movement of sand, silt, and clay into drain media.
- (69) "Fragipan" means a loamy subsurface horizon with high bulk density relative to the horizon above, seemingly cemented when dry, and weakly to moderately brittle when moist. Fragipans are mottled and low in organic matter, and they impede movement of water and air and growth of plant roots.
- (70) "Governmental Unit" means the state or any county, municipality, or political subdivision or any agency thereof.
- (71) "Grade" means the rate of fall or drop in inches per foot or the percentage of fall of a pipe.
- (72) "Graywater" means household sewage other than "black wastes," such as bath water, kitchen waste water, and laundry wastes.
- (73) "Graywater Waste Sump" means a receptacle or series of receptacles designed to receive hand-carried graywater for dispersal into the soil.
- (74) "Grease and Oils" means a component of sewage typically originating from food stuffs, consisting of compounds of alcohol or glycerol with fatty acids.
- (75) "Groundwater Interceptor" means any natural or artificial groundwater or surface water drainage system, including drain tile, curtain drain, foundation drain, cut banks, and ditches, that intercept and divert groundwater or surface water from the area of the absorption facility.
- (76) "Hardpan" means a hardened layer in soil caused by cementation of soil particles with silica, calcium carbonate, magnesium carbonate, iron, or organic matter. The hardness does not change appreciably with changes in moisture content. Hardpans impede movement of water and air and growth of plant roots.
- (77) "Header Pipe" means a tight-jointed part of the sewage drainage conduit that receives septic tank effluent from the distribution box, drop box, or effluent sewer and conveys it to the absorption area.
- (78) "Headwall" means a steep slope at the head or upper end of a land slump block or unstable landform.
- (79) "Holding Tank" means a watertight receptacle designed to receive and store sewage to facilitate treatment at another location.
- (80) "Holding Tank System" means an alternative system consisting of the combination of a holding tank, service riser, and level indicator (alarm), designed to receive and store sewage for intermittent removal for treatment at another location.
- (81) "Hydrosplitter" or "hydrasplitter" means a hydraulic device to proportion flow under pressure by the use of one or more orifices.
- (82) "Incinerator Toilet Facility" means "combustion toilet facility."
- (83) "Individual System" means a system that is not a community system.
- (84) "Individual Water Supply" means a source of water and a distribution system that provides water for drinking, culinary, or household uses and is not a public water supply system.
- (85) "Industrial Waste" means any liquid, gaseous, radioactive, or solid waste or a combination thereof resulting from any process of industry, manufacturing, trade, or business or from the development or recovery of any natural resources.
- (86) "Intermittent Sand Filter" means a conventional sand filter.
- (87) "Intermittent Stream" means any public surface water or groundwater interceptor that continuously flows water for a period greater than two months in any one year but not continuously for that year.
- (88) "Invert" is the lowest portion of the internal cross section of a pipe or fitting.
- (89) "Large System" means any onsite system with a projected daily sewage flow greater than 2,500 gallons.
- (90) "Lateral Pipe" means "distribution pipe."
- (91) "Maintenance" means taking the actions necessary to keep onsite system components properly functioning as designed. Maintenance is further defined as:
- (a) Major Maintenance is cleaning, repairing or replacing a broken or plugged effluent sewer pipe that:

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- (A) Is the same make and model; or
- (B) Meets the requirements in this division; and
- (C) Is performed by a certified maintenance provider or certified licensed installer.
- (b) Minor Maintenance includes, but is not limited to, repairing or replacing of a tank riser or lid, or pump, screen, filter, or other component internal to the tank that:
- (A) Is the same make and model; or
- (B) Meets the requirements in this division.
- (92) "Maintenance provider" means a person who performs maintenance of onsite systems and:
- (a) Possesses adequate skills and knowledge regarding onsite wastewater treatment, absorption facilities, and system functions to competently inspect and maintain onsite systems, and
- (b) Is certified in compliance with OAR 340-071-0650.
- (93) "Mechanical Sewage Treatment Facility" or "Mechanical Oxidation Sewage Treatment Facility" means an aerobic sewage treatment facility.
- (94) "Nonwater-Carried Waste Facility" means any toilet facility that has no direct water connection, including but not limited to pit privies, vault privies, and portable toilets.
- (95) "Occupant" means any person living or sleeping in a dwelling.
- (96) "Onsite Sewage Disposal System" means "onsite wastewater treatment system."
- (97) "Onsite Wastewater Treatment System" means any existing or proposed subsurface onsite wastewater treatment and dispersal system including but not limited to a standard subsurface, alternative, experimental, or nonwater-carried sewage system. It does not include systems that are designed to treat and dispose of industrial waste as defined in OAR chapter 340, division 045.
- (98) "Operating Permit" means a WPCF permit issued pursuant to these rules.
- (99) "Owner" means any person who alone, jointly, or severally:
- (a) Has legal title to any single lot, dwelling, dwelling unit, or commercial facility;
- (b) Has care, charge, or control of any real property as agent, executor, administrator, trustee, commercial lessee, or guardian of the estate of the holder of legal title; or
- (c) Is the contract purchaser of real property.
- (100) "Peer Review" means a review by at least three members of a scientific community recognized as experts in the field of study and well-rehearsed with scientific principles and experimentation.
- (101) "Permanent Groundwater Table" means the upper surface of a saturated zone that exists year-round. The thickness of the saturated zone and resulting elevation of the permanent groundwater table may fluctuate as much as 20 feet or more annually, but the saturated zone and associated permanent groundwater table is present at some depth beneath land surface throughout the year.
- (102) "Permit" means the written document, issued and signed by an agent, that authorizes a permittee to install a system or any part thereof and, in some cases, to operate and maintain the system in accordance with the permit.
- (103) "Permit Action" means the issuance, modification, renewal, reinstatement, or revocation of a permit by an agent.
- (104) "Person" includes individuals, corporations, associations, firms, partnerships, joint stock companies, public and municipal corporations, political subdivisions, the state and any agencies thereof, and the federal government and any agencies thereof.
- (105) "Pollution" or "Water Pollution" means any alteration of the physical, chemical, or biological properties of any waters of the state, including change in temperature, taste, color, turbidity, silt, or odor of the waters, or any discharge of any liquid, gaseous, solid, radioactive, or other substance into any waters of the state that, alone or in connection with any other substance, threatens to create a public nuisance or render such waters harmful, detrimental, or injurious to public health, safety, or welfare or to domestic, commercial, industrial, agricultural, recreational or other legitimate beneficial uses or to livestock, wildlife, fish, or other aquatic life or the habitat thereof.
- (106) "Portable Toilet" means any self-contained chemical toilet facility that is housed within a portable toilet shelter and includes but is not limited to construction-type chemical toilets.
- (107) "Portable Toilet Shelter" means any readily relocatable structure built to house a toilet facility.
- (108) "Pressure Distribution Lateral" means piping and fittings in pressure distribution systems that distribute septic tank or other treatment unit effluent to drain media through small diameter orifices.
- (109) "Pressure Distribution Manifold" means piping and fittings in a pressure distribution system that supply effluent from pressure transport piping to pressure distribution laterals.
- (110) "Pressure Distribution System" means any system designed to uniformly distribute septic tank or other treatment unit effluent under pressure in an absorption facility or treatment unit.
- (111) "Pressure Transport Piping" means piping that conveys sewage effluent from a septic tank or other treatment or distribution unit typically by means of a pump or siphon.
- (112) "Pretreatment" means the wastewater treatment that takes place prior to discharging to any component of an onsite wastewater treatment system, including but not limited to pH adjustment, oil and grease removal, BOD5 and TSS reduction, screening, and detoxification.
- (113) "Prior Approval" means a written approval for an onsite wastewater treatment system for a specific lot issued before January 1, 1974.
- (114) "Prior Construction Permit" means a subsurface wastewater treatment system construction-installation permit issued before January 1, 1974, by a county that had an ordinance requiring construction-installation permits for subsurface wastewater treatment systems.
- (115) "Privy" means a structure used for disposal of human waste without the aid of water. It consists of a shelter built above a pit or vault in the ground into which human waste falls.
- (116) "Projected Daily Sewage Flow" or "design flow" means the peak daily quantity of sewage production from a facility for which a system is sized and designed. The projected daily sewage flow allows for a safety margin and reserve capacity for the system during periods of heavy use.
- (117) "Public Health Hazard" means the presence of sufficient types or amounts of biological, chemical, physical, or radiological agents relating to water or sewage that cause or threaten to cause human illness, disorders, or disability. These include but are not limited to pathogenic viruses, bacteria, parasites, toxic chemicals, and radioactive isotopes.
- (118) "Public Waters" means lakes, bays, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Pacific Ocean within the territorial limits of the State of Oregon, and all other bodies of surface or underground waters, natural or artificial, inland or coastal, fresh or salt, public or private (except private waters that do not combine or effect a junction with natural surface or underground waters), that are wholly or partially within or bordering the state or within its jurisdiction.
- (119) "Recirculating Gravel Filter (RGF)" means a gravel filter wastewater treatment system in which a portion of the filtered effluent is mixed with septic tank effluent in a recirculation/dilution tank and redistributed to the filter.
- (120) "Recirculating Gravel Filter System" means a recirculating gravel filter and an absorption facility used to treat wastewater.
- (121) "Redundant Absorption Field System" means a system in which two complete absorption fields are installed, the absorption trenches of each system alternate with each other, and only one system operates at a given time.
- (122) "Repair" means installation of all portions of a system necessary to eliminate a public health hazard or pollution of public waters created by a failing system.
- (a) Major repair is the replacement of the soil absorption facility, treatment unit, or any part thereof.
- (b) Minor repair is the replacement of a septic tank, broken pipe, distribution unit, or any part of the onsite system external to the septic tank or treatment facility except the soil absorption system. Unless classified as a major repair or major maintenance, any replacement of a part of a system with a part that does not meet the original design specifications is a minor repair.
- (123) "Residential Strength Wastewater" means septic tank effluent that does not typically exceed five-day biochemical oxygen demand (BOD5) of 300 mg/L; total suspended solids (TSS) of 150 mg/L; total Kjeldahl nitrogen (TKN) of 150 mg/L; oil & grease of 25 mg/L; or concentrations or quantities of other contaminants normally found in residential sewage.
- (124) "Sand Filter Media" means a medium sand or other approved material used in a conventional sand filter. The media must be durable and inert so that it will maintain its integrity, will not collapse or disintegrate with time, and will not be detrimental to the performance of the system. The particle size distribution of the media must be determined through a sieve

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analysis conducted in accordance with ASTM C-117 and ASTM C-136. The media must comply with the following particle size distribution: 100 percent passing the 3/8 inch sieve, 95 percent to 100 percent passing the No. 4 sieve, 80 percent to 100 percent passing the No. 8 sieve, 45 percent to 85 percent passing the No. 16 sieve, 15 percent to 60 percent passing the No. 30 sieve, 3 percent to 15 percent passing the No. 50 sieve, and 4 percent or less passing the No. 100 sieve.

(125) "Sand Filter Surface Area" means the area of the level plane section in the medium sand horizon of a conventional sand filter located 2 feet below the bottom of the drain media containing the pressurized distribution piping.

(126) "Sand Filter System" means an alternative system that combines a septic tank or other treatment unit; a dosing system with effluent pump and controls or dosing siphon, piping and fittings; a sand filter; and an absorption facility to treat wastewater.

(127) "Sanitary Drainage System" means that part of a system's drainage piping that conveys untreated sewage from a building or structure to a septic tank or other treatment facility, to a service lateral at a curb or in a street or alley, or to another disposal terminal holding human or domestic sewage. The sanitary drainage system consists of a building drain or building drain and building sewer.

(128) "Saprolite" means weathered material underlying the soil that grades from soft thoroughly decomposed rock to rock that has been weathered sufficiently so that it can be broken in the hands or cut with a knife. It has rock structure instead of soil structure and does not include hard bedrock or hard fractured bedrock.

(129) "Saturated Zone" means a three-dimensional layer, lens, or other section of the subsurface in which all open spaces including joints, fractures, interstitial voids, and pores are filled with groundwater. The thickness and extent of a saturated zone may vary seasonally or periodically in response to changes in the rate or amount of groundwater recharge or discharge.

(130) "Scum" means a mass of sewage solids floating at the surface of sewage that is buoyed up by entrained gas, grease, or other substances.

(131) "Seepage Area" means "effective seepage area."

(132) "Seepage Bed" means an absorption system having absorption trenches wider than 3 feet.

(133) "Seepage Pit" means a cesspool that has a treatment facility such as a septic tank ahead of it.

(134) "Seepage Trench System" means a system with absorption trenches with more than 6 inches of drain media below the distribution pipe.

(135) "Self-Contained Nonwater-Carried Waste Containment Facility" means a system in which all waste is contained in a watertight receptacle, including but not limited to vault privies, chemical toilets, combustion toilets, recirculating toilets, and portable toilets.

(136) "Septage" means the domestic liquid and solid sewage pumped from septic tanks, cesspools, holding tanks, vault toilets, chemical toilets or other similar domestic sewage treatment components or systems and other sewage sludge not derived at sewage treatment plants.

(137) "Septic Tank" means a watertight receptacle that receives sewage from a sanitary drainage system and is designed to separate solids from liquids, digest organic matter during a period of detention, and allow the liquids to discharge to a second treatment unit or to a soil absorption facility.

(138) "Septic Tank Effluent" means partially treated sewage that is discharged from a septic tank.

(139) "Serial Distribution" means the distribution of effluent to a set of absorption trenches constructed at different elevations in which one trench at a time receives effluent in consecutive order beginning with the uppermost trench by means of a drop box, a serial overflow, or another approved distribution unit. The effluent in an individual trench must reach a level of 2 inches above the distribution pipe before effluent is distributed to the next lower trench.

(140) "Sewage" means water-carried human and animal wastes, including kitchen, bath, and laundry wastes from residences, buildings, industrial establishments, or other places, together with any groundwater infiltration, surface waters, or industrial waste that may be present.

(141) "Sewage Disposal Service" means:

(a) The construction of onsite wastewater treatment systems (including the placement of portable toilets) or any part thereof;

(b) The pumping out or cleaning of onsite wastewater treatment systems (including portable toilets) or any part thereof;

(c) The disposal of material derived from the pumping out or cleaning of onsite wastewater treatment systems (including portable toilets); or

(d) Grading, excavating, and earth-moving work connected with the operations described in subsection (a) of this section.

(142) "Sewage Stabilization Pond" means a pond designed to receive the raw sewage flow from a dwelling or other building and retain that flow for treatment without discharge.

(143) "Site Evaluation Report" means a report on the evaluation of a site to determine its suitability for an onsite system prepared in accordance with OAR 340-071-0150.

(144) "Slope" means the rate of fall or drop in feet per 100 feet of the ground surface. It is expressed as percent of grade.

(145) "Soil Permeability" refers to the ability of a soil to transmit water or air.

(146) "Soil Separate" means the size of soil particles described in Table 7.

(147) "Soil Texture" means the amount of each soil separate in a soil mixture. Field methods for judging the texture of a soil consist of forming a cast of soil, both dry and moist, in the hand and pressing a ball of moist soil between thumb and finger.

(a) The major textural classifications are defined as follows and shown in Table 6.

(A) Sand: Individual grains can be seen and felt readily. Squeezed in the hand when dry, this soil will fall apart when the pressure is released. Squeezed when moist, it will form a cast that will hold its shape when the pressure is released but will crumble when touched.

(B) Loamy Sand: Consists primarily of sand, but has enough silt and clay to make it somewhat cohesive. The individual sand grains can readily be seen and felt. Squeezed when dry, the soil will form a cast that will readily fall apart, but if squeezed when moist, a cast can be formed that will withstand careful handling without breaking.

(C) Sandy Loam: Consists largely of sand, but has enough silt and clay present to give it a small amount of stability. Individual sand grains can be readily seen and felt. Squeezed in the hand when dry, this soil will readily fall apart when the pressure is released. Squeezed when moist, it forms a cast that will not only hold its shape when the pressure is released but will withstand careful handling without breaking. The stability of the moist cast differentiates this soil from sand.

(D) Loam: Consists of an even mixture of the different sizes of sand and of silt and clay. It is easily crumbled when dry and has a slightly gritty, yet fairly smooth feel. It is slightly plastic. Squeezed in the hand when dry, it will form a cast that will withstand careful handling. The cast formed of moist soil can be handled freely without breaking.

(E) Silt Loam: Consists of a moderate amount of fine grades of sand, a small amount of clay, and a large quantity of silt particles. Lumps in a dry, undisturbed state appear quite cloddy, but they can be pulverized readily; the soil then feels soft and floury. When wet, silt loam runs together in puddles. Either dry or moist, casts can be handled freely without breaking. When a ball of moist soil is passing between thumb and finger, it will not press out into a smooth, unbroken ribbon but will have a broken appearance.

(F) Clay Loam: Consists of an even mixture of sand, silt, and clay that breaks into clods or lumps when dry. When a ball of moist soil is pressed between the thumb and finger, it will form a thin ribbon that will readily break, barely sustaining its own weight. The moist soil is plastic and will form a cast that will withstand considerable handling.

(G) Silty Clay Loam: Consists of a moderate amount of clay, a large amount of silt, and a small amount of sand. It breaks into moderately hard clods or lumps when dry. When moist, a thin ribbon or 1/8-inch wire can be formed between thumb and finger that will sustain its weight and will withstand gentle movement.

(H) Silty Clay: Consists of even amounts of silt and clay and very small amounts of sand. It breaks into hard clods or lumps when dry. When moist, a thin ribbon or 1/8 inch or smaller wire formed between thumb and finger will withstand considerable movement and deformation.

(I) Clay: Consists of large amounts of clay and moderate to small amounts of sand and silt. It breaks into very hard clods or lumps when dry. When moist, a thin, long ribbon or 1/16-inch wire can be molded with ease. Fingerprints will show on the soil, and a dull to bright polish is made on the soil by a shovel.

(b) Soil textural characteristics described in the United States Department of Agriculture Textural Classification Chart are incorporated herein by reference. This textural classification chart is based on the Standard Pipette Analysis as defined in the United States Department of Agriculture, Soil Conservation Service Soil Survey Investigations Report No. 1 (See Table 6). [Table not included. See ED. NOTE.]

(148) "Soil with Rapid or Very Rapid Permeability" means:

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(a) Soil that contains 35 percent or more of coarse fragments 2 millimeters in diameter or larger by volume with interstitial soil of sandy loam texture or coarser;

(b) Coarse textured soil defined as loamy sand or sand in this rule; or

(c) Stones, cobbles, gravel, and rock fragments with too little soil material to fill interstices larger than 1 millimeter in diameter.

(149) "Split Waste Method" means a process where black waste sewage and graywater from the same dwelling or building are managed by separate systems.

(150) "Stabilized Dune" means a sand dune that is similar to an active dune except that vegetative growth is dense enough to prevent blowing of sand. The surface horizon is either covered by a mat of decomposed and partially decomposed leaves, needles, roots, twigs, moss, or other vegetative material or contains roots to a depth of at least 6 inches and has a color value of 3 or less.

(151) "Standard Subsurface System" means an onsite wastewater treatment system consisting of a septic tank, distribution unit, and absorption facility constructed in accordance with OAR 340-071-0220.

(152) "Steep Slope System" means a seepage trench system installed on slopes greater than 30 percent and less than or equal to 45 percent.

(153) "Subsurface Absorption System" means the combination of a septic tank or other treatment unit and an effluent sewer and absorption facility.

(154) "Subsurface Sewage Disposal" means "subsurface wastewater treatment."

(155) "Subsurface Disposal System" means "subsurface absorption system."

(156) "Subsurface Wastewater Treatment" means the dispersal of wastewater from a septic tank or other treatment unit into the zone of aeration to be further treated through physical, chemical, or biological processes.

(157) "System" or "onsite system" means "onsite wastewater treatment system."

(158) "Temporary Groundwater Table" means the upper surface of a saturated zone that exists only on a seasonal or periodic basis. Like a permanent groundwater table, the elevation of a temporary groundwater table may fluctuate, but a temporary groundwater table and associated saturated zone will dry up for a period of time each year.

(159) "Test Pit" means an open pit dug to sufficient size and depth to permit thorough examination of the soil to evaluate its suitability for subsurface wastewater treatment.

(160) "Third-Party" means a consulting firm, research institute, academic institute, or other similar entity with no vested interest in the outcome of test results of a material, design, or technology under evaluation.

(161) "Tile Dewatering System" means an alternative system in which the absorption facility is encompassed with field collection drainage tile to reduce and control a groundwater table and create a zone of aeration below the bottom of the absorption facility.

(162) "Toilet Facility" means a fixture housed within a toilet room or shelter to receive black waste.

(163) "Total Kjeldahl Nitrogen" (TKN) means the combination of ammonia and organic nitrogen, excluding nitrate and nitrite nitrogen.

(164) "Total Nitrogen" (TN) means the sum of all nitrogen forms.

(165) "Total Suspended Solids" (TSS) means solids in wastewater that can be removed readily by standard filtering procedures in a laboratory and reported as milligrams per liter (mg/L).

(166) "Treatment" means the alteration of the quality of wastewaters by physical, chemical, or biological means or combination thereof to reduce potential degradation of water quality or the environment and risk to public health.

(167) "Treatment Standard 1" means a 30-day average of less than 20 mg/L of BOD5 and 20 mg/L of TSS. A 30-day average of less than 17 mg/L of CBOD5 is acceptable in lieu of the BOD5 value.

(168) "Treatment Standard 2" means a 30-day average of less than 20 mg/L of BOD5 and 20 mg/L of TSS, a 30-day geometric mean of less than 400 fecal coliform per 100 milliliters, and a 30-day average of 30 mg/L of TN. A 30-day average of less than 17 mg/L of CBOD5 is acceptable in lieu of the BOD5 value.

(169) "Turbidity" means the optical condition of waters caused by suspended or dissolved particles or colloids that scatter and absorb light rays instead of transmitting light in straight lines through the water column. Turbidity may be expressed as nephelometric turbidity units (NTU) measured with a calibrated turbidimeter.

(170) "Underdrain Media" means the material placed under the sand filter media in a sand filter and consists of clean, washed pea gravel with

100 percent passing the 1/2 inch sieve, 18 to 100 percent passing the 1/4 inch sieve, 5 to 75 percent passing the No. 4 sieve, 24 percent or less passing the No. 10 sieve, 2 percent or less passing the No. 16 sieve, and 1 percent or less passing the No. 100 sieve.

(171) "Unstable Landforms" means areas showing evidence of mass downslope movement such as debris flow, landslides, rockfall, and hummock hill slopes with undrained depressions upslope. Examples are landforms exhibiting slip surfaces roughly parallel to the hillside; landslide scars and curving debris ridges; fences, trees, and telephone poles that appear tilted; and tree trunks that bend uniformly as they enter the ground. Active sand dunes are unstable landforms.

(172) "Vertisols" means a mineral soil characterized by a high content of swelling-type clays that in dry seasons cause the soils to develop deep, wide cracks.

(173) "WPCF Permit" means a Water Pollution Control Facilities permit that has been issued under OAR chapter 340, divisions 045 or 071.

(174) "Wastewater" means "sewage."

(175) "Zone of Aeration" means the unsaturated zone that occurs below the ground surface and above the point at which the upper limit of the water table exists.

[ED. NOTE: Tables referenced are available from the agency.]

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 454.625 & 468.020

Stats. Implemented: ORS 454.605 & 454.615

Hist.: DEQ 10-1981, f. & ef. 3-20-81; DEQ 5-1982, f. & ef. 3-9-82; DEQ 8-1983, f. & ef. 5-25-83; DEQ 15-1986, f. & ef. 8-6-86; DEQ 6-1988, f. & cert. ef. 3-17-88; DEQ 27-1994, f. 11-15-94, cert. ef. 4-1-95; DEQ 12-1997, f. & cert. ef. 6-19-97; DEQ 16-1999, f. & cert. ef. 12-29-99; DEQ 15-2000, f. & cert. ef. 10-11-00; DEQ 11-2004, f. 12-22-04, cert. ef. 3-1-05; DEQ 14-2013, f. 12-20-13, cert. ef. 1-2-14; DEQ 11-2014, f. & cert. ef. 10-15-14

340-071-0140

Onsite System Fees

(1) This rule establishes the fees for site evaluations, permits, reports, variances, licenses, and other services DEQ provides under this division.

(2) Site evaluation and existing system evaluation fees are listed in Table 9A. [Table not included. See ED. NOTE.]

(3) Permitting fees for systems not subject to WPCF permits are listed in Table 9B and Table 9C. [Table not included. See ED. NOTE.] Online submittals for annual report evaluation fees may apply upon DEQ implementation of online reporting.

(4) WPCF permit fees. Fees in this section apply to WPCF permits issued pursuant to OAR 340-071-0162. WPCF permit fees are listed in Table 9D. [Table not included. See ED. NOTE.]

(5) Innovative, Alternative Technology and Material Plan Review fees are listed in Table 9F. [Table not included. See ED. NOTE.]

(6) Sewage Disposal Service License and Truck Inspection fees are listed in Table 9E. [Table not included. See ED. NOTE.]

(7) Compliance Recovery Fee. When a violation results in an application in order to comply with the requirements in this division, the agent may require the applicant to pay a compliance recovery fee in addition to the application fee. The amount of the compliance recovery fee shall not exceed the application fee. Such violations include but are not limited to installing a system without a permit, performing sewage disposal services without a license, or failure to obtain an authorization notice when it is required.

(8) Land Use Review Fee. Land use review fees are listed in Table 9C and are assessed when an agent review is required in association with a land use action or building permit application and no approval is otherwise required in the division. [Table not included. See ED. NOTE.]

(9) Contract county fee schedules.

(a) Each county having an agreement with DEQ under ORS 454.725 must adopt a fee schedule for services rendered and permits issued. The county fee schedule may not include DEQ's surcharge established in section (10) of this rule unless identified as a DEQ surcharge.

(b) A copy of the fee schedule and any subsequent amendments to the schedule must be submitted to DEQ.

(c) Fees may not exceed actual costs for efficiently conducted services.

(10) DEQ surcharge.

(a) To offset a portion of the administrative and program oversight costs of the statewide onsite wastewater management program, DEQ and contract counties must levy a surcharge for each site evaluation, report permit, and other activity for which an application is required in this division. The surcharge fee is listed in Table 9F. This surcharge does not apply to pumper truck inspections, annual report evaluation fees, or certification of installers or maintenance providers.

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(b) Proceeds from surcharges collected by DEQ and contract counties must be accounted for separately. Each contract county must forward the proceeds to DEQ in accordance with its agreement with the DEQ.

(11) Refunds. DEQ may refund all or a portion of a fee accompanying an application if the applicant withdraws the application before any field work or other substantial review of the application has been done.

[ED. NOTE: Tables referenced are available from the agency.]

Stat. Auth.: ORS 454.625, 468.020 & 468.065(2)

Stats. Implemented: ORS 454.745, 468.065 & 468B.050

Hist.: DEQ 10-1981, f. & ef. 3-20-81; DEQ 19-1981, f. 7-23-81, ef. 7-27-81; DEQ 5-1982, f. & ef. 3-9-82; DEQ 8-1983, f. & ef. 5-25-83; DEQ 9-1984, f. & ef. 5-29-84; DEQ 13-1986, f. & ef. 6-18-86; DEQ 15-1986, f. & ef. 8-6-86; DEQ 6-1988, f. & cert. ef. 3-17-88; DEQ 11-1991, f. & cert. ef. 7-3-91; DEQ 18-1994, f. 7-28-94, cert. ef. 8-1-94; DEQ 27-1994, f. & cert. ef. 11-15-94; DEQ 12-1997, f. & cert. ef. 6-19-97; Administrative correction 1-28-98; DEQ 8-1998, f. & cert. ef. 6-5-98; DEQ 16-1999, f. & cert. ef. 12-29-99; Administrative correction 2-16-00; DEQ 9-2001(Temp), f. & cert. ef. 7-16-01 thru 12-28-01; DEQ 14-2001, f. & cert. ef. 12-26-01; DEQ 2-2002, f. & cert. ef. 2-12-02; DEQ 11-2004, f. 12-22-04, cert. ef. 3-1-05; DEQ 7-2008, f. 6-27-08, cert. ef. 7-1-08; DEQ 10-2009, f. 12-28-09, cert. ef. 1-4-10; DEQ 7-2010, f. 8-27-10, cert. ef. 9-1-10; DEQ 9-2011, f. & cert. ef. 6-30-11; DEQ 6-2012, f. 10-31-12, cert. ef. 11-1-12; DEQ 8-2013, f. 10-23-13, cert. ef. 11-1-13; DEQ 14-2013, f. 12-20-13, cert. ef. 1-2-14; DEQ 11-2014, f. & cert. ef. 10-15-14

340-071-0220

Standard Subsurface Systems

(1) Criteria For standard subsurface systems. Each site must meet all of the conditions in this section to be approved for a standard subsurface system.

(a) Effective soil depth must extend 30 inches or more below the ground surface as shown in Table 3. A minimum 6-inch separation must be maintained between the layer that limits effective soil depth and the bottom of the absorption facility.

(b) Water table levels must be predicted using standards in OAR 340-071-0130(23).

(A) The permanent water table must be at least 4 feet below the bottom of the absorption facility, except in defined geographic areas where DEQ has determined through a groundwater study that less separation will not degrade groundwater or threaten public health. In these exception areas, the permanent water table must be at least 24 inches below the ground surface.

(B) A temporary water table must be 24 inches or more below the ground surface. An absorption facility may not be installed deeper than the top of the temporary water table.

(C) A groundwater interceptor may be used to intercept or drain water from an absorption area on sites with adequate slope to permit proper drainage. An agent may require a demonstration that the site can be dewatered before issuing a site evaluation report approving the site. Where required, groundwater interceptors are an integral part of the system but do not need to meet setback requirements to property lines, wells, streams, lakes, ponds, or other surface water bodies that are required for the wastewater absorption area.

(c) Except as provided in subsection (d) of this section, soil with rapid or very rapid permeability must be 36 inches or more below the ground surface. A minimum 18-inch separation must be maintained between soil with rapid or very rapid permeability and the bottom of absorption trenches.

(d) Sites may be approved with no separation between the bottom of absorption trenches and soil with rapid or very rapid permeability as defined in OAR 340-071-0100(148)(a) and (b) and absorption trenches may be placed into such soil if any of the following conditions occur.

(A) A confining layer occurs between the bottom of absorption trenches and the groundwater table and a minimum 6-inch separation is maintained between the bottom of absorption trenches and the top of the confining layer.

(B) A layer of nongravely (less than 15 percent gravel) soil with sandy loam or finer texture at least 18 inches thick occurs between the bottom of the absorption trenches and the groundwater table.

(C) The projected daily sewage flow does not exceed a loading rate of 450 gallons per acre per day.

(e) Slopes do not exceed 30 percent or the slope/effective soil depth relationship set forth in Table 3.

(f) The site has not been filled or the soil has not been modified in a way that would in the opinion of the agent, adversely affect functioning of the system.

(g) The site is not on an unstable land form that might adversely affect operation of the system.

(h) The site of the initial and replacement absorption facility is not covered by asphalt or concrete or subject to vehicular traffic, livestock, or other activity that would adversely affect the soil.

(i) The site of the initial and replacement absorption facility will not be subjected to excessive saturation from artificial drainage of ground surfaces, driveways, roads, roof drains, or other circumstances.

(j) Setbacks in Table 1 except as modified by this subsection can be met.

(A) Surface waters setbacks. Setback from streams or other surface waters must be measured from bank drop-off or mean yearly high water mark, whichever provides the greatest separation distance.

(B) Lots created before May 1, 1973. For lots or parcels legally created before May 1, 1973, the agent may approve installation of a standard or alternative system with a setback from surface waters of less than 100 feet but not less than 50 feet if all other applicable provisions of this rule can be met.

(C) Water lines and sewer lines. Effluent sewer and water line piping constructed of materials that are approved for use within a building in the 2000 Edition of the Oregon State Plumbing Specialty Code may be run in the same trench or may cross. Where the effluent sewer pipe material is not approved for use in a building, it may not be run or laid in the same trench as water pipe unless:

(i) The bottom of the water pipe at all points is set at least 12 inches above the top of the sewer pipe; and

(ii) The water pipe is placed on a solid shelf excavated at one side of the common trench with a minimum, clear, horizontal distance of at least 12 inches from the sewer pipe.

(D) Septic tank setbacks. The agent must encourage the placement of septic tanks and other treatment units as close as feasible to the minimum separation from the building foundation to minimize clogging of the building sewer.

(E) Pressure transport pipe setback to well. Notwithstanding the setback distance in Table 1, the agent may allow the separation distance between a pressure transport pipe and a well to be less than 50 feet but no less than 25 feet when: [Table not included. See ED. NOTE.]

(i) The pressure transport pipe is PVC Sch. 40 or heavier pressure-rated piping meeting ASTM Specification D-2241;

(ii) The pressure transport pipe is placed within a larger diameter PVC or ABS Sch. 40 or heavier encasement pipe, with the pipe ends located at least 50 feet away from the well; and

(iii) All pipe joints in the pressure transport pipe and encasement pipe are solvent-welded.

(2) Criteria for sizing absorption fields. Absorption fields must be designed and sized based on the criteria in this section.

(a) Table 2, specifying quantities of sewage flows, or other information the agent determines is reliable with the following exception. [Table not included. See ED. NOTE.] A system must be sized on the basis of 300 gallons sewage flow per day plus 75 gallons per day for the third bedroom when the system:

(A) Is proposed to serve a single family dwelling on a lot of record created before March 1, 1978, that is too small to accommodate a system sized for a daily sewage flow of 450 gallons; or

(B) Serves specifically planned developments with living units of three or fewer bedrooms and deed restrictions prohibit an increase in the number of bedrooms.

(b) Table 4, specifying the minimum length of absorption trenches based on soil texture and effective soil depth. [Table not included. See ED. NOTE.]

(c) Table 5, specifying the minimum length of absorption trenches based on soil texture and depth to temporary water. [Table not included. See ED. NOTE.]

(d) Strength of the wastewater. If the strength of the wastewater exceeds the maximum limits for residential strength wastewater or the contents of the wastewater are atypical of residential strength wastewater or pose a threat to groundwater, public health, or the environment, the wastewater must be pretreated to acceptable levels before being discharged into a standard or alternative system.

(3) Septic tank.

(a) Liquid capacity.

(A) The quantity of daily sewage flow projected for a facility must be estimated from Table 2. The agent must determine the projected daily sewage flow for establishments not listed in Table 2. [Table not included. See ED. NOTE.]

(B) A septic tank that serves a commercial facility must have a liquid capacity of at least two times the projected daily sewage flow unless otherwise authorized by the agent. In all cases the capacity must be at least 1,000 gallons.

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(C) The capacity of a septic tank that serves a single family dwelling must be based on the number of bedrooms in the dwelling. For a dwelling with 4 or fewer bedrooms, the tank capacity must be at least 1,000 gallons. Septic tank capacity must be at least 1,500 gallons for dwellings with more than 4 bedrooms.

(D) The agent may require a larger capacity than specified in this subsection as needed for special or unique waste characteristics, such as flow patterns, volumes, waste strength, or facility operation.

(b) Installation requirements.

(A) Septic tanks must be installed on a level, stable base that will not settle.

(B) Septic tanks located in high groundwater area must be weighted or provided with an anti buoyancy device to prevent flotation in accordance with the manufacturer's instructions.

(C) Tanks must be installed with at least one watertight riser extending to the ground surface or above. The riser must have a minimum diameter of 20 inches when the soil cover above the tank does not exceed 36 inches. The riser must have a minimum diameter of 30 inches when the soil cover above the tank exceeds 36 inches or when the tank capacity exceeds 3,000 gallons. A gasketed cover must be provided and securely fastened or weighted to prevent unauthorized access.

(D) Tanks must be installed in a location that provides access for maintenance.

(E) Where practicable, the sewage flow from an establishment must be consolidated into one septic tank.

(F) The agent may allow a removable plug to be placed in the top of a septic tank inlet sanitary tee if the septic tank discharges directly into a gravity-fed absorption facility.

(G) A demonstration of watertightness is required for all tanks after installation in accordance with OAR 340-073-0025.

(H) Unless otherwise allowed by the agent, an effluent filter meeting the requirements of OAR 340-073-0056 must be installed at the septic tank outlet if a tank serves a commercial facility. A service access riser and cover meeting the requirements of 340-071-0220(3)(b)(C) must be placed above the effluent filter.

(c) Construction. Tank construction must comply with minimum standards in OAR chapter 340, division 073, unless otherwise authorized in writing by DEQ.

(d) Multi-compartment tank requirement.

(A) With the exception in paragraph (B) of this subsection, if a septic tank is preceded by a sewage ejector pump, the tank must be manufactured as a multi-compartment tank in accordance with requirements in this division and OAR chapter 340, division 073. An effluent filter must be installed unless the agent allows other methods with equal or better performance in preventing the passage of suspended solids to the drainfield.

(B) If the sewage ejector pump preceding the septic tank at a single family residence receives wastewater from only a clothes washing machine and a sink, a single-compartment septic tank may be used in lieu of a multi-compartment septic tank. The tank must meet the minimum capacity requirement in subsection (a) of this section, and an effluent filter must be installed in the tank's outlet tee fitting. Alternatively, the agent may allow the filter to be placed in a separate vault and riser located just outside the septic tank or may authorize other alternatives as appropriate.

(4) Distribution techniques. Absorption trenches must be constructed according to one of the methods in this section.

(a) Gravity-fed equal distribution (including loop).

(A) Equal distribution must be used on generally level ground. All trenches and piping must be level within a tolerance of plus or minus 1 inch. All lateral piping must be at the same elevation.

(B) A pressure-operated hydrosplitter may be used to achieve equal distribution.

(C) To determine the total useable area of a looped soil absorption facility, the agent must add the sum of the lengths of the parallel absorption trenches and the lengths of up to two absorption trenches intersecting the parallel trenches.

(b) Serial distribution. Serial distribution is generally used on sloping ground. Each trench must be level within a tolerance of plus or minus 1 inch. Serial distribution may be a combination of equal distribution and serial distribution.

(c) Pressurized distribution systems. Pressurized distribution must satisfy the requirements in OAR 340-071-0275.

(5) Distribution boxes and drop boxes.

(a) Construction. Construction of distribution boxes and drop boxes must comply with standards in OAR 340-073-0035 and 340-073-0040.

(b) Foundation. All distribution boxes and drop boxes must be bedded on a stable, level base.

(c) In all gravity distribution techniques, the connection of the effluent piping to the distribution piping must include at least one distribution or drop box or other device acceptable to the agent as a means for locating and monitoring the absorption field.

(6) Dosing tanks and dosing septic tanks.

(a) Tank construction must comply with the standards in OAR chapter 340, division 73 unless otherwise authorized in writing by DEQ.

(b) The tank must be installed on a stable, level base at a location that provides access for maintenance.

(c) The tank must be provided with at least one watertight service access riser extending to the ground surface or above. The riser must have a minimum diameter of 20 inches when the soil cover above the tank does not exceed 36 inches. The riser must have a minimum diameter of 30 inches when the soil cover above the tank exceeds 36 inches. A gasketed cover must be securely fastened or weighted to prevent unauthorized access.

(d) A tank located in a high groundwater area must be weighted or provided with an anti buoyancy device to prevent flotation in accordance with the tank manufacturer's instructions.

(7) Absorption trenches.

(a) Absorption trenches must be constructed in accordance with the standards in this section unless otherwise authorized in this division.

(A) Minimum bottom width of trench — 24 inches.

(B) Minimum depth of trench:

(i) Equal or looped distribution — 18 inches.

(ii) Serial distribution — 24 inches.

(iii) Pressure distribution — 18 inches.

(C) Maximum depth of trench — 36 inches.

(D) Maximum length of an individual trench — 150 linear feet, unless otherwise authorized in writing by the agent.

(E) Minimum distance of undisturbed earth between trenches — 8 feet.

(b) The bottom of the trench must be level within a tolerance of plus or minus 1 inch end to end and level from side to side.

(c) When the sidewall within a trench has been smeared or compacted, sidewalls must be raked to ensure permeability.

(d) Trenches must be constructed to prevent septic tank effluent from flowing backwards from the distribution pipe to undermine the distribution box, the septic tank, or any portion of the distribution unit.

(e) Drain media must extend the full width and length of the trench to a depth of at least 12 inches with at least 6 inches of drain media under the distribution pipe and at least 2 inches over the distribution pipe.

(f) Before backfilling the trench, the drain media must be covered with filter fabric, untreated building paper, or other material approved by the agent.

(g) If trenches are installed in sandy loam or coarser soils, filter fabric or other nondegradable material approved by the agent must be used to cover the drain media.

(8) Trench backfill.

(a) The installer must backfill the system. Backfill must be carefully placed to prevent damage to the system.

(b) A minimum of 6 inches of backfill is required; in serial systems 12 inches is required.

(c) Backfill must be free of large stones, frozen clumps of earth, masonry, stumps, waste construction materials, or other materials that could damage the system.

(9) Header pipe. Header pipe must be watertight, have a minimum diameter of 3 inches, and be bedded on undisturbed earth. Where distribution boxes or drop boxes are used, the header pipe between the box and the distribution pipe must be at least 4 feet in length and be installed level.

(10) Distribution pipe.

(a) Distribution pipes must have a minimum diameter of 3 inches.

(b) Each disposal trench must have distribution piping that is centered in the trench and laid level within a tolerance of plus or minus 1 inch.

(c) Distribution pipe must comply with standards in OAR 340-073-0060(4).

(d) All perforated pipe must be installed with centerline markings up.

(11) Effluent sewer. The effluent sewer must extend at least 5 feet beyond the septic tank before connecting to the distribution unit. It must be installed with a minimum fall of 4 inches per 100 feet and at least 2 inches of fall from one end of the pipe to the other. In addition, there must be a minimum difference of 8 inches between the invert of the septic tank outlet and either the invert of the header to the distribution pipe of the highest lateral in a serial distribution field or the invert of the header pipe to the dis-

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tribution pipes of an equal distribution absorption field. A minimum 18-gauge, green-jacketed tracer wire or green color-coded metallic tape must be placed above the effluent sewer pipe.

(12) Curtain drain construction. Unless otherwise authorized by the agent, curtain drains must comply with the following requirements.

(a) Ground slope must be at least 3 percent, or other landform features such as an escarpment must allow for effective drainage.

(b) The curtain drain must extend at least 6 inches into the layer that limits effective soil depth or to a depth adequate to effectively dewater the site.

(c) Trench width must be a minimum of 12 inches.

(d) Perforated pipe must have a minimum diameter of 4 inches and must meet the requirements in OAR 340-073-0060(4).

(e) Perforated pipe must be installed at least 2 inches above the bottom and along the full length of the trench and must be covered by a minimum of 10 inches of drain media.

(f) The curtain drain must be filled with drain media to within 12 inches of the ground surface.

(g) Outlet pipe must be rigid, smooth-wall, solid PVC pipe meeting or exceeding ASTM Standard D-3034 with a minimum diameter of 4 inches. A flap gate or rodent guard must be installed.

(h) Filter fabric must be placed over the drain media.

[ED. NOTE: Tables referenced are available from the agency.]

Stat. Auth.: ORS 454.625 & 468.020

Stats. Implemented: ORS 454.615 & 468B.080

Hist.: DEQ 10-1981, f. & ef. 3-20-81; DEQ 19-1981, f. 7-23-81, ef. 7-27-81; DEQ 5-1982, f. & ef. 3-9-82; DEQ 8-1983, f. & ef. 5-25-83; DEQ 9-1984, f. & ef. 5-29-84; DEQ 15-1986, f. & ef. 8-6-86; DEQ 27-1994, f. 11-15-94, cert. ef. 4-1-95; DEQ 12-1997, f. & cert. ef. 6-19-97; DEQ 16-1999, f. & cert. ef. 12-29-99; DEQ 11-2004, f. 12-22-04, cert. ef. 3-1-05; DEQ 7-2008, f. 6-27-08, cert. ef. 7-1-08; DEQ 14-2013, f. 12-20-13, cert. ef. 1-2-14; DEQ 11-2014, f. & cert. ef. 10-15-14

Department of Fish and Wildlife Chapter 635

Rule Caption: Big Creek (Clatsop County) Angling Regulations Modified.

Adm. Order No.: DFW 133-2014(Temp)

Filed with Sec. of State: 9-16-2014

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Rules Amended: 635-014-0090

Rules Suspended: 635-014-0090(T)

Subject: This amended rule opens Big Creek (Clatsop County) to retention of steelhead and fall Chinook salmon approximately two weeks earlier than allowed under permanent rule. Existing Northwest Zone rules already allow the harvest of adipose fin-clipped coho salmon. An unusually large abundance of harvestable fish and the fact that Big Creek Hatchery has met its production goals for Tule Chinook salmon and coho salmon prompted fisheries managers to open these fisheries earlier than scheduled.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-014-0090

Inclusions and Modifications

(1) The 2014 Oregon Sport Fishing Regulations provide requirements for the Northwest Zone. However, additional regulations may be adopted in this rule division from time to time and to the extent of any inconsistency, they supersede the 2014 Oregon Sport Fishing Regulations pamphlet.

(2) Notwithstanding all other requirements provided in the 2014 Oregon Sport Fishing Regulations pamphlet, the following additional rules apply to adult salmon angling in waters of the Northwest Zone:

(a) All waters of the Necanicum River Basin, Nehalem River Basin (including North Fork), Tillamook Bay Basin, (including the Miami, Kilchis, Wilson, Trask, and Tillamook rivers), the Nestucca River Basin (including the Little Nestucca) and Salmon River, that are open for Chinook salmon are limited to no more than 2 adult non fin-clipped Chinook salmon per day, and 10 adult non fin-clipped Chinook salmon in the seasonal aggregate when combined with all other waters in the Northwest Zone with a 10 adult non fin-clipped Chinook salmon seasonal aggregate limit. Seasonal aggregate applies to all adult non fin-clipped Chinook salmon retained between August 1 and December 31 except in the Nehalem Basin where the seasonal aggregate applies to all adult non fin-clipped Chinook salmon retained between July 1 and December 31.

(b) Three Rivers (Nestucca Basin, Tillamook/Yamhill Co.) mainstem:

(A) Open for adipose fin-clipped steelhead all year. Open for adipose fin-clipped spring Chinook salmon April 1-July 15;

(B) Closed from mouth upstream to hatchery weir deadline July 16-Sept. 30;

(C) From May 1-July 15, use of leaders longer than 36 inches is prohibited. Hooks are limited to no more than one single point, size 3/8-inch gap width (approximately size #2) or smaller hook; and

(D) All other requirements provided on page 34 and 35 of the 2014 Oregon Sport Fishing Regulations pamphlet apply.

(c) Within the Nehalem River Basin (including the North Fork) the following additional rules apply:

(A) Mainstem closed to all salmon angling upstream of Foss Road (CC) Bridge (RM 15.5) July 1 through December 31.

(B) Nehalem Bay tidewater from the jetty tips upstream to Miami-Foley Bridge on South Fork and North Fork Road Bridge on the North Fork is open for non adipose fin-clipped coho salmon from September 15 through November 30.

(C) The daily catch limit may include 1 adult non adipose fin-clipped coho salmon per day and 1 non adipose fin-clipped jack coho salmon per day, and no more than 1 total adult non adipose fin-clipped coho salmon in the seasonal aggregate from all waters in the Northwest Zone with a 1 adult non adipose fin-clipped coho salmon seasonal aggregate limit (Nestucca River and Tillamook Bay Basin).

(d) Within the Tillamook Bay Basin the following additional rules apply:

(A) Tillamook Bay tidewater from the jetty tips upstream to Highway 101 Bridge on Miami, Kilchis, Wilson, and Trask rivers and Burton Bridge on Tillamook River is open on Fridays and Saturdays only for non adipose fin-clipped coho salmon from September 19 through November 29.

(B) The daily catch limit may include 1 adult non adipose fin-clipped coho salmon per day and 1 non adipose fin-clipped jack coho salmon per day, and no more than 1 total adult non adipose fin-clipped coho salmon in the seasonal aggregate from all waters in the Northwest Zone with a 1 adult non adipose fin-clipped coho salmon seasonal aggregate limit (Nestucca River and Nehalem River Basin).

(e) Within the Nestucca River Basin (including the Little Nestucca River and Three Rivers) the following rules apply:

(A) Mainstem Nestucca River upstream of First Bridge (RM 15.8) near Beaver closed to all salmon angling August 1 through December 31.

(B) Nestucca Bay tidewater (excluding Little Nestucca tidewater) from the bay mouth upstream to the Cloverdale Bridge (RM 7.1) is open on Sundays and Mondays only for non adipose fin-clipped coho salmon from September 15 through November 30.

(C) The daily catch limit may include 1 adult non adipose fin-clipped coho salmon per day and 1 non adipose fin-clipped jack coho salmon per day, and no more than 1 total adult non adipose fin-clipped coho salmon in the seasonal aggregate from all waters in the Northwest Zone with a 1 adult non adipose fin-clipped coho salmon seasonal aggregate limit (Nehalem River and Tillamook Bay Basin).

(f) Within the Siletz River Basin the following additional rules apply:

(A) Mainstem and tributaries above an ODFW marker sign approximately 1,200 feet upstream of Ojalla Bridge (RM 31) closed to Chinook August 1-October 6; mainstem and tributaries above Illahee Boat Ramp closed October 7-December 31; Drift Creek (Siletz River Basin) upstream of the confluence with Quarry Creek at RM 8 is closed for Chinook salmon from August 1 through December 31;

(B) Siletz River and Bay upstream to an ODFW marker sign approximately 1,200 feet upstream of Ojalla Bridge (RM 31) is open for non adipose fin-clipped coho salmon from September 15 through October 6; Siletz River and Bay upstream to Illahee Boat Ramp is open for non adipose fin-clipped coho salmon from October 7-November 30; and

(C) The daily catch limit may include 1 adult non adipose fin-clipped coho salmon per day and 1 non adipose fin-clipped jack coho salmon per day, and no more than 2 total adult non adipose fin-clipped coho salmon in the seasonal aggregate from all waters in the Northwest Zone and Southwest Zone with a 2 adult non adipose fin-clipped coho salmon seasonal aggregate limit (Yaquina River, Alsea River, Siuslaw River, Umpqua River, Beaver Creek (Ona Beach), Floras Creek/New River, Coos River, and Coquille River).

(g) Within the Yaquina River Basin the following additional rules apply:

(A) All waters of the Yaquina River upstream of the confluence of the Yaquina River and Big Elk Creek at RM 18.3 and all waters of Big Elk Creek (Yaquina River Basin) are closed for Chinook salmon from August 1 through December 31;

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(B) The Yaquina River and Bay upstream to the confluence of the Yaquina River and Big Elk Creek are open for non adipose fin-clipped coho salmon from September 15 through November 30; and

(C) The daily catch limit may include 1 adult non adipose fin-clipped coho salmon per day and 1 non adipose fin-clipped jack coho salmon per day, and no more than 2 total adult non adipose fin-clipped coho salmon in the seasonal aggregate from all waters in the Northwest Zone and Southwest Zone with a 2 adult non adipose fin-clipped coho salmon seasonal aggregate limit (Siletz River, Alsea River, Siuslaw River, Umpqua River, Beaver Creek (Ona Beach), Floras Creek/New River, Coos River, and Coquille River).

(h) Within the Alsea River Basin the following additional rules apply:

(A) All waters of Drift Creek (Alsea River Basin) within the Drift Creek Wilderness Area (River Mile 11) and upstream are closed for Chinook salmon from August 1 through December 31;

(B) All waters of Five Rivers are closed for Chinook salmon from August 1 through December 31.

(C) The Alsea River and Bay upstream to the USFS River Edge Boat Landing are open for non adipose fin-clipped coho salmon from September 15 through November 30; and

(D) The daily catch limit may include 1 adult non adipose fin-clipped coho salmon per day and 1 non adipose fin-clipped jack coho salmon per day, and no more than 2 total adult non adipose fin-clipped coho salmon in the seasonal aggregate from all waters in the Northwest Zone and Southwest Zone with a 2 adult non adipose fin-clipped coho salmon seasonal aggregate limit (Siletz River, Yaquina River, Siuslaw River, Umpqua River, Beaver Creek (Ona Beach), Floras Creek/New River, Coos River, and Coquille River).

(i) Within the Siuslaw River Basin the following additional rules apply:

(A) All waters of the Siuslaw River upstream of the confluence with Lake Creek at RM 30.0 are closed for Chinook salmon from August 1 through December 31;

(B) All waters of Lake Creek are closed for Chinook salmon August 1 through October 15 and all waters of Lake Creek upstream from the mouth of Indian Creek (RM 2.5) and downstream of Fish Creek (RM 17) are closed for angling for Chinook salmon the entire year and closed to all angling from September 1 through November 30;

(C) The Siuslaw River and Bay upstream to the confluence of the Siuslaw River with Lake Creek is open for non adipose fin-clipped coho salmon from September 15 through November 30; and

(D) Lake Creek upstream to the mouth of Indian Creek (RM 2.5) is open to non adipose fin-clipped coho salmon from October 16 through November 30;

(E) The daily catch limit may include 1 adult non adipose fin-clipped coho salmon per day and 1 non adipose fin-clipped jack coho salmon per day, and no more than 2 total adult non adipose fin-clipped coho salmon in the seasonal aggregate from all waters in the Northwest Zone and Southwest Zone with a 2 adult non adipose fin-clipped coho salmon seasonal aggregate limit (Yaquina River, Alsea River, Siletz River, Umpqua River, Beaver Creek (Ona Beach), Floras Creek/New River, Coos River, and Coquille River).

(j) Beaver Creek (at Ona Beach between Newport and Waldport) from footbridge west of Highway 101 upstream to the power line crossing near the the confluence of South Fork Beaver Creek (Ona Beach) open for non adipose fin-clipped coho salmon from November 1-30 or until attainment of an adult coho quota of 150 fish. The daily catch limit may include 1 adult non adipose fin-clipped coho salmon per day and 1 non adipose fin-clipped jack coho salmon per day, and no more than 2 non adipose fin-clipped salmon in the seasonal aggregate from all waters in the Northwest Zone and Southwest Zone with a 2 adult non adipose fin-clipped coho season aggregate limit (Siletz River, Yaquina River, Alsea River, Siuslaw River, Umpqua River, Floras Creek/New River, Coos River, and Coquille River).

(3) Big Creek (Clatsop Co.) in the area downstream from the hatchery weir deadline:

(a) Open for retention of adipose fin-clipped steelhead and fall Chinook salmon from September 17 through December 31, 2014; catch limits, in the aggregate, 2 adult salmon or steelhead per day, 20 per year, 5 jack salmon per day, 2 daily jack limits in possession.

(b) Angling from Big Creek railroad trestle bridge near mouth open September 17 through December 31, 2014.

(c) Anti-snagging regulations in place September 17 through October 31, 2014 downstream from hatchery weir deadline. See page 11 of the 2014 Oregon Sport Fishing Regulations for anti-snagging gear restrictions.

(d) Use of bait is allowed. All other regulations as shown in the 2014 Oregon Sport Fishing Regulations apply.

(4) Beginning January 1, 2013, the use of barbless hooks is required when angling for salmon, steelhead, or trout in the following areas:

(a) Within the Youngs Bay Select Area (Clatsop County) from the Highway 101 Bridge upstream to markers at the confluence of the Youngs and Klaskanine rivers including the lower Lewis and Clark River upstream to the Alternate Highway 101 Bridge, and the lower Walluski River upstream to the Highway 202 Bridge.

(b) In Gnat Creek (Clatsop County) from the railroad bridge upstream to the Aldrich Point Road Bridge.

(5) Beginning January 1, 2014, all waters within the Northwest Zone are closed to the retention of white sturgeon and catch-and-release angling is allowed year-round.

Stat. Auth.: ORS 496.138, 496.146, 497.121 & 506.119
Stats. Implemented: ORS 496.004, 496.009, 496.162 & 506.129
Hist.: FWC 82-1993, f. 12-22-93, cert. ef. 1-1-94; FWC 21-1994(Temp), f. 4-22-94, cert. ef. 4-25-94; FWC 31-1994, f. 5-26-94, cert. ef. 6-20-94; FWC 65-1994(Temp), f. 9-15-94, cert. ef. 9-17-94; FWC 22-1995, f. 3-7-95, cert. ef. 3-10-95; FWC 28-1995(Temp), f. 3-31-95, cert. ef. 5-1-95; FWC 34-1995, f. & cert. ef. 5-1-95; FWC 39-1995, f. 5-10-95, cert. ef. 5-12-95; FWC 77-1995, f. 9-13-95, cert. ef. 1-1-96; FWC 19-1996, f. & cert. ef. 5-16-96; FWC 20-1996, f. & cert. ef. 4-29-96; FWC 29-1996, f. & cert. ef. 5-31-96; FWC 46-1996, f. & cert. ef. 8-23-96; FWC 55-1996(Temp), f. 9-25-96, cert. ef. 10-1-96; FWC 72-1996, f. 12-31-96, cert. ef. 1-1-97; FWC 73-1996(Temp), f. 12-31-96, cert. ef. 1-1-97; FWC 5-1997, f. & cert. ef. 2-4-97; FWC 30-1997, f. & cert. ef. 5-5-97; FWC 58-1997, f. 9-8-97, cert. ef. 10-1-97; FWC 75-1997, f. 12-31-97, cert. ef. 1-1-98; DFW 12-1998(Temp), f. & cert. ef. 2-24-98 thru 4-24-98; DFW 34-1998, f. & cert. ef. 5-4-98; DFW 69-1998, f. 8-28-98, cert. ef. 9-1-98; DFW 100-1998, f. 12-23-98, cert. ef. 1-1-99; DFW 36-1999, f. & cert. ef. 5-20-99; DFW 96-1999, f. 12-27-99, cert. ef. 1-1-00; DFW 24-2000, f. 4-28-00, cert. ef. 5-1-00; DFW 83-2000(Temp), f. 12-28-00, cert. ef. 1-1-01 thru 1-31-01; DFW 1-2001, f. 1-25-01, cert. ef. 2-1-01; DFW 28-2001, f. & cert. ef. 5-1-01; DFW 40-2001(Temp), f. & cert. ef. 5-24-01 thru 11-20-01; DFW 72-2001(Temp), f. 8-10-01, cert. ef. 8-16-01 thru 12-31-01; DFW 81-2001, f. & cert. ef. 8-29-01; DFW 85-2001(Temp), f. & cert. ef. 8-30-01 thru 12-31-01; DFW 90-2001(Temp), f. 9-14-01, cert. ef. 9-15-01 thru 12-31-01; DFW 123-2001, f. 12-31-01, cert. ef. 1-1-02; DFW 5-2002(Temp), f. 1-11-02, cert. ef. 1-12-02 thru 7-11-02; DFW 26-2002, f. & cert. ef. 3-21-02; DFW 37-2002, f. & cert. ef. 4-23-02; DFW 91-2002(Temp), f. 8-19-02, cert. ef. 8-20-02 thru 11-1-02 (Suspended by DFW 101-2002(Temp), f. & cert. ef. 10-3-02 thru 11-1-02); DFW 118-2002(Temp), f. 10-22-02, cert. ef. 12-1-02 thru 3-31-03; DFW 120-2002(Temp), f. 10-24-02, cert. ef. 10-26-02 thru 3-31-03; DFW 130-2002, f. 11-21-02, cert. ef. 1-1-03; DFW 18-2003(Temp), f. 2-28-03, cert. ef. 3-1-03 thru 4-30-03; DFW 38-2003(Temp), f. 5-7-03, cert. ef. 5-10-03 thru 10-31-03; DFW 51-2003(Temp), f. & cert. ef. 6-13-03 thru 10-31-03; DFW 90-2003(Temp), f. 9-12-03, cert. ef. 9-13-03 thru 12-31-03; DFW 108-2003(Temp), f. 10-28-03, cert. ef. 12-1-03 thru 3-31-04; DFW 123-2003(Temp), f. 12-10-03, cert. ef. 12-11-03 thru 12-31-03; DFW 125-2003, f. 12-11-03, cert. ef. 1-1-04; DFW 126-2003(Temp), f. 12-11-03, cert. ef. 1-1-04 thru 3-31-04; DFW 60-2004(Temp), f. 6-29-04, cert. ef. 7-1-04 thru 7-15-04; DFW 90-2004(Temp), f. 8-30-04, cert. ef. 10-1-04 thru 12-31-04; DFW 103-2004(Temp), f. & cert. ef. 10-4-04 thru 12-31-04; DFW 108-2004(Temp), f. & cert. ef. 10-18-04 thru 12-31-04; DFW 111-2004(Temp), f. 11-16-04, cert. ef. 11-20-04 thru 12-31-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 62-2005(Temp), f. 6-29-05, cert. ef. 7-1-05 thru 7-10-05; Administrative correction 7-20-05; DFW 105-2005(Temp), f. 9-12-05, cert. ef. 10-1-05 thru 12-15-05; DFW 127-2005(Temp), f. & cert. ef. 11-23-05 thru 12-31-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 53-2006(Temp), f. 6-29-06, cert. ef. 7-1-06 thru 7-9-06; Administrative correction 7-20-06; DFW 64-2006(Temp), f. 7-17-06, cert. ef. 8-1-06 thru 12-31-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07; DFW 104-2006(Temp), f. 9-19-06, cert. ef. 10-1-06 thru 12-31-06; DFW 24-2007, f. 4-16-07, cert. ef. 5-1-07; DFW 63-2007(Temp), f. 8-6-07, cert. ef. 8-11-07 thru 12-31-07; DFW 136-2007, f. 12-31-07, cert. ef. 1-1-08; DFW 25-2008(Temp), f. 3-13-08, cert. ef. 3-15-08 thru 9-10-08; DFW 67-2008(Temp), f. 6-20-08, cert. ef. 8-1-08 thru 12-31-08; DFW 156-2008, f. 12-31-08, cert. ef. 1-1-09; DFW 43-2009(Temp), f. 5-5-09, cert. ef. 5-22-09 thru 10-31-09; DFW 67-2009(Temp), f. 6-9-09, cert. ef. 6-15-09 thru 10-31-09; DFW 27-2009(Temp), f. 7-31-09, cert. ef. 8-1-09 thru 12-31-09; DFW 99-2009(Temp), f. 8-26-09, cert. ef. 9-1-09 thru 12-31-09; DFW 115-2009(Temp), f. & cert. ef. 9-22-09 thru 12-31-09; DFW 144-2009, f. 12-8-09, cert. ef. 1-1-10; DFW 44-2010(Temp), f. 4-20-10, cert. ef. 4-21-10 thru 9-30-10; DFW 73-2010(Temp), f. 5-27-10, cert. ef. 6-1-10 thru 9-30-10; DFW 76-2010, f. 6-8-10, cert. ef. 8-1-10; DFW 89-2010(Temp), f. 6-28-10, cert. ef. 7-1-10 thru 9-30-10; Administrative correction 10-26-10; DFW 171-2010, f. 12-30-10, cert. ef. 1-1-11; DFW 57-2011(Temp), f. 5-27-11, cert. ef. 6-1-11 thru 6-30-11; DFW 83-2011, f. 6-30-11, cert. ef. 7-1-11; DFW 139-2011(Temp), f. 10-3-11, cert. ef. 10-6-11 thru 12-31-11; DFW 141-2011(Temp), f. 10-6-11, cert. ef. 10-10-11 thru 12-31-11; DFW 143-2011(Temp), f. 10-10-11, cert. ef. 10-11-11 thru 12-31-11; DFW 148-2011(Temp), f. 10-20-11, cert. ef. 10-21-11 thru 12-31-11; DFW 163-2011, f. 12-27-11, cert. ef. 1-1-12; DFW 53-2012(Temp), f. 5-29-12, cert. ef. 6-1-12 thru 10-31-12; DFW 62-2012, f. 6-12-12, cert. ef. 7-1-12; DFW 63-2012(Temp), f. & cert. ef. 6-12-12 thru 10-31-12; DFW 71-2012(Temp), f. 6-27-12, cert. ef. 7-1-12 thru 11-30-12; DFW 130-2012(Temp), f. 10-10-12, cert. ef. 10-13-12 thru 12-31-12; DFW 135-2012(Temp), f. 10-22-12, cert. ef. 10-24-12 thru 12-31-12; DFW 139-2012(Temp), f. 10-30-12, cert. ef. 10-31-12 thru 12-31-12; DFW 152-2012, f. 12-27-12, cert. ef. 1-1-13; DFW 23-2013(Temp), f. 3-20-13, cert. ef. 4-1-13 thru 9-27-13; DFW 43-2013(Temp), f. 5-29-13, cert. ef. 6-1-13 thru 10-31-13; DFW 50-2013, f. 6-10-13, cert. ef. 7-1-13; DFW 60-2013(Temp), f. 6-24-13, cert. ef. 6-30-13 thru 9-30-13; Administrative correction 11-1-13; DFW 137-2013, f. 12-19-13, cert. ef. 1-1-14; DFW 74-2014(Temp), f. 6-23-14, cert. ef. 6-30-14 thru 9-30-14; DFW 110-2014, f. & cert. ef. 8-4-14; DFW 111-2014(Temp), f. & cert. ef. 8-4-14 thru 9-30-14; DFW 133-2014(Temp), f. 9-16-14 & cert. ef. 9-17-14 thru 12-31-14

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Rule Caption: Columbia River Treaty Indian Commercial Gill Net Salmon Season Set.

Adm. Order No.: DFW 134-2014(Temp)

Filed with Sec. of State: 9-19-2014

Certified to be Effective: 9-23-14 thru 10-31-14

Notice Publication Date:

ADMINISTRATIVE RULES

Rules Amended: 635-041-0075

Rules Suspended: 635-041-0075(T)

Subject: This amended rule allows commercial sales of fish caught during the Treaty Indian commercial fall salmon gill net fishery in the Columbia River and its Washington tributaries. The fishing period authorized for the Treaty Indian fall commercial gill net fishery is scheduled to begin at 6:00 a.m. Monday, September 23 and run through 6:00 p.m. Thursday, September 25, 2014. Modifications are consistent with action taken September 18, 2014 by the Columbia River Compact agencies of the states of Oregon and Washington in cooperation with the Columbia River Treaty Tribes.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-041-0075

Fall Salmon Season

(1) Salmon, steelhead, shad, walleye, catfish, bass, yellow perch, and carp may be taken for commercial purposes from Zone 6, in the Columbia River Treaty Indian platform and hook-and-line fisheries, from: 12:01 a.m. Friday, August 1 through 11:59 p.m. Friday, October 31, 2014.

(a) Gear used in the fishery described above is restricted to subsistence fishing gear which includes hoopnets, dipnets, and rod and reel with hook-and-line.

(b) Closed areas as set forth in OAR 635-041-0045 remain in effect with the exception of Spring Creek Hatchery sanctuary.

(2) Salmon, steelhead, shad, walleye, catfish, bass, yellow perch, and carp may be taken for commercial purposes from Zone 6, in the Columbia River Treaty Indian gill net fisheries, during the following period:

6:00 a.m. Monday, September 23 through 6:00 p.m. Thursday, September 25, 2014 (3.5 days).

(a) Salmon, steelhead, shad, yellow perch, bass, walleye, catfish and carp landed during any open gill net fishing period may be sold at any time or retained for subsistence purposes. Sturgeon may not be sold. However, white sturgeon between 43 and 54 inches in fork length taken from The Dalles and John Day pools and white sturgeon between 38 and 54 inches in fork length taken from the Bonneville Pool may be kept for subsistence purposes. Fish caught during any open period may be sold at any time.

(b) Gear is restricted to gill nets with an 8-inch minimum mesh size.

(c) Closed areas in Zone 6, including a modified Spring Creek sanctuary which has been reduced in size to a 150-foot radius around the hatchery ladder, are in effect as set forth in OAR 635-041-0045.

(3) For the period beginning 12:01 a.m. Friday, August 1 through 11:59 p.m. Friday, October 31, 2014, commercial sales of salmon, steelhead, walleye, shad, catfish, carp, bass and yellow perch caught in Yakama Nation tributary fisheries in the Klickitat River; Wind River; and Drano Lake are allowed for Yakama Nation members during those days and hours when these tributaries are open under lawfully enacted Yakama Nation fishing periods. Gear is restricted to subsistence fishing gear which includes hoopnets, dipnets, and rod and reel with hook-and-line, except that fish may also be taken by gill net in Drano Lake.

Stat. Auth.: ORS 496.118 & 506.119

Stats. Implemented: ORS 506.109, 506.129 & 507.030

Hist.: FWC 25-1979, f. & ef. 8-2-79; FWC 36-1979(Temp), f. & ef. 8-22-79; FWC 47-1979(Temp), f. & ef. 9-21-79; FWC 44-1980(Temp), f. & ef. 8-22-80; FWC 46-1980(Temp), f. & ef. 9-13-80; FWC 33-1981(Temp), f. & ef. 9-15-81; FWC 58-1982(Temp), f. & ef. 8-27-82; FWC 62-1982(Temp), f. & ef. 9-7-82; FWC 63-1982(Temp), f. & ef. 9-14-82; FWC 75-1982(Temp), f. & ef. 10-29-82; FWC 36-1983, f. & ef. 8-18-83; FWC 49-1983(Temp), f. & ef. 9-26-83; FWC 51-1983(Temp), f. & ef. 9-30-83; FWC 55-1983(Temp), f. & ef. 10-4-83; FWC 46-1984, f. & ef. 8-30-84; FWC 55-1984(Temp), f. & ef. 9-10-84; FWC 58-1984(Temp), f. & ef. 9-17-84; FWC 61-1984 (Temp), f. & ef. 9-21-84; FWC 70-1984(Temp), f. & ef. 10-9-84; FWC 47-1985, f. & ef. 8-23-85; FWC 60-1985(Temp), f. & ef. 9-13-85; FWC 63-1985(Temp), f. & ef. 9-24-85; FWC 42-1986, f. & ef. 8-15-86; FWC 53-1986(Temp), f. & ef. 9-4-86; FWC 54-1986(Temp), f. & ef. 9-5-86; FWC 57-1986(Temp), f. & ef. 9-11-86; FWC 60-1986(Temp), f. & ef. 9-26-86; FWC 62-1986(Temp), f. & ef. 10-2-86; FWC 63-1987, f. & ef. 8-7-87; FWC 74-1987(Temp), f. & ef. 9-4-87; FWC 75-1987(Temp), f. & ef. 9-1-87; FWC 78-1987(Temp), f. & ef. 9-15-87; FWC 80-1987(Temp), f. & ef. 9-18-87; FWC 87-1987(Temp), f. & ef. 10-9-87; FWC 89-1987(Temp), f. & ef. 10-12-87; FWC 67-1988, f. & cert. ef. 8-15-88; FWC 72-1988(Temp), f. & cert. ef. 8-19-88; FWC 77-1988(Temp), f. & cert. ef. 9-2-88; FWC 91-1988(Temp), f. & cert. ef. 9-16-88; FWC 95-1988 (Temp), f. 9-27-88, cert. ef. 9-28-88; FWC 54-1989(Temp), f. & cert. ef. 8-7-89; FWC 87-1989(Temp), f. & cert. ef. 9-1-89; FWC 95-1989(Temp), f. & cert. ef. 9-19-89; FWC 96-1989 (Temp), f. & cert. ef. 9-21-89; FWC 99-1989(Temp), f. & cert. ef. 9-27-89; FWC 100-1989(Temp), f. & cert. ef. 9-28-89; FWC 80-1990(Temp), f. 8-7-90, cert. ef. 8-8-90; FWC 90-1990, f. & cert. ef. 8-31-90; FWC 96-1990(Temp), f. 9-7-90, cert. ef. 9-10-90; FWC 98-1990(Temp), f. 9-14-90, cert. ef. 9-17-90; FWC 85-1991, f. 8-7-91, cert. ef. 8-12-91; FWC 96-1991, f. & cert. ef. 9-9-91; FWC 101-1991(Temp), f. & cert. ef. 9-10-91; FWC 103-1991(Temp), f. 9-17-91, cert. ef. 9-18-91; FWC 110-1991(Temp), f. & cert. ef. 9-27-91; FWC 73-1992(Temp), f. & cert. ef. 8-10-92; FWC 86-1992(Temp), f. 9-1-92, cert. ef. 9-2-92; FWC 87-1992(Temp), f. 9-4-92, cert. ef. 9-7-92; FWC 91-1992(Temp), f. 9-16-92, cert. ef. 9-17-92; FWC 96-1992(Temp), f. 9-22-92, cert. ef. 9-23-92; FWC 105-1992(Temp), f. 10-2-92, cert. ef. 10-5-92; FWC 107-1992 (Temp), f. & cert. ef. 10-9-92; FWC 47-1993, f. 8-6-93, cert. ef. 8-9-93; FWC 52-1993, f. & cert. ef. 8-30-93; FWC 57-1993(Temp), f. & cert. ef. 9-13-93; FWC 59-1993(Temp), f. 9-17-93, cert. ef. 9-20-93; FWC 61-1993(Temp), f. & cert.

ef. 9-24-93; FWC 55-1994(Temp), f. 8-26-94, cert. ef. 8-29-94; FWC 61-1994(Temp), f. 9-7-94, cert. ef. 8-9-94; FWC 74-1994(Temp), f. & cert. ef. 10-12-94; FWC 68-1995(Temp), f. 8-25-95, cert. ef. 8-29-95; FWC 72-1995(Temp), f. & cert. ef. 9-1-95; FWC 75-1995(Temp), f. 9-12-95, cert. ef. 9-13-95; FWC 46-1996, f. & cert. ef. 8-23-96; FWC 48-1996(Temp), f. 8-29-96, cert. ef. 9-2-96; FWC 51-1996(Temp), f. 9-6-96, cert. ef. 9-9-96; FWC 53-1996(Temp), f. & cert. ef. 9-26-96; FWC 54-1996(Temp), f. & cert. ef. 9-23-96; FWC 48-1997, f. & cert. ef. 8-25-97; FWC 52-1997(Temp), f. 8-29-97, cert. ef. 9-2-97; FWC 57(Temp), f. & cert. ef. 9-9-97; FWC 60-1997(Temp), f. 9-16-97, cert. ef. 9-17-97; FWC 68-1998(Temp), f. & cert. ef. 8-25-98 thru 9-25-98; DFW 76-1998(Temp), f. & cert. ef. 9-8-98 thru 9-25-98; DFW 77-1998(Temp), f. 9-14-98, cert. ef. 9-15-98 thru 9-25-98; DFW 79-1998(Temp), f. 9-21-98, cert. ef. 9-22-98 thru 9-25-98; DFW 80-1998(Temp), f. 9-23-98, cert. ef. 9-24-98 thru 9-25-98; DFW 59-1999(Temp), f. & cert. ef. 8-23-99 thru 9-11-99; DFW 62-1999(Temp), f. 9-2-99, cert. ef. 9-3-99 thru 9-11-99; DFW 65-1999(Temp), f. 9-14-99, cert. ef. 9-15-99 thru 9-17-99; DFW 69-1999(Temp), f. & cert. ef. 9-17-99 thru 9-18-99; DFW 72-1999(Temp), f. 9-21-99, cert. ef. 9-22-99 thru 10-22-99; DFW 74-1999(Temp), f. 9-28-99, cert. ef. 9-29-99 thru 10-22-99; Administrative correction 11-17-99; DFW 50-2000(Temp), f. 8-18-00, cert. ef. 8-21-00 thru 9-9-00; DFW 60-2000(Temp), f. 9-11-00, cert. ef. 9-12-00 thru 12-31-00; DFW 61-2000(Temp), f. 9-15-00, cert. ef. 9-19-00 thru 12-31-00; Administrative correction 6-19-01; DFW 75-2001(Temp), f. & cert. ef. 8-20-01 thru 9-8-01; DFW 87-2001(Temp), f. 9-10-01, cert. ef. 9-11-01 thru 9-15-01; DFW 91-2001(Temp), f. & cert. ef. 9-19-01 thru 12-31-01; DFW 94-2001(Temp), f. 9-26-01, cert. ef. 9-27-01 thru 12-31-01; DFW 100-2001(Temp), f. 10-16-01, cert. ef. 10-17-01 thru 12-31-01; DFW 89-2002(Temp), f. 8-16-02, cert. ef. 8-18-02 thru 12-31-02; DFW 98-2002(Temp), f. & cert. ef. 8-30-02 thru 12-31-02; DFW 102-2002(Temp), f. & cert. ef. 9-13-02 thru 12-31-02; DFW 104-2002(Temp), f. & cert. ef. 9-19-02 thru 12-31-02; DFW 113-2002(Temp), f. 10-14-02, cert. ef. 10-15-02 thru 12-31-02; DFW 77-2003(Temp), f. & cert. ef. 8-13-03 thru 12-31-03; DFW 81-2003(Temp), f. 8-25-03, cert. ef. 8-26-03 thru 12-31-03; DFW 91-2003(Temp), f. 9-12-03, cert. ef. 9-16-03 thru 12-31-03; DFW 97-2003(Temp), f. 9-22-03, cert. ef. 9-24-03 thru 12-31-03; DFW 101-2003(Temp), f. 9-26-03, cert. ef. 10-1-03 thru 12-31-03; DFW 103-2003(Temp), f. 10-3-03, cert. ef. 10-8-03 thru 12-31-03; DFW 104-2003(Temp), f. 10-10-03, cert. ef. 10-11-03 thru 12-31-03; DFW 88-2004(Temp), f. & cert. ef. 8-23-04 thru 12-31-04; DFW 95-2004(Temp), f. 9-17-04, cert. ef. 9-19-04 thru 12-31-04; DFW 99-2004(Temp), f. & cert. ef. 9-24-04 thru 12-31-04; DFW 104-2004(Temp), f. 10-12-04, cert. ef. 10-13-04 thru 12-31-04; DFW 110-2004(Temp), f. & cert. ef. 10-29-04 thru 12-31-04; Administrative correction 2-18-05; DFW 96-2005(Temp), f. & cert. ef. 8-22-05 thru 12-31-05; DFW 104-2005(Temp), f. & cert. ef. 9-12-05 thru 12-31-05; DFW 109-2005(Temp), f. & cert. ef. 9-19-05 thru 12-31-05; DFW 113-2005(Temp), f. & cert. ef. 9-28-05 thru 12-31-05; DFW 120-2005(Temp), f. & cert. ef. 10-11-05 thru 12-31-05; Administrative correction 1-19-06; DFW 71-2006(Temp), f. 7-31-06, cert. ef. 8-1-06 thru 12-31-06; DFW 86-2006(Temp), f. 8-18-06, cert. ef. 8-21-06 thru 12-31-06; DFW 94-2006(Temp), f. 9-8-06, cert. ef. 9-11-06 thru 12-31-06; DFW 101-2006(Temp), f. 9-15-06, cert. ef. 9-18-06 thru 12-31-06; DFW 107-2006(Temp), f. 9-28-06, cert. ef. 10-3-06 thru 12-31-06; DFW 115-2006(Temp), f. 10-13-06, cert. ef. 10-15-06 thru 12-31-06; Administrative correction 1-16-07; DFW 60-2007(Temp), f. 7-30-07, cert. ef. 8-1-07 thru 12-31-07; DFW 77-2007(Temp), f. 8-17-07, cert. ef. 8-22-07 thru 12-31-07; DFW 88-2007(Temp), f. 9-10-07, cert. ef. 9-11-07 thru 12-31-07; DFW 95-2007(Temp), f. 9-21-07, cert. ef. 9-25-07 thru 12-31-07; DFW 100-2007(Temp), f. 9-28-07, cert. ef. 10-3-07 thru 12-31-07; DFW 110-2007(Temp), f. 10-16-07, cert. ef. 10-20-07 thru 12-31-07; DFW 106-2008(Temp), f. 9-4-08, cert. ef. 9-6-08 thru 10-31-08; DFW 109-2008(Temp), f. 9-12-08, cert. ef. 9-15-08 thru 10-31-08; DFW 112-2008(Temp), f. 9-17-08, cert. ef. 9-18-08 thru 10-31-08; DFW 117-2008(Temp), f. & cert. ef. 9-22-08 thru 10-31-08; DFW 122-2008(Temp), f. & cert. ef. 9-29-08 thru 10-31-08; DFW 125-2008(Temp), f. 10-6-08, cert. ef. 10-7-08 thru 10-31-08; DFW 134-2008(Temp), f. & cert. ef. 10-17-08 thru 10-31-08; DFW 141-2008(Temp), f. 11-10-08, cert. ef. 11-12-08 thru 11-30-08; DFW 88-2009(Temp), f. 7-31-09, cert. ef. 8-1-09 thru 12-31-09; DFW 95-2009(Temp), f. 8-19-09, cert. ef. 8-24-09 thru 12-31-09; DFW 111-2009(Temp), f. 9-11-09, cert. ef. 9-13-09 thru 9-30-09; DFW 114-2009(Temp), f. 9-18-09, cert. ef. 9-21-09 thru 10-31-09; DFW 119-2009(Temp), f. & cert. ef. 9-29-09 thru 10-31-09; DFW 129-2009(Temp), f. 10-13-09, cert. ef. 10-14-09 thru 10-31-09; Administrative correction 11-19-09; DFW 111-2010(Temp), f. 7-30-10, cert. ef. 8-1-10 thru 10-31-10; DFW 120-2010(Temp), f. 8-18-10, cert. ef. 8-24-10 thru 10-31-10; DFW 128-2010(Temp), f. & cert. ef. 9-10-10 thru 10-31-10; DFW 136-2010(Temp), f. 9-24-10, cert. ef. 9-27-10 thru 10-31-10; DFW 142-2010(Temp), f. 10-8-10, cert. ef. 10-9-10 thru 10-31-10; DFW 149-2010(Temp), f. 10-18-10, cert. ef. 10-19-10 thru 10-31-10; Administrative correction 11-23-10; DFW 103-2011(Temp), f. 7-29-11, cert. ef. 8-1-11 thru 10-31-11; DFW 119-2011(Temp), f. 8-26-11, cert. ef. 8-29-11 thru 10-31-11; DFW 124-2011(Temp), f. 9-8-11, cert. ef. 9-12-11 thru 10-31-11; DFW 130-2011(Temp), f. 9-15-11, cert. ef. 9-19-11 thru 10-31-11; DFW 133-2011(Temp), f. 9-21-11, cert. ef. 9-22-11 thru 10-31-11; DFW 138-2011(Temp), f. 9-30-11, cert. ef. 10-3-11 thru 10-31-11; DFW 142-2011(Temp), f. 10-6-11, cert. ef. 10-8-11 thru 10-31-11; Administrative correction, 11-18-11; DFW 94-2012(Temp), f. & cert. ef. 7-27-12 thru 10-31-12; DFW 107-2012(Temp), f. 8-15-12, cert. ef. 8-21-12 thru 10-31-12; DFW 119-2012(Temp), f. 9-10-12, cert. ef. 9-11-12 thru 10-31-12; DFW 120-2012(Temp), f. & cert. ef. 9-18-12 thru 10-31-12; DFW 124-2012(Temp), f. 9-25-12, cert. ef. 9-26-12 thru 10-31-12; DFW 127-2012(Temp), f. & cert. ef. 10-2-12 thru 10-31-12; DFW 143-2012(Temp), f. 11-7-12, cert. ef. 11-8-12 thru 1-29-13; Administrative correction, 2-25-13; DFW 88-2013(Temp), f. 8-9-13, cert. ef. 8-12-13 thru 12-31-13; DFW 89-2013(Temp), f. 8-14-13, cert. ef. 8-19-13 thru 12-31-13; DFW 98-2013(Temp), f. 9-6-13, cert. ef. 9-10-13 thru 10-31-13; DFW 102-2013(Temp), f. 9-13-13, cert. ef. 9-16-13 thru 10-31-13; DFW 106-2013(Temp), f. 9-19-13, cert. ef. 9-24-13 thru 10-31-13; DFW 111-2013(Temp), f. 9-27-13, cert. ef. 9-30-13 thru 10-31-13; DFW 116-2013(Temp), f. 10-8-13, cert. ef. 10-9-13 thru 12-31-13; DFW 105-2014(Temp), f. 7-30-14, cert. ef. 8-1-14 thru 10-31-14; DFW 118-2014(Temp), f. 8-7-14, cert. ef. 8-18-14 thru 10-31-14; DFW 134-2014(Temp), f. 9-19-14, cert. ef. 9-23-14 thru 10-31-14

Rule Caption: 2014 Fall Commercial Seasons Set for Columbia River Select Area Fisheries.

Adm. Order No.: DFW 135-2014(Temp)

Filed with Sec. of State: 9-19-2014

Certified to be Effective: 9-19-14 thru 10-31-14

Notice Publication Date:

Rules Amended: 635-042-0160, 635-042-0170, 635-042-0180

Rules Suspended: 635-042-0160(T), 635-042-0170(T), 635-042-0180(T)

ADMINISTRATIVE RULES

Subject: Amended rules set additional fishing periods for the ongoing 2014 fall commercial gill net salmon seasons in three Columbia River Select Areas including: Blind and Knappa sloughs, Tongue Point/South Channel and Deep River.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-042-0160

Blind Slough and Knappa Slough Select Area Salmon Season

(1) Chinook, coho pink, and sockeye salmon and shad may be taken for commercial purposes during open fishing periods described below in those waters of Blind Slough and Knappa Slough. The following restrictions apply:

(a) The seasons in Blind and Knappa sloughs are open nightly on Monday, Tuesday, Wednesday, and Thursday nights from 7:00 p.m. to 7:00 a.m. the following morning (12 hours) beginning Monday, August 25 through Friday, September 12, 2014; from 6:00 p.m. to 8:00 a.m. the following morning (14 hours) beginning Monday, September 15 through Friday, September 19, 2014; and on Sunday, Monday, Tuesday, Wednesday, and Thursday nights from 6:00 p.m. to 10:00 a.m. the following morning (16 hours) beginning September 21 through October 31.

(b) The fishing areas for the seasons are:

(A) Blind Slough are those waters adjoining the Columbia River which extend from markers at the mouth of Blind Slough upstream to markers at the mouth of Gnat Creek which is located approximately 1/2 mile upstream of the county road bridge.

(B) Knappa Slough are all waters bounded by a line from the northerly most marker at the mouth of Blind Slough westerly to a marker on Karlson Island downstream to a north-south line defined by a marker on the west end of Minaker Island to markers on Karlson Island and the Oregon shore.

(c) Gear restrictions are as follows:

(A) During the fishery, outlined above in subsections (1)(a) and (1)(b), gill nets may not exceed 100 fathoms in length with no weight limit on the lead line. The attachment of additional weight and anchors directly to the lead line is permitted. It is unlawful to use a gill net having a mesh size that is more than 9.75-inches.

(B) Nets that are fished at any time between official sunset and official sunrise must have lighted buoys on both ends of the net unless the net is attached to the boat. If the net is attached to the boat, then one lighted buoy on the opposite end of the net from the boat is required.

(C) Nets not specifically authorized for use in this fishery may be onboard the vessel if properly stored. A properly stored net is defined as a net on a drum that is fully covered by a tarp (canvas or plastic) and bound with a minimum of ten revolutions of rope with a diameter of 3/8 (0.375) inches or greater.

(2) Oregon licenses are required in the open waters upstream from the railroad bridge.

Stat. Auth.: ORS 183.325, 506.109 & 506.119

Stats. Implemented: ORS 506.129 & 507.030

Hist.: FWC 46-1996, f. & cert. ef. 8-23-96; FWC 48-1997, f. & cert. ef. 8-25-97; DFW 15-1998, f. & cert. ef. 3-3-98; DFW 67-1998, f. & cert. ef. 8-24-98; DFW 86-1998(Temp), f. & cert. ef. 10-28-98 thru 10-30-98; DFW 10-1999, f. & cert. ef. 2-26-99; DFW 48-1999(Temp), f. & cert. ef. 6-24-99 thru 7-2-99; DFW 55-1999, f. & cert. ef. 8-12-99; DFW 9-2000, f. & cert. ef. 2-25-00; DFW 42-2000, f. & cert. ef. 8-3-00; DFW 65-2000(Temp) f. 9-22-00, cert. ef. 9-25-00 thru 12-31-00; DFW 3-2001, f. & cert. ef. 2-6-01; DFW 84-2001(Temp), f. & cert. ef. 8-29-01 thru 12-31-01; DFW 86-2001, f. & cert. ef. 9-4-01 thru 12-31-01; DFW 89-2001(Temp), f. & cert. ef. 9-14-01 thru 12-31-01; DFW 106-2001(Temp), f. & cert. ef. 10-26-01 thru 12-31-01; DFW 14-2002(Temp), f. 2-13-02, cert. ef. 2-18-02 thru 8-17-02; DFW 96-2002(Temp), f. & cert. ef. 8-26-02 thru 12-31-02; DFW 12-2003, f. & cert. ef. 2-14-03; DFW 34-2003(Temp), f. & cert. ef. 4-24-03 thru 10-1-03; DFW 36-2003(Temp), f. 4-30-03, cert. ef. 5-1-03 thru 10-1-03; DFW 75-2003(Temp), f. & cert. ef. 8-1-03 thru 12-31-03; DFW 89-2003(Temp), f. 9-8-03, cert. ef. 9-9-03 thru 12-31-03; DFW 11-2004, f. & cert. ef. 2-13-04; DFW 19-2004(Temp), f. & cert. ef. 3-12-04 thru 3-31-04; DFW 22-2004(Temp), f. & cert. ef. 3-18-04 thru 3-31-04; DFW 28-2004(Temp), f. 4-8-04 cert. ef. 4-12-04 thru 4-15-04; DFW 39-2004(Temp), f. 5-5-04, cert. ef. 5-6-04 thru 7-31-04; DFW 44-2004(Temp), f. 5-17-04, cert. ef. 5-20-04 thru 7-31-04; DFW 79-2004(Temp), f. 8-2-04, cert. ef. 8-3-04 thru 12-31-04; DFW 95-2004(Temp), f. 8-17-04, cert. ef. 9-19-04 thru 12-31-04; DFW 109-2004(Temp), f. & cert. ef. 10-19-04 thru 12-31-04; DFW 6-2005, f. & cert. ef. 2-14-05; DFW 16-2005(Temp), f. & cert. ef. 3-10-05 thru 7-31-05; DFW 18-2005(Temp), f. & cert. ef. 3-15-05 thru 3-21-05; Administrative correction 4-20-05; DFW 27-2005(Temp), f. & cert. ef. 4-20-05 thru 6-15-05; DFW 27-2005(Temp), f. & cert. ef. 4-20-05 thru 6-15-05; DFW 28-2005(Temp), f. & cert. ef. 4-28-05 thru 6-16-05; DFW 37-2005(Temp), f. & cert. ef. 5-5-05 thru 10-16-05; DFW 40-2005(Temp), f. & cert. ef. 5-10-05 thru 10-16-05; DFW 85-2005(Temp), f. 8-1-05, cert. ef. 8-3-05 thru 12-31-05; DFW 109-2005(Temp), f. & cert. ef. 9-19-05 thru 12-31-05; DFW 110-2005(Temp), f. & cert. ef. 9-26-05 thru 12-31-05; DFW 116-2005(Temp), f. 10-4-05, cert. ef. 10-5-05 thru 12-31-05; DFW 120-2005(Temp), f. & cert. ef. 10-11-05 thru 12-31-05; DFW 124-2005(Temp), f. & cert. ef. 10-18-05 thru 12-31-05; Administrative correction 1-20-06; DFW 5-2006, f. & cert. ef. 2-15-06; DFW 14-2006(Temp), f. 3-15-06, cert. ef. 8-3-06 thru 7-27-06; DFW 16-2006(Temp), f. & cert. ef. 3-23-06 & cert. ef. 3-26-06 thru 7-27-06; DFW 18-2006(Temp), f. 3-29-06, cert. ef. 4-2-06 thru 7-27-06; DFW 20-2006(Temp), f. 4-7-06, cert. ef. 4-9-06 thru 7-27-06; DFW 32-2006(Temp), f. & cert. ef. 5-23-06 thru 7-31-06; DFW 35-2006(Temp), f. & cert. ef. 5-30-06 thru 7-31-06; DFW 75-2006(Temp), f. 8-8-06, cert. ef. 9-5-06 thru 12-31-06; DFW 92-2006(Temp), f. 9-

1-06, cert. ef. 9-5-06 thru 12-31-06; DFW 98-2006(Temp), f. & cert. ef. 9-12-06 thru 12-31-06; DFW 103-2006(Temp), f. 9-15-06, cert. ef. 9-18-06 thru 12-31-06; DFW 119-2006(Temp), f. & cert. ef. 10-18-06 thru 12-31-06; Administrative correction 1-16-07; DFW 7-2007(Temp), f. 1-31-07, cert. ef. 2-1-07 thru 7-30-07; DFW 9-2007, f. & cert. ef. 2-14-07; DFW 13-2007(Temp), f. & cert. ef. 3-6-07 thru 9-1-07; DFW 25-2007(Temp), f. 4-17-07, cert. ef. 4-18-07 thru 7-26-07; DFW 61-2007(Temp), f. 7-30-07, cert. ef. 8-1-07 thru 10-31-07; DFW 108-2007(Temp), f. 10-12-07, cert. ef. 10-14-07 thru 12-31-07; Administrative correction 1-24-08; DFW 6-2008(Temp), f. 1-29-08, cert. ef. 1-31-08 thru 7-28-08; DFW 16-2008(Temp), f. 2-26-08, cert. ef. 3-2-08 thru 8-28-08; DFW 48-2008(Temp), f. & cert. ef. 5-12-08 thru 8-28-08; DFW 58-2008(Temp), f. & cert. ef. 6-4-08 thru 8-31-08; DFW 85-2008(Temp), f. 7-24-08, cert. ef. 8-1-08 thru 12-31-08; DFW 103(Temp), f. 8-26-08, cert. ef. 9-2-08 thru 10-31-08; DFW 108-2008(Temp), f. 9-8-08, cert. ef. 9-9-08 thru 12-31-08; Administrative correction 1-23-09; DFW 12-2009(Temp), f. 2-13-09, cert. ef. 2-15-09 thru 7-31-09; DFW 49-2009(Temp), f. 5-14-09, cert. ef. 5-17-09 thru 7-31-09; DFW 89-2009(Temp), f. 8-3-09, cert. ef. 8-4-09 thru 12-31-09; DFW 107-2009(Temp), f. 9-2-09, cert. ef. 9-5-09 thru 10-31-09; Administrative correction 11-19-09; DFW 15-2010(Temp), f. 2-19-10, cert. ef. 2-21-10 thru 6-11-10; DFW 46-2010(Temp), f. & cert. ef. 4-21-10 thru 7-31-10; DFW 53-2010(Temp), f. & cert. ef. 5-4-10 thru 7-31-10; DFW 57-2010(Temp), f. & cert. ef. 5-11-10 thru 7-31-10; DFW 69-2010(Temp), f. & cert. ef. 5-18-10 thru 7-31-10; DFW 113-2010(Temp), f. 8-2-10, cert. ef. 8-4-10 thru 10-31-10; DFW 129-2010(Temp), f. & cert. ef. 9-10-10 thru 10-31-10; Administrative correction 11-23-10; DFW 12-2011(Temp), f. 2-10-11, cert. ef. 2-13-11 thru 7-29-11; DFW 23-2011, f. & cert. ef. 3-21-11; DFW 32-2011(Temp), f. 4-20-11, cert. ef. 4-21-11 thru 7-29-11; DFW 44-2011(Temp), f. & cert. ef. 5-11-11 thru 6-10-11; Administrative correction 6-28-11; DFW 113-2011(Temp), f. 8-10-11, cert. ef. 8-15-11 thru 10-31-11; Administrative correction, 11-18-11; DFW 12-2012(Temp), f. 2-8-12, cert. ef. 2-12-12 thru 7-31-12; DFW 104-2012(Temp), f. 8-6-12, cert. ef. 8-13-12 thru 10-31-12; Administrative correction 11-23-12; DFW 11-2013(Temp), f. 2-8-13, cert. ef. 2-11-13 thru 7-31-13; DFW 24-2013(Temp), f. & cert. ef. 3-21-13 thru 7-31-13; Administrative correction, 8-21-13; DFW 91-2013(Temp), f. 8-22-13, cert. ef. 8-26-13 thru 10-31-13; DFW 110-2013(Temp), f. 9-27-13, cert. ef. 9-30-13 thru 10-31-13; Administrative correction, 11-22-13; DFW 8-2014(Temp), f. & cert. ef. 2-10-14 thru 7-31-14; DFW 35-2014(Temp), f. & cert. ef. 4-24-14 thru 7-31-14; DFW 39-2014(Temp), f. 5-7-14, cert. ef. 5-8-14 thru 7-31-14; DFW 115-2014(Temp), f. 8-5-14, cert. ef. 8-18-14 thru 10-31-14; DFW 135-2014(Temp), f. & cert. ef. 9-19-14 thru 10-31-14

635-042-0170

Tongue Point Basin and South Channel

(1) Tongue Point fishing area includes all waters bounded by a line from a marker midway between the red USCG navigation light #2 at the tip of Tongue Point and the downstream (northern most) pier (#8) at the Tongue Point Job Corps facility, to the flashing green USCG navigation light #3 on the rock jetty at the west end of Mott Island, a line from a marker at the southeast end of Mott Island northeasterly to a marker on the north-west tip of Lois Island, and a line from a marker on the southwest end of Lois Island westerly to a marker on the Oregon shore.

(2) South Channel area includes all waters bounded by a line from a marker on John Day Point through the green USCG buoy "7" to a marker on the southwest end of Lois Island upstream to an upper boundary line from a marker on Settler Point northwesterly to the flashing red USCG marker "10" thence northwesterly to a marker on Burnside Island defining the terminus of South Channel.

(3) Chinook, coho pink, and sockeye salmon and shad may be taken for commercial purposes in those waters of Tongue Point and South Channel as described in section (1) and section (2) of this rule. Open fishing periods are:

Monday, Tuesday, Wednesday, and Thursday nights from 7:00 p.m. to 7:00 a.m. the following morning (12 hours) beginning Monday, August 25 through Friday, September 12, 2014; and from 4:00 p.m. to 10:00 a.m. the following morning (18 hours) beginning Monday, September 15 through Friday, September 19; and Sunday, Monday, Tuesday, Wednesday, and Thursday nights from 4:00 p.m. to 10:00 a.m. the following morning (18 hours) beginning September 21 through October 31, 2014.

(4) Gear restrictions are as follows:

(a) In waters described in section (1) as Tongue Point basin, gill nets may not exceed 250 fathoms in length and weight limit on the lead line is not to exceed two pounds on any one fathom. It is unlawful to use a gill net having a mesh size that is more than 6-inches. While fishing during the seasons described in this rule Fishers participating in the Tongue Point fishery may have onboard their vessel, unstored gillnets legal for the South Channel fishery.

(b) In waters described in section (2) as South Channel, nets are restricted to 250 fathoms in length with no weight restrictions on the lead line. The attachment of additional weight and anchors directly to the lead line is permitted. It is unlawful to use a gill net having a mesh size that is more than 6-inches.

(c) Nets that are fished at any time between official sunset and official sunrise must have lighted buoys on both ends of the net unless the net is attached to the boat. If the net is attached to the boat, then one lighted buoy on the opposite end of the net from the boat is required.

(d) Nets not specifically authorized for use in this fishery may be onboard the vessel if properly stored. A properly stored net is defined as a net on a drum that is fully covered by a tarp (canvas or plastic) and bound with a minimum of ten revolutions of rope with a diameter of 3/8 (0.375) inches or greater.

Stat. Auth.: ORS 183.325, 506.109 & 506.119

Stats. Implemented: ORS 506.129 & 507.030

ADMINISTRATIVE RULES

Hist.: FWC 46-1996, f. & cert. ef. 8-23-96; FWC 48-1997, f. & cert. ef. 8-25-97; FWC 61-1997(Temp), f. 9-23-97, cert. ef. 9-24-97; DFW 15-1998, f. & cert. ef. 3-3-98; DFW 41-1998(Temp), f. 5-28-98, cert. ef. 5-29-98; DFW 42-1998(Temp), f. 5-29-98, cert. ef. 5-31-98 thru 6-6-98; DFW 45-1998(Temp), f. 6-5-98, cert. ef. 6-6-98 thru 6-10-98; DFW 67-1998, f. & cert. ef. 8-24-98; DFW 86-1998, f. & cert. ef. 10-28-98 thru 10-30-98; DFW 10-1999, f. & cert. ef. 2-26-99; DFW 55-1999, f. & cert. ef. 8-12-99; DFW 9-2000, f. & cert. ef. 2-25-00; DFW 42-2000, f. & cert. ef. 8-3-00; DFW 3-2001, f. & cert. ef. 2-6-01; DFW 84-2001(Temp), f. & cert. ef. 8-29-01 thru 12-31-01; DFW 89-2001(Temp), f. & cert. ef. 9-19-01 thru 12-31-01; DFW 106-2001(Temp), f. & cert. ef. 10-26-01 thru 12-31-01; DFW 15-2002(Temp), f. & cert. ef. 2-20-02 thru 8-18-02; DFW 96-2002(Temp), f. & cert. ef. 8-26-02 thru 12-31-02; DFW 12-2003, f. & cert. ef. 2-14-03; DFW 34-2003(Temp), f. & cert. ef. 4-24-03 thru 10-1-03; DFW 36-2003(Temp), f. 4-30-03, cert. ef. 5-1-03 thru 10-1-03; DFW 75-2003(Temp), f. & cert. ef. 8-1-03 thru 12-31-03; DFW 89-2003(Temp), f. 9-8-03, cert. ef. 9-9-03 thru 12-31-03; Administrative correction 7-30-04; DFW 79-2004(Temp), f. 8-2-04, cert. ef. 8-3-04 thru 12-31-04; DFW 95-2004(Temp), f. 9-17-04, cert. ef. 9-19-04 thru 12-31-04; DFW 109-2004(Temp), f. & cert. ef. 10-19-04 thru 12-31-04; DFW 6-2005, f. & cert. ef. 2-14-05; DFW 85-2005(Temp), f. 8-1-05, cert. ef. 8-3-05 thru 12-31-05; DFW 109-2005(Temp), f. & cert. ef. 9-19-05 thru 12-31-05; DFW 110-2005(Temp), f. & cert. ef. 9-26-05 thru 12-31-05; DFW 116-2005(Temp), f. 10-4-05, cert. ef. 10-5-05 thru 12-31-05; DFW 120-2005(Temp), f. & cert. ef. 10-11-05 thru 12-31-05; DFW 124-2005(Temp), f. & cert. ef. 10-18-05 thru 12-31-05; Administrative correction 1-20-06; DFW 76-2006(Temp), f. 8-8-06, cert. ef. 9-5-06 thru 12-31-06; DFW 103-2006(Temp), f. 9-15-06, cert. ef. 9-18-06 thru 12-31-06; DFW 119-2006(Temp), f. & cert. ef. 10-18-06 thru 12-31-06; Administrative correction 1-16-07; DFW 61-2007(Temp), f. 7-30-07, cert. ef. 8-1-07 thru 10-31-07; DFW 108-2007(Temp), f. 10-12-07, cert. ef. 10-14-07 thru 12-31-07; Administrative Correction 1-24-08; DFW 44-2008(Temp), f. 4-25-08, cert. ef. 4-28-08 thru 10-24-08; DFW 48-2008(Temp), f. & cert. ef. 5-12-08 thru 8-28-08; DFW 58-2008(Temp), f. & cert. ef. 6-4-08 thru 8-31-08; DFW 85-2008(Temp), f. 7-24-08, cert. ef. 8-1-08 thru 12-31-08; DFW 108-2008(Temp), f. 9-8-08, cert. ef. 9-9-08 thru 12-31-08; Administrative correction 1-23-09; DFW 12-2009(Temp), f. 2-13-09, cert. ef. 2-15-09 thru 7-31-09; DFW 89-2009(Temp), f. 8-3-09, cert. ef. 8-4-09 thru 12-31-09; DFW 107-2009(Temp), f. 9-2-09, cert. ef. 9-5-09 thru 10-31-09; Administrative correction 11-19-09; DFW 29-2010(Temp), f. 3-9-10, cert. ef. 4-19-10 thru 6-12-10; DFW 46-2010(Temp), f. & cert. ef. 4-21-10 thru 7-31-10; DFW 53-2010(Temp), f. & cert. ef. 5-4-10 thru 7-31-10; DFW 57-2010(Temp), f. & cert. ef. 5-11-10 thru 7-31-10; DFW 69-2010(Temp), f. & cert. ef. 5-18-10 thru 7-31-10; DFW 113-2010(Temp), f. 8-2-10, cert. ef. 8-4-10 thru 10-31-10; DFW 129-2010(Temp), f. & cert. ef. 9-10-10 thru 10-31-10; Administrative correction 11-23-10; DFW 12-2011(Temp), f. 2-10-11, cert. ef. 2-13-11 thru 7-29-11; DFW 23-2011, f. & cert. ef. 3-21-11; DFW 32-2011(Temp), f. 4-20-11, cert. ef. 4-21-11 thru 7-29-11; DFW 44-2011(Temp), f. & cert. ef. 5-11-11 thru 6-10-11; Administrative correction 6-28-11; DFW 113-2011(Temp), f. 8-10-11, cert. ef. 8-15-11 thru 10-31-11; DFW 122-2011(Temp), f. 8-29-11, cert. ef. 9-19-11 thru 10-31-11; Administrative correction, 11-18-11; DFW 41-2012(Temp), f. 4-24-12, cert. ef. 4-26-12 thru 6-30-12; Administrative correction, 8-1-12; DFW 104-2012(Temp), f. 8-6-12, cert. ef. 8-13-12 thru 10-31-12; Administrative correction 11-23-12; DFW 11-2013(Temp), f. 2-8-13, cert. ef. 2-11-13 thru 7-31-13; DFW 34-2013(Temp), f. 5-14-13, cert. ef. 5-15-13 thru 7-31-13; Administrative correction, 8-21-13; DFW 91-2013(Temp), f. 8-22-13, cert. ef. 8-26-13 thru 10-31-13; DFW 110-2013(Temp), f. 9-27-13, cert. ef. 9-30-13 thru 10-31-13; Administrative correction, 11-22-13; DFW 8-2014(Temp), f. & cert. ef. 2-10-14 thru 7-31-14; DFW 35-2014(Temp), f. & cert. ef. 4-24-14 thru 7-31-14; DFW 39-2014(Temp), f. 5-7-14, cert. ef. 5-8-14 thru 7-31-14; DFW 115-2014(Temp), f. 8-5-14, cert. ef. 8-18-14 thru 10-31-14; DFW 135-2014(Temp), f. & cert. ef. 9-19-14 thru 10-31-14

635-042-0180

Deep River Select Area Salmon Season

(1) Chinook, coho pink, and sockeye salmon and shad may be taken for commercial purposes from a line through the US Coast Guard navigation marker #16 southwest to a marker on the Washington shore, upstream to the town of Deep River.

(2) The fishing seasons are open:

7:00 p.m. to 7:00 a.m. (12 hours) on the following nights:

Mondays and Thursdays from August 18-29, 2014 (4 nights);

Mondays, Tuesdays, Wednesdays, and Thursdays from September 1-19 2014 (12 nights);

6:00 p.m. to 9:00 a.m. (15 hours) on the following nights:

Mondays, Tuesdays, Wednesdays, Thursdays, and Fridays from September 19-27, 2014 (6 nights);

Mondays, Tuesdays, Wednesdays, and Thursdays from September 29-October 17, 2014 (12 nights);

Monday night October 20, 2014 and Thursday night October 23, 2014 (2 nights).

(3) Gear restrictions are as follows:

(a) Gill nets may not exceed 100 fathoms in length and there is no weight limit on the lead line. The attachment of additional weight and anchors directly to the lead line is permitted. Nets may not be tied off to stationary structures and may not fully cross navigation channel.

(b) It is unlawful to operate in any river, stream or channel any gill net longer than three-fourths the width of the river, stream, or channel. "River, stream, or channel width" is defined as bank-to-bank, where the water meets the banks, regardless of the time of tide or the water level. Nets not specifically authorized for use in this fishery may be onboard the vessel if properly stored. A properly stored net is defined as a net on a drum that is fully covered by a tarp (canvas or plastic) and bound with a minimum of ten revolutions of rope with a diameter of 3/8 (0.375) inches or greater.

(c) Nets that are fished at any time between official sunset and official sunrise must have lighted buoys on both ends of the net unless the net is attached to the boat. If the net is attached to the boat, then one lighted buoy on the opposite end of the net from the boat is required.

(d) During the seasons, outlined above in section (2), it is *unlawful* to use a gill net having a mesh size that is more than 9.75-inches through September 12, and more than 6-inches thereafter.

Stat. Auth.: ORS 183.325, 506.109 & 506.119

Hists. Implemented: ORS 506.129 & 507.030

Stat.: FWC 46-1996, f. & cert. ef. 8-23-96; FWC 48-1997, f. & cert. ef. 8-25-97; DFW 55-1999, f. & cert. ef. 8-12-99; DFW 42-2000, f. & cert. ef. 8-3-00; DFW 84-2001(Temp), f. & cert. ef. 8-29-01 thru 12-31-01; DFW 89-2001(Temp), f. & cert. ef. 9-14-01 thru 12-31-01; DFW 106-2001(Temp), f. & cert. ef. 10-26-01 thru 12-31-01; DFW 96-2002(Temp), f. & cert. ef. 8-26-02 thru 12-31-02; DFW 19-2003(Temp), f. 3-12-03, cert. ef. 4-17-03 thru 6-13-03; DFW 34-2003(Temp), f. & cert. ef. 4-24-03 thru 10-1-03; DFW 36-2003(Temp), f. 4-30-03, cert. ef. 5-1-03 thru 10-1-03; DFW 75-2003(Temp), f. & cert. ef. 8-1-03 thru 12-31-03; DFW 89-2003(Temp), f. 9-8-03, cert. ef. 9-9-03 thru 12-31-03; DFW 11-2004, f. & cert. ef. 2-13-04; DFW 39-2004(Temp), f. 5-5-04, cert. ef. 5-6-04 thru 7-31-04; DFW 44-2004(Temp), f. 5-17-04, cert. ef. 5-20-04 thru 7-31-04; DFW 79-2004(Temp), f. 8-2-04, cert. ef. 8-3-04 thru 12-31-04; DFW 95-2004(Temp), f. 9-17-04, cert. ef. 9-19-04 thru 12-31-04; DFW 109-2004(Temp), f. & cert. ef. 10-19-04 thru 12-31-04; DFW 6-2005, f. & cert. ef. 2-14-05; DFW 27-2005(Temp), f. & cert. ef. 4-20-05 thru 6-15-05; DFW 28-2005(Temp), f. & cert. ef. 4-28-05 thru 6-16-05; DFW 37-2005(Temp), f. & cert. ef. 5-5-05 thru 10-16-05; DFW 40-2005(Temp), f. & cert. ef. 5-10-05 thru 10-16-05; DFW 85-2005(Temp), f. 8-1-05, cert. ef. 8-3-05 thru 12-31-05; DFW 109-2005(Temp), f. & cert. ef. 9-19-05 thru 12-31-05; DFW 110-2005(Temp), f. & cert. ef. 9-26-05 thru 12-31-05; DFW 116-2005(Temp), f. 10-4-05, cert. ef. 10-5-05 thru 12-31-05; DFW 120-2005(Temp), f. & cert. ef. 10-11-05 thru 12-31-05; DFW 124-2005(Temp), f. & cert. ef. 10-18-05 thru 12-31-05; Administrative correction 1-20-06; DFW 76-2006(Temp), f. 8-8-06, cert. ef. 9-5-06 thru 12-31-06; DFW 103-2006(Temp), f. 9-15-06, cert. ef. 9-18-06 thru 12-31-06; DFW 119-2006(Temp), f. & cert. ef. 10-18-06 thru 12-31-06; DFW 77-2006(Temp), f. 8-8-06, cert. ef. 9-4-06 thru 12-31-06; DFW 103-2006(Temp), f. 9-15-06, cert. ef. 9-18-06 thru 12-31-06; DFW 119-2006(Temp), f. & cert. ef. 10-18-06; Administrative correction 1-16-07; DFW 7-2007(Temp), f. 1-31-07, cert. ef. 2-1-07 thru 7-30-07; DFW 9-2007, f. & cert. ef. 2-14-07; DFW 13-2007(Temp), f. & cert. ef. 3-6-07 thru 9-1-07; DFW 25-2007(Temp), f. 4-17-07, cert. ef. 4-18-07 thru 7-26-07; DFW 28-2007(Temp), f. & cert. ef. 4-26-07 thru 7-26-07; DFW 61-2007(Temp), f. 7-30-07, cert. ef. 8-1-07 thru 10-31-07; DFW 108-2007(Temp), f. 10-12-07, cert. ef. 10-14-07 thru 12-31-07; Administrative Correction 1-24-08; DFW 6-2008(Temp), f. 1-29-08, cert. ef. 1-31-08 thru 7-28-08; DFW 16-2008(Temp), f. 2-26-08, cert. ef. 3-2-08 thru 8-28-08; DFW 48-2008(Temp), f. & cert. ef. 5-12-08 thru 8-28-08; DFW 58-2008(Temp), f. & cert. ef. 6-4-08 thru 8-31-08; DFW 85-2008(Temp), f. 7-24-08, cert. ef. 8-1-08 thru 12-31-08; DFW 108-2008(Temp), f. 9-8-08, cert. ef. 9-9-08 thru 12-31-08; Administrative correction 1-23-09; DFW 12-2009(Temp), f. 2-13-09, cert. ef. 2-15-09 thru 7-31-09; DFW 23-2009(Temp), f. 3-5-09, cert. ef. 3-6-09 thru 4-30-09; DFW 35-2009(Temp), f. 4-7-09, cert. ef. 4-8-09 thru 4-30-09; DFW 49-2009(Temp), f. 5-14-09, cert. ef. 5-17-09 thru 7-31-09; DFW 89-2009(Temp), f. 8-3-09, cert. ef. 8-4-09 thru 12-31-09; DFW 107-2009(Temp), f. 9-2-09, cert. ef. 9-5-09 thru 10-31-09; DFW 112-2009(Temp), f. 9-11-09, cert. ef. 9-13-09 thru 10-30-09; DFW 121-2009(Temp), f. & cert. ef. 9-30-09 thru 10-31-09; Administrative correction 11-19-09; DFW 16-2010(Temp), f. 2-19-10, cert. ef. 2-22-10 thru 6-10-10; DFW 40-2010(Temp), f. & cert. ef. 4-1-10 thru 7-31-10; DFW 46-2010(Temp), f. & cert. ef. 4-21-10 thru 7-31-10; DFW 53-2010(Temp), f. & cert. ef. 5-4-10 thru 7-31-10; DFW 57-2010(Temp), f. & cert. ef. 5-11-10 thru 7-31-10; DFW 69-2010(Temp), f. & cert. ef. 5-18-10 thru 7-31-10; DFW 113-2010(Temp), f. 8-2-10, cert. ef. 8-4-10 thru 10-31-10; DFW 129-2010(Temp), f. & cert. ef. 9-10-10 thru 10-31-10; Administrative correction 11-23-10; DFW 12-2011(Temp), f. 2-10-11, cert. ef. 2-13-11 thru 7-29-11; DFW 23-2011, f. & cert. ef. 3-21-11; DFW 32-2011(Temp), f. 4-20-11, cert. ef. 4-21-11 thru 7-29-11; DFW 53-2011(Temp), f. & cert. ef. 5-18-11 thru 6-10-11; Administrative correction 6-28-11; DFW 113-2011(Temp), f. 8-10-11, cert. ef. 8-15-11 thru 10-31-11; Administrative correction, 11-18-11; DFW 12-2012(Temp), f. 2-8-12, cert. ef. 2-12-12 thru 7-31-12; DFW 104-2012(Temp), f. 8-6-12, cert. ef. 8-13-12 thru 10-31-12; Administrative correction 11-23-12; DFW 11-2013(Temp), f. 2-8-13, cert. ef. 2-11-13 thru 7-31-13; DFW 24-2013(Temp), f. & cert. ef. 3-21-13 thru 7-31-13; Administrative correction, 8-21-13; DFW 91-2013(Temp), f. 8-22-13, cert. ef. 8-26-13 thru 10-31-13; DFW 110-2013(Temp), f. 9-27-13, cert. ef. 9-30-13 thru 10-31-13; Administrative correction, 11-22-13; DFW 8-2014(Temp), f. & cert. ef. 2-10-14 thru 7-31-14; DFW 115-2014(Temp), f. 8-5-14, cert. ef. 8-18-14 thru 10-31-14; DFW 135-2014(Temp), f. & cert. ef. 9-19-14 thru 10-31-14

Rule Caption: Commercial Sardine Fishery Retention Regulations Modified.

Adm. Order No.: DFW 136-2014(Temp)

Filed with Sec. of State: 9-19-2014

Certified to be Effective: 9-20-14 thru 12-31-14

Notice Publication Date:

Rules Amended: 635-004-0375

Subject: This amended rule closes the second allocation period of the directed commercial sardine fishery for the 2014-2015 season effective at 12:01 a.m. Saturday, September 20 through Wednesday, December 31, 2014. Modifications conform Oregon State regulations to federal rule changes announced on September 18, 2014 by the National Marine Fisheries Service (NMFS). Modifications also reduce the maximum allowable retention of sardines (20% per landing, by weight) in commercial fisheries for Pacific mackerel, jack mackerel, and other species.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-004-0375

Scope, Inclusion, and Modification of Rules

(1) The commercial coastal pelagic species fishery in the Pacific Ocean off Oregon is jointly managed by the state of Oregon and the federal government through the Pacific Fishery Management Council process. **The Code of Federal Regulations** provides federal requirements for this fishery, including but not limited to the time, place, and manner of taking coastal pelagic species. However, additional regulations may be promulgated subsequently by publication in the Federal Register, and these super-

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sede, to the extent of any inconsistency, the Code of Federal Regulations. Therefore, the following publications are incorporated into Oregon Administrative Rule by reference:

(a) Code of Federal Regulations, Part 660, Subpart I, (October 1, 2012 ed.);

(b) Federal Register Vol. 78, No. 116, dated June 17, 2013 (78 FR 36117); and

(c) Federal Notice Of Pacific Sardine Directed Fishing Closure, dated September 18, 2014.

(2) Persons must consult the federal regulations in addition to Division 004 to determine all applicable coastal pelagic species fishing requirements. Where federal regulations refer to the fishery management area, that area is extended from shore to three nautical miles from shore coterminous with the Exclusive Economic Zone.

(3) Notwithstanding the above, incidentally caught Pacific sardines may be landed by vessels targeting other commercial species in the Pacific Ocean, and shall not exceed 20% of total landing by weight.

(4) The Commission may adopt additional or modified regulations that are more conservative than federal regulations, in which case Oregon Administrative Rule takes precedence. See OAR 635-004-0205 through 635-004-0235 and 635-004-0380 through 635-004-0545 for additions or modifications to federal coastal pelagic species regulations.

[Publications: Publications referenced are available from the agency.]
Stat. Auth.: ORS 496.138, 496.162, 506.036, 506.109, 506.119 & 506.129
Stats. Implemented: ORS 496.162, 506.109 & 506.129
Hist.: DFW 75-2012, f. 6-28-12, cert. ef. 7-1-12; DFW 110-2012(Temp), f. 8-21-12, cert. ef. 8-23-12 thru 9-14-12; Administrative correction 9-20-12; DFW 58-2013, f. & cert. ef. 6-19-13; DFW 90-2013(Temp), f. 8-20-13, cert. ef. 8-22-13 thru 9-14-13; DFW 76-2014(Temp), f. 6-24-14, cert. ef. 6-25-14 thru 7-31-14; DFW 99-2014, f. 7-21-14, cert. ef. 7-22-14 thru 9-30-14; DFW 104-2014(Temp), f. 7-29-14, cert. ef. 8-1-14 thru 9-30-14; DFW 114-2014, f. & cert. ef. 8-5-14; Suspended by DFW 129-2014(Temp), f. 9-10-14, cert. ef. 9-15-14 thru 9-30-14; DFW 136-2014(Temp), f. 9-19-14, cert. ef. 9-20-14 thru 12-31-14

Rule Caption: Early Fall Commercial Fisheries Authorized for the Mainstem Columbia River.

Adm. Order No.: DFW 137-2014(Temp)

Filed with Sec. of State: 9-19-2014

Certified to be Effective: 9-19-14 thru 9-30-14

Notice Publication Date:

Rules Amended: 635-042-0031

Rules Suspended: 635-042-0031(T)

Subject: This amended rule authorizes three additional 12.5 hour fishing periods for the ongoing commercial research seine net fishery. The first new fishing period commences at 6:30 a.m. Tuesday, September 23, 2014. Allowed sales from the fishery include Chinook, coho, pink and sockeye salmon and shad.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-042-0031

Early Fall Salmon Season

(1) Salmon and shad may be taken for commercial purposes in the waters of the Columbia River: Zones 4–5, as identified in OAR 635-042-0001. The deadline at the lower end of Zone 4 is defined as a straight line projected from the Warrior Rock Lighthouse on the Oregon shore easterly through the green navigation Buoy #1 and continuing to the Washington shore.

(a) Authorized fishing periods are as follows:

8:00 p.m. Sunday, September 14 to 5:00 a.m. Monday, September 15 (9 hours); and
8:00 p.m. Tuesday, September 16 to 6:00 a.m. Wednesday, September 17 (10 hours).

(b) Sanctuaries include: Washougal and Sandy rivers.

(c) Gear is restricted to drift gill nets only with 8 inch minimum and 9.75 inch maximum mesh sizes. The multiple net rule is in effect. Nets not specifically authorized for use in this fishery may be onboard the vessel if properly stored. A properly stored net is defined as a net on a drum that is fully covered by a tarp (canvas or plastic) and bound with minimum of ten revolutions of rope with a diameter of 3/8 (0.375) inches or greater.

(d) Allowable sales include: Chinook, coho, pink, and sockeye salmon and shad.

(2) Non-Indian mainstem commercial research fishery:

(a) Salmon and shad may be taken with seine gear by those individuals possessing a 2014 seine permit issued by Oregon or Washington (Emerging Fishery license and Experimental Fishery Permit in WA; Experimental Gear Permit in OR).

(b) Season: — Area:

6:30 a.m. to 7:00 p.m. Friday, September 19 (12.5 hours) — Zones 1–5.
6:30 a.m. to 7:00 p.m. Monday, September 22 (12.5 hours) — Zones 1–5.
6:30 a.m. to 7:00 p.m. Tuesday, September 23 (12.5 hours) — Zones 1–5.

6:30 a.m. to 7:00 p.m. Wednesday, September 24 (12.5 hours) — Zones 1–5.

6:30 a.m. to 7:00 p.m. Thursday, September 25 (12.5 hours) — Zones 1–5.

6:30 a.m. to 7:00 p.m. Friday, September 26 (12.5 hours) — Zones 1–5.

6:30 a.m. to 7:00 p.m. Monday, September 29 (12.5 hours) — Zones 1–5.

6:30 a.m. to 7:00 p.m. Tuesday, September 30 (12.5 hours) — Zones 1–5.

(c) Sanctuaries: Elochoman-A, Cowlitz, Kalama-A, Lewis-A, Sandy, and Washougal rivers. Fishing in Select Area commercial fishing sites is prohibited.

(d) Gear:

(A) Beach or purse seine gear is allowed. Only one net is allowed per participating vessel.

(B) Mesh size restricted to a 3.5-inch maximum (inside of knot to outside of knot using hand tension stretched measure).

(C) Net material to consist of 3-strand nylon; twine size greater than or equal to #12.

(D) Seines may include a bunt of 1.0–2.0 inch knotless mesh.

(E) Net length not to exceed 200 fathoms (including associated lead nets) and depth not to exceed 200 meshes. Seine and lead lines may not be connected. Lead nets must be retrieved daily.

(F) No restrictions on corkline, leadline or use of stringers and slackers.

(G) A chafing strip panel consisting of non-monofilament webbing (such as nylon seine web or polyethylene trawl web) is allowed on bottom of net; maximum panel depth is five feet. Chafing mesh not to exceed 3.5-inch stretched measure for beach seines and 5-inch stretched measure for purse seines. There are no restrictions associated with hangings used to connect the net to the chafing panel or the net or chafing panel to the leadline or corkline.

(H) Red corks are required at 25-fathom intervals and red corks must be in contrast to the corks used in the remainder of the net.

(e) Allowable sales include: Adipose or left ventral fin-clipped Chinook, adipose-clipped coho, pink and sockeye salmon and shad. Subject to Individual Fishing Quotas (as defined in the 2014 seine permits) and fishing regulations, all legally caught salmon must be landed.

(f) Hand sorting or use of a knotless dip net is required for sorting. All fish must be sorted and/or released prior to removing entire seine from the water. Dry sorting is not permitted.

(g) Sort time is not to exceed 75 minutes:

(A) For beach seines, sort time is defined as the elapsed time from when the outer towed end of the net first contacts the shore or block until the net is emptied of fish.

(B) For purse seines, sort time is defined as the elapsed time from when all rings are pursed and out of the water until the net is emptied of fish.

(h) As a condition of fishing, agency observers are required to be present at all times during fishing operations.

Stat. Auth.: ORS 496.118, 506.109 & 506.129

Stats. Implemented: ORS 506.119 & 507.030

Hist.: FWC 63-1987, f. & cert. ef. 8-7-87; FWC 67-1988, f. & cert. ef. 8-15-88; FWC 68-1988(Temp), f. & cert. ef. 8-15-88; FWC 54-1989(Temp), f. & cert. ef. 8-7-89; FWC 56-1989(Temp), f. & cert. ef. 8-11-89; FWC 58-1989(Temp), f. & cert. ef. 8-14-89; FWC 80-1989(Temp), f. 8-28-89, cert. ef. 8-29-89; FWC 80-1990(Temp), f. 8-7-90, cert. ef. 8-8-90; FWC 85-1991, f. 8-7-91, cert. ef. 8-12-91; FWC 91-1991(Temp), f. & cert. ef. 8-29-91; FWC 73-1992(Temp), f. & cert. ef. 8-10-92; FWC 46-1996, f. & cert. ef. 8-23-96; FWC 53-1996(Temp), f. & cert. ef. 9-16-96; FWC 49-1997, f. 8-20-97, cert. ef. 8-24-97; DFW 74-1998(Temp), f. & cert. ef. 8-25-98 thru 8-26-98; DFW 59-1999(Temp), f. & cert. ef. 8-23-99 thru 9-11-99; DFW 75-1999(Temp), f. 9-29-99, cert. ef. 9-30-99 thru 10-22-99; Administrative correction 11-17-99; DFW 50-2000(Temp), f. 8-18-00, cert. ef. 8-21-00 thru 9-9-00; DFW 52-2000(Temp), f. 8-23-00, cert. ef. 8-23-00 thru 8-24-00; Administrative correction 6-20-01; DFW 68-2001(Temp), f. 8-7-01, cert. ef. 8-8-01 thru 8-9-01; DFW 76-2001(Temp), f. & cert. ef. 8-20-01 thru 10-31-01; DFW 79-2001(Temp), f. & cert. ef. 8-22-01 thru 12-31-01; DFW 80-2001(Temp), f. & cert. ef. 8-24-01 thru 12-31-01; DFW 86-2001(Temp), f. & cert. ef. 9-4-01 thru 12-31-01; DFW 81-2002(Temp), f. 8-2-02, cert. ef. 8-4-02 thru 8-9-02; DFW 87-2002(Temp), f. & cert. ef. 8-9-02 thru 8-12-02; DFW 89-2002(Temp), f. 8-16-02, cert. ef. 8-18-02 thru 12-31-02; DFW 75-2003(Temp), f. & cert. ef. 8-1-03 thru 12-31-03; DFW 77-2003(Temp), f. & cert. ef. 8-13-03 thru 12-31-03; DFW 82-2003(Temp), f. & cert. ef. 8-25-03 thru 12-31-03; DFW 87-2003(Temp), f. & cert. ef. 8-27-03 thru 12-31-03; DFW 81-2004(Temp), f. & cert. ef. 8-12-04 thru 12-31-04; DFW 82-2004(Temp), f. & cert. ef. 8-16-04 thru 12-31-04; DFW 86-2004(Temp), f. 8-19-04 thru 12-31-04; DFW 88-2004(Temp), f. & cert. ef. 8-23-04 thru 12-31-04; Administrative correction, 2-18-05; DFW 85-2005(Temp), f. 8-1-05, cert. ef. 8-3-05 thru 12-31-05; DFW 88-2005(Temp), f. 8-11-05, cert. ef. 8-14-05 thru 12-31-05; DFW 90-2005(Temp), f. & cert. ef. 8-17-05 thru 12-31-05; DFW 96-2005(Temp), f. & cert. ef. 8-22-05 thru 12-31-05; DFW 98-2005(Temp), f. 8-24-05, cert. ef. 8-25-05 thru 12-31-05; Administrative correction 1-19-06; DFW 72-2006(Temp), f. 8-1-06, cert. ef. 8-2-06 thru 12-31-06; DFW 82-2006(Temp), f. 8-11-06, cert. ef. 8-13-06 thru 12-31-06; DFW 88-2006(Temp), f. 8-18-06, cert. ef. 8-21-06 thru 12-31-06; DFW 89-2006(Temp), f. 8-24-06, cert. ef. 8-25-06 thru 12-31-06; Administrative correction 1-16-07; DFW 61-2007(Temp), f. 7-30-07, cert. ef. 8-1-07 thru 10-31-07; DFW 72-2007(Temp), f. 8-17-07, cert. ef. 8-23-07 thru 8-31-07; Administrative correction 9-16-07; DFW 85-2008(Temp), f. 7-24-08, cert. ef. 8-1-08 thru 12-31-08; DFW 93-2008(Temp), f. & cert. ef. 8-12-08 thru 12-31-08; DFW 95-2008(Temp), f. & cert. ef. 8-21-08 thru 9-30-08; DFW 100-2008(Temp), f. 8-22-08, cert. ef. 8-25-08 thru 9-30-08; DFW 102-2008(Temp), f. & cert. ef. 8-26-08 thru 9-1-08; Administrative correction 9-29-08; Administrative correction 10-21-08; DFW 89-2009(Temp), f. 8-3-09, cert. ef. 8-4-09 thru 12-31-09; DFW 90-2009(Temp), f. 8-7-09, cert. ef. 8-8-09 thru 12-31-09; DFW 96-2009(Temp),

ADMINISTRATIVE RULES

f. & cert. ef. 8-21-09 thru 8-31-09; DFW 97-2009(Temp), f. & cert. ef. 8-25-09 thru 8-31-09; DFW 100-2009(Temp), f. & cert. ef. 8-27-09 thru 8-31-09; Administrative correction 9-29-09; DFW 112-2010(Temp), f. 7-30-10, cert. ef. 8-3-10 thru 8-31-10; DFW 121-2010(Temp), f. 8-18-10, cert. ef. 8-19-10 thru 8-31-10; Administrative correction 9-22-10; DFW 132-2010(Temp), f. 9-21-10, cert. ef. 9-22-10 thru 10-31-10; DFW 137-2010(Temp), f. & cert. ef. 9-24-10 thru 10-31-10; Administrative correction 11-23-10; DFW 105-2011(Temp), f. 8-2-11, cert. ef. 8-4-11 thru 8-31-11; DFW 120-2011(Temp), f. 8-26-11, cert. ef. 8-28-11 thru 9-14-11; DFW 128-2011(Temp), f. 9-14-11, cert. ef. 9-18-11 thru 9-30-11; DFW 134-2011(Temp), f. 9-21-11, cert. ef. 9-22-11 thru 9-30-11; DFW 136-2011(Temp), f. & cert. ef. 9-28-11 thru 10-5-11; DFW 140-2011(Temp), f. 10-4-11, cert. ef. 10-5-11 thru 10-12-11; DFW 144-2011(Temp), f. 10-11-11, cert. ef. 10-13-11 thru 10-31-11; DFW 147-2011(Temp), f. 10-17-11, cert. ef. 10-18-11 thru 10-31-11; Administrative correction, 11-18-11; DFW 98-2012(Temp), f. 7-31-12, cert. ef. 8-5-12 thru 10-31-12; DFW 112-2012(Temp), f. 8-24-12, cert. ef. 8-26-12 thru 10-31-12; DFW 121-2012(Temp), f. & cert. ef. 9-18-12 thru 10-31-12; Administrative correction 11-23-12; DFW 83-2013(Temp), f. 7-29-13, cert. ef. 8-11-13 thru 8-31-13; DFW 95-2013(Temp), f. 8-23-13, cert. ef. 8-25-13 thru 8-31-13; DFW 97-2013(Temp), f. 8-27-13, cert. ef. 8-28-13 thru 8-31-13; DFW 101-2013(Temp), f. 9-13-13, cert. ef. 9-15-13 thru 9-30-13; DFW 105-2013(Temp), f. & cert. ef. 9-19-13 thru 9-30-13; DFW 108-2013(Temp), f. 9-25-13, cert. ef. 9-26-13 thru 9-30-13; DFW 113-2013(Temp), f. 9-27-13, cert. ef. 10-1-13 thru 10-16-13; Administrative correction, 11-22-13; DFW 107-2014(Temp), f. 7-30-14, cert. ef. 8-3-14 thru 8-31-14; DFW 121-2014(Temp), f. & cert. ef. 8-13-14 thru 9-30-14; DFW 124-2014(Temp), f. & cert. ef. 8-26-14; DFW 130-2014(Temp), f. 9-11-14, cert. ef. 9-12-14 thru 9-30-14; DFW 137-2014(Temp), f. & cert. ef. 9-19-14 thru 9-30-14

Rule Caption: Early Fall Commercial Fisheries Authorized for the Mainstem Columbia River

Adm. Order No.: DFW 138-2014(Temp)

Filed with Sec. of State: 9-24-2014

Certified to be Effective: 9-25-14 thru 10-31-14

Notice Publication Date:

Rules Amended: 635-042-0031

Rules Suspended: 635-042-0031(T)

Subject: This amended rule authorizes an additional 9 day fishing period for the ongoing commercial Gillnet fishery. The new fishing period commences at 8:00 p.m. Thursday, September 25, 2014 through 6:00 a.m. Wednesday October 15, 2014. Allowed sales from the fishery include Chinook, coho, pink and sockeye salmon and shad.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-042-0031

Early Fall Salmon Season

(1) Salmon and shad may be taken for commercial purposes in the waters of the Columbia River: Zones 4–5, as identified in OAR 635-042-0001. The deadline at the lower end of Zone 4 is defined as a straight line projected from the Warrior Rock Lighthouse on the Oregon shore easterly through the green navigation Buoy #1 and continuing to the Washington shore.

(a) Authorized fishing periods are as follows:

Tuesday, Thursday and Sunday nights from Thursday, September 25 through Wednesday, October 15, 2014 (9 nights). Open hours are from 8:00 p.m. to 6:00 a.m. (10 hours) from September 25 through October 1, 2014 and from 7:00 p.m. to 7:00 a.m. (12 hours) from October 2 through October 15, 2014.

(b) Sanctuaries include: Washougal and Sandy rivers.

(c) Gear is restricted to drift gill nets only with 8 inch minimum and 9.75 inch maximum mesh sizes. The multiple net rule is in effect. Nets not specifically authorized for use in this fishery may be onboard the vessel if properly stored. A properly stored net is defined as a net on a drum that is fully covered by a tarp (canvas or plastic) and bound with minimum of ten revolutions of rope with a diameter of 3/8 (0.375) inches or greater.

(d) Allowable sales include: Chinook, coho, pink, and sockeye salmon and shad.

(2) Non-Indian mainstem commercial research fishery:

(a) Salmon and shad may be taken with seine gear by those individuals possessing a 2014 seine permit issued by Oregon or Washington (Emerging Fishery license and Experimental Fishery Permit in WA; Experimental Gear Permit in OR).

(b) Season: — Area:

6:30 a.m. to 7:00 p.m. Friday, September 19 (12.5 hours) — Zones 1–5.
6:30 a.m. to 7:00 p.m. Monday, September 22 (12.5 hours) — Zones 1–5.
6:30 a.m. to 7:00 p.m. Tuesday, September 23 (12.5 hours) — Zones 1–5.
6:30 a.m. to 7:00 p.m. Wednesday, September 24 (12.5 hours) — Zones 1–5.
6:30 a.m. to 7:00 p.m. Thursday, September 25 (12.5 hours) — Zones 1–5.
6:30 a.m. to 7:00 p.m. Friday, September 26 (12.5 hours) — Zones 1–5.
6:30 a.m. to 7:00 p.m. Monday, September 29 (12.5 hours) — Zones 1–5.
6:30 a.m. to 7:00 p.m. Tuesday, September 30 (12.5 hours) — Zones 1–5.

(c) Sanctuaries: Elochoman-A, Cowlitz, Kalama-A, Lewis-A, Sandy, and Washougal rivers. Fishing in Select Area commercial fishing sites is prohibited.

(d) Gear:

(A) Beach or purse seine gear is allowed. Only one net is allowed per participating vessel.

(B) Mesh size restricted to a 3.5-inch maximum (inside of knot to outside of knot using hand tension stretched measure).

(C) Net material to consist of 3-strand nylon; twine size greater than or equal to #12.

(D) Seines may include a bunt of 1.0-2.0 inch knotless mesh.

(E) Net length not to exceed 200 fathoms (including associated lead nets) and depth not to exceed 200 meshes. Seine and lead lines may not be connected. Lead nets must be retrieved daily.

(F) No restrictions on corkline, leadline or use of stringers and slackers.

(G) A chafing strip panel consisting of non-monofilament webbing (such as nylon seine web or polyethylene trawl web) is allowed on bottom of net; maximum panel depth is five feet. Chafing mesh not to exceed 3.5-inch stretched measure for beach seines and 5-inch stretched measure for purse seines. There are no restrictions associated with hangings used to connect the net to the chafing panel or the net or chafing panel to the leadline or corkline.

(H) Red corks are required at 25-fathom intervals and red corks must be in contrast to the corks used in the remainder of the net.

(e) Allowable sales include: Adipose or left ventral fin-clipped Chinook, adipose-clipped coho, pink and sockeye salmon and shad. Subject to Individual Fishing Quotas (as defined in the 2014 seine permits) and fishing regulations, all legally caught salmon must be landed.

(f) Hand sorting or use of a knotless dip net is required for sorting. All fish must be sorted and/or released prior to removing entire seine from the water. Dry sorting is not permitted.

(g) Sort time is not to exceed 75 minutes:

(A) For beach seines, sort time is defined as the elapsed time from when the outer towed end of the net first contacts the shore or block until the net is emptied of fish.

(B) For purse seines, sort time is defined as the elapsed time from when all rings are pursed and out of the water until the net is emptied of fish.

(h) As a condition of fishing, agency observers are required to be present at all times during fishing operations.

Stat. Auth.: ORS 496.118, 506.109 & 506.129

Stats. Implemented: ORS 506.119 & 507.030

Hist.: FWC 63-1987, f. & ef. 8-7-87; FWC 67-1988, f. & cert. ef. 8-15-88; FWC 68-1988(Temp), f. & cert. ef. 8-15-88; FWC 54-1989(Temp), f. & cert. ef. 8-7-89; FWC 56-1989(Temp), f. & cert. ef. 8-11-89; FWC 58-1989(Temp), f. & cert. ef. 8-14-89; FWC 80-1989(Temp), f. 8-28-89, cert. ef. 8-29-89; FWC 80-1990(Temp), f. 8-7-90, cert. ef. 8-8-90; FWC 85-1991, f. 8-7-91, cert. ef. 8-12-91; FWC 91-1991(Temp), f. & cert. ef. 8-29-91; FWC 73-1992(Temp), f. & cert. ef. 8-10-92; FWC 46-1996, f. & cert. ef. 8-23-96; FWC 53-1996(Temp), f. & cert. ef. 9-16-96; FWC 49-1997, f. 8-20-97, cert. ef. 8-24-97; DFW 74-1998(Temp), f. & cert. ef. 8-25-98 thru 8-26-98; DFW 59-1999(Temp), f. & cert. ef. 8-23-99 thru 9-11-99; DFW 75-1999(Temp), f. 9-29-99, cert. ef. 9-30-99 thru 10-22-99; Administrative correction 11-17-99; DFW 50-2000(Temp), f. 8-18-00, cert. ef. 8-21-00 thru 9-9-00; DFW 52-2000(Temp), f. 8-23-00, cert. ef. 8-23-00 thru 8-24-00; Administrative correction 6-20-01; DFW 68-2001(Temp), f. 8-7-01, cert. ef. 8-8-01 thru 8-9-01; DFW 76-2001(Temp), f. & cert. ef. 8-20-01 thru 10-31-01; DFW 79-2001(Temp), f. & cert. ef. 8-22-01 thru 12-31-01; DFW 80-2001(Temp), f. & cert. ef. 8-24-01 thru 12-31-01; DFW 86-2001(Temp), f. & cert. ef. 9-4-01 thru 12-31-01; DFW 81-2002(Temp), f. 8-2-02, cert. ef. 8-4-02 thru 8-9-02; DFW 87-2002(Temp), f. & cert. ef. 8-9-02 thru 8-12-02; DFW 89-2002(Temp), f. 8-16-02, cert. ef. 8-18-02 thru 12-31-02; DFW 75-2003(Temp), f. & cert. ef. 8-1-03 thru 12-31-03; DFW 77-2003(Temp), f. & cert. ef. 8-13-03 thru 12-31-03; DFW 82-2003(Temp), f. & cert. ef. 8-25-03 thru 12-31-03; DFW 87-2003(Temp), f. & cert. ef. 8-27-03 thru 12-31-03; DFW 81-2004(Temp), f. & cert. ef. 8-12-04 thru 12-31-04; DFW 82-2004(Temp), f. & cert. ef. 8-16-04 thru 12-31-04; DFW 86-2004(Temp), f. 8-19-04 thru 12-31-04; DFW 88-2004(Temp), f. & cert. ef. 8-23-04 thru 12-31-04; Administrative correction, 2-18-05; DFW 85-2005(Temp), f. 8-1-05, cert. ef. 8-3-05 thru 12-31-05; DFW 88-2005(Temp), f. 8-11-05, cert. ef. 8-14-05 thru 12-31-05; DFW 90-2005(Temp), f. & cert. ef. 8-17-05 thru 12-31-05; DFW 96-2005(Temp), f. & cert. ef. 8-22-05 thru 12-31-05; DFW 98-2005(Temp), f. 8-24-05, cert. ef. 8-25-05 thru 12-31-05; Administrative correction 1-19-06; DFW 72-2006(Temp), f. 8-1-06, cert. ef. 8-2-06 thru 12-31-06; DFW 82-2006(Temp), f. 8-11-06, cert. ef. 8-13-06 thru 12-31-06; DFW 88-2006(Temp), f. 8-18-06, cert. ef. 8-21-06 thru 12-31-06; DFW 89-2006(Temp), f. 8-24-06, cert. ef. 8-25-06 thru 12-31-06; Administrative correction 1-16-07; DFW 61-2007(Temp), f. 7-30-07, cert. ef. 8-1-07 thru 10-31-07; DFW 72-2007(Temp), f. 8-17-07, cert. ef. 8-23-07 thru 8-31-07; Administrative correction 9-16-07; DFW 85-2008(Temp), f. 7-24-08, cert. ef. 8-1-08 thru 12-31-08; DFW 93-2008(Temp), f. & cert. ef. 8-12-08 thru 12-31-08; DFW 95-2008(Temp), f. & cert. ef. 8-14-08 thru 9-30-08; DFW 100-2008(Temp), f. 8-22-08, cert. ef. 8-25-08 thru 9-30-08; DFW 102-2008(Temp), f. & cert. ef. 8-26-08 thru 9-1-08; Administrative correction 9-29-08; Administrative correction 10-21-08; DFW 89-2009(Temp), f. 8-3-09, cert. ef. 8-4-09 thru 12-31-09; DFW 90-2009(Temp), f. 8-7-09, cert. ef. 8-8-09 thru 12-31-09; DFW 96-2009(Temp), f. & cert. ef. 8-21-09 thru 8-31-09; DFW 97-2009(Temp), f. & cert. ef. 8-25-09 thru 8-31-09; DFW 100-2009(Temp), f. & cert. ef. 8-27-09 thru 8-31-09; Administrative correction 9-29-09; DFW 112-2010(Temp), f. 7-30-10, cert. ef. 8-3-10 thru 8-31-10; DFW 121-2010(Temp), f. 8-18-10, cert. ef. 8-19-10 thru 8-31-10; Administrative correction 9-22-10; DFW 132-2010(Temp), f. 9-21-10, cert. ef. 9-22-10 thru 10-31-10; DFW 137-2010(Temp), f. & cert. ef. 9-24-10 thru 10-31-10; Administrative correction 11-23-10; DFW 105-2011(Temp), f. 8-2-11, cert. ef. 8-4-11 thru 8-31-11; DFW 120-2011(Temp), f. 8-26-11, cert. ef. 8-28-11 thru 9-14-11; DFW 128-2011(Temp), f. 9-14-11, cert. ef. 9-18-11 thru 9-30-11; DFW 134-2011(Temp), f. 9-21-11, cert. ef. 9-22-11 thru 9-30-11; DFW 136-2011(Temp), f. & cert. ef. 9-28-11 thru 10-5-11; DFW 140-2011(Temp), f. 10-4-11, cert. ef. 10-5-11 thru 10-12-11; DFW 144-2011(Temp), f. 10-11-11, cert. ef. 10-13-11 thru 10-31-11; DFW 147-2011(Temp),

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f. 10-17-11, cert. ef. 10-18-11 thru 10-31-11; Administrative correction, 11-18-11; DFW 98-2012(Temp), f. 7-31-12, cert. ef. 8-5-12 thru 10-31-12; DFW 112-2012(Temp), f. 8-24-12, cert. ef. 8-26-12 thru 10-31-12; DFW 121-2012(Temp), f. & cert. ef. 9-18-12 thru 10-31-12; Administrative correction 11-23-12; DFW 83-2013(Temp), f. 7-29-13, cert. ef. 8-11-13 thru 8-31-13; DFW 95-2013(Temp), f. 8-23-13, cert. ef. 8-25-13 thru 8-31-13; DFW 97-2013(Temp), f. 8-27-13, cert. ef. 8-28-13 thru 8-31-13; DFW 101-2013(Temp), f. 9-13-13, cert. ef. 9-15-13 thru 9-30-13; DFW 105-2013(Temp), f. & cert. ef. 9-19-13 thru 9-30-13; DFW 108-2013(Temp), f. 9-25-13, cert. ef. 9-26-13 thru 9-30-13; DFW 113-2013(Temp), f. 9-27-13, cert. ef. 10-1-13 thru 10-16-13; Administrative correction, 11-22-13; DFW 107-2014(Temp), f. 7-30-14, cert. ef. 8-3-14 thru 8-31-14; DFW 121-2014(Temp), f. & cert. ef. 8-13-14 thru 9-30-14; DFW 124-2014(Temp), f. & cert. ef. 8-26-14; DFW 130-2014(Temp), f. 9-11-14, cert. ef. 9-12-14 thru 9-30-14; DFW 137-2014(Temp), f. & cert. ef. 9-19-14 thru 9-30-14; DFW 138-2014(Temp), f. 9-24-14, cert. ef. 9-25-14 thru 10-31-14

Rule Caption: Coho Tangle Net Season set for the Columbia River
Adm. Order No.: DFW 139-2014(Temp)

Filed with Sec. of State: 9-24-2014

Certified to be Effective: 10-1-14 thru 10-31-14

Notice Publication Date:

Rules Amended: 635-042-0032

Subject: This rule authorizes five 12-hour commercial coho tangle net fishing periods in Zones 1-3 of the Columbia River from 6:00 a.m. through 6:00 p.m. the following evenings on Wednesday October 1, Thursday October 2, Monday October 6, Tuesday October 7 and Wednesday October 8, 2014. Authorized sales include Chinook, Adipose fin-clipped Coho Salmon, Pink and Sockeye Salmon and shad. Modifications are consistent with action taken September 24, 2014 by the Columbia River Compact agencies of the states of Oregon and Washington

Rules Coordinator: Therese Kucera—(503) 947-6033

635-042-0032

Coho Target Fishery

(1) Chinook, adipose fin-clipped coho salmon; pink, and sockeye salmon, and shad may be taken in the Columbia River by tangle net for commercial purposes in all of, or portions of Zones 1-3 from the mouth of the Columbia River upstream to a line projected from Warrior Rock Lighthouse on the Oregon shore easterly through the green navigation buoy #1 and continuing to the Washington shore. An adipose fin clip salmon is defined as a hatchery salmon with a clipped adipose fin and having a healed scar at the location of the fin. The adipose fin is the small fatty fin on salmonids located between the dorsal fin and tail.

(2) Authorized Fishing Periods are as follows:

6:00a.m. to 6:00p.m. Wednesday, October 1, 2014 (12 Hours);

6:00a.m. to 6:00p.m. Thursday, October 2, 2014 (12 hours);

6:00a.m. to 6:00p.m. Monday, October 6, 2014 (12 hours);

6:00a.m. to 6:00p.m. Tuesday October 7, 2014 (12 hours);

6:00a.m. to 6:00p.m. Wednesday, October 8, 2014 (12 hours);

(3) During the fall coho tangle net fishery:

(a) It is unlawful to use other than a single-wall multi-filament floater net. Monofilament nets are not allowed. Maximum mesh size is 3-3/4 inches determined by placing three consecutive meshes under hand tension and the measurement is taken from the inside of one knot to the inside of the opposite knot of the center mesh. Hand tension means sufficient linear tension to draw opposing knots of meshes into contact.

(4) Nets shall not exceed 900 feet (150 fathoms) in length. A red cork must be placed on the corkline every 25 fathoms as measured from the first mesh of the net. Red corks at 25-fathom intervals must be in color contrast to the corks used in the remainder of the net.

(5) There are no restrictions on the hang ratio. The hang ratio is used to horizontally add slack to the net. The hang ratio is determined by the length of the web per length of the corkline.

(6) The use of slackers or stringers to slacken the net vertically is prohibited. Rip lines are allowed providing they do not vertically slacken the net.

(7) Nets that are fished at any time between official sunset and official sunrise must have lighted buoys on both ends of the net unless the net is attached to the boat. If the net is attached to the boat, then one lighted buoy on the opposite end of the net from the boat is required.

(8) Nets shall be fished for no longer than 30 minutes per set. The time of fishing is measured from when the first mesh of the net is deployed into the water until the last mesh of the net is fully retrieved from the water.

(9) All non-legal fish must be released unharmed immediately to the river or into an operating recovery box.

(a) One operating recovery box with two chambers or two operating recovery boxes with one chamber each must be on board each fishing ves-

sel participating in the fishery. Recovery boxes shall be operating during any time that a net is being retrieved or picked.

(b) All non-legal salmon and all steelhead that are bleeding, in lethargic condition, or appearing lifeless (condition 2-5) must be placed in the recovery box prior to release to the river.

(c) Each chamber of the recovery box must meet the following dimensions as measured from within the box; the inside length measurement must be at or within 39-1/2 to 48 inches, the inside width measurement must be at or within 8 to 10 inches, and the inside height measurement must be at or within 14 to 16 inches.

(d) Each chamber of the recovery box must include an operating water pumping system capable of delivering a minimum flow of 16 gallons per minute not to exceed 20 gallons per minute of fresh river water into each chamber. The fisher must demonstrate to the Department and Washington Department of Fish and Wildlife employees, fish and wildlife enforcement officers, or other peace officers, upon request, that the pumping system is delivering the proper volume of fresh river water into each chamber.

(e) Each chamber of the recovery box must include a water inlet hole between 3/4 inch and 1 inch in diameter, centered horizontally across the door or wall of chamber and 1-3/4 inches from the floor of the chamber.

(f) Each chamber of the recovery box must include a water outlet that is at least 1-1/2 inches in diameter. The center of the outlet hole must be located a minimum of 12 inches above the floor of the box or chamber, on either the same or opposite end as the inlet.

(g) All fish placed in recovery boxes must be released to the river prior to landing or docking.

(10) At least one fisher on each boat engaged in the fishery must have completed training provided by the Oregon or Washington Department of Fish and Wildlife (Departments) to educate fishers on regulations and best methods for conducting live capture fisheries.

(11) Owners or operators of commercial fishing vessels must cooperate with State fishery observers, or observers collecting data for the Departments, when asked by the Departments to carry and accommodate an observer on fishing trips for observation and sampling during an open fishery.

(12) Closed areas Elokomin-A, Cowlitz River, Kalama-A, and the Lewis-A.

Stat. Auth.: ORS 183.325, 506.109 & 506.119

Stat. Implemented: ORS 506.129 & 507.030

Hist.: FWC 96-1991, f. & cert. ef. 9-9-91; FWC 101-1991 (Temp), f. & cert. ef. 9-10-91; FWC 102-1991, f. & cert. ef. 9-17-91; Suspended by FWC 92-1992(Temp), f. & cert. ef. 9-16-92; FWC 46-1996, f. & cert. ef. 8-23-96; DFW 71-1999(Temp), f. & cert. ef. 9-20-99 thru 10-22-99; DFW 75-1999(Temp), f. 9-29-99, cert. ef. 9-30-99 thru 10-22-99; DFW 79-1999(Temp), f. 10-8-99, cert. ef. 10-11-99 thru 12-31-99; DFW 83-1999(Temp), f. 10-26-99, cert. ef. 10-27-99 thru 12-31-99; DFW 62-2000(Temp), f. 9-15-00, cert. ef. 9-19-00 thru 12-31-00; DFW 65-2000(Temp) f. 9-22-00, cert. ef. 9-25-00 thru 12-31-00; DFW 66-2000(Temp) f. 9-29-00, cert. ef. 10-2-00 thru 12-31-00; DFW 68-2000(Temp) f. 10-6-00, cert. ef. 10-9-00 thru 12-31-00; DFW 71-2000(Temp) f. 10-20-00, cert. ef. 10-23-00 thru 12-31-00; DFW 74-2000(Temp), f. 10-27-00, cert. ef. 10-30-00 thru 12-31-00; Administrative correction 6-20-01; DFW 89-2001(Temp), f. & cert. ef. 9-14-01 thru 12-31-01; DFW 92-2001(Temp), f. & cert. ef. 9-19-01 thru 12-31-01; DFW 93-2001(Temp), f. 9-21-01, cert. ef. 9-24-01 thru 12-31-01; DFW 102-2002(Temp), f. & cert. ef. 9-13-02 thru 12-31-02; DFW 104-2002(Temp), f. & cert. ef. 9-19-02 thru 12-31-02; DFW 106(Temp), f. & cert. ef. 9-24-02 thru 12-31-02; DFW 92-2003(Temp), f. 9-12-03 cert. ef. 9-15-03 thru 12-31-03; Administrative correction, 2-23-05; DFW 23-2011, f. & cert. ef. 3-21-11; DFW 114-2013(Temp), f. 9-27-13, cert. ef. 10-2-13 thru 10-15-13; Administrative correction, 11-22-13; DFW 139-2014(Temp), f. 9-24-14, cert. ef. 10-1-14 thru 10-31-14

Rule Caption: Columbia River Treaty Indian Commercial Gill Net Salmon Season Set

Adm. Order No.: DFW 140-2014(Temp)

Filed with Sec. of State: 9-24-2014

Certified to be Effective: 9-25-14 thru 10-31-14

Notice Publication Date:

Rules Amended: 635-041-0075

Rules Suspended: 635-041-0075(T)

Subject: This amended rule allows commercial sales of fish caught during the Treaty Indian commercial fall salmon gill net fishery in the Columbia River and its Washington tributaries. The first fishing period authorized for the Treaty Indian fall commercial gill net fishery is scheduled to begin at 6:00 p.m. Thursday September 25 and run through 6:00 p.m. Friday September 26, 2014. The second fishing period is scheduled to begin at 6:00 p.m. Monday September 29 through 6:00 p.m. Friday October 3, 2014. Modifications are consistent with action taken September 24, 2014 by the Columbia River

ADMINISTRATIVE RULES

Compact agencies of the states of Oregon and Washington in cooperation with the Columbia River Treaty Tribes.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-041-0075

Fall Salmon Season

(1) Salmon, steelhead, shad, walleye, catfish, bass, yellow perch, and carp may be taken for commercial purposes from Zone 6, in the Columbia River Treaty Indian platform and hook-and-line fisheries, from: 12:01 a.m. Friday, August 1 through 11:59 p.m. Friday, October 31, 2014.

(a) Gear used in the fishery described above is restricted to subsistence fishing gear which includes hoopnets, dipnets, and rod and reel with hook-and-line.

(b) Closed areas as set forth in OAR 635-041-0045 remain in effect with the exception of Spring Creek Hatchery sanctuary.

(2) Salmon, steelhead, shad, walleye, catfish, bass, yellow perch, and carp may be taken for commercial purposes from Zone 6, in the Columbia River Treaty Indian gill net fisheries, during the following periods: 6:00 a.m. Monday, September 22 through 6:00 p.m. Friday, September 26, 2014 (4.5 days), and 6:00 a.m. Monday September 29 through 6:00 p.m. Friday October 3, 2014 (4.5 days).

(a) Salmon, steelhead, shad, yellow perch, bass, walleye, catfish and carp landed during any open gill net fishing period may be sold at any time or retained for subsistence purposes. Sturgeon may not be sold. However, white sturgeon between 43 and 54 inches in fork length taken from The Dalles and John Day pools and white sturgeon between 38 and 54 inches in fork length taken from the Bonneville Pool may be kept for subsistence purposes. Fish caught during any open period may be sold at any time.

(b) Gear is restricted to gill nets with an 8-inch minimum mesh size.

(c) Closed areas in Zone 6, including a modified Spring Creek sanctuary which has been reduced in size to a 150-foot radius around the hatchery ladder, are in effect as set forth in OAR 635-041-0045.

(3) For the period beginning 12:01 a.m. Friday, August 1 through 11:59 p.m. Friday, October 31, 2014, commercial sales of salmon, steelhead, walleye, shad, catfish, carp, bass and yellow perch caught in Yakama Nation tributary fisheries in the Klickitat River; Wind River; and Drano Lake are allowed for Yakama Nation members during those days and hours when these tributaries are open under lawfully enacted Yakama Nation fishing periods. Gear is restricted to subsistence fishing gear which includes hoopnets, dipnets, and rod and reel with hook-and-line, except that fish may also be taken by gill net in Drano Lake.

Stat. Auth.: ORS 496.118 & 506.119

Stats. Implemented: ORS 506.109, 506.129 & 507.030

Hist.: FWC 25-1979, f. & ef. 8-22-79; FWC 36-1979(Temp), f. & ef. 8-22-79; FWC 47-1979(Temp), f. & ef. 9-21-79; FWC 44-1980(Temp), f. & ef. 8-22-80; FWC 46-1980(Temp), f. & ef. 9-13-80; FWC 33-1981(Temp), f. & ef. 9-15-81; FWC 58-1982(Temp), f. & ef. 8-27-82; FWC 62-1982(Temp), f. & ef. 9-7-82; FWC 63-1982(Temp), f. & ef. 9-14-82; FWC 75-1982(Temp), f. & ef. 10-29-82; FWC 36-1983, f. & ef. 8-18-83; FWC 49-1983(Temp), f. & ef. 9-26-83; FWC 51-1983(Temp), f. & ef. 9-30-83; FWC 55-1983(Temp), f. & ef. 10-4-83; FWC 46-1984, f. & ef. 8-30-84; FWC 55-1984(Temp), f. & ef. 9-10-84; FWC 58-1984(Temp), f. & ef. 9-17-84; FWC 61-1984(Temp), f. & ef. 9-21-84; FWC 70-1984(Temp), f. & ef. 10-9-84; FWC 47-1985, f. & ef. 8-23-85; FWC 60-1985(Temp), f. & ef. 9-13-85; FWC 63-1985(Temp), f. & ef. 9-24-85; FWC 42-1986, f. & ef. 8-15-86; FWC 53-1986(Temp), f. & ef. 9-4-86; FWC 54-1986(Temp), f. & ef. 9-5-86; FWC 57-1986(Temp), f. & ef. 9-11-86; FWC 60-1986(Temp), f. & ef. 9-26-86; FWC 62-1986(Temp), f. & ef. 10-2-86; FWC 63-1987, f. & ef. 8-7-87; FWC 74-1987(Temp), f. & ef. 9-4-87; FWC 75-1987(Temp), f. & ef. 9-1-87; FWC 78-1987(Temp), f. & ef. 9-15-87; FWC 80-1987(Temp), f. & ef. 9-18-87; FWC 87-1987(Temp), f. & ef. 10-9-87; FWC 89-1987(Temp), f. & ef. 10-12-87; FWC 67-1988, f. & cert. ef. 8-15-88; FWC 72-1988(Temp), f. & cert. ef. 8-19-88; FWC 77-1988(Temp), f. & cert. ef. 9-2-88; FWC 91-1988(Temp), f. & cert. ef. 9-16-88; FWC 95-1988(Temp), f. & cert. ef. 9-28-88; FWC 54-1989(Temp), f. & cert. ef. 8-7-89; FWC 96-1989(Temp), f. & cert. ef. 9-1-89; FWC 95-1989(Temp), f. & cert. ef. 9-19-89; FWC 97-1989(Temp), f. & cert. ef. 9-21-89; FWC 99-1989(Temp), f. & cert. ef. 9-27-89; FWC 100-1989(Temp), f. & cert. ef. 9-28-89; FWC 80-1990(Temp), f. & cert. ef. 8-8-90; FWC 90-1990, f. & cert. ef. 8-31-90; FWC 96-1990(Temp), f. & cert. ef. 9-7-90; FWC 98-1990(Temp), f. & cert. ef. 9-14-90; FWC 97-1990(Temp), f. & cert. ef. 8-7-91; FWC 98-1991, f. & cert. ef. 9-9-91; FWC 101-1991(Temp), f. & cert. ef. 9-10-91; FWC 103-1991(Temp), f. & cert. ef. 9-18-91; FWC 110-1991(Temp), f. & cert. ef. 9-27-91; FWC 73-1992(Temp), f. & cert. ef. 8-10-92; FWC 86-1992(Temp), f. & cert. ef. 9-2-92; FWC 87-1992(Temp), f. & cert. ef. 9-7-92; FWC 91-1992(Temp), f. & cert. ef. 9-16-92; cert. ef. 9-17-92; FWC 96-1992(Temp), f. & cert. ef. 9-22-92; FWC 105-1992(Temp), f. & cert. ef. 10-2-92; cert. ef. 10-5-92; FWC 107-1992(Temp), f. & cert. ef. 10-9-92; FWC 47-1993, f. & cert. ef. 8-9-93; FWC 52-1993, f. & cert. ef. 8-30-93; FWC 57-1993(Temp), f. & cert. ef. 9-13-93; FWC 59-1993(Temp), f. & cert. ef. 9-17-93; FWC 61-1993(Temp), f. & cert. ef. 9-24-93; FWC 55-1994(Temp), f. & cert. ef. 8-26-94; FWC 61-1994(Temp), f. & cert. ef. 9-7-94; FWC 68-1994(Temp), f. & cert. ef. 10-12-94; FWC 68-1995(Temp), f. & cert. ef. 8-25-95; FWC 68-1995(Temp), f. & cert. ef. 9-1-95; FWC 75-1995(Temp), f. & cert. ef. 9-13-95; FWC 46-1996, f. & cert. ef. 8-23-96; FWC 48-1996(Temp), f. & cert. ef. 9-2-96; FWC 51-1996(Temp), f. & cert. ef. 9-9-96; FWC 53-1996(Temp), f. & cert. ef. 9-26-96; FWC 54-1996(Temp), f. & cert. ef. 9-23-96; FWC 48-1997, f. & cert. ef. 8-25-97; FWC 52-1997(Temp), f. & cert. ef. 8-29-97; FWC 57-1997(Temp), f. & cert. ef. 9-9-97; FWC 60-1997(Temp), f. & cert. ef. 9-16-97; FWC 68-1998(Temp), f. & cert. ef. 8-25-98 thru 9-25-98; FWC 76-1998(Temp), f. & cert. ef. 9-8-98 thru 9-25-98; FWC 77-1998(Temp), f. & cert. ef. 9-14-98, cert. ef. 9-15-98 thru 9-25-98; FWC 79-1998(Temp), f. & cert. ef. 9-22-98 thru 9-25-98; FWC 80-1998(Temp), f. & cert. ef. 9-23-98,

cert. ef. 9-24-98 thru 9-25-98; DFW 59-1999(Temp), f. & cert. ef. 8-23-99 thru 9-11-99; DFW 62-1999(Temp), f. & cert. ef. 9-3-99 thru 9-11-99; DFW 65-1999(Temp), f. & cert. ef. 9-15-99 thru 9-17-99; DFW 69-1999(Temp), f. & cert. ef. 9-17-99 thru 9-18-99; DFW 72-1999(Temp), f. & cert. ef. 9-21-99, cert. ef. 9-22-99 thru 10-22-99; DFW 74-1999(Temp), f. & cert. ef. 9-28-99, cert. ef. 9-29-99 thru 10-22-99; Administrative correction 11-17-99; DFW 50-2000(Temp), f. & cert. ef. 8-18-00, cert. ef. 8-21-00 thru 9-9-00; DFW 60-2000(Temp), f. & cert. ef. 9-11-00, cert. ef. 9-12-00 thru 12-31-00; DFW 61-2000(Temp), f. & cert. ef. 9-19-00 thru 12-31-00; Administrative correction 6-19-01; DFW 75-2001(Temp), f. & cert. ef. 8-20-01 thru 9-8-01; DFW 87-2001(Temp), f. & cert. ef. 9-10-01, cert. ef. 9-11-01 thru 9-15-01; DFW 91-2001(Temp), f. & cert. ef. 9-19-01 thru 12-31-01; DFW 94-2001(Temp), f. & cert. ef. 9-26-01, cert. ef. 9-27-01 thru 12-31-01; DFW 100-2001(Temp), f. & cert. ef. 10-16-01, cert. ef. 10-17-01 thru 12-31-01; DFW 89-2002(Temp), f. & cert. ef. 8-16-02, cert. ef. 8-18-02 thru 12-31-02; DFW 98-2002(Temp), f. & cert. ef. 8-30-02 thru 12-31-02; DFW 102-2002(Temp), f. & cert. ef. 9-13-02 thru 12-31-02; DFW 104-2002(Temp), f. & cert. ef. 9-19-02 thru 12-31-02; DFW 113-2002(Temp), f. & cert. ef. 10-14-02, cert. ef. 10-15-02 thru 12-31-02; DFW 77-2003(Temp), f. & cert. ef. 8-13-03 thru 12-31-03; DFW 81-2003(Temp), f. & cert. ef. 8-25-03, cert. ef. 8-26-03 thru 12-31-03; DFW 91-2003(Temp), f. & cert. ef. 9-12-03, cert. ef. 9-16-03 thru 12-31-03; DFW 97-2003(Temp), f. & cert. ef. 9-22-03, cert. ef. 9-24-03 thru 12-31-03; DFW 101-2003(Temp), f. & cert. ef. 9-26-03, cert. ef. 10-1-03 thru 12-31-03; DFW 103-2003(Temp), f. & cert. ef. 10-3-03, cert. ef. 10-8-03 thru 12-31-03; DFW 104-2003(Temp), f. & cert. ef. 10-10-03, cert. ef. 10-11-03 thru 12-31-03; DFW 88-2004(Temp), f. & cert. ef. 8-23-04 thru 12-31-04; DFW 95-2004(Temp), f. & cert. ef. 9-17-04, cert. ef. 9-19-04 thru 12-31-04; DFW 99-2004(Temp), f. & cert. ef. 9-24-04 thru 12-31-04; DFW 104-2004(Temp), f. & cert. ef. 10-13-04 thru 12-31-04; DFW 110-2004(Temp), f. & cert. ef. 10-29-04 thru 12-31-04; Administrative correction, 2-18-05; DFW 96-2005(Temp), f. & cert. ef. 9-8-05 thru 12-31-05; DFW 104-2005(Temp), f. & cert. ef. 9-12-05 thru 12-31-05; DFW 109-2005(Temp), f. & cert. ef. 9-19-05 thru 12-31-05; DFW 113-2005(Temp), f. & cert. ef. 9-28-05 thru 12-31-05; DFW 120-2005(Temp), f. & cert. ef. 10-11-05 thru 12-31-05; Administrative correction 1-19-06; DFW 71-2006(Temp), f. & cert. ef. 7-31-06, cert. ef. 8-1-06 thru 12-31-06; DFW 86-2006(Temp), f. & cert. ef. 8-21-06 thru 12-31-06; DFW 94-2006(Temp), f. & cert. ef. 9-11-06 thru 12-31-06; DFW 101-2006(Temp), f. & cert. ef. 9-15-06, cert. ef. 9-18-06 thru 12-31-06; DFW 107-2006(Temp), f. & cert. ef. 9-28-06, cert. ef. 10-3-06 thru 12-31-06; DFW 115-2006(Temp), f. & cert. ef. 10-13-06, cert. ef. 10-15-06 thru 12-31-06; Administrative correction 1-16-07; DFW 60-2007(Temp), f. & cert. ef. 7-30-07, cert. ef. 8-1-07 thru 12-31-07; DFW 77-2007(Temp), f. & cert. ef. 8-17-07, cert. ef. 8-22-07 thru 12-31-07; DFW 88-2007(Temp), f. & cert. ef. 9-10-07, cert. ef. 9-11-07 thru 12-31-07; DFW 95-2007(Temp), f. & cert. ef. 9-21-07, cert. ef. 9-25-07 thru 12-31-07; DFW 100-2007(Temp), f. & cert. ef. 9-28-07, cert. ef. 10-3-07 thru 12-31-07; DFW 110-2007(Temp), f. & cert. ef. 10-16-07, cert. ef. 10-20-07 thru 12-31-07; DFW 106-2008(Temp), f. & cert. ef. 9-6-08 thru 10-31-08; DFW 109-2008(Temp), f. & cert. ef. 9-12-08, cert. ef. 9-15-08 thru 10-31-08; DFW 112-2008(Temp), f. & cert. ef. 9-17-08, cert. ef. 9-18-08 thru 10-31-08; DFW 117-2008(Temp), f. & cert. ef. 9-22-08 thru 10-31-08; DFW 122-2008(Temp), f. & cert. ef. 9-29-08 thru 10-31-08; DFW 125-2008(Temp), f. & cert. ef. 10-6-08, cert. ef. 10-7-08 thru 10-31-08; DFW 134-2008(Temp), f. & cert. ef. 10-17-08 thru 10-31-08; DFW 141-2008(Temp), f. & cert. ef. 11-10-08, cert. ef. 11-12-08 thru 10-31-08; DFW 88-2009(Temp), f. & cert. ef. 7-31-09, cert. ef. 8-1-09 thru 12-31-09; DFW 95-2009(Temp), f. & cert. ef. 8-19-09, cert. ef. 8-24-09 thru 12-31-09; DFW 111-2009(Temp), f. & cert. ef. 9-11-09, cert. ef. 9-13-09 thru 9-30-09; DFW 114-2009(Temp), f. & cert. ef. 9-18-09, cert. ef. 9-21-09 thru 10-31-09; DFW 119-2009(Temp), f. & cert. ef. 9-29-09 thru 10-31-09; DFW 129-2009(Temp), f. & cert. ef. 10-13-09, cert. ef. 10-14-09 thru 10-31-09; Administrative correction 11-19-09; DFW 111-2010(Temp), f. & cert. ef. 7-30-10, cert. ef. 8-1-10 thru 10-31-10; DFW 120-2010(Temp), f. & cert. ef. 8-18-10, cert. ef. 8-24-10 thru 10-31-10; DFW 128-2010(Temp), f. & cert. ef. 9-10-10 thru 10-31-10; DFW 136-2010(Temp), f. & cert. ef. 9-24-10, cert. ef. 9-27-10 thru 10-31-10; DFW 142-2010(Temp), f. & cert. ef. 10-8-10, cert. ef. 10-9-10 thru 10-31-10; DFW 149-2010(Temp), f. & cert. ef. 10-19-10 thru 10-31-10; Administrative correction 11-23-10; DFW 103-2011(Temp), f. & cert. ef. 7-29-11, cert. ef. 8-1-11 thru 10-31-11; DFW 119-2011(Temp), f. & cert. ef. 8-26-11, cert. ef. 8-29-11 thru 10-31-11; DFW 124-2011(Temp), f. & cert. ef. 9-8-11, cert. ef. 9-12-11 thru 10-31-11; DFW 130-2011(Temp), f. & cert. ef. 9-15-11, cert. ef. 9-19-11 thru 10-31-11; DFW 133-2011(Temp), f. & cert. ef. 9-21-11, cert. ef. 9-22-11 thru 10-31-11; DFW 138-2011(Temp), f. & cert. ef. 10-3-11 thru 10-31-11; DFW 142-2011(Temp), f. & cert. ef. 10-6-11, cert. ef. 10-8-11 thru 10-31-11; Administrative correction, 11-18-11; DFW 94-2012(Temp), f. & cert. ef. 7-27-12 thru 10-31-12; DFW 107-2012(Temp), f. & cert. ef. 8-15-12, cert. ef. 8-21-12 thru 10-31-12; DFW 119-2012(Temp), f. & cert. ef. 9-10-12, cert. ef. 9-11-12 thru 10-31-12; DFW 120-2012(Temp), f. & cert. ef. 9-18-12 thru 10-31-12; DFW 124-2012(Temp), f. & cert. ef. 9-25-12, cert. ef. 9-26-12 thru 10-31-12; DFW 127-2012(Temp), f. & cert. ef. 10-2-12 thru 10-31-12; DFW 143-2012(Temp), f. & cert. ef. 11-7-12, cert. ef. 11-8-12 thru 1-29-13; Administrative correction, 2-25-13; DFW 88-2013(Temp), f. & cert. ef. 8-9-13, cert. ef. 8-12-13 thru 12-31-13; DFW 89-2013(Temp), f. & cert. ef. 8-14-13, cert. ef. 8-19-13 thru 12-31-13; DFW 98-2013(Temp), f. & cert. ef. 9-6-13, cert. ef. 9-10-13 thru 10-31-13; DFW 102-2013(Temp), f. & cert. ef. 9-13-13, cert. ef. 9-16-13 thru 10-31-13; DFW 106-2013(Temp), f. & cert. ef. 9-19-13, cert. ef. 9-24-13 thru 10-31-13; DFW 111-2013(Temp), f. & cert. ef. 9-27-13, cert. ef. 9-30-13 thru 10-31-13; DFW 116-2013(Temp), f. & cert. ef. 10-8-13, cert. ef. 10-9-13 thru 12-31-13; DFW 105-2014(Temp), f. & cert. ef. 7-30-14, cert. ef. 8-1-14 thru 10-31-14; DFW 118-2014(Temp), f. & cert. ef. 8-7-14, cert. ef. 8-18-14 thru 10-31-14; DFW 134-2014(Temp), f. & cert. ef. 9-19-14, cert. ef. 9-23-14 thru 10-31-14; DFW 140-2014(Temp), f. & cert. ef. 9-24-14, cert. ef. 9-25-14 thru 10-31-14

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Rule Caption: Coho Salmon Bag Limit Increased to Three Fish in Select Willamette Zone Streams

Adm. Order No.: DFW 141-2014(Temp)

Filed with Sec. of State: 9-25-2014

Certified to be Effective: 9-26-14 thru 12-31-14

Notice Publication Date:

Rules Amended: 635-017-0090

Rules Suspended: 635-017-0090(T)

Subject: The amended rule allows the sport harvest of three adipose fin-clipped coho in each of the Clackamas, Sandy, and Willamette (Section 1 only) rivers effective Friday, September 26, 2014. These modifications allow sport anglers opportunities to harvest substantial numbers of coho that are returning to the Clackamas, Sandy, and lower Willamette rivers.

Rules Coordinator: Therese Kucera—(503) 947-6033

ADMINISTRATIVE RULES

635-017-0090

Inclusions and Modifications

(1) The **2014 Oregon Sport Fishing Regulations** provide requirements for the Willamette Zone. However, additional regulations may be adopted in this rule division from time to time and to the extent of any inconsistency, they supersede the **2014 Oregon Sport Fishing Regulations**.

(2) Pacific Lamprey Harvest:

(a) Pursuant to OAR 635-044-0130(1)(b), authorization from the Oregon Fish and Wildlife Commission must be in possession by individuals collecting or possessing Pacific lamprey for personal use. Permits are available from ODFW, 17330 SE Evelyn Street, Clackamas, OR 97015;

(b) Open fishing period is June 1 through July 31 from 7:00 A.M. to 6:00 P.M.; personal use harvest is permitted Friday through Monday each week. All harvest is prohibited Tuesday through Thursday;

(c) Open fishing area is the Willamette River at Willamette Falls on the east side of the falls only, excluding Horseshoe Area at the peak of the falls;

(d) Gear is restricted to hand or hand-powered tools only;

(e) Catch must be recorded daily on a harvest record card prior to leaving the open fishing area. Harvest record cards will be provided by ODFW. All harvest record cards must be returned to the ODFW Clackamas office by August 31 to report catch. Permit holders who do not return the harvest record cards by August 31 will be ineligible to receive a permit in the following year.

(f) Harvesters must allow sampling or enumeration of catches by ODFW personnel.

(3) Sandy River (Multnomah/Clackamas Co.) mainstem and tributaries upstream from ODFW markers at the mouth of the Salmon River, including the Salmon River:

(a) Open for adipose fin-clipped steelhead and non-adipose fin-clipped steelhead harvest July 1-August 31.

(b) Angling restricted to artificial flies and lures with a single point hook no larger than 1/2 inch gap (size 1) and multiple point hook no larger than 3/8 inch gap (size 4).

(c) No limit on size or number of brook trout taken. Catch limits on other trout species do not apply to brook trout.

(4) Santiam River:

(a) Rainbow Trout: The daily bag limit for adipose fin-clipped rainbow trout is increased from two (2) to five (5) in the mainstem Santiam River, the North Fork to the markers upstream of Packsaddle Park, and in the South Fork to the markers below Foster Dam (excluding all tributaries) beginning June 10 through October 31, 2014 with no minimum length requirements.

(b) Steelhead: The daily bag limit for adipose fin-clipped steelhead is increased to one (1) additional adult adipose fin-clipped steelhead per day in the mainstem Santiam River, the Little North Fork, the North Fork up to the markers in Packsaddle Park, and in the South Fork to the markers below Foster Dam beginning June 10 through October 31, 2014.

(5) Clackamas, Sandy, and Lower Willamette (below the falls) rivers:

(a) Effective September 26 through December 31, 2014 in the Clackamas River, Sandy River, Bull Run River, Willamette River (section 1 only: Mouth upstream to Willamette Falls, including Multnomah Channel and Willamette Slough) and Eagle Creek the daily bag limit for adult salmon or steelhead is 2 per day - 20 per year, 5 jacks per day, 2 daily jack limits in possession, with the exception that one additional adipose fin-clipped adult coho salmon may be retained for a total aggregate of three fish harvested daily.

(b) All other General Statewide and Willamette Zone regulations, as provided in the 2014 Oregon Sport Fishing Regulations, remain in effect.

(6) Effective January 1, 2013, the use of barbless hooks is required when angling for salmon, steelhead, or trout in the mainstem Willamette River downstream of Willamette Falls (including Multnomah Channel and the Gilbert River) and in the lower Clackamas River upstream to the Highway 99E Bridge.

Stat. Auth.: ORS 496.138, 496.146, 497.121 & 506.119

Stats. Implemented: ORS 496.004, 496.009, 496.162 & 506.129

Hist.: FWC 82-1993, f. 12-22-93, cert. ef. 1-1-94; FWC 3-1994, f. 1-25-94, cert. ef. 1-26-94; FWC 65-1994(Temp), f. 9-15-94, cert. ef. 9-17-94; FWC 86-1994(Temp), f. 10-31-94, cert. ef. 11-1-94; FWC 22-1995, f. 3-7-95, cert. ef. 3-10-95; FWC 32-1995, f. & cert. ef. 4-24-95; FWC 77-1995, f. 9-13-95, cert. ef. 1-1-96; FWC 14-1996, f. 3-29-96, cert. ef. 4-1-96; FWC 20-1996, f. & cert. ef. 4-29-96; FWC 22-1996(Temp), f. 5-9-96 & cert. ef. 5-10-96; FWC 72-1996, f. 12-31-96, cert. ef. 1-1-97; FWC 5-1997, f. & cert. ef. 2-4-97; FWC 13-1997, f. 3-5-97, cert. ef. 3-11-97; FWC 17-1997(Temp), f. 3-19-97, cert. ef. 4-1-97; FWC 24-1997(Temp), f. & cert. ef. 4-10-97; FWC 31-1997(Temp), f. 5-14-97, cert. ef. 5-15-97; FWC 39-1997(Temp), f. 6-17-97, cert. ef. 6-18-97; FWC 69-1997, f. & cert. ef. 11-6-97; FWC 75-1997, f. 12-31-97, cert. ef. 1-1-98; DFW 19-1998, f. & cert. ef. 3-12-98; DFW 28-1998(Temp), f. & cert. ef. 4-9-98 thru 4-24-98; DFW 31-1998(Temp), f. & cert. ef. 4-24-98 thru 7-31-98; DFW 33-1998(Temp), f. & cert. ef. 4-30-98 thru 5-15-98; DFW 34-1998, f. &

cert. ef. 5-4-98; DFW 35-1998(Temp), f. & cert. ef. 5-10-98 thru 5-15-98; DFW 37-1998(Temp), f. & cert. ef. 5-15-98 thru 7-31-98; DFW 100-1998, f. 12-23-98, cert. ef. 1-1-99; DFW 15-1999, f. & cert. ef. 3-9-99; DFW 16-1999(Temp), f. & cert. ef. 3-10-99 thru 3-19-99; DFW 19-1999(Temp), f. & cert. ef. 3-19-99 thru 4-15-99; DFW 27-1999(Temp), f. & cert. ef. 4-23-99 thru 10-20-99; DFW 30-1999(Temp), f. & cert. ef. 4-27-99 thru 5-12-99; DFW 35-1999(Temp), f. & cert. ef. 5-13-99 thru 7-31-99; DFW 39-1999(Temp), f. 5-26-99, cert. ef. 5-27-99 thru 7-31-99; DFW 78-1999, f. & cert. ef. 10-4-99; DFW 88-1999(Temp), f. 11-5-99, cert. ef. 11-6-99 thru 11-30-99; administrative correction 11-17-99; DFW 96-1999, f. 12-27-99, cert. ef. 1-1-00; DFW 13-2000, f. & cert. ef. 3-20-00; DFW 22-2000, f. 4-14-00, cert. ef. 4-16-00 thru 7-31-00; DFW 23-2000(Temp), f. 4-19-00, cert. ef. 4-22-00 thru 7-31-00; DFW 58-2000(Temp), f. & cert. ef. 9-1-00 thru 12-31-00; DFW 83-2000(Temp), f. 12-28-00, cert. ef. 1-1-01 thru 1-31-01; DFW 1-2001, f. 1-25-01, cert. ef. 2-1-01; DFW 6-2001, f. & cert. ef. 3-1-01; DFW 23-2001(Temp), f. & cert. ef. 4-23-01 thru 10-19-01; DFW 28-2001, f. & cert. ef. 5-1-01; DFW 40-2001(Temp), f. & cert. ef. 5-24-01 thru 11-20-01; DFW 46-2001(Temp), f. 6-8-01, cert. ef. 6-16-01 thru 12-13-01; DFW 70-2001, f. & cert. ef. 8-10-01; DFW 72-2001(Temp), f. 8-10-01, cert. ef. 8-16-01 thru 12-31-01; DFW 90-2001(Temp), f. 9-14-01, cert. ef. 9-15-01 thru 12-31-01; DFW 95-2001(Temp), f. 9-27-01, cert. ef. 10-20-01 thru 12-31-01; DFW 123-2001, f. 12-31-01, cert. ef. 1-1-02; DFW 5-2002(Temp), f. 1-11-02, cert. ef. 1-12-02 thru 7-11-02; DFW 26-2002, f. & cert. ef. 3-21-02; DFW 37-2002, f. & cert. ef. 4-23-02; DFW 42-2002, f. & cert. ef. 5-3-02; DFW 44-2002(Temp), f. 5-7-02, cert. ef. 5-8-02 thru 11-3-02; DFW 70-2002(Temp), f. 7-10-02 cert. ef. 7-12-02 thru 12-31-02; DFW 91-2002(Temp), f. 8-19-02, cert. ef. 8-20-02 thru 11-1-02 (Suspended by DFW 101-2002(Temp), f. & cert. ef. 10-3-02 thru 11-1-02); DFW 130-2002, f. 11-21-02, cert. ef. 1-1-03; DFW 16-2003(Temp), f. 2-27-03, cert. ef. 3-1-03 thru 7-1-03; DFW 42-2003, f. & cert. ef. 5-16-03; DFW 53-2003(Temp), f. 6-17-03, cert. ef. 6-18-03 thru 12-14-03; DFW 57-2003(Temp), f. & cert. ef. 7-8-03 thru 12-31-03; DFW 59-2003(Temp), f. & cert. ef. 7-13-03 thru 12-31-03; DFW 70-2003(Temp), f. & cert. ef. 7-23-03 thru 12-31-03; DFW 71-2003(Temp), f. 7-24-03, cert. ef. 7-25-03 thru 12-31-03; DFW 90-2003(Temp), f. 9-12-03 cert. ef. 9-13-03 thru 12-31-03; DFW 125-2003, f. 12-11-03, cert. ef. 1-1-04; DFW 33-2004, f. 4-22-04, cert. ef. 5-1-04; DFW 48-2004(Temp), f. 5-26-04, cert. ef. 5-28-04 thru 11-23-04; DFW 69-2004(Temp), f. & cert. ef. 7-12-04 thru 11-23-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 24-2005, f. 4-15-05, cert. ef. 5-1-05; DFW 78-2005(Temp), f. 7-19-05, cert. ef. 7-21-05 thru 7-22-05; Administrative correction 8-17-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 36-2006(Temp), f. & cert. ef. 6-1-06 thru 9-30-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07; DFW 121-2006(Temp), f. & cert. ef. 10-20-06 thru 12-31-06; DFW 32-2007, f. 5-14-07, cert. ef. 6-1-07; DFW 65-2007(Temp), f. & cert. ef. 8-6-07 thru 10-31-07; DFW 105-2007(Temp), f. 10-4-07, cert. ef. 10-6-07 thru 11-30-07; Administrative correction 12-20-07; DFW 134-2007, f. 12-26-07, cert. ef. 1-1-08; DFW 136-2007, f. 12-31-07, cert. ef. 1-1-08; DFW 1-2008(Temp), f. & cert. ef. 1-9-08 thru 7-6-08; DFW 5-2008(Temp), f. 1-25-08, cert. ef. 2-1-08 thru 7-6-08; DFW 15-2008(Temp), f. 2-26-08, cert. ef. 3-1-08 thru 7-29-08; DFW 46-2008(Temp), f. 5-9-08, cert. ef. 5-12-08 thru 7-29-08; DFW 55-2008(Temp), f. 5-30-08, cert. ef. 6-2-08 thru 10-31-08; DFW 82-2008(Temp), f. 7-21-08, cert. ef. 7-29-08 thru 12-31-08; DFW 110-2008(Temp), f. 9-15-08, cert. ef. 9-17-08 thru 12-31-08; DFW 124-2008(Temp), f. 10-1-08, cert. ef. 10-2-08 thru 12-31-08; DFW 156-2008, f. 12-31-08, cert. ef. 1-1-09; DFW 9-2009(Temp), f. 2-13-09, cert. ef. 3-1-09 thru 8-15-09; DFW 15-2009, f. & cert. ef. 2-25-09; DFW 74-2009(Temp), f. 6-25-09, cert. ef. 6-30-09 thru 7-2-09; Administrative correction 7-21-09; DFW 103-2009(Temp), f. 8-27-09, cert. ef. 9-1-09 thru 12-31-09; DFW 118-2009(Temp), f. & cert. ef. 9-28-09 thru 12-31-09; DFW 123-2009(Temp), f. & cert. ef. 10-5-09 thru 12-31-09; DFW 144-2009, f. 12-8-09, cert. ef. 1-1-10; DFW 61-2010, f. & cert. ef. 5-14-10; DFW 62-2010(Temp), f. 5-14-10, cert. ef. 5-22-10 thru 11-17-10; DFW 84-2010(Temp), f. 6-17-10, cert. ef. 6-18-10 thru 10-31-10; DFW 94-2010(Temp), f. & cert. ef. 7-1-10 thru 10-31-10; DFW 96-2010(Temp), f. 7-7-10, cert. ef. 7-8-10 thru 10-31-10; DFW 123-2010(Temp), f. 8-26-10, cert. ef. 9-1-10 thru 12-31-10; DFW 134-2010(Temp), f. 9-22-10, cert. ef. 9-23-10 thru 12-31-10; DFW 171-2010, f. 12-10-10, cert. ef. 1-1-11; DFW 158-2011(Temp), f. 12-14-11, cert. ef. 1-1-12 thru 4-30-12; DFW 163-2011, f. 12-27-11, cert. ef. 1-1-12; DFW 21-2012, f. & cert. ef. 3-12-12; DFW 89-2012(Temp), f. 7-17-12, cert. ef. 7-26-12 thru 8-31-12; DFW 99-2012(Temp), f. 7-31-12, cert. ef. 8-1-12 thru 12-31-12; DFW 152-2012, f. 12-27-12, cert. ef. 1-1-13; DFW 67-2013(Temp), f. 7-3-13, cert. ef. 7-11-13 thru 7-31-13; Administrative correction, 8-21-13; DFW 137-2013, f. 12-19-13, cert. ef. 1-1-14; DFW 62-2014(Temp), f. & cert. ef. 6-10-14 thru 10-31-14; DFW 70-2014(Temp), f. & cert. ef. 6-13-14 thru 6-30-14; DFW 73-2014(Temp), f. 6-20-14, cert. ef. 6-23-14 thru 10-31-14; DFW 141-2014(Temp), f. 9-25-14, cert. ef. 9-26-14 thru 12-31-14

Rule Caption: Columbia River Treaty Indian Commercial Gill Net Salmon Season Extended.

Adm. Order No.: DFW 142-2014(Temp)

Filed with Sec. of State: 10-2-2014

Certified to be Effective: 10-3-14 thru 10-31-14

Notice Publication Date:

Rules Amended: 635-041-0075

Rules Suspended: 635-041-0075(T)

Subject: This amended rule allows commercial sales of fish caught during the Treaty Indian commercial fisheries in Zone 6 of the Columbia River and its Washington tributaries. Sales from an additional fishing period of 4.5 days were authorized for the ongoing Treaty Indian fall commercial gill net fishery. The additional period is scheduled to begin at 6:00 a.m. Monday, October 6, and run through 6:00 p.m. Friday October 10, 2014. In addition, regulations authorizing sales of fish caught in the Yakama Nation tributary fisheries were modified to allow sales to occur after fishing periods are closed. Modifications are consistent with action taken October 1, 2014 by the states of Oregon and Washington in cooperation with the Columbia River Treaty Tribes.

Rules Coordinator: Therese Kucera—(503) 947-6033

ADMINISTRATIVE RULES

635-041-0075

Fall Salmon Season

(1) Salmon, steelhead, shad, walleye, catfish, bass, yellow perch, and carp may be taken for commercial purposes from Zone 6, in the Columbia River Treaty Indian platform and hook-and-line fisheries, from: 12:01 a.m. Friday, August 1 through 11:59 p.m. Friday, October 31, 2014.

(a) Gear used in the fishery described above is restricted to subsistence fishing gear which includes hoopnets, dipnets, and rod and reel with hook-and-line.

(b) Closed areas as set forth in OAR 635-041-0045 remain in effect with the exception of Spring Creek Hatchery sanctuary.

(2) Salmon, steelhead, shad, walleye, catfish, bass, yellow perch, and carp may be taken for commercial purposes from Zone 6, in the Columbia River Treaty Indian gill net fisheries, during the following periods:

6:00 a.m. Monday, September 29 through 6:00 p.m. Friday, October 3, 2014 (4.5 days); and

6:00 a.m. Monday, October 6 through 6:00 p.m. Friday, October 10, 2014 (4.5 days)

(a) Salmon, steelhead, shad, yellow perch, bass, walleye, catfish and carp landed during any open gill net fishing period may be sold at any time or retained for subsistence purposes. Sturgeon may not be sold. However, white sturgeon between 43 and 54 inches in fork length taken from The Dalles and John Day pools and white sturgeon between 38 and 54 inches in fork length taken from the Bonneville Pool may be kept for subsistence purposes. Fish caught during any open period may be sold at any time.

(b) Gear is restricted to gill nets with an 8-inch minimum mesh size.

(c) Closed areas in Zone 6, including a modified Spring Creek sanctuary which has been reduced in size to a 150-foot radius around the hatchery ladder, are in effect as set forth in OAR 635-041-0045.

(3) For the period beginning 12:01 a.m. Friday, August 1 through 11:59 p.m. Friday, October 31, 2014:

(a) Commercial sales of salmon, steelhead, walleye, shad, catfish, carp, bass and yellow perch caught in Yakama Nation tributary fisheries in the Klickitat River; Wind River; and Drano Lake are allowed at any time when caught by Yakama Nation members during those days and hours when these tributaries are open under lawfully enacted Yakama Nation fishing periods.

(b) Gear is restricted to subsistence fishing gear which includes hoopnets, dipnets, and rod and reel with hook-and-line, except that fish may also be taken by gill net in Drano Lake.

Stat. Auth.: ORS 496.118 & 506.119

Stats. Implemented: ORS 506.109, 506.129 & 507.030

Hist.: FWC 25-1979, f. & ef. 8-2-79; FWC 36-1979(Temp), f. & ef. 8-22-79; FWC 47-1979(Temp), f. & ef. 9-21-79; FWC 44-1980(Temp), f. & ef. 8-22-80; FWC 46-1980(Temp), f. & ef. 9-13-80; FWC 33-1981(Temp), f. & ef. 9-15-81; FWC 58-1982(Temp), f. & ef. 8-27-82; FWC 62-1982(Temp), f. & ef. 9-7-82; FWC 63-1982(Temp), f. & ef. 9-14-82; FWC 75-1982(Temp), f. & ef. 10-29-82; FWC 36-1983, f. & ef. 8-18-83; FWC 49-1983(Temp), f. & ef. 9-26-83; FWC 51-1983(Temp), f. & ef. 9-30-83; FWC 55-1983(Temp), f. & ef. 10-4-83; FWC 46-1984, f. & ef. 8-30-84; FWC 55-1984(Temp), f. & ef. 9-10-84; FWC 58-1984(Temp), f. & ef. 9-17-84; FWC 61-1984(Temp), f. & ef. 9-21-84; FWC 70-1984(Temp), f. & ef. 10-9-84; FWC 47-1985, f. & ef. 8-23-85; FWC 60-1985(Temp), f. & ef. 9-13-85; FWC 63-1985(Temp), f. & ef. 9-24-85; FWC 42-1986, f. & ef. 8-15-86; FWC 53-1986(Temp), f. & ef. 9-4-86; FWC 54-1986(Temp), f. & ef. 9-5-86; FWC 57-1986(Temp), f. & ef. 9-11-86; FWC 60-1986(Temp), f. & ef. 9-26-86; FWC 62-1986(Temp), f. & ef. 10-2-86; FWC 63-1987, f. & ef. 8-7-87; FWC 74-1987(Temp), f. & ef. 9-4-87; FWC 75-1987(Temp), f. & ef. 9-1-87; FWC 78-1987(Temp), f. & ef. 9-15-87; FWC 80-1987(Temp), f. & ef. 9-18-87; FWC 87-1987(Temp), f. & ef. 10-9-87; FWC 89-1987(Temp), f. & ef. 10-12-87; FWC 67-1988, f. & cert. ef. 8-15-88; FWC 72-1988(Temp), f. & cert. ef. 8-19-88; FWC 77-1988(Temp), f. & cert. ef. 9-2-88; FWC 91-1988(Temp), f. & cert. ef. 9-16-88; FWC 95-1988(Temp), f. & cert. ef. 9-27-88; FWC 98-1988; FWC 54-1989(Temp), f. & cert. ef. 8-7-89; FWC 75-1989(Temp), f. & cert. ef. 9-1-89; FWC 95-1989(Temp), f. & cert. ef. 9-19-89; FWC 96-1989(Temp), f. & cert. ef. 9-21-89; FWC 99-1989(Temp), f. & cert. ef. 9-27-89; FWC 100-1989(Temp), f. & cert. ef. 9-28-89; FWC 80-1990(Temp), f. & cert. ef. 8-8-90; FWC 90-1990, f. & cert. ef. 8-31-90; FWC 96-1990(Temp), f. & cert. ef. 9-7-90; FWC 98-1990(Temp), f. & cert. ef. 9-14-90; FWC 99-1990; FWC 85-1991, f. & cert. ef. 8-7-91; FWC 82-1991; FWC 96-1991, f. & cert. ef. 9-9-91; FWC 101-1991(Temp), f. & cert. ef. 9-10-91; FWC 103-1991(Temp), f. & cert. ef. 9-17-91; FWC 61-1991; FWC 110-1991(Temp), f. & cert. ef. 9-27-91; FWC 73-1992(Temp), f. & cert. ef. 8-10-92; FWC 86-1992(Temp), f. & cert. ef. 9-2-92; FWC 87-1992(Temp), f. & cert. ef. 9-7-92; FWC 91-1992(Temp), f. & cert. ef. 9-16-92; cert. ef. 9-17-92; FWC 96-1992(Temp), f. & cert. ef. 9-22-92; cert. ef. 9-23-92; FWC 105-1992(Temp), f. & cert. ef. 10-5-92; FWC 107-1992(Temp), f. & cert. ef. 10-9-92; FWC 47-1993, f. & cert. ef. 8-9-93; FWC 52-1993, f. & cert. ef. 8-30-93; FWC 57-1993(Temp), f. & cert. ef. 9-13-93; FWC 59-1993(Temp), f. & cert. ef. 9-17-93; cert. ef. 9-20-93; FWC 61-1993(Temp), f. & cert. ef. 9-24-93; FWC 55-1994(Temp), f. & cert. ef. 8-26-94; cert. ef. 8-29-94; FWC 61-1994(Temp), f. & cert. ef. 9-8-94; FWC 74-1994(Temp), f. & cert. ef. 10-12-94; FWC 68-1995(Temp), f. & cert. ef. 8-25-95; cert. ef. 8-29-95; FWC 72-1995(Temp), f. & cert. ef. 9-1-95; FWC 75-1995(Temp), f. & cert. ef. 9-12-95; cert. ef. 9-13-95; FWC 46-1996, f. & cert. ef. 8-23-96; FWC 48-1996(Temp), f. & cert. ef. 8-29-96; cert. ef. 9-2-96; FWC 51-1996(Temp), f. & cert. ef. 9-9-96; FWC 53-1996(Temp), f. & cert. ef. 9-26-96; FWC 54-1996(Temp), f. & cert. ef. 9-23-96; FWC 48-1997, f. & cert. ef. 8-25-97; FWC 52-1997(Temp), f. & cert. ef. 8-29-97; cert. ef. 9-2-97; FWC 57(Temp), f. & cert. ef. 9-9-97; FWC 60-1997(Temp), f. & cert. ef. 9-16-97; cert. ef. 9-17-97; FWC 68-1998(Temp), f. & cert. ef. 8-25-98 thru 9-25-98; DFW 76-1998(Temp), f. & cert. ef. 9-8-98 thru 9-25-98; DFW 77-1998(Temp), f. & cert. ef. 9-15-98 thru 9-25-98; DFW 79-1998(Temp), f. & cert. ef. 9-21-98; cert. ef. 9-22-98 thru 9-25-98; DFW 80-1998(Temp), f. & cert. ef. 9-24-98 thru 9-25-98; DFW 59-1999(Temp), f. & cert. ef. 8-23-99 thru 9-11-99; DFW 62-1999(Temp), f. & cert. ef. 9-2-99; cert. ef. 9-3-99 thru 9-11-99; DFW 65-1999(Temp), f. & cert. ef. 9-14-99; cert. ef. 9-15-99 thru 9-17-99; DFW 69-1999(Temp), f. & cert. ef. 9-17-99 thru 9-18-99; DFW 72-1999(Temp), f. & cert. ef. 9-22-99 thru 10-22-99; DFW 74-1999(Temp), f.

9-28-99, cert. ef. 9-29-99 thru 10-22-99; Administrative correction 11-17-99; DFW 50-2000(Temp), f. & cert. ef. 8-18-00, cert. ef. 8-21-00 thru 9-9-00; DFW 60-2000(Temp), f. & cert. ef. 9-11-00, cert. ef. 9-12-00 thru 12-31-00; DFW 61-2000(Temp), f. & cert. ef. 9-19-00 thru 12-31-00; Administrative correction 6-19-01; DFW 75-2001(Temp), f. & cert. ef. 8-20-01 thru 9-8-01; DFW 87-2001(Temp), f. & cert. ef. 9-11-01 thru 9-15-01; DFW 91-2001(Temp), f. & cert. ef. 9-19-01 thru 12-31-01; DFW 94-2001(Temp), f. & cert. ef. 9-26-01, cert. ef. 9-27-01 thru 12-31-01; DFW 100-2001(Temp), f. & cert. ef. 10-16-01, cert. ef. 10-17-01 thru 12-31-01; DFW 89-2002(Temp), f. & cert. ef. 8-16-02, cert. ef. 8-18-02 thru 12-31-02; DFW 98-2002(Temp), f. & cert. ef. 8-30-02 thru 12-31-02; DFW 102-2002(Temp), f. & cert. ef. 9-13-02 thru 12-31-02; DFW 104-2002(Temp), f. & cert. ef. 9-19-02 thru 12-31-02; DFW 113-2002(Temp), f. & cert. ef. 10-14-02, cert. ef. 10-15-02 thru 12-31-02; DFW 77-2003(Temp), f. & cert. ef. 8-13-03 thru 12-31-03; DFW 81-2003(Temp), f. & cert. ef. 8-25-03, cert. ef. 8-26-03 thru 12-31-03; DFW 91-2003(Temp), f. & cert. ef. 9-12-03, cert. ef. 9-16-03 thru 12-31-03; DFW 97-2003(Temp), f. & cert. ef. 9-22-03, cert. ef. 9-24-03 thru 12-31-03; DFW 101-2003(Temp), f. & cert. ef. 10-1-03 thru 12-31-03; DFW 103-2003(Temp), f. & cert. ef. 10-3-03, cert. ef. 10-8-03 thru 12-31-03; DFW 104-2003(Temp), f. & cert. ef. 10-10-03, cert. ef. 10-11-03 thru 12-31-03; DFW 88-2004(Temp), f. & cert. ef. 8-23-04 thru 12-31-04; DFW 95-2004(Temp), f. & cert. ef. 9-17-04, cert. ef. 9-19-04 thru 12-31-04; DFW 99-2004(Temp), f. & cert. ef. 9-24-04 thru 12-31-04; DFW 104-2004(Temp), f. & cert. ef. 10-12-04 cert. ef. 10-13-04 thru 12-31-04; DFW 110-2004(Temp), f. & cert. ef. 10-29-04 thru 12-31-04; Administrative correction, 2-18-05; DFW 96-2005(Temp), f. & cert. ef. 8-22-05 thru 12-31-05; DFW 104-2005(Temp), f. & cert. ef. 9-12-05 thru 12-31-05; DFW 109-2005(Temp), f. & cert. ef. 9-19-05 thru 12-31-05; DFW 113-2005(Temp), f. & cert. ef. 9-28-05 thru 12-31-05; DFW 120-2005(Temp), f. & cert. ef. 10-11-05 thru 12-31-05; Administrative correction 1-19-06; DFW 71-2006(Temp), f. & cert. ef. 7-31-06, cert. ef. 8-1-06 thru 12-31-06; DFW 86-2006(Temp), f. & cert. ef. 8-18-06, cert. ef. 8-21-06 thru 12-31-06; DFW 94-2006(Temp), f. & cert. ef. 9-11-06 thru 12-31-06; DFW 101-2006(Temp), f. & cert. ef. 9-15-06, cert. ef. 9-18-06 thru 12-31-06; DFW 107-2006(Temp), f. & cert. ef. 9-28-06, cert. ef. 10-3-06 thru 12-31-06; DFW 115-2006(Temp), f. & cert. ef. 10-13-06, cert. ef. 10-15-06 thru 12-31-06; Administrative correction 1-16-07; DFW 60-2007(Temp), f. & cert. ef. 7-30-07, cert. ef. 8-1-07 thru 12-31-07; DFW 77-2007(Temp), f. & cert. ef. 8-17-07, cert. ef. 8-22-07 thru 12-31-07; DFW 88-2007(Temp), f. & cert. ef. 9-10-07, cert. ef. 9-11-07 thru 12-31-07; DFW 95-2007(Temp), f. & cert. ef. 9-21-07, cert. ef. 9-25-07 thru 12-31-07; DFW 100-2007(Temp), f. & cert. ef. 9-28-07, cert. ef. 10-3-07 thru 12-31-07; DFW 110-2007(Temp), f. & cert. ef. 10-16-07, cert. ef. 10-20-07 thru 12-31-07; DFW 106-2008(Temp), f. & cert. ef. 9-4-08, cert. ef. 9-6-08 thru 10-31-08; DFW 109-2008(Temp), f. & cert. ef. 9-12-08, cert. ef. 9-15-08 thru 10-31-08; DFW 112-2008(Temp), f. & cert. ef. 9-17-08, cert. ef. 9-18-08 thru 10-31-08; DFW 117-2008(Temp), f. & cert. ef. 9-22-08 thru 10-31-08; DFW 122-2008(Temp), f. & cert. ef. 9-29-08 thru 10-31-08; DFW 125-2008(Temp), f. & cert. ef. 10-6-08, cert. ef. 10-7-08 thru 10-31-08; DFW 134-2008(Temp), f. & cert. ef. 10-17-08 thru 10-31-08; DFW 141-2008(Temp), f. & cert. ef. 11-10-08, cert. ef. 11-12-08 thru 11-30-08; DFW 88-2009(Temp), f. & cert. ef. 7-31-09, cert. ef. 8-1-09 thru 12-31-09; DFW 95-2009(Temp), f. & cert. ef. 8-19-09, cert. ef. 8-24-09 thru 12-31-09; DFW 111-2009(Temp), f. & cert. ef. 9-11-09, cert. ef. 9-13-09 thru 9-30-09; DFW 114-2009(Temp), f. & cert. ef. 9-18-09, cert. ef. 9-21-09 thru 10-31-09; DFW 119-2009(Temp), f. & cert. ef. 9-29-09 thru 10-31-09; DFW 129-2009(Temp), f. & cert. ef. 10-13-09, cert. ef. 10-14-09 thru 10-31-09; Administrative correction 11-19-09; DFW 111-2010(Temp), f. & cert. ef. 7-30-10, cert. ef. 8-1-10 thru 10-31-10; DFW 120-2010(Temp), f. & cert. ef. 8-18-10, cert. ef. 8-24-10 thru 10-31-10; DFW 128-2010(Temp), f. & cert. ef. 9-10-10 thru 10-31-10; DFW 136-2010(Temp), f. & cert. ef. 9-24-10, cert. ef. 9-27-10 thru 10-31-10; DFW 142-2010(Temp), f. & cert. ef. 10-8-10, cert. ef. 10-9-10 thru 10-31-10; DFW 149-2010(Temp), f. & cert. ef. 10-18-10, cert. ef. 10-19-10 thru 10-31-10; Administrative correction 11-23-10; DFW 103-2011(Temp), f. & cert. ef. 7-29-11, cert. ef. 8-1-11 thru 10-31-11; DFW 119-2011(Temp), f. & cert. ef. 8-26-11, cert. ef. 8-29-11 thru 10-31-11; DFW 124-2011(Temp), f. & cert. ef. 9-8-11, cert. ef. 9-12-11 thru 10-31-11; DFW 130-2011(Temp), f. & cert. ef. 9-15-11, cert. ef. 9-19-11 thru 10-31-11; DFW 133-2011(Temp), f. & cert. ef. 9-21-11, cert. ef. 9-22-11 thru 10-31-11; DFW 138-2011(Temp), f. & cert. ef. 9-30-11, cert. ef. 10-3-11 thru 10-31-11; DFW 142-2011(Temp), f. & cert. ef. 10-6-11, cert. ef. 10-8-11 thru 10-31-11; Administrative correction, 11-18-11; DFW 94-2012(Temp), f. & cert. ef. 7-27-12 thru 10-31-12; DFW 107-2012(Temp), f. & cert. ef. 8-15-12, cert. ef. 8-21-12 thru 10-31-12; DFW 119-2012(Temp), f. & cert. ef. 9-10-12, cert. ef. 9-11-12 thru 10-31-12; DFW 120-2012(Temp), f. & cert. ef. 9-18-12 thru 10-31-12; DFW 124-2012(Temp), f. & cert. ef. 9-25-12, cert. ef. 9-26-12 thru 10-31-12; DFW 127-2012(Temp), f. & cert. ef. 10-2-12 thru 10-31-12; DFW 143-2012(Temp), f. & cert. ef. 11-7-12, cert. ef. 11-8-12 thru 1-29-13; Administrative correction, 2-25-13; DFW 88-2013(Temp), f. & cert. ef. 8-9-13, cert. ef. 8-12-13 thru 12-31-13; DFW 89-2013(Temp), f. & cert. ef. 8-14-13, cert. ef. 8-19-13 thru 12-31-13; DFW 98-2013(Temp), f. & cert. ef. 9-6-13, cert. ef. 10-13 thru 10-31-13; DFW 102-2013(Temp), f. & cert. ef. 9-13-13, cert. ef. 9-16-13 thru 10-31-13; DFW 106-2013(Temp), f. & cert. ef. 9-19-13, cert. ef. 9-24-13 thru 10-31-13; DFW 111-2013(Temp), f. & cert. ef. 9-27-13, cert. ef. 9-30-13 thru 10-31-13; DFW 116-2013(Temp), f. & cert. ef. 10-8-13, cert. ef. 10-9-13 thru 12-31-13; DFW 105-2014(Temp), f. & cert. ef. 8-1-14 thru 10-31-14; DFW 118-2014(Temp), f. & cert. ef. 8-7-14, cert. ef. 8-18-14 thru 10-31-14; DFW 134-2014(Temp), f. & cert. ef. 9-19-14, cert. ef. 9-23-14 thru 10-31-14; DFW 140-2014(Temp), f. & cert. ef. 9-24-14, cert. ef. 9-25-14 thru 10-31-14; DFW 142-2014(Temp), f. & cert. ef. 10-2-14, cert. ef. 10-3-14 thru 10-31-14

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Rule Caption: 2014 Buoy 10 Recreational Coho Salmon Bag Limit Increased.

Adm. Order No.: DFW 143-2014(Temp)

Filed with Sec. of State: 10-2-2014

Certified to be Effective: 10-3-14 thru 12-31-14

Notice Publication Date:

Rules Amended: 635-023-0130

Rules Suspended: 635-023-0130(T)

Subject: This amended rule increases the number of coho salmon allowed in the daily bag limit for the Buoy 10 fishery from two to three adult fish beginning Friday, October 3 through the end of the fishery. Modifications were consistent with joint state action taken by the Departments of Fish and Wildlife for the states of Oregon and Washington at a meeting of the Columbia River Compact on October 1, 2014.

Rules Coordinator: Therese Kucera—(503) 947-6033

ADMINISTRATIVE RULES

635-023-0130

Fall Sport Fishery

(1) The **2014 Oregon Sport Fishing Regulations** provide requirements for the Columbia River Zone and the Snake River Zone. However, additional regulations may be adopted in this rule division from time to time, and, to the extent of any inconsistency, they supersede the **2014 Oregon Sport Fishing Regulations**.

(2) Buoy 10.

Area definition: From the Buoy 10 line upstream to a line projected from Rocky Point on the Washington shore through red buoy #44 to red marker #2 at Tongue Point on the Oregon shore.

(a) From August 1 thru December 31: Retention of adipose fin-clipped adult coho (16-inches or longer) and adipose fin-clipped steelhead allowed.

(b) From October 3 thru December 31: Retention of Chinook is allowed (fin-clipped or not). The daily adult bag limit is three salmonids, no more than two may be adult Chinook (fin-clipped or not) or adipose fin-clipped steelhead, or one of each. The daily bag limit may include up to three adipose fin-clipped adult coho.

(c) Jacks may only be retained October 1–December 31 under permanent rules. The daily bag limit for jack salmon is five fish. Coho jacks must be adipose fin-clipped.

(d) All other permanent rules as provided in the **2014 Oregon Sport Fishing Regulations** apply.

(3) The Youngs Bay Control Zone, as described in 635-023-0140, is closed to recreational angling from August 1 through September 15.

(4) Lower Columbia River — Tongue Point/Rocky Point upstream to Warrior Rock/Bachelor Island. Area definition: From a line projected from Rocky Point on the Washington shore through red buoy #44 to the red marker #2 at Tongue Point on the Oregon shore upstream to a line projected from the Warrior Rock Lighthouse on the Oregon shore through red buoy #4 to a marker on the lower end of Bachelor Island.

(a) From August 1 thru December 31: Retention of adipose fin-clipped coho and adipose fin-clipped steelhead allowed.

(b) From October 1 thru December 31: Retention of Chinook is allowed (fin-clipped or not). The daily bag limit is two adult salmonids. The daily bag limit for jack salmon is five fish.

(c) Each legal angler aboard a vessel may continue to deploy angling gear until the daily adult salmonid bag limit for all anglers aboard has been achieved.

(d) All other permanent rules as provided in the **2014 Oregon Sport Fishing Regulations** apply.

(5) Lower Columbia — Warrior Rock/Bachelor Island upstream to Steamboat Landing Park/Marker #50. Area definition: From a line projected from the Warrior Rock Lighthouse on the Oregon shore through red buoy #4 to a marker on the lower end of Bachelor Island upstream to a line projected from the most downstream point on the Steamboat Landing Park dock on the Washington shore through navigation light #50 to the Oregon shore.

(a) From August 1 thru December 31: Retention of Chinook (fin-clipped or not), adipose fin-clipped coho, and adipose fin-clipped steelhead allowed. The daily bag limit is two adult salmonids. The daily bag limit for jack salmon is five fish.

(b) Each legal angler aboard a vessel may continue to deploy angling gear until the daily adult salmonid bag limit for all anglers aboard has been achieved.

(c) All other permanent rules as provided in the **2014 Oregon Sport Fishing Regulations** apply.

(6) Lower Columbia — Steamboat Landing Park/Marker #50 upstream to Bonneville Dam. Area definition: From a line projected from the most downstream point on the Steamboat Landing Park dock on the Washington shore through navigation light #50 to the Oregon shore upstream to Bonneville Dam. Fishing from the Steamboat Landing Park dock is considered within the fishing area.

(a) From August 1 thru December 31: Retention of Chinook (fin-clipped or not), adipose fin-clipped coho, and adipose fin-clipped steelhead allowed. The daily bag limit is three adult salmonids, of which no more than two may be adipose fin-clipped coho or adipose fin-clipped steelhead (in any combination). The daily bag limit for jack salmon is five fish.

(b) Each legal angler aboard a vessel may continue to deploy angling gear until the daily adult salmonid bag limit for all anglers aboard has been achieved.

(c) All other permanent rules as provided in the **2014 Oregon Sport Fishing Regulations** apply.

(7) Bonneville Dam upstream to the OR/WA border (upstream of McNary Dam).

(a) From August 1 thru December 31: Retention of Chinook (fin-clipped or not), coho, and adipose fin-clipped steelhead allowed. The daily bag limit is three adult salmonids, of which no more than two may be coho or adipose fin-clipped steelhead (in any combination). The daily bag limit for jack salmon is five fish.

(b) All coho retained downstream of the Hood River Bridge must be adipose fin-clipped.

(c) Each legal angler aboard a vessel may continue to deploy angling gear until the daily adult salmonid bag limit for all anglers aboard has been achieved.

(d) All other permanent rules as provided in the **2014 Oregon Sport Fishing Regulations** apply.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
Stats. Implemented: ORS 496.162

Hist.: DFW 32-2004, f. 4-22-04, cert. ef. 5-1-04; DFW 92-2004(Temp), f. 9-2-04 cert. ef. 9-6-04 thru 12-31-04; DFW 96-2004(Temp), f. 9-20-04, cert. ef. 9-30-04 thru 12-31-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 25-2005, f. & cert. ef. 4-15-05; DFW 84-2005(Temp), f. & cert. ef. 8-1-05 thru 12-31-05; DFW 108-2005(Temp), f. 9-15-05, cert. ef. 9-17-05 thru 12-31-05; DFW 112-2005(Temp), f. 9-28-05, cert. ef. 9-30-05 thru 12-31-05; DFW 123-2005(Temp), f. 10-18-05, cert. ef. 10-20-05 thru 12-31-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 26-2006(Temp), f. 4-20-06, cert. ef. 5-1-06 thru 10-27-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07; DFW 100-2006(Temp), f. & cert. ef. 9-14-06 thru 12-31-06; DFW 109-2006(Temp), f. 9-29-06, cert. ef. 9-30-06 thru 12-31-06; DFW 113-2006(Temp), f. 10-12-06, cert. ef. 10-13-06 thru 12-31-06; DFW 24-2007, f. 4-16-07, cert. ef. 5-1-07; DFW 92-2007(Temp), f. 9-18-07, cert. ef. 9-19-07 thru 12-31-07; DFW 96-2007(Temp), f. 9-21-07, cert. ef. 9-22-07 thru 12-31-07; DFW 101-2007(Temp), f. 9-28-07, cert. ef. 9-29-07 thru 12-31-07; DFW 136-2007, f. 12-31-07, cert. ef. 1-1-08; DFW 36-2008, f. 4-21-08, cert. ef. 5-1-08; DFW 99-2008(Temp), f. 8-22-08, cert. ef. 8-25-08 thru 12-31-08; DFW 104-2008(Temp), f. 8-29-08, cert. ef. 8-31-08 thru 12-31-08; DFW 115-2008(Temp), f. & cert. ef. 9-18-08 thru 12-31-08; DFW 118-2008(Temp), f. 9-24-08, cert. ef. 9-25-08 thru 12-31-08; DFW 156-2008, f. 12-31-08, cert. ef. 1-1-09; DFW 52-2009, f. & cert. ef. 5-18-09; DFW 133-2009(Temp), f. 10-20-09, cert. ef. 10-22-09 thru 12-31-09; DFW 144-2009, f. 12-8-09, cert. ef. 1-1-10; DFW 77-2010, f. 6-8-10, cert. ef. 6-16-10; DFW 131-2010(Temp), f. 9-21-10, cert. ef. 9-22-10 thru 10-31-10; DFW 145-2010(Temp), f. 10-13-10, cert. ef. 10-15-10 thru 12-31-10; DFW 171-2010, f. 12-30-10, cert. ef. 1-1-11; DFW 100-2011(Temp), f. 7-27-11, cert. ef. 8-1-11 thru 12-31-11; DFW 127-2011(Temp), f. 9-14-11, cert. ef. 9-16-11 thru 12-31-11; DFW 163-2011, f. 12-27-11, cert. ef. 1-1-12; DFW 100-2012(Temp), f. 7-31-12, cert. ef. 8-1-12 thru 12-31-12; DFW 149-2012, f. 12-27-12, cert. ef. 1-1-13; DFW 81-2013(Temp), f. 7-26-13, cert. ef. 8-1-13 thru 12-31-13; DFW 92-2013(Temp), f. 8-22-13, cert. ef. 8-23-13 thru 12-31-13; DFW 100-2013(Temp), f. 9-12-13, cert. ef. 9-13-13 thru 12-31-13; DFW 107-2013(Temp), f. 9-25-13, cert. ef. 9-26-13 thru 12-31-13; DFW 137-2013, f. 12-19-13, cert. ef. 1-1-14; DFW 96-2014(Temp), f. 7-18-14, cert. ef. 8-1-14 thru 12-31-14; DFW 100-2014(Temp), f. 7-22-14, cert. ef. 8-1-14 thru 12-31-14; DFW 128-2014(Temp), f. 9-3-14, cert. ef. 9-6-14 thru 9-30-14; DFW 143-2014(Temp), f. 10-2-14, cert. ef. 10-3-14 thru 12-31-14

Rule Caption: Mainstem Columbia River Late Fall Commercial Drift Gill Net Seasons Set.

Adm. Order No.: DFW 144-2014(Temp)

Filed with Sec. of State: 10-8-2014

Certified to be Effective: 10-9-14 thru 12-31-14

Notice Publication Date:

Rules Amended: 635-042-0060

Subject: This amended rule authorizes fishing periods for the 2014 late fall commercial salmon drift gill net fishery in the Columbia River mainstem. The first fishery authorizes daytime fishing periods in Zones 1 through 3, the first fishing period beginning at 6:00 a.m. Thursday, October 9, 2014. The second fishery authorizes night time fishing periods in Zones 4 and 5, the first authorized fishing period beginning at 7 p.m. Thursday, October 16, 2014. Modifications are consistent with joint state action taken October 8, 2014 by the Departments of Fish and Wildlife for the states of Oregon and Washington at a meeting of the Columbia River Compact.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-042-0060

Late Fall Salmon Season

(1) Late Fall Salmon Fishery Zones 1–3.

(a) Salmon may be taken for commercial purposes from the Columbia River in Zones 1 through 3, upper deadline defined as a straight line projected from the Warrior Rock Lighthouse on the Oregon shore easterly through the green navigation Buoy #1 and continuing to the Washington shore during the following fishing periods:

7:00 a.m. to 7:00 p.m. Thursday October 9, 2014 (12 hours);
7:00 a.m. to 7:00 p.m. Friday October 10, 2014 (12 hours);
7:00 a.m. to 7:00 p.m. Wednesday October 15, 2014 (12 hours);
7:00 a.m. to 7:00 p.m. Thursday October 16, 2014 (12 hours);
7:00 a.m. to 7:00 p.m. Friday October 17, 2014 (12 hours);
7:00 a.m. to 7:00 p.m. Wednesday October 22, 2014 (12 hours);
7:00 a.m. to 7:00 p.m. Thursday October 23, 2014 (12 hours);
7:00 a.m. to 7:00 p.m. Friday October 24, 2014 (12 hours);

ADMINISTRATIVE RULES

(b) For the fishing periods described in section (1)(a) above, gear is restricted to drift gill nets with a 6 inch maximum mesh size. Mesh size is determined as described in OAR 635-042-0010(3) except the mesh size for nets with a maximum mesh size of 3-3/4 inches or less is determined by placing three consecutive meshes under hand tension and the measurement is taken from the inside of one knot to the inside of the opposite knot of the center mesh. Hand tension means sufficient linear tension to draw opposing knots of meshes into contact. The multiple net rule is in effect for all authorized fishing periods. Nets not authorized for a specific fishery may be onboard the vessel if properly stored. A properly stored net is defined as a net on a drum that is fully covered by a tarp (canvas or plastic) and bound with a minimum of ten revolutions of rope with a diameter of 3/8 (0.375) inches or greater. Nets fished any time between official sunset and official sunrise must have lighted buoys on both ends of the net. If the net is attached to the boat, then one lighted buoy on the end of the net opposite the boat is required.

(c) For the fishing periods described in section (1)(a) above sturgeon and chum salmon may not be possessed or sold by participating vessels. Allowable sales are Chinook, coho, pink, and sockeye salmon and shad.

(d) For the fishing periods described in section (1)(a) above, Elokomin-A, Cowlitz River, Kalama-A, Lewis-A sanctuaries are in effect.

(2) Late Fall Salmon Fishery Zones 4-5.

(a) Salmon may be taken for commercial purposes from the Columbia River in Zones 4 through 5, lower deadline defined as a straight line projected from the Warrior Rock Lighthouse on the Oregon shore easterly through the green navigation Buoy #1 and continuing to the Washington shore during the following fishing periods:

7:00 p.m. Thursday October 16 to 7 a.m. Friday October 17, 2014 (12 hours);

7:00 p.m. Sunday October 19 to 7 a.m. Monday October 20, 2014 (12 hours);

7:00 p.m. Tuesday October 21 to 7 a.m. Wednesday October 22, 2014 (12 hours); and

7:00 p.m. Thursday October 23 to 7 a.m. Friday October 24, 2014 (12 hours)

(b) For the fishing periods described in section (2)(a) above, gear is restricted to drift gill nets with an 8-inch minimum mesh size. The multiple net rule is in effect for all authorized fishing periods. Nets not authorized for a specific fishery may be onboard the vessel if properly stored. A properly stored net is defined as a net on a drum that is fully covered by a tarp (canvas or plastic) and bound with a minimum of ten revolutions of rope with a diameter of 3/8 (0.375) inches or greater. Nets fished any time between official sunset and official sunrise must have lighted buoys on both ends of the net. If the net is attached to the boat, then one lighted buoy on the end of the net opposite the boat is required.

(c) For the fishing periods described in sections (2)(a) above white sturgeon and chum salmon may not be possessed or sold by participating vessels. Allowable sales are Chinook, coho, pink, and sockeye salmon and shad.

(d) For the fishing periods described in section (2)(a) above, Washougal and Sandy River sanctuaries are in effect.

Stat. Auth.: ORS 183.325, 506.109 & 506.119

Stats. Implemented: ORS 506.129 & 507.030

Hist.: FWC 40-1979, f. & ef. 9-10-79; FWC 45-1979(Temp), f. & ef. 9-21-79; FWC 52-1979(Temp), f. & ef. 11-2-79; FWC 48-1980(Temp), f. & ef. 9-19-80; FWC 51-1980(Temp), f. & ef. 9-22-80; FWC 55-1980(Temp), f. & ef. 9-26-80; FWC 56-1980(Temp), f. & ef. 9-29-80; FWC 58-1980(Temp), f. & ef. 10-17-80; FWC 37-1981(Temp), f. & ef. 9-24-81; FWC 38-1981(Temp), f. & ef. 9-29-81; FWC 69-1982(Temp), f. & ef. 9-30-82; FWC 72-1982(Temp), f. & ef. 10-20-82; FWC 56-1983(Temp), f. & ef. 10-5-83; FWC 54-1984(Temp), f. & ef. 9-10-84; FWC 59-1984(Temp), f. & ef. 9-18-84; FWC 66-1984(Temp), f. & ef. 9-26-84; FWC 68-1984(Temp), f. & ef. 10-2-84; FWC 58-1985(Temp), f. & ef. 9-13-85; FWC 62-1985(Temp), f. & ef. 9-24-85; FWC 66-1985(Temp), f. & ef. 10-11-85; FWC 54-1986(Temp), f. & ef. 9-5-86; FWC 64-1986(Temp), f. & ef. 10-3-86; FWC 67-1986(Temp), f. & ef. 10-17-86; FWC 74-1987(Temp), f. & ef. 9-4-87; FWC 75-1987(Temp), f. & ef. 9-11-87; FWC 80-1987(Temp), f. & ef. 9-18-87; FWC 87-1987(Temp), f. & ef. 10-9-87; FWC 91-1987(Temp), f. & ef. 10-16-87; FWC 85-1988(Temp), f. & ef. 9-9-88; FWC 93-1988(Temp), f. & ef. 9-16-88; FWC 99-1988(Temp), f. & ef. 10-7-88; FWC 100-1988(Temp), f. & ef. 10-21-88, cert. ef. 10-24-88; FWC 94-1989(Temp), f. & ef. 9-15-89, cert. ef. 9-17-89; FWC 97-1989(Temp), f. & ef. 9-21-89; FWC 109-1989(Temp), f. & ef. 10-6-89; FWC 113-1989(Temp), f. & ef. 11-9-89; FWC 100-1990(Temp), f. & ef. 9-18-90; FWC 101-1990(Temp), f. & ef. 9-19-90; FWC 102-1990(Temp), f. & ef. 9-20-90; FWC 114-1990, f. & ef. 10-8-90; FWC 105-1991, f. & ef. 9-20-91; FWC 118-1991, f. & ef. cert. ef. 10-4-91; FWC 122-1991(Temp), f. & ef. 10-18-91; FWC 129-1991(Temp), f. & ef. 11-1-91, cert. ef. 11-3-91; FWC 97-1992(Temp), f. & ef. 9-22-92; FWC 100-1992(Temp), f. & ef. 9-25-92, cert. ef. 9-27-92; FWC 107-1992(Temp), f. & ef. 10-9-92; FWC 109-1992(Temp), f. & ef. 10-19-92, cert. ef. 10-20-92; FWC 110-1992(Temp), f. & ef. 10-22-92; FWC 80-1995(Temp), f. & ef. 9-27-95, cert. ef. 10-9-95; FWC 46-1996, f. & ef. 8-23-96; FWC 58-1996(Temp), f. & ef. 9-27-96, cert. ef. 9-30-96; FWC 60-1996(Temp), f. & ef. 10-7-96; FWC 62(Temp), f. & ef. 10-18-96, cert. ef. 10-21-96; FWC 61-1997(Temp), f. & ef. 9-23-97, cert. ef. 9-24-97; FWC 62-1997(Temp), f. & ef. 10-6-97; FWC 64-1997(Temp), f. & ef. 10-14-97; FWC 65-1997(Temp), f. & ef. 10-20-97; FWC 68-1997(Temp), f. & ef. 11-3-97; FWC 79-1999(Temp), f. & ef. 10-8-99, cert. ef. 10-11-99 thru 12-31-99; DFW 83-1999(Temp), f. & ef. 10-26-99, cert. ef. 10-27-99 thru 12-31-99; DFW 87-1999(Temp), f. & ef. 11-4-99 thru 11-5-99; Administrative correction 11-17-99; DFW 62-2000(Temp), f. & ef. 9-15-00, cert. ef. 9-19-00 thru 12-31-00; DFW 68-2000(Temp), f. & ef. 10-6-00, cert. ef. 10-9-00 thru 12-31-00; DFW 71-2000(Temp), f. & ef. 10-20-00, cert. ef. 10-23-00 thru 12-31-00; DFW 74-2000(Temp), f. & ef. 10-27-00, cert. ef. 10-30-00 thru 12-31-00; Administrative correction 6-20-01; DFW 89-2001(Temp), 9-14-01 thru 12-31-01; DFW 92-2001(Temp), f. & ef. 9-19-01 thru 12-31-01; DFW 93-2001(Temp), f. & ef. 9-21-01, cert. ef.

9-24-01 thru 12-31-01; DFW 98-2001(Temp), f. & ef. 10-8-01, cert. ef. 12-31-01; DFW 106-2001(Temp), f. & ef. 10-26-01 thru 12-31-01; DFW 104-2002(Temp), f. & ef. 9-19-02 thru 12-31-02; DFW 106-2002(Temp), f. & ef. 9-24-02 thru 12-31-02; DFW 109-2002(Temp), f. & ef. 9-27-02 thru 12-31-02; DFW 112-2002(Temp), f. & ef. 10-10-02, cert. ef. 10-14-02 thru 12-31-02; DFW 122-2002(Temp), f. & ef. 10-24-02, cert. ef. 10-28-02 thru 12-31-02; DFW 92-2003(Temp), f. & ef. 9-12-03, cert. ef. 9-15-03 thru 12-31-03; DFW 95-2003(Temp), f. & ef. 9-17-03 thru 12-31-03; DFW 98-2003(Temp), f. & ef. 9-22-03, cert. ef. 9-23-03 thru 12-31-03; DFW 105-2003(Temp), f. & ef. 10-10-03, cert. ef. 10-12-03 thru 12-31-03; DFW 107-2003(Temp), f. & ef. 10-21-03, cert. ef. 10-26-03 thru 12-31-03; DFW 95-2004(Temp), f. & ef. 9-17-04, cert. ef. 9-19-04 thru 12-31-04; DFW 98-2004(Temp), f. & ef. 9-22-04 thru 12-31-04; DFW 99-2004(Temp), f. & ef. 9-24-04 thru 12-31-04; DFW 101-2004(Temp), f. & ef. 9-29-04 thru 12-31-04; DFW 102-2004(Temp), f. & ef. 10-1-04, cert. ef. 10-4-04 thru 12-31-04; DFW 109-2004(Temp), f. & ef. 10-19-04 thru 12-31-04; Administrative correction, 2-18-05; DFW 109-2005(Temp), f. & ef. 9-19-05 thru 12-31-05; DFW 110-2005(Temp), f. & ef. 9-26-05 thru 12-31-05; DFW 113-2005(Temp), f. & ef. 9-28-05 thru 12-31-05; DFW 116-2005(Temp), f. & ef. 10-4-05, cert. ef. 10-5-05 thru 12-31-05; DFW 120-2005(Temp), f. & ef. 10-11-05 thru 12-31-05; DFW 124-2005(Temp), f. & ef. 10-18-05 thru 12-31-05; DFW 126-2005(Temp), f. & ef. 10-21-05, cert. ef. 10-23-05 thru 12-31-05; Administrative correction 1-19-06; DFW 102-2006(Temp), f. & ef. 9-15-06, cert. ef. 9-19-06 thru 12-31-06; DFW 106-2006(Temp), f. & ef. 9-22-06, cert. ef. 9-25-06 thru 12-31-06; DFW 111-2006(Temp), f. & ef. 9-29-06, cert. ef. 10-2-06 thru 12-31-06; DFW 112-2006(Temp), f. & ef. 10-4-06, cert. ef. 10-8-06 thru 12-31-06; DFW 114-2006(Temp), f. & ef. 10-12-06 thru 12-31-06; DFW 120-2006(Temp), f. & ef. 10-18-06 thru 12-31-06; Administrative correction 1-16-07; DFW 91-2007(Temp), f. & ef. 9-18-07, cert. ef. 9-19-07 thru 12-31-07; DFW 94-2007(Temp), f. & ef. 9-21-07, cert. ef. 9-24-07 thru 12-31-07; DFW 97-2007(Temp), f. & ef. 9-25-07, cert. ef. 9-26-07 thru 12-31-07; DFW 98-2007(Temp), f. & ef. 9-26-07, cert. ef. 9-27-07 thru 12-31-07; DFW 99-2007(Temp), f. & ef. 9-28-07, cert. ef. 10-1-07 thru 12-31-07; DFW 104-2007(Temp), f. & ef. 10-3-07 thru 12-31-07; DFW 107-2007(Temp), f. & ef. 10-10-07 thru 12-31-07; DFW 109-2007(Temp), f. & ef. 10-16-07, cert. ef. 10-17-07 thru 12-31-07; DFW 111-2007(Temp), f. & ef. 10-22-07, cert. ef. 10-23-07 thru 12-31-07; DFW 112-2007(Temp), f. & ef. 10-24-07, cert. ef. 10-25-07 thru 12-31-07; DFW 113-2008(Temp), f. & ef. 9-17-08, cert. ef. 9-18-08 thru 12-31-08; DFW 119-2008(Temp), f. & ef. 9-24-08 thru 12-31-08; DFW 127-2008(Temp), f. & ef. 10-7-08, cert. ef. 10-8-08 thru 12-31-08; DFW 132-2008(Temp), f. & ef. 10-14-08, cert. ef. 10-15-08 thru 12-31-08; DFW 136-2008(Temp), f. & ef. 10-21-08 thru 12-31-08; DFW 117-2009(Temp), f. & ef. 9-23-09, cert. ef. 9-24-09 thru 10-31-09; DFW 120-2009(Temp), f. & ef. 9-30-09 thru 10-31-09; DFW 122-2009(Temp), f. & ef. 10-5-09 thru 10-31-09; DFW 124-2009(Temp), f. & ef. 10-7-09 thru 10-31-09; DFW 130-2009(Temp), f. & ef. 10-13-09 thru 10-31-09; DFW 134-2009(Temp), f. & ef. 10-20-09 thru 10-31-09; DFW 135-2009(Temp), f. & ef. 10-27-09 thru 10-31-09; Administrative correction 11-19-09; DFW 139-2010(Temp), f. & ef. 10-5-10 thru 11-30-10; DFW 146-2010(Temp), f. & ef. 10-13-10, cert. ef. 10-14-10 thru 11-30-10; DFW 150-2010(Temp), f. & ef. 10-18-10, cert. ef. 10-19-10 thru 11-30-10; Administrative correction 12-28-10; DFW 23-2011, f. & ef. 3-21-11; DFW 126-2012(Temp), f. & ef. 9-27-12 thru 10-31-12; DFW 128-2012(Temp), f. & ef. 10-3-12, cert. ef. 10-4-12 thru 10-31-12; DFW 133-2012(Temp), f. & ef. 10-15-12, cert. ef. 10-16-12 thru 10-31-12; Administrative correction 11-23-12; DFW 119-2013(Temp), f. & ef. 10-15-13, cert. ef. 10-16-13 thru 10-31-13; DFW 120-2013(Temp), f. & ef. 10-22-13, cert. ef. 10-23-13 thru 11-1-13; Administrative correction, 11-22-13; DFW 144-2014(Temp), f. & ef. 10-8-14, cert. ef. 10-9-14 thru 12-31-14

Rule Caption: Coho Tangle Net Season set for the Columbia River.

Adm. Order No.: DFW 145-2014(Temp)

Filed with Sec. of State: 10-8-2014

Certified to be Effective: 10-13-14 thru 10-31-14

Notice Publication Date:

Rules Amended: 635-042-0032

Rules Suspended: 635-042-0032(T)

Subject: This rule authorizes four 12-hour commercial coho tangle net fishing periods in Zones 1-3 of the Columbia River from 7:00 a.m. through 7:00 p.m. the following mornings on Monday October 13, Tuesday October 14, Monday October 20, and Tuesday October 21, 2014. Authorized sales include Chinook, Adipose fin-clipped Coho Salmon, Pink and Sockeye Salmon and shad. Modifications are consistent with joint state action taken October 8, 2014 by the Departments of Fish and Wildlife for the states of Oregon and Washington at a meeting of the Columbia River Compact.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-042-0032

Coho Target Fishery

(1) Chinook, adipose fin-clipped coho, pink and sockeye salmon and shad may be taken in the Columbia River by tangle net for commercial purposes in all of, or portions of Zones 1-3 from the mouth of the Columbia River upstream to a line projected from Warrior Rock Lighthouse on the Oregon shore easterly through the green navigation buoy #1 and continuing to the Washington shore. An adipose fin clip salmon is defined as a hatchery salmon with a clipped adipose fin and having a healed scar at the location of the fin. The adipose fin is the small fatty fin on salmonids located between the dorsal fin and tail.

(2) Authorized Fishing Periods are as follows:

7:00a.m. to 7:00p.m. Monday, October 13, 2014 (12 Hours);

7:00a.m. to 7:00p.m. Tuesday, October 14, 2014 (12 hours);

7:00a.m. to 7:00p.m. Monday, October 20, 2014 (12 hours); and

7:00a.m. to 7:00p.m. Tuesday October 21, 2014 (12 hours);

(3) During the fall coho tangle net fishery: It is unlawful to use other than a single-wall multi-filament floater net. Monofilament nets are not

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allowed. Maximum mesh size is 3-3/4 inches determined by placing three consecutive meshes under hand tension and the measurement is taken from the inside of one knot to the inside of the opposite knot of the center mesh. Hand tension means sufficient linear tension to draw opposing knots of meshes into contact.

(4) Nets shall not exceed 900 feet (150 fathoms) in length. A red cork must be placed on the corkline every 25 fathoms as measured from the first mesh of the net. Red corks at 25 fathom intervals must be in color contrast to the corks used in the remainder of the net.

(5) There are no restrictions on the hang ratio. The hang ratio is used to horizontally add slack to the net. The hang ratio is determined by the length of the web per length of the corkline.

(6) The use of slackers or stringers to slacken the net vertically is prohibited. Rip lines are allowed providing they do not vertically slacken the net.

(7) Nets that are fished at any time between official sunset and official sunrise must have lighted buoys on both ends of the net unless the net is attached to the boat. If the net is attached to the boat, then one lighted buoy on the opposite end of the net from the boat is required.

(8) Nets shall be fished for no longer than 30 minutes per set. The time of fishing is measured from when the first mesh of the net is deployed into the water until the last mesh of the net is fully retrieved from the water.

(9) All non-legal fish must be released unharmed immediately to the river or into an operating recovery box.

(a) One operating recovery box with two chambers or two operating recovery boxes with one chamber each must be on board each fishing vessel participating in the fishery. Recovery boxes shall be operating during any time that a net is being retrieved or picked.

(b) All non-legal salmon and all steelhead that are bleeding, in lethargic condition, or appearing lifeless (condition 2-5) must be placed in the recovery box prior to release to the river.

(c) Each chamber of the recovery box must meet the following dimensions as measured from within the box; the inside length measurement must be at or within 39-1/2 to 48 inches, the inside width measurement must be at or within 8 to 10 inches, and the inside height measurement must be at or within 14 to 16 inches.

(d) Each chamber of the recovery box must include an operating water pumping system capable of delivering a minimum flow of 16 gallons per minute not to exceed 20 gallons per minute of fresh river water into each chamber. The fisher must demonstrate to the Department and Washington Department of Fish and Wildlife employees, fish and wildlife enforcement officers, or other peace officers, upon request, that the pumping system is delivering the proper volume of fresh river water into each chamber.

(e) Each chamber of the recovery box must include a water inlet hole between 3/4 inch and 1 inch in diameter, centered horizontally across the door or wall of chamber and 1 3/4 inches from the floor of the chamber.

(f) Each chamber of the recovery box must include a water outlet that is at least 1-1/2 inches in diameter. The center of the outlet hole must be located a minimum of 12 inches above the floor of the box or chamber, on either the same or opposite end as the inlet.

(g) All fish placed in recovery boxes must be released to the river prior to landing or docking.

(10) At least one fisher on each boat engaged in the fishery must have completed training provided by the Oregon or Washington Department of Fish and Wildlife (Departments) to educate fishers on regulations and best methods for conducting live capture fisheries.

(11) Owners or operators of commercial fishing vessels must cooperate with State fishery observers, or observers collecting data for the Departments, when asked by the Departments to carry and accommodate an observer on fishing trips for observation and sampling during an open fishery.

(12) Closed areas include the following sanctuaries: Elokomin-A, Cowlitz River, Kalama-A, and the Lewis-A.

Stat. Auth.: ORS 183.325, 506.109 & 506.119
Stats. Implemented: ORS 506.129 & 507.030

Hist.: FWC 96-1991, f. & cert. ef. 9-9-91; FWC 101-1991 (Temp), f. & cert. ef. 9-10-91; FWC 102-1991, f. & cert. ef. 9-17-91; Suspended by FWC 92-1992(Temp), f. & cert. ef. 9-16-92; FWC 46-1996, f. & cert. ef. 8-23-96; DFW 71-1999(Temp), f. & cert. ef. 9-20-99 thru 10-22-99; DFW 75-1999(Temp), f. 9-29-99, cert. ef. 9-30-99 thru 10-22-99; DFW 79-1999(Temp), f. 10-8-99, cert. ef. 10-11-99 thru 12-31-99; DFW 83-1999(Temp), f. 10-26-99, cert. ef. 10-27-99 thru 12-31-99; DFW 62-2000(Temp), f. 9-15-00, cert. ef. 9-19-00 thru 12-31-00; DFW 65-2000(Temp) f. 9-22-00, cert. ef. 9-25-00 thru 12-31-00; DFW 66-2000(Temp) f. 9-29-00, cert. ef. 10-2-00 thru 12-31-00; DFW 68-2000(Temp) f. 10-6-00, cert. ef. 10-9-00 thru 12-31-00; DFW 71-2000(Temp) f. 10-20-00, cert. ef. 10-23-00 thru 12-31-00; DFW 74-2000(Temp), f. 10-27-00, cert. ef. 10-30-00 thru 12-31-00; Administrative correction 6-20-01; DFW 89-2001(Temp), f. & cert. ef. 9-14-01 thru 12-31-01; DFW 92-2001(Temp), f. & cert. ef. 9-19-01 thru 12-31-01; DFW 93-2001(Temp), f. 9-21-01, cert. ef. 9-24-01 thru 12-31-01; DFW 102-2002(Temp), f. & cert. ef. 9-13-02 thru 12-31-02; DFW

104-2002(Temp), f. & cert. ef. 9-19-02 thru 12-31-02; DFW 106(Temp), f. & cert. ef. 9-24-02 thru 12-31-02; DFW 92-2003(Temp), f. 9-12-03 cert. ef. 9-15-03 thru 12-31-03; Administrative correction, 2-23-05; DFW 23-2011, f. & cert. ef. 3-21-11; DFW 114-2013(Temp), f. 9-27-13, cert. ef. 10-2-13 thru 10-15-13; Administrative correction, 11-22-13; DFW 139-2014(Temp), f. 9-24-14, cert. ef. 10-1-14 thru 10-31-14; DFW 145-2014(Temp), f. 10-8-14, cert. ef. 10-13-14 thru 10-31-14

Rule Caption: Columbia River Treaty Indian Commercial Gill Net Salmon Season Extended.

Adm. Order No.: DFW 146-2014(Temp)

Filed with Sec. of State: 10-8-2014

Certified to be Effective: 10-13-14 thru 10-31-14

Notice Publication Date:

Rules Amended: 635-041-0075

Rules Suspended: 635-041-0075(T)

Subject: This amended rule allows commercial sales of fish caught during the Treaty Indian commercial fall salmon gill net fishery in Zone 6 of the Columbia River. The fishing period authorized for the Treaty Indian fall commercial gill net fishery is scheduled to begin at 6:00 a.m. Monday, October 13 and run through 6:00 p.m. Thursday October 16, 2014 (3.5 days). Modifications are consistent with joint state action taken October 8, 2014 by the Departments of Fish and Wildlife for the states of Oregon and Washington at a meeting of the Columbia River Compact in cooperation with the Columbia River Treaty Tribes.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-041-0075

Fall Salmon Season

(1) Salmon, steelhead, shad, walleye, catfish, bass, yellow perch, and carp may be taken for commercial purposes from Zone 6, in the Columbia River Treaty Indian platform and hook-and-line fisheries, from: 12:01 a.m. Friday, August 1 through 11:59 p.m. Friday, October 31, 2014.

(a) Gear used in the fishery described above is restricted to subsistence fishing gear which includes hoopnets, dipnets, and rod and reel with hook-and-line.

(b) Closed areas as set forth in OAR 635-041-0045 remain in effect with the exception of Spring Creek Hatchery sanctuary.

(2) Salmon, steelhead, shad, walleye, catfish, bass, yellow perch, and carp may be taken for commercial purposes from Zone 6, in the Columbia River Treaty Indian gill net fisheries, during the following periods:

6:00 a.m. Monday, October 13 through 6:00 p.m. Thursday, October 16, 2014 (3.5 days).

(a) Salmon, steelhead, shad, yellow perch, bass, walleye, catfish and carp landed during any open gill net fishing period may be sold at any time or retained for subsistence purposes. Sturgeon may not be sold. However, white sturgeon between 43 and 54 inches in fork length taken from The Dalles and John Day pools and white sturgeon between 38 and 54 inches in fork length taken from the Bonneville Pool may be kept for subsistence purposes. Fish caught during any open period may be sold at any time.

(b) Gear is restricted to gill nets with an 8-inch minimum mesh size.

(c) Closed areas in Zone 6, including a modified Spring Creek sanctuary which has been reduced in size to a 150-foot radius around the hatchery ladder, are in effect as set forth in OAR 635-041-0045.

(3) For the period beginning 12:01 a.m. Friday, August 1 through 11:59 p.m. Friday, October 31, 2014, commercial sales of salmon, steelhead, walleye, shad, catfish, carp, bass and yellow perch caught in Yakama Nation tributary fisheries in the Klickitat River; Wind River; and Drano Lake are allowed for Yakama Nation members during those days and hours when these tributaries are open under lawfully enacted Yakama Nation fishing periods. Gear is restricted to subsistence fishing gear which includes hoopnets, dipnets, and rod and reel with hook-and-line, except that fish may also be taken by gill net in Drano Lake.

Stat. Auth.: ORS 496.118 & 506.119

Stats. Implemented: ORS 506.109, 506.129 & 507.030

Hist.: FWC 25-1979, f. & ef. 8-2-79; FWC 36-1979(Temp), f. & ef. 8-22-79; FWC 47-1979(Temp), f. & ef. 9-21-79; FWC 44-1980(Temp), f. & ef. 8-22-80; FWC 46-1980(Temp), f. & ef. 9-13-80; FWC 33-1981(Temp), f. & ef. 9-15-81; FWC 58-1982(Temp), f. & ef. 8-27-82; FWC 62-1982(Temp), f. & ef. 9-7-82; FWC 63-1982(Temp), f. & ef. 9-14-82; FWC 75-1982 (Temp), f. & ef. 10-29-82; FWC 36-1983, f. & ef. 8-18-83; FWC 49-1983(Temp), f. & ef. 9-26-83; FWC 51-1983(Temp), f. & ef. 9-30-83; FWC 55-1983(Temp), f. & ef. 10-4-83; FWC 46-1984, f. & ef. 8-30-84; FWC 55-1984(Temp), f. & ef. 9-10-84; FWC 58-1984(Temp), f. & ef. 9-17-84; FWC 61-1984(Temp), f. & ef. 9-21-84; FWC 70-1984(Temp), f. & ef. 10-9-84; FWC 47-1985, f. & ef. 8-23-85; FWC 60-1985(Temp), f. & ef. 9-13-85; FWC 63-1985(Temp), f. & ef. 9-24-85; FWC 42-1986, f. & ef. 8-15-86; FWC 53-1986(Temp), f. & ef. 9-4-86; FWC 54-1986(Temp), f. & ef. 9-5-86; FWC 57-1986(Temp), f. & ef. 9-11-86; FWC 60-1986(Temp), f. & ef. 9-26-86; FWC 62-1986(Temp), f. & ef. 10-2-86; FWC 63-1987, f. & ef. 8-7-87; FWC 74-1987(Temp), f. & ef. 9-4-87; FWC 75-1987 (Temp), f. & ef. 9-1-87; FWC 78-1987(Temp), f. & ef. 9-15-87; FWC 80-1987(Temp), f. &

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ef. 9-18-87; FWC 87-1987(Temp), f. & ef. 10-9-87; FWC 89-1987(Temp), f. & ef. 10-12-87; FWC 67-1988, f. & cert. ef. 8-15-88; FWC 72-1988(Temp), f. & cert. ef. 8-19-88; FWC 77-1988(Temp), f. & cert. ef. 9-2-88; FWC 91-1988(Temp), f. & cert. ef. 9-16-88; FWC 95-1988 (Temp), f. 9-27-88, cert. ef. 9-28-88; FWC 54-1989(Temp), f. & cert. ef. 8-7-89; FWC 87-1989(Temp), f. & cert. ef. 9-1-89; FWC 95-1989(Temp), f. & cert. ef. 9-19-89; FWC 96-1989 (Temp), f. & cert. ef. 9-21-89; FWC 99-1989(Temp), f. & cert. ef. 9-27-89; FWC 100-1989(Temp), f. & cert. ef. 9-28-89; FWC 80-1990(Temp), f. 8-7-90, cert. ef. 8-8-90; FWC 90-1990, f. & cert. ef. 8-31-90; FWC 96-1990(Temp), f. 9-7-90, cert. ef. 9-10-90; FWC 98-1990(Temp), f. 9-14-90, cert. ef. 9-17-90; FWC 85-1991, f. 8-7-91, cert. ef. 8-12-91; FWC 96-1991, f. & cert. ef. 9-9-91; FWC 101-1991(Temp), f. & cert. ef. 9-10-91; FWC 103-1991(Temp), f. 9-17-91, cert. ef. 9-18-91; FWC 110-1991(Temp), f. & cert. ef. 9-27-91; FWC 73-1992(Temp), f. & cert. ef. 8-10-92; FWC 86-1992(Temp), f. 9-1-92, cert. ef. 9-2-92; FWC 87-1992(Temp), f. 9-4-92, cert. ef. 9-7-92; FWC 91-1992(Temp), f. 9-16-92, cert. ef. 9-17-92; FWC 96-1992(Temp), f. 9-22-92, cert. ef. 9-23-92; FWC 105-1992(Temp), f. 10-2-92, cert. ef. 10-5-92; FWC 107-1992 (Temp), f. & cert. ef. 10-9-92; FWC 47-1993, f. 8-6-93, cert. ef. 8-9-93; FWC 52-1993, f. & cert. ef. 8-30-93; FWC 57-1993(Temp), f. & cert. ef. 9-13-93; FWC 59-1993(Temp), f. 9-17-93, cert. ef. 9-20-93; FWC 61-1993(Temp), f. & cert. ef. 9-24-93; FWC 55-1994(Temp), f. 8-26-94, cert. ef. 8-29-94; FWC 61-1994(Temp), f. 9-7-94, cert. ef. 9-8-94; FWC 74-1994(Temp), f. & cert. ef. 10-12-94; FWC 68-1995(Temp), f. 8-25-95, cert. ef. 8-29-95; FWC 72-1995(Temp), f. & cert. ef. 9-1-95; FWC 75-1995(Temp), f. 9-12-95, cert. ef. 9-13-95; FWC 46-1996, f. & cert. ef. 8-23-96; FWC 48-1996(Temp), f. 8-29-96, cert. ef. 9-2-96; FWC 51-1996(Temp), f. 9-6-96, cert. ef. 9-9-96; FWC 53-1996(Temp), f. & cert. ef. 9-26-96; FWC 54-1996(Temp), f. & cert. ef. 9-23-96; FWC 48-1997, f. & cert. ef. 8-25-97; FWC 52-1997(Temp), f. 8-29-97, cert. ef. 9-2-97; FWC 57(Temp), f. & cert. ef. 9-9-97; FWC 60-1997(Temp), f. 9-16-97, cert. ef. 9-17-97; FWC 68-1998(Temp), f. & cert. ef. 8-25-98 thru 9-25-98; DFW 76-1998(Temp), f. & cert. ef. 9-8-98 thru 9-25-98; DFW 77-1998(Temp), f. 9-14-98, cert. ef. 9-15-98 thru 9-25-98; DFW 79-1998(Temp), f. 9-21-98, cert. ef. 9-22-98 thru 9-25-98; DFW 80-1998(Temp), f. 9-23-98, cert. ef. 9-24-98 thru 9-25-98; DFW 59-1999(Temp), f. & cert. ef. 8-23-99 thru 9-11-99; DFW 62-1999(Temp), f. 9-2-99, cert. ef. 9-3-99 thru 9-11-99; DFW 65-1999(Temp), f. 9-14-99, cert. ef. 9-15-99 thru 9-17-99; DFW 69-1999(Temp), f. & cert. ef. 9-17-99 thru 9-18-99; DFW 72-1999(Temp), f. 9-21-99, cert. ef. 9-22-99 thru 10-22-99; DFW 74-1999(Temp), f. 9-28-99, cert. ef. 9-29-99 thru 10-22-99; Administrative correction 11-17-99; DFW 50-2000(Temp), f. 8-18-00, cert. ef. 8-21-00 thru 9-9-00; DFW 60-2000(Temp), f. 9-11-00, cert. ef. 9-12-00 thru 12-31-00; DFW 61-2000(Temp), f. 9-15-00, cert. ef. 9-19-00 thru 12-31-00; Administrative correction 6-19-01; DFW 75-2001(Temp), f. & cert. ef. 8-20-01 thru 9-8-01; DFW 87-2001(Temp), f. 9-10-01, cert. ef. 9-11-01 thru 9-15-01; DFW 91-2001(Temp), f. & cert. ef. 9-19-01 thru 12-31-01; DFW 94-2001(Temp), f. 9-26-01, cert. ef. 9-27-01 thru 12-31-01; DFW 100-2001(Temp), f. 10-16-01, cert. ef. 10-17-01 thru 12-31-01; DFW 89-2002(Temp), f. 8-16-02, cert. ef. 8-18-02 thru 12-31-02; DFW 98-2002(Temp), f. & cert. ef. 8-30-02 thru 12-31-02; DFW 102-2002(Temp), f. & cert. ef. 9-13-02 thru 12-31-02; DFW 104-2002(Temp), f. & cert. ef. 9-19-02 thru 12-31-02; DFW 113-2002(Temp), f. 10-14-02, cert. ef. 10-15-02 thru 12-31-02; DFW 77-2003(Temp), f. & cert. ef. 8-13-03 thru 12-31-03; DFW 81-2003(Temp), f. 8-25-03, cert. ef. 8-26-03 thru 12-31-03; DFW 91-2003(Temp), f. 9-12-03, cert. ef. 9-16-03 thru 12-31-03; DFW 97-2003(Temp), f. 9-22-03, cert. ef. 9-24-03 thru 12-31-03; DFW 101-2003(Temp), f. 9-26-03, cert. ef. 10-1-03 thru 12-31-03; DFW 103-2003(Temp), f. 10-3-03, cert. ef. 10-8-03 thru 12-31-03; DFW 104-2003(Temp), f. 10-10-03, cert. ef. 10-11-03 thru 12-31-03; DFW 88-2004(Temp), f. & cert. ef. 8-23-04 thru 12-31-04; DFW 95-2004(Temp), f. 9-17-04, cert. ef. 9-19-04 thru 12-31-04; DFW 99-2004(Temp), f. & cert. ef. 9-24-04 thru 12-31-04; DFW 104-2004(Temp), f. 10-12-04, cert. ef. 10-13-04 thru 12-31-04; DFW 110-2004(Temp), f. & cert. ef. 10-29-04 thru 12-31-04; Administrative correction, 2-18-05; DFW 96-2005(Temp), f. & cert. ef. 8-22-05 thru 12-31-05; DFW 104-2005(Temp), f. & cert. ef. 9-12-05 thru 12-31-05; DFW 109-2005(Temp), f. & cert. ef. 9-19-05 thru 12-31-05; DFW 113-2005(Temp), f. & cert. ef. 9-28-05 thru 12-31-05; DFW 120-2005(Temp), f. & cert. ef. 10-11-05 thru 12-31-05; Administrative correction 1-19-06; DFW 71-2006(Temp), f. 7-31-06, cert. ef. 8-1-06 thru 12-31-06; DFW 86-2006(Temp), f. 8-18-06, cert. ef. 8-21-06 thru 12-31-06; DFW 94-2006(Temp), f. 9-8-06, cert. ef. 9-11-06 thru 12-31-06; DFW 101-2006(Temp), f. 9-15-06, cert. ef. 9-18-06 thru 12-31-06; DFW 107-2006(Temp), f. 9-28-06, cert. ef. 10-3-06 thru 12-31-06; DFW 115-2006(Temp), f. 10-13-06, cert. ef. 10-15-06 thru 12-31-06; Administrative correction 1-16-07; DFW 60-2007(Temp), f. 7-30-07, cert. ef. 8-1-07 thru 12-31-07; DFW 77-2007(Temp), f. 8-17-07, cert. ef. 8-22-07 thru 12-31-07; DFW 88-2007(Temp), f. 9-10-07, cert. ef. 9-11-07 thru 12-31-07; DFW 95-2007(Temp), f. 9-21-07, cert. ef. 9-25-07 thru 12-31-07; DFW 100-2007(Temp), f. 9-28-07, cert. ef. 10-3-07 thru 12-31-07; DFW 110-2007(Temp), f. 10-16-07, cert. ef. 10-20-07 thru 12-31-07; DFW 106-2008(Temp), f. 9-4-08, cert. ef. 9-6-08 thru 10-31-08; DFW 109-2008(Temp), f. 9-12-08, cert. ef. 9-15-08 thru 10-31-08; DFW 112-2008(Temp), f. 9-17-08, cert. ef. 9-18-08 thru 10-31-08; DFW 117-2008(Temp), f. & cert. ef. 9-22-08 thru 10-31-08; DFW 122-2008(Temp), f. & cert. ef. 9-29-08 thru 10-31-08; DFW 125-2008(Temp), f. 10-6-08, cert. ef. 10-7-08 thru 10-31-08; DFW 134-2008(Temp), f. & cert. ef. 10-17-08 thru 10-31-08; DFW 141-2008(Temp), f. 11-10-08, cert. ef. 11-12-08 thru 11-30-08; DFW 88-2009(Temp), f. 7-31-09, cert. ef. 8-1-09 thru 12-31-09; DFW 95-2009(Temp), f. 8-19-09, cert. ef. 8-24-09 thru 12-31-09; DFW 111-2009(Temp), f. 9-11-09, cert. ef. 9-13-09 thru 9-30-09; DFW 114-2009(Temp), f. 9-18-09, cert. ef. 9-21-09 thru 10-31-09; DFW 119-2009(Temp), f. & cert. ef. 9-29-09 thru 10-31-09; DFW 129-2009(Temp), f. 10-13-09, cert. ef. 10-14-09 thru 10-31-09; Administrative correction 11-19-09; DFW 111-2010(Temp), f. 7-30-10, cert. ef. 8-1-10 thru 10-31-10; DFW 120-2010(Temp), f. 8-18-10, cert. ef. 8-24-10 thru 10-31-10; DFW 128-2010(Temp), f. & cert. ef. 9-10-10 thru 10-31-10; DFW 136-2010(Temp), f. 9-24-10, cert. ef. 9-27-10 thru 10-31-10; DFW 142-2010(Temp), f. 10-8-10, cert. ef. 10-9-10 thru 10-31-10; DFW 149-2010(Temp), f. 10-18-10, cert. ef. 10-19-10 thru 10-31-10; Administrative correction 11-23-10; DFW 103-2011(Temp), f. 7-29-11, cert. ef. 8-1-11 thru 10-31-11; DFW 119-2011(Temp), f. 8-26-11, cert. ef. 8-29-11 thru 10-31-11; DFW 124-2011(Temp), f. 9-8-11, cert. ef. 9-12-11 thru 10-31-11; DFW 130-2011(Temp), f. 9-15-11, cert. ef. 9-19-11 thru 10-31-11; DFW 133-2011(Temp), f. 9-21-11, cert. ef. 9-22-11 thru 10-31-11; DFW 138-2011(Temp), f. 9-30-11, cert. ef. 10-3-11 thru 10-31-11; DFW 142-2011(Temp), f. 10-6-11, cert. ef. 10-8-11 thru 10-31-11; Administrative correction, 11-18-11; DFW 94-2012(Temp), f. & cert. ef. 7-27-12 thru 10-31-12; DFW 107-2012(Temp), f. 8-15-12, cert. ef. 8-21-12 thru 10-31-12; DFW 119-2012(Temp), f. 9-10-12, cert. ef. 9-11-12 thru 10-31-12; DFW 120-2012(Temp), f. & cert. ef. 9-18-12 thru 10-31-12; DFW 124-2012(Temp), f. 9-25-12, cert. ef. 9-26-12 thru 10-31-12; DFW 127-2012(Temp), f. & cert. ef. 10-2-12 thru 10-31-12; DFW 143-2012(Temp), f. 11-7-12, cert. ef. 11-8-12 thru 1-29-13; Administrative correction, 2-25-13; DFW 88-2013(Temp), f. 8-9-13, cert. ef. 8-12-13 thru 12-31-13; DFW 89-2013(Temp), f. 8-14-13, cert. ef. 8-19-13 thru 12-31-13; DFW 98-2013(Temp), f. 9-6-13, cert. ef. 9-10-13 thru 10-31-13; DFW 102-2013(Temp), f. 9-13-13, cert. ef. 9-16-13 thru 10-31-13; DFW 106-2013(Temp), f. 9-19-13, cert. ef. 9-24-13 thru 10-31-13; DFW 111-2013(Temp), f. 9-27-13, cert. ef. 9-30-13 thru 10-31-13; DFW 116-2013(Temp), f. 10-8-13, cert. ef. 10-9-13 thru 12-31-13; DFW 105-2014(Temp), f. 7-30-14, cert. ef. 8-1-14 thru 10-31-14; DFW 118-2014(Temp), f. 8-7-14, cert. ef. 8-18-14 thru 10-31-

14; DFW 134-2014(Temp), f. 9-19-14, cert. ef. 9-23-14 thru 10-31-14; DFW 140-2014(Temp), f. 9-24-14, cert. ef. 9-25-14 thru 10-31-14; DFW 142-2014(Temp), f. 10-2-14, cert. ef. 10-3-14 thru 10-31-14; DFW 146-2014(Temp), f. 10-8-14, cert. ef. 10-13-14 thru 10-31-14

Rule Caption: 2014 Commercial Nearshore Greenling Cumulative Trip Limits Increased for Periods 5 and 6.

Adm. Order No.: DFW 147-2014(Temp)

Filed with Sec. of State: 10-13-2014

Certified to be Effective: 10-13-14 thru 12-31-14

Notice Publication Date:

Rules Amended: 635-004-0355

Rules Suspended: 635-004-0355(T)

Subject: This amended rule increases the 2014 commercial nearshore fishery cumulative trip limits for greenling from 300 to 350 pounds in periods 5 and 6. Harvest in this fishery is behind schedule. Allowable harvest levels are not expected to be attained at current harvest rates. By increasing cumulative trip limits for greenling in the fishery, commercial fishers will have greater opportunity for success in achieving the available harvest.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-004-0355

Trip Limits

(1) The trip limits outlined in this rule are set at the beginning of each calendar year based on commercial harvest caps and projected fishing effort, and are subject to in-season adjustments and closures. Fishers should refer to Nearshore Commercial Fishery Industry Notices on the Marine Resources Program Commercial Fishing Rules and Regulations webpage for the most up-to-date information regarding trip limits and other regulations affecting the Nearshore Commercial Fishery.

(2) For black and blue rockfish combined, vessels with a Black Rockfish/Blue Rockfish/Nearshore Fishery Permit, with or without a Nearshore Endorsement, may land no more than the following cumulative trip limits:

- 1000 pounds in period 1;
- 1200 pounds in period 2;
- 1700 pounds in period 3;
- 2,100 pounds in period 4;
- 2,100 pounds in period 5; and
- 1,800 pounds in period 6.

(3) For all other nearshore species, vessels with a Black Rockfish / Blue Rockfish / Nearshore Fishery Permit with Nearshore Endorsement may land no more than the following cumulative trip limits in each period:

- 700 pounds of other nearshore rockfish combined;
- 1,500 pounds of cabezon; and
- 350 pounds of greenling species.

Stat. Auth.: ORS 506.036, 506.109, 506.119 & 506.129

Stats. Implemented: ORS 506.109 & 506.129

Hist.: DFW 75-2012, f. 6-28-12, cert. ef. 7-1-12; DFW 79-2012(Temp), f. 6-28-12, cert. ef. 7-1-12 thru 12-27-12; DFW 118-2012(Temp), f. 9-10-12, cert. ef. 9-11-12 thru 12-31-12; DFW 141-2012(Temp), f. 10-31-12, cert. ef. 11-1-12 thru 12-31-12; DFW 151-2012, f. 12-27-12, cert. ef. 1-1-13; DFW 99-2013(Temp), f. & cert. ef. 9-9-13 thru 12-31-13; Administrative correction, 2-5-14; DFW 101-2014(Temp), f. 7-23-14, cert. ef. 8-1-14 thru 12-31-14; DFW 147-2014(Temp), f. & cert. ef. 10-13-14 thru 12-31-14

Rule Caption: Northwest Angling Zone Sport Angling Regulations Modified.

Adm. Order No.: DFW 148-2014(Temp)

Filed with Sec. of State: 10-13-2014

Certified to be Effective: 10-15-14 thru 12-31-14

Notice Publication Date:

Rules Amended: 635-014-0090

Rules Suspended: 635-014-0090(T)

Subject: This amended rule modifies previously filed temporary rule language which implied permission to angle from the Big Creek railroad trestle bridge (private property, Clatsop County) since this agency lacks sufficient authority to grant the fishing public access to private properties. Further modifications amend the July 16-November 30 closure period for Trask River Hatchery Hole, originally put in place to protect hatchery spring Chinook, fall Chinook and coho broodstock, to allow fishing beginning October 16, 2014. District managers determined that all spring Chinook broodstock will have been collected and spawned before October 15 and moderate

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to large surpluses of fall Chinook and coho in excess of broodstock needs are expected.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-014-0090

Inclusions and Modifications

(1) The **2014 Oregon Sport Fishing Regulations** provide requirements for the Northwest Zone. However, additional regulations may be adopted in this rule division from time to time and to the extent of any inconsistency, they supersede the **2014 Oregon Sport Fishing Regulations** pamphlet.

(2) Notwithstanding all other requirements provided in the **2014 Oregon Sport Fishing Regulations** pamphlet, the following additional rules apply to adult salmon angling in waters of the Northwest Zone:

(a) All waters of the Necanicum River Basin, Nehalem River Basin (including North Fork), Tillamook Bay Basin, (including the Miami, Kilchis, Wilson, Trask, and Tillamook rivers), the Nestucca River Basin (including the Little Nestucca) and Salmon River, that are open for Chinook salmon are limited to no more than 2 adult non fin-clipped Chinook salmon per day, and 10 adult non fin-clipped Chinook salmon in the seasonal aggregate when combined with all other waters in the Northwest Zone with a 10 adult non fin-clipped Chinook salmon seasonal aggregate limit. Seasonal aggregate applies to all adult non fin-clipped Chinook salmon retained between August 1 and December 31 except in the Nehalem Basin where the seasonal aggregate applies to all adult non fin-clipped Chinook salmon retained between July 1 and December 31.

(b) Three Rivers (Nestucca Basin, Tillamook/Yamhill Co.) mainstem:

(A) Open for adipose fin-clipped steelhead all year. Open for adipose fin-clipped spring Chinook salmon April 1–July 15;

(B) Closed from mouth upstream to hatchery weir deadline July 16–Sept. 30;

(C) From May 1–July 15, use of leaders longer than 36 inches is prohibited. Hooks are limited to no more than one single point, size 3/8-inch gap width (approximately size #2) or smaller hook; and

(D) All other requirements provided on page 34 and 35 of the **2014 Oregon Sport Fishing Regulations** pamphlet apply.

(c) The Trask River will be closed from Gold Creek, at the hatchery, 200 feet upstream and 900 feet downstream July 16 through October 15, 2014.

(d) Within the Nehalem River Basin (including the North Fork) the following additional rules apply:

(A) Mainstem closed to all salmon angling upstream of Foss Road (CC) Bridge (RM 15.5) July 1 through December 31.

(B) Nehalem Bay tidewater from the jetty tips upstream to Miami-Foley Bridge on South Fork and North Fork Road Bridge on the North Fork is open for non adipose fin-clipped coho salmon from September 15 through November 30.

(C) The daily catch limit may include 1 adult non adipose fin-clipped coho salmon per day and 1 non adipose fin-clipped jack coho salmon per day, and no more than 1 total adult non adipose fin-clipped coho salmon in the seasonal aggregate from all waters in the Northwest Zone with a 1 adult non adipose fin-clipped coho salmon seasonal aggregate limit (Nestucca River and Tillamook Bay Basin).

(e) Within the Tillamook Bay Basin the following additional rules apply:

(A) Tillamook Bay tidewater from the jetty tips upstream to Highway 101 Bridge on Miami, Kilchis, Wilson, and Trask rivers and Burton Bridge on Tillamook River is open on Fridays and Saturdays only for non adipose fin-clipped coho salmon from September 19 through November 29.

(B) The daily catch limit may include 1 adult non adipose fin-clipped coho salmon per day and 1 non adipose fin-clipped jack coho salmon per day, and no more than 1 total adult non adipose fin-clipped coho salmon in the seasonal aggregate from all waters in the Northwest Zone with a 1 adult non adipose fin-clipped coho salmon seasonal aggregate limit (Nestucca River and Nehalem River Basin).

(f) Within the Nestucca River Basin (including the Little Nestucca River and Three Rivers) the following rules apply:

(A) Mainstem Nestucca River upstream of First Bridge (RM 15.8) near Beaver closed to all salmon angling August 1 through December 31.

(B) Nestucca Bay tidewater (excluding Little Nestucca tidewater) from the bay mouth upstream to the Cloverdale Bridge (RM 7.1) is open on Sundays and Mondays only for non adipose fin-clipped coho salmon from September 15 through November 30.

(C) The daily catch limit may include 1 adult non adipose fin-clipped coho salmon per day and 1 non adipose fin-clipped jack coho salmon per

day, and no more than 1 total adult non adipose fin-clipped coho salmon in the seasonal aggregate from all waters in the Northwest Zone with a 1 adult non adipose fin-clipped coho salmon seasonal aggregate limit (Nehalem River and Tillamook Bay Basin).

(g) Within the Siletz River Basin the following additional rules apply:

(A) Mainstem and tributaries above an ODFW marker sign approximately 1,200 feet upstream of Ojalla Bridge (RM 31) closed to Chinook August 1–October 6; mainstem and tributaries above Illahee Boat Ramp closed October 7–December 31; Drift Creek (Siletz River Basin) upstream of the confluence with Quarry Creek at RM 8 is closed for Chinook salmon from August 1 through December 31;

(B) Siletz River and Bay upstream to an ODFW marker sign approximately 1,200 feet upstream of Ojalla Bridge (RM 31) is open for non adipose fin-clipped coho salmon from September 15 through October 6; Siletz River and Bay upstream to Illahee Boat Ramp is open for non adipose fin-clipped coho salmon from October 7–November 30; and

(C) The daily catch limit may include 1 adult non adipose fin-clipped coho salmon per day and 1 non adipose fin-clipped jack coho salmon per day, and no more than 2 total adult non adipose fin-clipped coho salmon in the seasonal aggregate from all waters in the Northwest Zone and Southwest Zone with a 2 adult non adipose fin-clipped coho salmon seasonal aggregate limit (Yaquina River, Alsea River, Siuslaw River, Umpqua River, Beaver Creek (Ona Beach), Floras Creek/New River, Coos River, and Coquille River).

(h) Within the Yaquina River Basin the following additional rules apply:

(A) All waters of the Yaquina River upstream of the confluence of the Yaquina River and Big Elk Creek at RM 18.3 and all waters of Big Elk Creek (Yaquina River Basin) are closed for Chinook salmon from August 1 through December 31;

(B) The Yaquina River and Bay upstream to the confluence of the Yaquina River and Big Elk Creek are open for non adipose fin-clipped coho salmon from September 15 through November 30; and

(C) The daily catch limit may include 1 adult non adipose fin-clipped coho salmon per day and 1 non adipose fin-clipped jack coho salmon per day, and no more than 2 total adult non adipose fin-clipped coho salmon in the seasonal aggregate from all waters in the Northwest Zone and Southwest Zone with a 2 adult non adipose fin-clipped coho salmon seasonal aggregate limit (Siletz River, Alsea River, Siuslaw River, Umpqua River, Beaver Creek (Ona Beach), Floras Creek/New River, Coos River, and Coquille River).

(i) Within the Alsea River Basin the following additional rules apply:

(A) All waters of Drift Creek (Alsea River Basin) within the Drift Creek Wilderness Area (River Mile 11) and upstream are closed for Chinook salmon from August 1 through December 31;

(B) All waters of Five Rivers are closed for Chinook salmon from August 1 through December 31.

(C) The Alsea River and Bay upstream to the USFS River Edge Boat Landing are open for non adipose fin-clipped coho salmon from September 15 through November 30; and

(D) The daily catch limit may include 1 adult non adipose fin-clipped coho salmon per day and 1 non adipose fin-clipped jack coho salmon per day, and no more than 2 total adult non adipose fin-clipped coho salmon in the seasonal aggregate from all waters in the Northwest Zone and Southwest Zone with a 2 adult non adipose fin-clipped coho salmon seasonal aggregate limit (Siletz River, Yaquina River, Siuslaw River, Umpqua River, Beaver Creek (Ona Beach), Floras Creek/New River, Coos River, and Coquille River).

(j) Within the Siuslaw River Basin the following additional rules apply:

(A) All waters of the Siuslaw River upstream of the confluence with Lake Creek at RM 30.0 are closed for Chinook salmon from August 1 through December 31;

(B) All waters of Lake Creek are closed for Chinook salmon August 1 through October 15 and all waters of Lake Creek upstream from the mouth of Indian Creek (RM 2.5) and downstream of Fish Creek (RM 17) are closed for angling for Chinook salmon the entire year and closed to all angling from September 1 through November 30;

(C) The Siuslaw River and Bay upstream to the confluence of the Siuslaw River with Lake Creek is open for non adipose fin-clipped coho salmon from September 15 through November 30; and

(D) Lake Creek upstream to the mouth of Indian Creek (RM 2.5) is open to non adipose fin-clipped coho salmon from October 16 through November 30;

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(E) The daily catch limit may include 1 adult non adipose fin-clipped coho salmon per day and 1 non adipose fin-clipped jack coho salmon per day, and no more than 2 total adult non adipose fin-clipped coho salmon in the seasonal aggregate from all waters in the Northwest Zone and Southwest Zone with a 2 adult non adipose fin-clipped coho salmon seasonal aggregate limit (Yaquina River, Alsea River, Siletz River, Umpqua River, Beaver Creek (Ona Beach), Floras Creek/New River, Coos River, and Coquille River).

(k) Beaver Creek (at Ona Beach between Newport and Waldport) from footbridge west of Highway 101 upstream to the power line crossing near the the confluence of South Fork Beaver Creek (Ona Beach) open for non adipose fin-clipped coho salmon from November 1-30 or until attainment of an adult coho quota of 150 fish. The daily catch limit may include 1 adult non adipose fin-clipped coho salmon per day and 1 non adipose fin-clipped jack coho salmon per day, and no more than 2 non adipose fin-clipped salmon in the seasonal aggregate from all waters in the Northwest Zone and Southwest Zone with a 2 adult non adipose fin-clipped coho season aggregate limit (Siletz River, Yaquina River, Alsea River, Siuslaw River, Umpqua River, Floras Creek/New River, Coos River, and Coquille River).

(3) Big Creek (Clatsop Co.) in the area downstream from the hatchery weir deadline:

(a) Open for retention of adipose fin-clipped steelhead and fall Chinook salmon from September 17 through December 31, 2014; catch limits, in the aggregate, 2 adult salmon or steelhead per day, 20 per year, 5 jack salmon per day, 2 daily jack limits in possession.

(b) Anti-snagging regulations in place September 17 through October 31, 2014 downstream from hatchery weir deadline. See page 11 of the **2014 Oregon Sport Fishing Regulations** for anti-snagging gear restrictions.

(c) Use of bait is allowed. All other regulations as shown in the **2014 Oregon Sport Fishing Regulations** apply.

(4) Beginning January 1, 2013, the use of barbless hooks is required when angling for salmon, steelhead, or trout in the following areas:

(a) Within the Youngs Bay Select Area (Clatsop County) from the Highway 101 Bridge upstream to markers at the confluence of the Youngs and Klaskanine rivers including the lower Lewis and Clark River upstream to the Alternate Highway 101 Bridge, and the lower Walluski River upstream to the Highway 202 Bridge.

(b) In Gnat Creek (Clatsop County) from the railroad bridge upstream to the Aldrich Point Road Bridge.

(5) Beginning January 1, 2014, all waters within the Northwest Zone are closed to the retention of white sturgeon and catch-and-release angling is allowed year-round.

Stat. Auth.: ORS 496.138, 496.146, 497.121 & 506.119

Stats. Implemented: ORS 496.004, 496.009, 496.162 & 506.129

Hist.: FWC 82-1993, f. 12-22-93, cert. ef. 1-1-94; FWC 21-1994(Temp), f. 4-22-94, cert. ef. 4-25-94; FWC 31-1994, f. 5-26-94, cert. ef. 6-20-94; FWC 65-1994(Temp), f. 9-15-94, cert. ef. 9-17-94; FWC 22-1995, f. 3-7-95, cert. ef. 3-10-95; FWC 28-1995(Temp), f. 3-31-95, cert. ef. 5-1-95; FWC 34-1995, f. & cert. ef. 5-1-95; FWC 39-1995, f. 5-10-95, cert. ef. 5-12-95; FWC 77-1995, f. 9-13-95, cert. ef. 1-1-96; FWC 19-1996, f. & cert. ef. 5-16-96; FWC 20-1996, f. & cert. ef. 4-29-96; FWC 29-1996, f. & cert. ef. 5-31-96; FWC 46-1996, f. & cert. ef. 8-23-96; FWC 55-1996(Temp), f. 9-25-96, cert. ef. 10-1-96; FWC 72-1996, f. 12-31-96, cert. ef. 1-1-97; FWC 73-1996(Temp), f. 12-31-96, cert. ef. 1-1-97; FWC 5-1997, f. & cert. ef. 2-4-97; FWC 30-1997, f. & cert. ef. 5-5-97; FWC 58-1997, f. 9-8-97, cert. ef. 10-1-97; FWC 75-1997, f. 12-31-97, cert. ef. 1-1-98; DFW 12-1998(Temp), f. & cert. ef. 2-24-98 thru 4-24-98; DFW 34-1998, f. & cert. ef. 5-4-98; DFW 69-1998, f. 8-28-98, cert. ef. 9-1-98; DFW 100-1998, f. 12-23-98, cert. ef. 1-1-99; DFW 36-1999, f. & cert. ef. 5-20-99; DFW 96-1999, f. 12-27-99, cert. ef. 1-1-00; DFW 24-2000, f. 4-28-00, cert. ef. 5-1-00; DFW 83-2000(Temp), f. 12-28-00, cert. ef. 1-1-01 thru 1-31-01; DFW 1-2001, f. 1-25-01, cert. ef. 2-1-01; DFW 28-2001, f. & cert. ef. 5-1-01; DFW 40-2001(Temp) f. & cert. ef. 5-24-01 thru 11-20-01; DFW 72-2001(Temp), f. 8-10-01, cert. ef. 8-16-01 thru 12-31-01; DFW 81-2001, f. & cert. ef. 8-29-01; DFW 85-2001(Temp), f. & cert. ef. 8-30-01 thru 12-31-01; DFW 90-2001(Temp), f. 9-14-01, cert. ef. 9-15-01 thru 12-31-01; DFW 123-2001, f. 12-31-01, cert. ef. 1-1-02; DFW 5-2002(Temp) f. 1-11-02 cert. ef. 1-12-02 thru 7-11-02; DFW 26-2002, f. & cert. ef. 3-21-02; DFW 37-2002, f. & cert. ef. 4-23-02; DFW 91-2002(Temp) f. 8-19-02, cert. ef. 8-20-02 thru 11-1-02 (Suspended by DFW 101-2002(Temp), f. & cert. ef. 10-3-02 thru 11-1-02); DFW 118-2002(Temp), f. 10-22-02, cert. ef. 12-1-02 thru 3-31-03; DFW 120-2002(Temp), f. 10-24-02, cert. ef. 10-26-02 thru 3-31-03; DFW 130-2002, f. 11-21-02, cert. ef. 1-1-03; DFW 18-2003(Temp) f. 2-28-03, cert. ef. 3-1-03 thru 4-30-03; DFW 38-2003(Temp), f. 5-7-03, cert. ef. 5-10-03 thru 10-31-03; DFW 51-2003(Temp), f. & cert. ef. 6-13-03 thru 10-31-03; DFW 90-2003(Temp), f. 9-12-03 cert. ef. 9-13-03 thru 12-31-03; DFW 108-2003(Temp), f. 10-28-03, cert. ef. 12-1-03 thru 3-31-04; DFW 123-2003(Temp), f. 12-10-03, cert. ef. 12-11-03 thru 12-31-03; DFW 125-2003, f. 12-11-03, cert. ef. 1-1-04; DFW 126-2003(Temp), f. 12-11-03, cert. ef. 1-1-04 thru 3-31-04; DFW 60-2004(Temp), f. 6-29-04, cert. ef. 7-1-04 thru 7-15-04; DFW 90-2004(Temp), f. 8-30-04, cert. ef. 10-1-04 thru 12-31-04; DFW 103-2004(Temp), f. & cert. ef. 10-4-04 thru 12-31-04; DFW 108-2004(Temp), f. & cert. ef. 10-18-04 thru 12-31-04; DFW 111-2004(Temp), f. 11-16-04, cert. ef. 11-20-04 thru 12-31-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 62-2005(Temp), f. 6-29-05, cert. ef. 7-1-05 thru 7-10-05; Administrative correction 7-20-05; DFW 105-2005(Temp), f. 9-12-05, cert. ef. 10-1-05 thru 12-15-05; DFW 127-2005(Temp), f. & cert. ef. 11-23-05 thru 12-31-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 53-2006(Temp), f. 6-29-06, cert. ef. 7-1-06 thru 7-9-06; Administrative correction 7-20-06; DFW 64-2006(Temp), f. 7-17-06, cert. ef. 8-1-06 thru 12-31-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07; DFW 104-2006(Temp), f. 9-19-06, cert. ef. 10-1-06 thru 12-31-06; DFW 24-2007, f. 4-16-07, cert. ef. 5-1-07; DFW 63-2007(Temp), f. 8-6-07, cert. ef. 8-11-07 thru 12-

31-07; DFW 136-2007, f. 12-31-07, cert. ef. 1-1-08; DFW 25-2008(Temp), f. 3-13-08, cert. ef. 3-15-08 thru 9-10-08; DFW 67-2008(Temp), f. 6-20-08, cert. ef. 8-1-08 thru 12-31-08; DFW 156-2008, f. 12-31-08, cert. ef. 1-1-09; DFW 43-2009(Temp), f. 5-5-09, cert. ef. 5-22-09 thru 10-31-09; DFW 67-2009(Temp), f. 6-9-09, cert. ef. 6-15-09 thru 10-31-09; DFW 87-2009(Temp), f. 7-31-09, cert. ef. 8-1-09 thru 12-31-09; DFW 99-2009(Temp), f. 8-26-09, cert. ef. 9-1-09 thru 12-31-09; DFW 115-2009(Temp), f. & cert. ef. 9-22-09 thru 12-31-09; DFW 144-2009, f. 12-8-09, cert. ef. 1-1-10; DFW 44-2010(Temp), f. 4-20-10, cert. ef. 4-21-10 thru 9-30-10; DFW 73-2010(Temp), f. 5-27-10, cert. ef. 6-1-10 thru 9-30-10; DFW 76-2010, f. 6-8-10, cert. ef. 8-1-10; DFW 89-2010(Temp), f. 6-28-10, cert. ef. 7-1-10 thru 9-30-10; Administrative correction 10-26-10; DFW 171-2010, f. 12-30-10, cert. ef. 1-1-11; DFW 57-2011(Temp), f. 5-27-11, cert. ef. 6-1-11 thru 6-30-11; DFW 83-2011, f. 6-30-11, cert. ef. 7-1-11; DFW 139-2011(Temp), f. 10-3-11, cert. ef. 10-6-11 thru 12-31-11; DFW 141-2011(Temp), f. 10-6-11, cert. ef. 10-10-11 thru 12-31-11; DFW 143-2011(Temp), f. 10-10-11, cert. ef. 10-11-11 thru 12-31-11; DFW 148-2011(Temp), f. 10-20-11, cert. ef. 10-21-11 thru 12-31-11; DFW 163-2011, f. 12-27-11, cert. ef. 1-1-12; DFW 53-2012(Temp), f. 5-29-12, cert. ef. 6-1-12 thru 10-31-12; DFW 62-2012, f. 6-12-12, cert. ef. 7-1-12; DFW 63-2012(Temp), f. & cert. ef. 6-12-12 thru 10-31-12; DFW 71-2012(Temp), f. 6-27-12, cert. ef. 7-1-12 thru 11-30-12; DFW 130-2012(Temp), f. 10-10-12, cert. ef. 10-13-12 thru 12-31-12; DFW 135-2012(Temp), f. 10-22-12, cert. ef. 10-24-12 thru 12-31-12; DFW 139-2012(Temp), f. 10-30-12, cert. ef. 10-31-12 thru 12-31-12; DFW 152-2012, f. 12-27-12, cert. ef. 1-1-13; DFW 23-2013(Temp), f. 3-20-13, cert. ef. 4-1-13 thru 9-27-13; DFW 43-2013(Temp), f. 5-29-13, cert. ef. 6-1-13 thru 10-31-13; DFW 50-2013, f. 6-10-13, cert. ef. 7-1-13; DFW 60-2013(Temp), f. 6-24-13, cert. ef. 6-30-13 thru 9-30-13; Administrative correction 11-1-13; DFW 137-2013, f. 12-19-13, cert. ef. 1-1-14; DFW 74-2014(Temp), f. 6-23-14, cert. ef. 6-30-14 thru 9-30-14; DFW 110-2014, f. & cert. ef. 8-4-14; DFW 111-2014(Temp), f. & cert. ef. 8-4-14 thru 9-30-14; DFW 133-2014(Temp), f. 9-16-14 & cert. ef. 9-17-14 thru 12-31-14; DFW 148-2014(Temp), f. 10-13-14, cert. ef. 10-15-14 thru 12-31-14

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Rule Caption: Krumbo Reservoir Open for Angling Through End of 2014.

Adm. Order No.: DFW 149-2014(Temp)

Filed with Sec. of State: 10-13-2014

Certified to be Effective: 11-1-14 thru 12-31-14

Notice Publication Date:

Rules Amended: 635-021-0090

Rules Suspended: 635-021-0090(T)

Subject: This amended rule extends the open period for angling at Krumbo Reservoir in Harney County in the Southeast Angling Zone through December 31, 2014. A recent change to policy at the Malheur National Wildlife Refuge allows year round fishing at Krumbo. Permanent sport fishing rules for 2014 close the reservoir from November 1 through the end of the year. Permanent rules for 2015 will allow year round fishing at Krumbo, except ice fishing will be prohibited.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-021-0090

Inclusions and Modifications

(1) The **2014 Oregon Sport Fishing Regulations** provide requirements for the Southeast Zone. However, additional regulations may be adopted in this rule division from time to time and to the extent of any inconsistency, they supersede the **2014 Oregon Sport Fishing Regulations**.

(2) Krumbo Reservoir is open to angling through December 31, 2014. All other **Southeast Zone Regulations** as shown on pages 81–82 and **General (Statewide) Regulations** found on pages 5–13 of the **2014 Oregon Sport Fishing Regulations** apply.

[Publications referenced are available from the agency.]

Stat. Auth.: ORS 183.325, 496.138 & 496.146

Stats. Implemented: ORS 496.162

Hist.: FWC 82-1993, f. 12-22-93, cert. ef. 1-1-94; FWC 76-1994(Temp), f. & cert. ef. 10-17-94; FWC 22-1995, f. 3-7-95, cert. ef. 3-10-95; FWC 77-1995, f. 9-13-95, cert. ef. 1-1-96; FWC 72-1996, f. 12-31-96, cert. ef. 1-1-97; FWC 75-1997, f. 12-31-97, cert. ef. 1-1-98; DFW 100-1998, f. 12-23-98, cert. ef. 1-1-99; DFW 96-1999, f. 12-27-99, cert. ef. 1-1-00; DFW 83-2000(Temp), f. 12-28-00, cert. ef. 1-1-01 thru 1-31-01; DFW 1-2001, f. 1-25-01, cert. ef. 2-1-01; DFW 40-2001(Temp) f. & cert. ef. 5-24-01 thru 11-20-01; DFW 55-2001(Temp), f. & cert. ef. 6-29-01 thru 12-26-01; DFW 56-2001(Temp), f. & cert. ef. 6-29-01 thru 12-26-01; DFW 85-2001(Temp), f. & cert. ef. 8-30-01 thru 12-31-01; DFW 123-2001, f. 12-31-01, cert. ef. 1-1-02; DFW 26-2002, f. & cert. ef. 3-21-02; DFW 54-2002(Temp), f. 5-24-02, cert. ef. 6-15-02 thru 12-1-02; DFW 91-2002(Temp) f. 8-19-02, cert. ef. 8-20-02 thru 11-1-02 (Suspended by DFW 101-2002(Temp), f. & cert. ef. 10-3-02 thru 11-1-02); DFW 93-2002(Temp), f. 8-22-02, cert. ef. 8-24-02 thru 12-31-02; DFW 130-2002, f. 11-21-02, cert. ef. 1-1-03; DFW 80-2003(Temp), f. & cert. ef. 8-22-03 thru 9-30-03; DFW 125-2003, f. 12-11-03, cert. ef. 1-1-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 101-2005(Temp), f. 8-31-05, cert. ef. 9-2-05 thru 9-30-05; Administrative correction 10-19-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07; DFW 36-2007(Temp), f. 5-25-07, cert. ef. 5-26-07 thru 9-30-07; DFW 54-2007(Temp), f. 7-6-07, cert. ef. 7-14-07 thru 9-30-07; DFW 62-2007(Temp), f. 7-31-07, cert. ef. 8-1-07 thru 9-30-07; Administrative correction 10-16-07; DFW 136-2007, f. 12-31-07, cert. ef. 1-1-08; DFW 51-2008(Temp), f. 5-16-08, cert. ef. 5-31-08 thru 9-1-08; DFW 74-2008(Temp), f. 7-3-08, cert. ef. 7-4-08 thru 9-1-08; DFW 77-2008(Temp), f. & cert. ef. 7-9-08 thru 9-1-08; Administrative correction 9-29-08; DFW 156-2008, f. 12-31-08, cert. ef. 1-1-09; DFW 53-2009(Temp), f. 5-18-09, cert. ef. 5-30-09 thru 9-1-09; DFW 62-2009(Temp), f. 6-2-09, cert. ef. 6-13-09 thru 9-1-09; DFW 79-2009(Temp), f. 6-30-09, cert. ef. 7-5-09 thru 9-1-09; Administrative correction 9-29-09; DFW 144-2009, f. 12-8-09, cert. ef. 1-1-10; DFW 52-2010(Temp), f. 4-30-10, cert. ef. 5-1-10 thru 9-30-10; DFW 60-2010(Temp), f. 5-13-10, cert.

ADMINISTRATIVE RULES

ef. 5-22-10 thru 9-30-10; DFW 67-2010(Temp), f. 5-18-10, cert. ef. 5-22-10 thru 9-30-10; DFW 78-2010(Temp), f. 6-10-10, cert. ef. 6-11-10 thru 9-1-10; Administrative correction 9-22-10; DFW 171-2010, f. 12-30-10, cert. ef. 1-1-11; DFW 50-2011(Temp), f. 5-16-11, cert. ef. 5-28-11 thru 9-1-11; Administrative correction 9-23-11; DFW 163-2011, f. 12-27-11, cert. ef. 1-1-12; DFW 60-2012(Temp), f. 6-11-12, cert. ef. 6-13-12 thru 9-1-12; DFW 114-2012(Temp), f. 8-30-12, cert. ef. 9-1-12 thru 2-27-13; DFW 117-2012(Temp), f. 9-5-12, cert. ef. 9-7-12 thru 2-27-13; DFW 122-2012(Temp), f. 9-21-12, cert. ef. 9-21-12 thru 12-31-12; DFW 149-2012, f. 12-27-12, cert. ef. 1-1-13; DFW 61-2013(Temp), f. 6-24-13, cert. ef. 7-1-13 thru 12-27-13; DFW 93-2013(Temp), f. 8-22-13, cert. ef. 8-24-13 thru 12-31-13; DFW 137-2013, f. 12-19-13, cert. ef. 1-1-14; DFW 57-2014(Temp), f. 6-9-14, cert. ef. 6-11-14 thru 9-1-14; DFW 90-2014(Temp), f. 7-10-14, cert. ef. 7-11-14 thru 12-31-14; DFW 116-2014(Temp), f. 8-6-14, cert. ef. 8-9-14 thru 12-31-14; DFW 149-2014(Temp), f. 10-13-14, cert. ef. 11-1-14 thru 12-31-14

Rule Caption: Coho Salmon Bag Limit Increased to Three Fish in Select Willamette Zone Streams.

Adm. Order No.: DFW 150-2014(Temp)

Filed with Sec. of State: 10-14-2014

Certified to be Effective: 10-15-14 thru 12-31-14

Notice Publication Date:

Rules Amended: 635-017-0090

Rules Suspended: 635-017-0090(T)

Subject: The amended rule allows the sport harvest of three adipose fin-clipped coho in each of the Tualatin, Yamhill, Molalla, Santiam, and Willamette (Section 2 only) rivers beginning Thursday, October 15, 2014. These modifications allow sport anglers opportunities to harvest substantial numbers of coho that are returning to the Willamette River and tributaries above the Willamette Falls.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-017-0090

Inclusions and Modifications

(1) The **2014 Oregon Sport Fishing Regulations** provide requirements for the Willamette Zone. However, additional regulations may be adopted in this rule division from time to time and to the extent of any inconsistency, they supersede the **2014 Oregon Sport Fishing Regulations**.

(2) Pacific Lamprey Harvest:

(a) Pursuant to OAR 635-044-0130(1)(b), authorization from the Oregon Fish and Wildlife Commission must be in possession by individuals collecting or possessing Pacific lamprey for personal use. Permits are available from ODFW, 17330 SE Evelyn Street, Clackamas, OR 97015;

(b) Open fishing period is June 1 through July 31 from 7:00 A.M. to 6:00 P.M.; personal use harvest is permitted Friday through Monday each week. All harvest is prohibited Tuesday through Thursday;

(c) Open fishing area is the Willamette River at Willamette Falls on the east side of the falls only, excluding Horseshoe Area at the peak of the falls;

(d) Gear is restricted to hand or hand-powered tools only;

(e) Catch must be recorded daily on a harvest record card prior to leaving the open fishing area. Harvest record cards will be provided by ODFW. All harvest record cards must be returned to the ODFW Clackamas office by August 31 to report catch. Permit holders who do not return the harvest record cards by August 31 will be ineligible to receive a permit in the following year.

(f) Harvesters must allow sampling or enumeration of catches by ODFW personnel.

(3) Sandy River (Multnomah/Clackamas Co.) mainstem and tributaries upstream from ODFW markers at the mouth of the Salmon River, including the Salmon River:

(a) Open for adipose fin-clipped steelhead and non-adipose fin-clipped steelhead harvest July 1–August 31.

(b) Angling restricted to artificial flies and lures with a single point hook no larger than 1/2 inch gap (size 1) and multiple point hook no larger than 3/8 inch gap (size 4).

(c) No limit on size or number of brook trout taken. Catch limits on other trout species do not apply to brook trout.

(4) Santiam River:

(a) Rainbow Trout: The daily bag limit for adipose fin-clipped rainbow trout is increased from two (2) to five (5) in the mainstem Santiam River, the North Fork to the markers upstream of Packsaddle Park, and in the South Fork to the markers below Foster Dam (excluding all tributaries) beginning June 10 through October 31, 2014 with no minimum length requirements.

(b) Steelhead: The daily bag limit for adipose fin-clipped steelhead is increased to one (1) additional adult adipose fin-clipped steelhead per day in the mainstem Santiam River, the Little North Fork, the North Fork up to

the markers in Packsaddle Park, and in the South Fork to the markers below Foster Dam beginning June 10 through October 31, 2014.

(5) Clackamas, Sandy, and Lower Willamette (below falls in Oregon City) rivers:

(a) Beginning September 26 through December 31, 2014 in the Clackamas River, Sandy River, Bull Run River, Willamette River (section 1 only: Mouth upstream to Willamette Falls, including Multnomah Channel and Willamette Slough) and Eagle Creek the daily bag limit for adult salmon or steelhead is 2 per day — 20 per year, 5 jacks per day, 2 daily jack limits in possession, with the exception that one additional adipose fin-clipped adult coho salmon may be retained for a total aggregate of three fish harvested daily.

(b) All other General Statewide and Willamette Zone regulations, as provided in the **2014 Oregon Sport Fishing Regulations**, remain in effect.

(6) Willamette River (above falls in Oregon City) and tributaries including: Molalla, Santiam, North Santiam, South Santiam, Tualatin and Yamhill rivers:

(a) Beginning October 15 one additional coho salmon, either non-adipose fin-clipped or adipose fin-clipped, may be retained for a total aggregate of three (3) fish harvested daily.

(b) All other General Statewide and Willamette Zone regulations, as provided in the **2014 Oregon Sport Fishing Regulations**, remain in effect.

(7) Beginning January 1, 2013, the use of barbless hooks is required when angling for salmon, steelhead, or trout in the mainstem Willamette River downstream of Willamette Falls (including Multnomah Channel and the Gilbert River) and in the lower Clackamas River upstream to the Highway 99E Bridge.

Stat. Auth.: ORS 496.138, 496.146, 497.121 & 506.119

Stats. Implemented: ORS 496.004, 496.009, 496.162 & 506.129

Hist.: FWC 82-1993, f. 12-22-93, cert. ef. 1-1-94; FWC 3-1994, f. 1-25-94, cert. ef. 1-26-94; FWC 65-1994(Temp), f. 9-15-94, cert. ef. 9-17-94; FWC 86-1994(Temp), f. 10-31-94, cert. ef. 11-1-94; FWC 22-1995, f. 3-7-95, cert. ef. 3-10-95; FWC 32-1995, f. & cert. ef. 4-24-95; FWC 77-1995, f. 9-13-95, cert. ef. 1-1-96; FWC 14-1996, f. 3-29-96, cert. ef. 4-1-96; FWC 20-1996, f. & cert. ef. 4-29-96; FWC 22-1996(Temp), f. 5-9-96 & cert. ef. 5-10-96; FWC 72-1996, f. 12-31-96, cert. ef. 1-1-97; FWC 5-1997, f. & cert. ef. 2-4-97; FWC 13-1997, f. 3-5-97, cert. ef. 3-11-97; FWC 17-1997(Temp), f. 3-19-97, cert. ef. 4-1-97; FWC 24-1997(Temp), f. & cert. ef. 4-10-97; FWC 31-1997(Temp), f. 5-14-97, cert. ef. 5-15-97; FWC 39-1997(Temp), f. 6-17-97, cert. ef. 6-18-97; FWC 69-1997, f. & cert. ef. 11-6-97; FWC 75-1997, f. 12-31-97, cert. ef. 1-1-98; DFW 19-1998, f. & cert. ef. 3-12-98; DFW 28-1998(Temp), f. & cert. ef. 4-9-98 thru 4-24-98; DFW 31-1998(Temp), f. & cert. ef. 4-24-98 thru 7-31-98; DFW 33-1998(Temp), f. & cert. ef. 4-30-98 thru 5-15-98; DFW 34-1998, f. & cert. ef. 5-4-98; DFW 35-1998(Temp), f. & cert. ef. 5-10-98 thru 5-15-98; DFW 37-1998(Temp), f. & cert. ef. 5-15-98 thru 7-31-98; DFW 100-1998, f. 12-23-98, cert. ef. 1-1-99; DFW 15-1999, f. & cert. ef. 3-9-99; DFW 16-1999(Temp), f. & cert. ef. 3-10-99 thru 3-19-99; DFW 19-1999(Temp), f. & cert. ef. 3-19-99 thru 4-15-99; DFW 27-1999(Temp), f. & cert. ef. 4-23-99 thru 10-20-99; DFW 30-1999(Temp), f. & cert. ef. 4-27-99 thru 5-12-99; DFW 35-1999(Temp), f. & cert. ef. 5-13-99 thru 7-31-99; DFW 39-1999(Temp), f. 5-26-99, cert. ef. 5-27-99 thru 7-31-99; DFW 78-1999, f. & cert. ef. 10-4-99; DFW 88-1999(Temp), f. 11-5-99, cert. ef. 11-6-99 thru 11-30-99; administrative correction 11-17-99; DFW 96-1999, f. 12-27-99, cert. ef. 1-1-00; DFW 13-2000, f. & cert. ef. 3-20-00; DFW 22-2000, f. 4-14-00, cert. ef. 4-16-00 thru 7-31-00; DFW 23-2000(Temp), f. 4-19-00, cert. ef. 4-22-00 thru 7-31-00; DFW 58-2000(Temp), f. & cert. ef. 9-1-00 thru 12-31-00; DFW 83-2000(Temp), f. 12-28-00, cert. ef. 1-1-01 thru 1-31-01; DFW 1-2001, f. 1-25-01, cert. ef. 2-1-01; DFW 6-2001, f. & cert. ef. 3-1-01; DFW 23-2001(Temp), f. & cert. ef. 4-23-01 thru 10-19-01; DFW 28-2001, f. & cert. ef. 5-1-01; DFW 40-2001(Temp), f. & cert. ef. 5-24-01 thru 11-20-01; DFW 46-2001(Temp), f. 6-8-01, cert. ef. 6-16-01 thru 12-13-01; DFW 70-2001, f. & cert. ef. 8-10-01; DFW 72-2001(Temp), f. 8-10-01, cert. ef. 8-16-01 thru 12-31-01; DFW 90-2001(Temp), f. 9-14-01, cert. ef. 9-15-01 thru 12-31-01; DFW 95-2001(Temp), f. 9-27-01, cert. ef. 10-20-01 thru 12-31-01; DFW 123-2001, f. 12-31-01, cert. ef. 1-1-02; DFW 5-2002(Temp), f. 1-11-02 cert. ef. 1-12-02 thru 7-11-02; DFW 26-2002, f. & cert. ef. 3-21-02; DFW 37-2002, f. & cert. ef. 4-23-02; DFW 42-2002, f. & cert. ef. 5-3-02; DFW 44-2002(Temp), f. 5-7-02, cert. ef. 5-8-02 thru 11-3-02; DFW 70-2002(Temp), f. 7-10-02 cert. ef. 7-12-02 thru 12-31-02; DFW 91-2002(Temp), f. 8-19-02, cert. ef. 8-20-02 thru 11-1-02 (Suspended by DFW 101-2002(Temp), f. & cert. ef. 10-3-02 thru 11-1-02); DFW 130-2002, f. 11-21-02, cert. ef. 1-1-03; DFW 16-2003(Temp), f. 2-27-03, cert. ef. 3-1-03 thru 7-1-03; DFW 42-2003, f. & cert. ef. 5-16-03; DFW 53-2003(Temp), f. 6-17-03, cert. ef. 6-18-03 thru 12-14-03; DFW 57-2003(Temp), f. & cert. ef. 7-8-03 thru 12-31-03; DFW 59-2003(Temp), f. & cert. ef. 7-11-03 thru 12-31-03; DFW 70-2003(Temp), f. & cert. ef. 7-23-03 thru 12-31-03; DFW 71-2003(Temp), f. 7-24-03, cert. ef. 7-25-03 thru 12-31-03; DFW 90-2003(Temp), f. 9-12-03 cert. ef. 9-13-03 thru 12-31-03; DFW 125-2003, f. 12-11-03, cert. ef. 1-1-04; DFW 33-2004, f. 4-22-04, cert. ef. 5-1-04; DFW 48-2004(Temp), f. 5-26-04, cert. ef. 5-28-04 thru 11-23-04; DFW 69-2004(Temp), f. & cert. ef. 7-12-04 thru 11-23-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 24-2005, f. 4-15-05, cert. ef. 5-1-05; DFW 78-2005(Temp), f. 7-19-05, cert. ef. 7-21-05 thru 7-22-05; Administrative correction 8-17-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 36-2006(Temp), f. & cert. ef. 6-1-06 thru 9-30-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07; DFW 121-2006(Temp), f. & cert. ef. 10-20-06 thru 12-31-06; DFW 32-2007, f. 5-14-07, cert. ef. 6-1-07; DFW 65-2007(Temp), f. & cert. ef. 8-6-07 thru 10-31-07; DFW 105-2007(Temp), f. 10-4-07, cert. ef. 10-6-07 thru 11-30-07; Administrative correction 12-20-07; DFW 134-2007, f. 12-26-07, cert. ef. 1-1-08; DFW 136-2007, f. 12-31-07, cert. ef. 1-1-08; DFW 1-2008(Temp), f. & cert. ef. 1-9-08 thru 7-6-08; DFW 5-2008(Temp), f. 1-25-08, cert. ef. 2-1-08 thru 7-6-08; DFW 15-2008(Temp), f. 2-26-08, cert. ef. 3-1-08 thru 7-29-08; DFW 46-2008(Temp), f. 5-9-08, cert. ef. 5-12-08 thru 7-29-08; DFW 55-2008(Temp), f. 5-30-08, cert. ef. 6-2-08 thru 10-31-08; DFW 82-2008(Temp), f. 7-21-08, cert. ef. 7-29-08 thru 12-31-08; DFW 110-2008(Temp), f. 9-15-08, cert. ef. 9-17-08 thru 12-31-08; DFW 124-2008(Temp), f. 10-1-08, cert. ef. 10-2-08 thru 12-31-08; DFW 156-2008, f. 12-31-08, cert. ef. 1-1-09; DFW 9-2009(Temp), f. 2-13-09, cert. ef. 3-1-09 thru 8-15-09; DFW 15-2009, f. & cert. ef. 2-25-09; DFW 74-2009(Temp), f. 6-25-09, cert. ef. 6-30-09 thru 7-2-09; Administrative correction 7-21-09; DFW 103-2009(Temp), f. 8-27-09, cert. ef. 9-1-09 thru 12-31-09; DFW 118-2009(Temp), f. & cert. ef. 9-28-09 thru 12-31-09; DFW 123-2009(Temp), f. & cert. ef. 10-5-09 thru 12-31-09; DFW 144-2009, f. 12-8-09, cert. ef. 1-1-

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10; DFW 61-2010, f. & cert. ef. 5-14-10; DFW 62-2010(Temp), f. 5-14-10, cert. ef. 5-22-10 thru 11-17-10; DFW 84-2010(Temp), f. 6-17-10, cert. ef. 6-18-10 thru 10-31-10; DFW 94-2010(Temp), f. & cert. ef. 7-1-10 thru 10-31-10; DFW 96-2010(Temp), f. 7-7-10, cert. ef. 7-8-10 thru 10-31-10; DFW 123-2010(Temp), f. 8-26-10, cert. ef. 9-1-10 thru 12-31-10; DFW 134-2010(Temp), f. 9-22-10, cert. ef. 9-23-10 thru 12-31-10; DFW 171-2010, f. 12-30-10, cert. ef. 1-1-11; DFW 158-2011(Temp), f. 12-14-11, cert. ef. 1-1-12 thru 4-30-12; DFW 163-2011, f. 12-27-11, cert. ef. 1-1-12; DFW 21-2012, f. & cert. ef. 3-12-12; DFW 89-2012(Temp), f. 7-17-12, cert. ef. 7-26-12 thru 8-31-12; DFW 99-2012(Temp), f. 7-31-12, cert. ef. 8-1-12 thru 12-31-12; DFW 152-2012, f. 12-27-12, cert. ef. 1-1-13; DFW 67-2013(Temp), f. 7-3-13, cert. ef. 7-11-13 thru 7-31-13; Administrative correction, 8-21-13; DFW 137-2013, f. 12-19-13, cert. ef. 1-1-14; DFW 62-2014(Temp), f. & cert. ef. 6-10-14 thru 10-31-14; DFW 70-2014(Temp), f. & cert. ef. 6-13-14 thru 6-30-14; DFW 73-2014(Temp), f. 6-20-14, cert. ef. 6-23-14 thru 10-31-14; DFW 141-2014(Temp), f. 9-25-14, cert. ef. 9-26-14 thru 12-31-14; DFW 150-2014(Temp), f. 10-14-14, cert. ef. 10-15-14 thru 12-31-14

Department of Human Services, Aging and People with Disabilities and Developmental Disabilities Chapter 411

Rule Caption: Long Term Care Community Nursing

Adm. Order No.: APD 34-2014

Filed with Sec. of State: 10-1-2014

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Rules Amended: 411-048-0160, 411-048-0170

Rules Repealed: 411-048-0160(T), 411-048-0170(T)

Subject: The Department of Human Services (Department) is permanently updating the Medicaid Long Term Care Community Nursing (LTCCN) Services rules in OAR chapter 411, division 048 to make permanent temporary rule language that became effective May 1, 2014. The updated rules expand eligibility to allow consumers enrolled in brokerages serving individuals with intellectual and developmental disabilities to be eligible for LTCCN services.

Rules Coordinator: Kimberly Colkitt-Hallman—(503) 945-6398

411-048-0160

Definitions

Unless the context indicates otherwise, the following definitions apply to the rules in OAR chapter 411, division 048:

(1) “AAA” means the Area Agency on Aging designated by the Department that is responsible for providing a comprehensive and coordinated system of services to older adults and adults with disabilities in a designated planning and service area.

(2) “Abuse” means:

(a) Abuse of a child;

(A) As defined in ORS 419B.005; and

(B) As defined in OAR 407-045-0260, when a child resides in a foster home licensed by the Department to provide residential services to a child with intellectual or developmental disabilities.

(b) Abuse of an adult or older adult:

(A) As defined in ORS 124.050-095 and 430.735-430.765; and

(B) As defined in OAR 407-045-0260 for individuals 18 years or older with intellectual or developmental disabilities that reside in a Department licensed adult foster home; or

(C) As defined in OAR 411-020-0002 for older adults and adults with a physical disability who are 18 years of age or older that reside in a Department licensed adult foster home.

(3) “Acute Care Nursing” means nursing services provided on an intermittent or time limited basis such as those provided by a hospice agency as defined in ORS 443.850, or a home health agency as defined in 443.005. Acute care nursing may include direct service and is designed to address a specific task of nursing or a short term health condition.

(4) “Business Day” means the day that the “Local Office” is open for business.

(5) “Care Coordination” means the email, faxes, phone calls, meetings and other types of information exchange, consultation, and advocacy provided by a registered nurse on behalf of an individual that is necessary for the registered nurse to conduct assessments, complete medication reviews, provide for individual safety needs, and implement an individual’s Nursing Service Plan.

(6) “Caregiver” means any person responsible for providing services to an eligible individual in a home-based or foster home setting. A caregiver may include an unlicensed person defined as a designated caregiver in OAR chapter 851, division 48 (Standards for Provision of Nursing Care by a Designated Caregiver).

(7) “Case Manager” means a person employed by the Department, Community Developmental Disability Program, Support Services Brokerage, or Area Agency on Aging who assesses the service needs of an applicant, determines eligibility, and offers service choices to the eligible individual. The case manager authorizes and implements an individual’s plan for services and monitors the services delivered.

(8) “CDDP” means the Community Developmental Disability Program responsible for plan authorization, delivery, and monitoring of services for individuals with intellectual or developmental disabilities according to OAR chapter 411, division 320.

(9) “Community Nursing Services” means “long term care community nursing services” as defined in this rule.

(10) “Delegation” means the standards and processes described in OAR chapter 851, division 047 (Standards for Community Based Care Registered Nurse Delegation).

(11) “Department” means the Department of Human Services or the Department’s designee.

(12) “Department Approved Form” means forms used by registered nurses and case managers to support these rules. The Department maintains these documents on the Department’s website (<http://www.oregon.gov/dhs/spd/pages/provtools/nursing/forms.aspx>). Printed copies may be obtained by contacting the Department of Human Services, ATTN: Rule Coordinator, 500 Summer Street NE, E48, Salem, OR 97301.

(13) “Direct Hands-on Nursing” means a registered nurse provides treatment or therapies directly to an individual instead of teaching or delegating the tasks of nursing to the individual’s caregiver. Payment for direct hands-on nursing services is not reimbursed unless an exception has been granted by the Department as described in OAR 411-048-0170.

(14) “Documentation” means a written record of all services provided to, and for, an individual and an individual’s caregiver that is maintained by the registered nurse as described in OAR 411-048-0200.

(15) “Enrolled Medicaid Provider” means an entity or individual that meets and completes all the requirements in these rules, OAR 407-120-0300 to 0400 (Medicaid Provider Enrollment and Claiming), and OAR chapter 410, division 120 (Medicaid General Rules) as applicable.

(16) “Foster Home” means any Department licensed or certified family home in which residential services are provided as described in:

(a) OAR chapter 411, division 050 for adult foster homes for older adults and adults with physical disabilities;

(b) OAR chapter 411, division 346 for foster homes for children with intellectual or developmental disabilities; and

(c) OAR chapter 411, division 360 for adult foster homes for individuals with intellectual or developmental disabilities.

(17) “Healthcare Provider” means a licensed provider providing services such as but not limited to home health, hospice, mental health, primary care, specialty care, durable medical equipment, pharmacy, or hospitalization to an eligible individual.

(18) “Home” means a non-licensed setting where an individual is receiving Medicaid home and community-based services.

(19) “Home and Community-Based Services” mean the services approved and funded by the Centers for Medicare and Medicaid Services for eligible individuals who are aged and physically disabled and for eligible individuals with intellectual disabilities and developmental disabilities in accordance with Title XIX of the Social Security Act.

(20) “Home Health Agency” has the meaning given that term in ORS 443.005.

(21) “Individual” means a person eligible for community nursing services under these rules.

(22) “In-Home Care Agency” has the meaning given that term in ORS 443.305.

(23) “Local Office” means the Department office, Area Agency on Aging, Community Developmental Disability Program, or Support Services Brokerage, responsible for Medicaid services including case management, referral, authorization, and oversight of long term care community nursing services in the region where the individual lives and where the community nursing services are delivered.

(24) “Long Term Care Community Nursing Services” mean the nursing services provided under these rules to individuals living in a home-based or foster home setting where the monthly Medicaid home and community-based services rate does not include nursing services. Long term care community nursing services are a distinct set of services that focus on an individual’s chronic and ongoing health and activity of daily living needs. Long term care community nursing services include an assessment, monitoring, delegation, teaching, and coordination of services that address an individual’s health and safety needs in a Nursing Service Plan that

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supports individual choice and autonomy. The requirements in these rules are provided in addition to any nursing related requirements stipulated in the licensing rules governing the individual's place of residence.

(25) "Medication Review" means a review focused on an individual's medication regime that includes examination of the prescriber's orders and related administration records, consultation with a pharmacist or the prescriber, clarification of PRN (as needed) parameters, and the development of a teaching plan based upon the needs of the individual or the individual's caregiver. In an unlicensed setting, the medication review may include observation and teaching related to administration methods and storage systems.

(26) "Nursing Assessment" means one of the following assessments selected by the registered nurse based on an individual's need and situation:

(a) A "nursing assessment" as defined in OAR 851-047-0010 (Standards for Community Based Care Registered Nurse Delegation); or

(b) A "comprehensive assessment" or "focused assessment" as defined in OAR 851-045-0030 (Standards and Scope of Practice for the Licensed Practical Nurse and Registered Nurse).

(27) "Nursing Service Plan" means the plan that is developed by a registered nurse based on an individual's initial nursing assessment, reassessment, or updates made to a nursing assessment as a result of monitoring visits.

(a) The Nursing Service Plan is specific to the individual and identifies the individual's diagnoses and health needs, the caregiver's teaching needs, and any care coordination, teaching, or delegation activities.

(b) The Nursing Service Plan is separate from the case manager's service plan, the foster home provider's service plan, and any service plans developed by other health professionals.

(c) Nursing service plans must meet the standards in OAR chapter 851, division 045 (Standards and Scope of Practice for the Licensed Practical Nurse and Registered Nurse).

(28) "OSBN" means the Oregon State Board of Nursing. OSBN is the agency responsible for regulating nursing practice and education for the purpose of protecting the public's health, safety, and well-being.

(29) "Rate Schedule" means the communication tool issued by the Department to transmit rate changes to partners, subcontractors, and stakeholders. The Department maintains this document on the Department's website (<http://www.oregon.gov/dhs/spd/provtools/rateschedule.pdf>). Printed copies may be obtained by contacting the Department of Human Services, ATTN: Rule Coordinator, 500 Summer Street NE, E48, Salem, OR 97301.

(30) "RN" means a registered nurse licensed by the Oregon State Board of Nursing. An RN providing long term care community nursing services under these rules is either an independent contractor who is an enrolled Medicaid provider or an employee of an organization that is an enrolled Medicaid provider.

(31) "Support Services Brokerage" means an entity, or distinct operating unit within an existing entity, that uses the principles of self-determination to perform the functions associated with planning and implementation of support services for individuals with intellectual or developmental disabilities.

(32) "These Rules" mean the rules in OAR chapter 411, division 048.

Stat. Auth.: ORS 410.070

Stats. Implemented: ORS 410.070

Hist.: SPD 8-2013, f. & cert. ef. 4-15-13; SPD 14-2013(Temp), f. & cert. ef. 7-1-13 thru 12-28-13; SPD 44-2013, f. 12-13-13, cert. ef. 12-15-13; APD 12-2014(Temp), f. & cert. ef. 5-1-14 thru 10-28-14; APD 34-2014, f. & cert. ef. 10-1-14

411-048-0170

Eligibility and Limitations

(1) ELIGIBILITY. Community nursing services may be provided by an RN to an individual if the individual meets the following requirements:

(a) The individual must be determined eligible for Medicaid home and community-based services provided through the Department;

(b) The individual must be receiving services through one of the following:

(A) In-home supports for children with intellectual or developmental disabilities as described in OAR chapter 411, division 308;

(B) Adult foster homes for individuals with intellectual or developmental disabilities as described in OAR chapter 411, division 360;

(C) Foster homes for children with intellectual or developmental disabilities as described in OAR chapter 411, division 346;

(D) Comprehensive in home support for adults with intellectual or developmental disabilities as described in OAR chapter 411, division 330;

(E) Adult foster homes for older adults and adults with physical disabilities as described in OAR chapter 411, division 050;

(F) Independent Choices Program participants as described in OAR chapter 411, division 030;

(G) State Plan personal care participants as described in OAR chapter 411, division 034;

(H) An individual enrolled in a brokerage described in OAR chapter 411, division 340;

(I) 1915C Nursing Facility Waiver; or

(J) State Plan K Community First Choice;

(c) The individual must live in a home or a foster home as defined in OAR 411-048-0160;

(d) The individual must be referred by their case manager for long term care community nursing services. Individuals may request long term community nursing services through their case manager.

(2) LIMITATIONS.

(a) Long term care community nursing services may not be provided to:

(A) A resident of a nursing facility, assisted living facility, residential care facility, 24-hour developmental disability group home, or intermediate care facility for individuals with intellectual or developmental disabilities; or

(B) An individual enrolled in a program or residing in a setting where nursing services are provided under a monthly service rate.

(b) Case managers may not prior authorize long term care community nursing services that duplicate nursing services provided by Medicare or other Medicaid programs.

(c) Long term care community nursing services do not include nursing activities used for administrative functions such as protective service investigations, pre-admission screenings, eligibility determinations, licensing inspections, case manager assessments, or corrective action activities. This limitation does not include authorized care coordination as defined in OAR 411-048-0160.

(d) Long term care community nursing services do not include reimbursement for direct hands-on nursing as defined in OAR 411-048-0160.

(3) EXCEPTIONS. An exception to sections (2)(c) and (2)(d) of this rule may be requested as described in OAR 411-048-0250.

Stat. Auth.: ORS 410.070

Stats. Implemented: ORS 410.070

Hist.: SPD 8-2013, f. & cert. ef. 4-15-13; SPD 14-2013(Temp), f. & cert. ef. 7-1-13 thru 12-28-13; SPD 44-2013, f. 12-13-13, cert. ef. 12-15-13; APD 12-2014(Temp), f. & cert. ef. 5-1-14 thru 10-28-14; APD 34-2014, f. & cert. ef. 10-1-14

Rule Caption: Modified Adjusted Gross Income (MAGI) Eligibility

Adm. Order No.: APD 35-2014

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Rules Amended: 411-015-0005, 411-015-0006, 411-015-0008, 411-015-0015, 411-015-0100, 411-028-0010, 411-028-0020, 411-030-0020, 411-030-0040, 411-034-0010, 411-034-0030

Rules Repealed: 411-015-0005(T), 411-015-0006(T), 411-015-0015(T), 411-015-0100(T), 411-028-0010(T), 411-028-0020(T), 411-028-0030(T), 411-030-0020(T), 411-030-0040(T), 411-034-0010(T), 411-034-0030(T)

Subject: The Department of Human Services (Department) is permanently updating the rules in OAR 411-015, 030 and 034 to make permanent temporary rule language that became effective on April 21, 2014. The Department is taking out the Modified Adjusted Gross Income (MAGI) temporary language from 411-028 and putting the OSIPM language back in to the rule. Also, in 411-028, language about adult protective service investigators was removed as it is no longer applicable.

The Department is permanently updating the rules in OAR 411-015, 030 and 034 to expand eligibility for Medicaid funded long term care services, State Plan Personal Care, and State K-Plan to include the expanded Medicaid for Modified Adjusted Gross Income (MAGI) eligible individuals. This will be accomplished by changing the eligibility criteria in parts of the rule from OSIPM to Medicaid OHP Plus benefit package. Formatting, punctuation, and grammar issues in the rules were addressed as well.

Rules Coordinator: Kimberly Colkitt-Hallman—(503) 945-6398

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411-015-0005

Definitions

Unless the context indicates otherwise, the following definitions apply to the rules in OAR chapter 411, division 015:

- (1) "AAA" means "Area Agency on Aging" as defined in this rule.
- (2) "Adult" means any person at least 18 years of age.
- (3) "All Phases" means each part of an activity.
- (4) "Alternative Service Resources" means other possible resources for the provision of services to meet an individual's needs. Alternative service resources includes, but is not limited to, natural supports, risk intervention services, Older Americans Act programs, or other community supports. Alternative service resources are not paid by Medicaid.
- (5) "Architectural Modifications" means any service leading to the alteration of the structure of a dwelling to meet the specific service needs of an eligible individual.
- (6) "Area Agency on Aging (AAA)" means the Department designated agency charged with the responsibility to provide a comprehensive and coordinated system of services to older adults and adults with disabilities in a planning and service area. The term Area Agency on Aging (AAA) is inclusive of both Type A and Type B Area Agencies on Aging as defined in ORS 410.040 to 410.300.
- (7) "Assistance Types" needed for activities of daily living and instrumental activities of daily living include but are not limited to the following terms:
 - (a) "Cueing" means giving verbal or visual clues during an activity to help an individual complete the activity without hands-on assistance.
 - (b) "Hands-on" means a provider physically performs all or parts of an activity because an individual is unable to do so.
 - (c) "Monitoring" means a provider must observe an individual to determine if intervention is needed.
 - (d) "Reassurance" means to offer an individual encouragement and support.
 - (e) "Redirection" means to divert an individual to another more appropriate activity.
 - (f) "Set-up" means getting personal effects, supplies, or equipment ready so that an individual may perform an activity.
 - (g) "Stand-by" means a provider is at the side of an individual ready to step in and take over the task if the individual is unable to complete the task independently.
 - (h) "Support" means to enhance the environment to enable an individual to be as independent as possible.
- (8) "Assistive Devices" means any category of durable medical equipment, mechanical apparatus, electrical appliance, instrument of technology, service animals, general household items, or furniture used to assist and enhance an individual's independence in performing any activity of daily living.
- (9) "Behavioral Care Plan" means a documented set of procedures, reviewed by the Department or AAA representative, which describes interventions for use by a provider to prevent, mitigate, or respond to behavioral symptoms that negatively impact the health and safety of an individual or others in a home or community-based services setting. The preferences of an individual are included in developing a Behavioral Care Plan.
- (10) "Business Days and Hours" means Monday through Friday and excludes Saturdays, Sundays, and state or federal holidays. Hours are from 8:00 AM to 5:00 PM.
- (11) "CA/PS" means "Client Assessment and Planning System" as defined in this rule.
- (12) "Care Setting" means a Medicaid contracted facility at which a Medicaid eligible individual resides and receives services. Care settings include adult foster homes, residential care facilities, assisted living facilities, specialized living contracted residences, and nursing facilities.
- (13) "Case Manager" means an employee of the Department or Area Agency on Aging who assesses the service needs of individuals, determines eligibility, and offers service choices to eligible individuals. The case manager authorizes and implements an individual's service plan and monitors the services delivered as described in OAR chapter 411, division 028.
- (14) "Client" means "individual" as defined in this rule.
- (15) "Client Assessment and Planning System (CA/PS)":
 - (A) Is the single entry data system used for:
 - (B) Completing a comprehensive and holistic assessment;
 - (C) Surveying an individual's physical, mental, and social functioning; and
 - (D) Identifying risk factors, individual choices and preferences, and the status of service needs.

(b) The CA/PS documents the level of need and calculates the individual's service priority level in accordance with these rules, calculates the service payment rates, and accommodates individual participation in service planning.

(16) "Cost Effective" means being responsible and accountable with Department resources. This is accomplished by offering less costly alternatives when providing choices that adequately meet an individual's service needs. Those choices consist of all available services under the Medicaid home and community-based service options, the utilization of assistive devices, natural supports, architectural modifications, and alternative service resources not paid for by the Department.

(17) "Department" means the Department of Human Services (DHS).

(18) "Disability" means a physical, cognitive, or emotional impairment which, for an individual, constitutes or results in a functional limitation in one or more of the activities of daily living defined in OAR 411-015-0006.

(19) "Extraordinary Circumstances" means:

(a) An individual being assessed is working full time during business hours; or

(b) A family member, whose presence is requested by an individual being assessed, is traveling from outside the area, and is available for only a limited period of time that does not include business days and hours.

(20) "Functional Impairment" means an individual's pattern of mental and physical limitations that restricts the individual's ability to perform activities of daily living and instrumental activities of daily living without the assistance of another person.

(21) "Independent" means an individual does not meet the definition of "assist" or "full assist" when assessing an activity of daily living as described in OAR 411-015-0006 or when assessing an instrumental activity of daily living as described in 411-015-0007.

(22) "Individual" means an older adult or an adult with a disability applying for or eligible for services. The term "individual" is synonymous with "client".

(23) "Medicaid Home and Community-Based Services" means the services approved and funded by the Centers for Medicare and Medicaid Services for eligible individuals in accordance with Title XIX of the Social Security Act.

(24) "Medicaid OHP Plus Benefit Package" means only the Medicaid benefit packages provided under OAR 410-120-1210(4)(a) and (b). This excludes individuals receiving Title XXI benefits.

(25) "Mental or Emotional Disorder" means:

(a) A schizophrenic, mood, paranoid, panic, or other anxiety disorder;

(b) Somatoform, personality, dissociative, factitious, eating, sleeping, impulse control, or adjustment disorder; or

(c) Other psychotic disorder as defined by the American Psychiatric Association in the Diagnostic and Statistical Manual.

(26) "Natural Support" means resources and supports (e.g. relatives, friends, significant others, neighbors, roommates, or the community) who are willing to voluntarily provide services to an individual without the expectation of compensation. Natural supports are identified in collaboration with the individual and the potential "natural support". The natural support is required to have the skills, knowledge, and ability to provide the needed services and supports.

(27) "Older Adult" means any person at least 65 years of age.

(28) "OSIPM" means Oregon Supplemental Income Program-Medical as defined in OAR 461-101-0010. OSIPM is Oregon Medicaid insurance coverage for individuals who meet eligibility criteria as described in OAR chapter 461.

(29) "Service Priority Level (SPL)" means the order in which Department and Area Agency on Aging staff identify individuals eligible for a nursing facility level of care, Oregon Project Independence, or Medicaid home and community-based services. A lower service priority level number indicates greater or more severe functional impairment. The number is synonymous with the service priority level.

(30) "SPL" means "service priority level" as defined in this rule.

(31) "Substance Abuse Related Disorders" means disorders related to the taking of a drug or toxin of abuse (including alcohol).

(a) Substance abuse related disorders include:

(A) Substance dependency and substance abuse;

(B) Alcohol dependency and alcohol abuse; and

(C) Substance induced disorders and alcohol induced disorders as defined by the American Psychiatric Association in the Diagnostic and Statistical Manual.

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(b) Substance abuse related disorders are not considered physical disabilities. Dementia or other long term physical or health impairments resulting from substance abuse may be considered physical disabilities.

(32) "These Rules" means the rules in OAR chapter 411, division 015.

(33) "Without Supports" means an individual lacks the assistance of another person, a care setting and staff, or an alternative service resource as defined in this rule.

Stat. Auth.: ORS 410.070

Stats. Implemented: ORS 410.060, 410.070 & 414.065

Hist.: SSD 3-1985, f. & ef. 4-1-85; SSD 5-1986, f. & ef. 4-14-86; SSD 9-1986, f. & ef. 7-1-86; SSD 12-1987, f. 12-31-87, cert. ef. 1-1-88; SSD 12-1991(Temp), f. 6-28-91, cert. ef. 7-1-91; SSD 21-1991, f. 12-31-91, cert. ef. 1-1-92, Renumbered from former 411-015-0000(2)(a) - (l); SDSD 11-2002(Temp), f. 12-5-02, cert. ef. 12-6-02 thru 6-3-03; SPD 12-2003, f. 5-30-03, cert. ef. 6-4-03; SPD 16-2003(Temp), f. & cert. ef. 10-27-03 thru 4-23-04; SPD 8-2004, f. & cert. ef. 4-27-04; SPD 19-2005, f. & cert. ef. 12-29-05; SPD 19-2006, f. 5-26-06, cert. ef. 6-1-06; SPD 14-2013(Temp), f. & cert. ef. 7-1-13 thru 12-28-13; SPD 45-2013, f. 12-13-13, cert. ef. 12-15-13; APD 9-2014(Temp), f. 4-17-14, cert. ef. 4-21-14 thru 10-18-14; APD 35-2014, f. & cert. ef. 10-1-14

411-015-0006

Activities of Daily Living (ADL)

(1) "Activities of Daily Living (ADL)" mean those personal functional activities required by an individual for continued well-being which are essential for health and safety. Activities include eating, dressing, grooming, bathing, personal hygiene, mobility (ambulation and transfer), elimination (toileting, bowel and bladder management), and cognition, and behavior.

(2) Evaluation of the individual's need for assistance in Activities of Daily Living is based on:

(a) The individual's abilities rather than the services provided;

(b) How the individual functioned during the 30 days prior to the assessment date, with consideration of how the person is likely to function in the 30 days following the assessment date; and

(c) Evidence of the actual or predicted need for assistance of another person within the assessment time frame and it must not be based on possible or preventative needs.

(3) "Independent" means the individual does not meet the definition of "Assist" or "Full Assist" for each Activity of Daily Living as defined in this rule.

(4) Bathing and personal hygiene. Bathing and personal hygiene are comprised of two components. To be considered Assist, the individual must require assistance in bathing or full assistance in hygiene. To be considered Full Assist, the individual must require full assistance in bathing.

(a) Bathing means the activities of bathing and washing hair and using assistive devices if needed. Bathing includes the act of getting in and out of the bathtub or shower.

(A) Assist: Even with assistive devices, the individual is unable to accomplish some tasks of bathing without the assistance of another person. This means hands-on assistance for part of the task, cueing during the activity, or stand-by presence during the activity.

(B) Full Assist: Even with assistive devices, the individual is unable to accomplish any task of bathing without the assistance of another person. This means the individual needs hands-on assistance of another person through all phases of the activity, every time the activity is attempted.

(b) Personal hygiene means the activities of shaving, caring for the mouth, or assistance with the tasks of menstruation care.

(A) Assist: Even with assistive devices, the individual is unable to accomplish at least one task of personal hygiene without the assistance of another person. This means hands-on assistance for part of the task, cueing during the activity, or stand-by presence during the activity.

(B) Full Assist: Even with assistive devices, the individual is unable to accomplish at least two personal hygiene tasks, without the assistance of another person. This means the individual needs hands-on assistance of another person through all phases of the activity, every time the activity is attempted.

(5) Cognition and behavior refers to how the brain functions in the areas of adaptation, awareness, judgment, memory, and orientation. Cognition includes three components of behavioral symptoms which are demands on others, danger to self or others, and wandering.

(a) The individual's ability to manage each component of cognition and behavior is assessed by how the person functions without supports, meaning the assistance of another person, a care setting, or an alternative service resource as defined in OAR 411-015-0005. Lack of medication or lack of medication management is not considered when evaluating cognition or behavior.

(b) The assessment time frame in OAR 411-015-0008 of 30 days prior to the date of the assessment may be expanded when assessing cognition

and behavior without supports. History or incidents in the past, more than 30 days prior to the assessment date, may be considered if they negatively impacted health and safety and are currently a concern that needs to be addressed.

(c) An individual under age 65, with cognition or behavior assistance or full assistance needs based on a mental or emotional disorder, does not meet the criteria for service eligibility per OAR 411-015-0015.

(d) An individual must require assistance in at least three of the eight components of cognition and behaviors to meet the criteria for assist in cognition and behaviors. An individual must require full assistance in three of the eight components to meet the criteria for full assistance in cognition and behaviors.

(A) Adaptation is the ability to respond, cope, and adjust to major life changes such as a change in living situation or a loss (such as health, close relationship, pet, divorce, or a death).

(i) Assist: The individual requires reassurance from another person to cope with or adjust to change. Assistance involves multiple occurrences, less than daily.

(ii) Full Assist: The individual requires constant emotional support and reassurance or is unable to adapt to change. These are daily, ongoing occurrences.

(B) Awareness means the ability to understand basic health and safety needs (such as the need for food, shelter, and clothing).

(i) Assist: The individual requires assistance of another person to understand basic health and safety needs.

(ii) Full Assist: The individual does not have the ability to understand basic health and safety needs and requires daily, ongoing intervention by another person.

(C) Judgment means decision-making. It is the ability to identify choices and understand the benefits, risks, and consequences of those choices. Individuals who lack the ability to understand choices, or the potential risks and consequences of choices, need assistance in decision-making. Judgment does not include what others might deem a poor choice.

(i) Assist: At least weekly, the individual needs protection, monitoring, and guidance from another person to make decisions.

(ii) Full Assist: The individual's decisions require daily intervention by another person.

(D) Memory means the ability to remember and appropriately use current information impacting the health and safety of the individual.

(i) Assist: The individual has difficulty remembering and using current information and requires reminding from another person.

(ii) Full Assist: The individual is unable to remember or use information and requires assistance beyond reminding.

(E) Orientation means the ability to accurately understand or recognize person, place, or time in order to maintain health and safety.

(i) Assist: The individual is disoriented to person, place, or time and requires the assistance of another person. These occurrences are episodic during the week, but less than daily.

(ii) Full Assist: The individual is disoriented daily to person, place, or time and requires the assistance of another person.

(F) Danger to self or others means behavioral symptoms, other than wandering, that are hazardous to the individual (including self-injury), or harmful or disruptive to those around the individual.

(i) Assist: At least monthly, the individual is disruptive or aggressive in a non-physical way, agitated, or sexually inappropriate and needs the assistance of another person. These behavioral symptoms are challenging, but the individual can be verbally redirected.

(ii) Full Assist: The individual has had more than one episode of aggressive, disruptive, agitated, dangerous, or physically abusive or sexually aggressive behavioral symptoms directed at self or others. These behavioral symptoms are extreme, may be unpredictable, and necessitate intervention beyond verbal redirection, requiring an individualized behavioral care plan (as defined in OAR 411-015-0005) that all staff are trained to deliver.

(G) Demands on others means behavioral symptoms, other than wandering, that negatively impact and affect living arrangements, providers, or other residents.

(i) Assist: The individual's habits and emotional states limit the types of living arrangements and companions, but can be modified with individualized routines, changes to the environment (such as roommates or noise reduction), or general training for the provider that is not specific to the individual.

(ii) Full Assist: The individual's habits and emotional states can be modified only with a 24-hour specialized care setting or an individualized

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behavioral care plan (as defined in OAR 411-015-0005) that all staff are trained to deliver.

(H) Wandering means moving about aimlessly, or elopement, without relationship to needs or safety.

(i) Assist: The individual wanders within the home or facility, but does not jeopardize safety.

(ii) Full Assist: The individual wanders inside or outside and jeopardizes safety.

(6) Dressing and Grooming is comprised of two elements. To be considered Assist, the individual must require assistance in dressing or full assistance in grooming. To be considered Full Assist the individual must require full assistance in dressing:

(a) Dressing means the activities of dressing and undressing.

(A) Assist: Even with assistive devices, the individual is unable to accomplish some tasks of dressing without the assistance of another person. This means hands-on assistance for part of the task, cueing during the activity, or stand-by presence during the activity.

(B) Full Assist: Even with assistive devices, the individual is unable to accomplish any tasks of dressing without the assistance of another person. This means the individual needs hands-on assistance through all phases of the activity, every time the activity is attempted.

(b) Grooming means nail and hair care.

(A) Assist: Even with assistive devices, the individual is unable to accomplish tasks of grooming, without the assistance of another person. This means hands-on assistance for part of the task, cueing during the activity, or stand-by presence during the activity.

(B) Full Assist: Even with assistive devices, the individual is unable to perform any tasks of grooming without the assistance of another person. This means the individual needs hands-on assistance of another person through all phases of the activity, every time the activity is attempted.

(7) Eating means the activity of feeding and eating and may include using assistive devices.

(a) Assist: When eating, the individual requires another person to be within sight and immediately available. Assistance requires hands-on feeding, hands-on assistance with special utensils, cueing during the act of eating, or monitoring to prevent choking or aspiration. Assistance with eating is a daily need or may vary if an individual's medical condition fluctuates significantly during a one-month period.

(b) Full Assist: When eating, the individual always requires one-on-one assistance for direct feeding, constant cueing, or to prevent choking or aspiration. This includes nutritional IV or feeding tube set-up by another person. This means the individual needs the assistance of another person through all phases of the activity, every time the activity is attempted.

(8) Elimination is comprised of three components. To be considered Assist, the individual must require assistance in at least one of the three components. To be considered Full Assist the individual must require full assistance in any of the three components. Dialysis care needs are not assessed as part of elimination.

(a) Bladder means managing bladder care. This includes tasks such as catheter care, toileting schedule, monitoring for infection, ostomy care, and changing incontinence supplies.

(A) Assist: Even with assistive devices or supplies, the individual is unable to accomplish some of the tasks of bladder care without at least monthly assistance from another person.

(B) Full Assist: The individual is unable to manage any part of bladder or catheter care without the assistance of another person. This means the individual needs the assistance of another person through all phases of the activity, every time the activity is attempted.

(b) Bowel means managing bowel care. This includes tasks such as digital stimulation, toileting schedule, suppository insertion, ostomy care, enemas, and changing incontinence supplies.

(A) Assist: Even with assistive devices the individual is unable to accomplish some tasks of bowel care without at least monthly assistance of another person.

(B) Full Assist: The individual is unable to accomplish any part of bowel care without the assistance of another person. This means the individual needs the assistance of another person through all phases of the activity, every time the activity is attempted.

(c) Toileting means the activity of getting to and from, and on and off the toilet (including bedpan, commode, or urinal), cleansing after elimination or adjusting clothing, cleaning and maintaining assistive devices, or cleaning the toileting area after elimination because of unsanitary conditions that pose a health risk. This does not include routine bathroom cleaning.

(A) Assist: Even with assistive devices, the individual is unable to accomplish some tasks of toileting without hands-on assistance of another person at least monthly. Hands-on assistance is required for all tasks, except tasks associated with cleaning devices or the toileting area.

(B) Full Assist: The individual is unable to accomplish any part of toileting without the assistance of another person. This means the individual needs hands-on assistance of another person through all phases of the activity, every time the activity is attempted. Hands-on assistance is required for all tasks, except tasks associated with cleaning devices or the toileting area.

(9) Mobility is comprised of two components, which are ambulation and transfer. In the mobility cluster only, assistance is categorized into three levels. To be considered Minimal Assist, the individual must require minimal assistance in ambulation. To be considered Substantial Assist, the individual must require substantial assistance with ambulation or an assist with transfer. To be considered Full Assist, the individual must require full assistance with ambulation or transfer.

(a) Mobility does not include getting in and out of a motor vehicle, getting in or out of a bathtub or shower, moving on or off the toilet, or moving to and from the toilet.

(b) Mobility, for the purposes of this rule, inside the home or care setting, means inside the entrance to the client's home or apartment unit or inside the care setting (as defined in OAR 411-015-0005). Courtyards, balconies, stairs or hallways exterior to the doorway of the home or apartment unit are not considered inside.

(c) A history of falls with an inability to rise without the assistance of another person, or with negative physical health consequences, may be considered in assessing ambulation or transfer if they occur within the assessment time frame. Falls prior to the assessment time frame, or the need for prevention of falls alone, even if recommended by medical personnel, is not sufficient to qualify for assistance in ambulation or transfer.

(d) Ambulation means the activity of moving around both inside and outside the home or care setting, during the assessment time frame, while using assistive devices, if needed. Ambulation does not include exercise or physical therapy.

(A) Minimal Assist: Even with assistive devices, if needed, the individual can get around inside his or her home or care setting without the assistance of another person. Outside of the individual's home or care setting, the individual requires hands-on assistance of another person.

(B) Substantial Assist: Even with assistive devices, the individual is unable to ambulate during the assessment time frame without hands-on assistance of another person inside his or her home or care setting. Even with assistive devices, this assistance may also be needed outside.

(C) Full Assist: Even with assistive devices, the individual is unable to ambulate without assistance from another person. This means the individual needs the hands-on assistance of another person through all phases of the activity, every time the activity is attempted.

(e) Transfer means the activity of moving to or from a chair, bed, or wheelchair using assistive devices, if needed. This assistance must be needed inside the individual's home or care setting.

(A) Assist: Even with assistive devices, the individual is unable to accomplish a transfer without hands-on assistance of another person at least four days during a month.

(B) Full Assist: Even with assistive devices, the individual is unable to transfer and is dependent on at least one other person to perform the transfer. This means the individual needs hands-on assistance of another person through all phases of the activity, every time the activity is attempted.

Stat. Auth.: ORS 410.070

Stats. Implemented: ORS 410.070

Hist.: SPD 19-2006, f. 5-26-06, cert. ef. 6-1-06; APD 9-2014(Temp), f. 4-17-14, cert. ef. 4-21-14 thru 10-18-14; APD 35-2014, f. & cert. ef. 10-1-14

411-015-0008

Assessments

(1) ASSESSMENT.

(a) The assessment process:

(A) Identifies an individual's ability to perform activities of daily living and instrumental activities of daily living (self-management tasks);

(B) Determines an individual's ability to address health and safety concerns; and

(C) Includes an individual's preferences to meet service needs.

(b) A case manager must conduct an assessment in accordance with the standards of practice established by the Department.

(c) A case manager must assess an individual's abilities, regardless of, architectural modifications, assistive devices, or services provided in a care setting, alternative service resources, or other community providers.

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(d) The time frame of reference for evaluation is 30 days prior to the assessment date, with consideration of how the individual is likely to function in the 30 days following the assessment date.

(A) In order to be eligible, an individual must demonstrate the need for assistance of another person within the assessment time frame and expect the need to be on-going beyond the assessment time frame.

(B) The time frame for assessing the cognition and behavior activity of daily living may be extended as described in OAR 411-015-0006.

(e) The assessment must be conducted at least annually, or when requested by an individual, with a standardized assessment tool, approved by a Department case manager, or other qualified Department or AAA representative.

(f) The initial assessment must be conducted face to face, in an individual's home or care setting.

(g) All re-assessments must be conducted face to face in an individual's home or care setting, unless there is a compelling reason to meet elsewhere and the individual requests an alternative location. Case managers must visit an individual's home or care setting to complete the re-assessment and identify service plan needs, as well as safety and risk concerns.

(A) Individuals must be sent a notice of the need for re-assessment a minimum of 14 days in advance.

(B) Consumer requested re-assessments based on a change in the consumer's condition or service needs are exempt from the 14-day advance notice requirement.

(h) An individual may request the presence of natural supports at any assessment.

(i) Assessment times must be scheduled within business days and hours unless extraordinary circumstances necessitate an alternate time. If an alternate time is necessary, an individual must request the after-hours appointment, and coordinate a mutually acceptable appointment time with the local Department or AAA office.

(j) An individual, or the individual's representative, has the responsibility to participate, in and provide information necessary to, complete assessments and re-assessments within the time frame requested by the Department.

(A) Failure to participate in or provide requested assessment or re-assessment information within the application time frame, results in a denial of service eligibility.

(B) The Department may allow additional time if circumstances beyond the control of the individual or the individual's representative prevent timely participation or submission of information.

(2) SERVICE PLAN.

(a) An individual being assessed, others identified by the individual, and a case manager must consider the service options as well as assistive devices, architectural modifications, and other alternative service resources as defined in OAR 411-015-0005 to meet an individual's service needs identified in the assessment process.

(b) A case manager is responsible for:

(A) Determining eligibility for specific services;

(B) Presenting service options, resources, and alternatives to an individual to assist the individual in making informed choices and decisions;

(C) Identifying goals, preferences, and risks; and

(D) Assessing the cost effectiveness of an individual's service plan.

(c) A case manager must monitor the service plan and make adjustments as needed.

(d) An eligible individual, or the individual's representative, is responsible for choosing and assisting in developing less costly service alternatives.

(e) The service plan payment must be considered full payment for the Medicaid home and community-based services rendered. Under no circumstances, may any provider demand or receive additional payment for Medicaid home and community-based services from an eligible individual or any other source.

Stat. Auth.: ORS 410.070

Stats. Implemented: ORS 410.070

Hist.: SPD 19-2006, f. 5-26-06, cert. ef. 6-1-06; SPD 14-2013(Temp), f. & cert. ef. 7-1-13 thru 12-28-13; SPD 45-2013, f. 12-13-13, cert. ef. 12-15-13; APD 35-2014, f. & cert. ef. 10-1-14

411-015-0015

Current Limitations

(1) The Department has the authority to establish, by administrative rule, service eligibility within which to manage the Department's limited resources. The Department is currently able to serve:

(a) Individuals determined eligible for the Medicaid OHP Plus benefit package who are assessed as meeting at least one of the service priority levels (1) through (13) as described in OAR 411-015-0010.

(b) Individuals eligible for Oregon Project Independence funded services, if the individual meets at least one of the service priority levels (1) through (18) of OAR 411-015-0010.

(c) Individuals needing risk intervention services in areas designated to provide such services. Individuals with the lowest service priority level number under OAR 411-015-0010 are served first.

(2) Individuals 65 years of age or older, determined eligible for developmental disability services, or having a primary diagnosis of a mental or emotional disorder, are eligible for nursing facility or Medicaid home and community-based services if:

(a) The individual meets section (1) of this rule; and

(b) The individual is not in need of specialized mental health treatment services or other specialized Department residential program interventions as identified through the mental health assessment process or PASRR process described in OAR 411-070-0043.

(3) Individuals under 65 years of age, determined eligible for developmental disability services, or having a primary diagnosis of a mental or emotional disorder, are not eligible for Department nursing facility services unless determined appropriate through the PASRR process described in OAR 411-070-0043.

(4) Individuals under 65 years of age determined to be eligible for developmental disability services are not eligible for Medicaid home and community-based services administered by the Department's Aging and People with Disabilities. Eligibility for Medicaid home and community-based services for individuals with intellectual or developmental disabilities is determined by the Department's Office of Developmental Disability Services or designee.

(5) Individuals under 65 years of age who have a diagnosis of mental or emotional disorder or substance abuse related disorder are not eligible for Medicaid home and community-based services administered by the Department's Aging and People with Disabilities unless:

(a) The individual has a medical non-psychiatric diagnosis or physical disability;

(b) The individual's need for services is based on his or her medical, non-psychiatric diagnosis, or physical disability; and

(c) The individual provides supporting documentation demonstrating that his or her need for services is based on the medical, non-psychiatric diagnosis, or physical disability. The Department authorizes documentation sources through approved and published policy transmittals.

(6) Medicaid home and community-based services are not intended to replace a natural support system as defined by OAR 411-015-0005. Paid support is provided if a natural support is unwilling or unable to provide identified services.

(7) Individuals with excess income must contribute to the cost of service pursuant to OAR 461-160-0610 and 461-160-0620.

Stat. Auth.: ORS 410.070 & 411.070

Stats. Implemented: ORS 410.070

Hist.: SSD 3-1985, f. & ef. 4-1-85; SSD 5-1986, f. & ef. 4-14-86; SSD 9-1986, f. & ef. 7-1-86; SSD 12-1987, f. 12-31-87, cert. ef. 1-1-88; SSD 12-1991(Temp), f. 6-28-91, cert. ef. 7-1-91; SSD 21-1991, f. 12-31-91, cert. ef. 1-1-92. Renumbered from former 411-015-0000(4); SSD 1-1993, f. 3-19-93, cert. ef. 4-1-93; SDSD 11-2002(Temp), f. 12-5-02, cert. ef. 12-6-02 thru 6-3-03; SPD 1-2003(Temp), f. 1-7-03, cert. ef. 2-1-03 thru 6-3-03; SDP 3-2003(Temp), f. 2-14-03, cert. ef. 2-18-03 thru 6-3-03; SPD 5-2003(Temp), f. & cert. ef. 3-12-03 thru 6-3-03; SPD 6-2003(Temp), f. & cert. ef. 3-20-03 thru 6-3-03; SPD 12-2003, f. 5-30-03, cert. ef. 6-4-03; SPD 16-2003(Temp), f. & cert. ef. 10-27-03 thru 4-23-04; SPD 5-2004(Temp), f. & cert. ef. 3-23-04 thru 4-27-04; SPD 8-2004, f. & cert. ef. 4-27-04; SPD 20-2004(Temp), f. & cert. ef. 7-7-04; SPD 29-2004(Temp), f. & cert. ef. 8-6-04 thru 1-3-05; SPD 1-2005, f. & cert. ef. 1-4-05; SPD 8-2006, f. 1-26-06, cert. ef. 2-1-06; SPD 19-2006, f. 5-26-06, cert. ef. 6-1-06; SPD 14-2013(Temp), f. & cert. ef. 7-1-13 thru 12-28-13; SPD 45-2013, f. 12-13-13, cert. ef. 12-15-13; APD 9-2014(Temp), f. 4-17-14, cert. ef. 4-21-14 thru 10-18-14; APD 35-2014, f. & cert. ef. 10-1-14

411-015-0100

Eligibility for Nursing Facility or Medicaid Home and Community-Based Services

(1) To be eligible for nursing facility services or Medicaid home and community-based services, a person must:

(a) Be age 18 or older.

(b) Be eligible for the Medicaid OHP Plus benefit package.

(A) An individual receiving Medicaid OHP Plus under OAR 410-200 coverage for services in a nonstandard living arrangement (see 461-001-0000) is subject to the rules regarding transfer of assets (see 461-140-0210 to 461-140-0300) in the same manner as if they were requesting these services under OSIPM. This includes, but is not limited to, the following assets:

(i) An annuity is evaluated according to OAR 461-145-0022;

(ii) A transfer of property when an individual retains a life estate is evaluated according to OAR 461-145-0310;

(iii) A loan made by an individual is evaluated according to OAR 461-145-0330;

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(iv) An Irrevocable trust is evaluated according to OAR 461-145-0540;

(B) When an individual is disqualified for a transfer of assets they must receive a notice meeting the requirements of OAR 461-175-0310 in the same manner as if they were requesting services under OSIPM.

(c) Meet the functional impairment level within the service priority levels currently served by the Department as outlined in OAR 411-015-0010 and the requirements in 411-015-0015.

(2) To be eligible for services paid through the Spousal Pay Program, an individual must meet the requirements listed above in section (1) of this rule in addition to the requirements in OAR 411-030-0080.

(3) Individuals who are age 17 or younger and reside in a nursing facility, are eligible for nursing facility services only and are not eligible to receive Medicaid home and community-based services administered by the Department's Aging and People with Disabilities.

Stat. Auth.: ORS 410.070

Stats. Implemented: ORS 410.060, 410.070 & 414.065

Hist.: SSD 7-1991(Temp), f. & cert. ef. 4-1-91; SSD 13-1991, f. 6-28-91, cert. ef. 7-1-91; SDDS 11-2002(Temp), f. 12-5-02, cert. ef. 12-6-02 thru 6-3-03; SPD 1-2003(Temp), f. 1-7-03, cert. ef. 2-1-03 thru 6-3-03; SPD 12-2003, f. 5-30-03, cert. ef. 6-4-03; SPD 17-2003(Temp), f. 10-31-03, cert. ef. 11-1-03 thru 4-28-04; SPD 8-2004, f. & cert. ef. 4-27-04; SPD 29-2004(Temp), f. & cert. ef. 8-6-04 thru 1-3-05; SPD 1-2005, f. & cert. ef. 1-4-05; SPD 19-2005, f. & cert. ef. 12-29-05; SPD 19-2006, f. 5-26-06, cert. ef. 6-1-06; SPD 14-2013(Temp), f. & cert. ef. 7-1-13 thru 12-28-13; SPD 45-2013, f. 12-13-13, cert. ef. 12-15-13; APD 9-2014(Temp), f. 4-17-14, cert. ef. 4-21-14 thru 10-18-14; APD 35-2014, f. & cert. ef. 10-1-14

411-028-0010

Definitions

Unless the context indicates otherwise, the following definitions apply to the rules in OAR chapter 411, division 028:

(1) "Adult" means any person at least 18 years of age.

(2) "Adult Protective Services" mean the services provided in response to the need for protection from abuse described in OAR chapter 411, division 020, OAR chapter 407, division 045, and OAR chapter 943, division 045.

(3) "Case Management" means the functions described in OAR 411-028-0020 performed by a case manager or higher level management staff.

(4) "Case Manager" means a Department employee or an employee of the Department's designee that meets the minimum qualifications in OAR 411-028-0040 who is responsible for service eligibility, assessment of need, offering service choices to eligible individuals, service planning, service authorization and implementation, and evaluation of the effectiveness of Medicaid home and community-based services.

(5) "Collateral Contact" means contact by a case manager with others who may provide information regarding an individual's health, safety, functional needs, social needs, or effectiveness of the individual's plan for services. Collateral contact may include family members, service providers, medical providers, neighbors, pharmacy staff, friends, or other professionals involved in the service coordination of an individual receiving Medicaid home and community-based services.

(6) "Department" means the Department of Human Services.

(7) "Designee" means an organization that the Department contracts with or has an interagency agreement with for the purposes of providing case management services.

(8) "Disability" means a physical, cognitive, or emotional impairment which, for an individual, constitutes or results in a functional limitation in one or more of the activities of daily living defined in OAR 411-015-0006.

(9) "Individual" means an older adult or an adult with a disability applying for or determined eligible for Medicaid home and community-based services.

(10) "Medicaid Home and Community-Based Services" mean the services for older adults and adults with disabilities approved for Oregon by the Centers for Medicare and Medicaid Services.

(11) "Older Adult" means any person at least 65 years of age.

(12) "OSIPM" means Oregon Supplemental Income Program-Medical as defined in OAR 461-101-0010. OSIPM is Oregon Medicaid insurance coverage for individuals who meet eligibility criteria as described in OAR chapter 461.

(13) "Representative" is a person either appointed by an individual to participate in service planning on the individual's behalf or a person with longstanding involvement in assuring the individual's health, safety, and welfare.

Stat. Auth.: ORS 410.070

Stats. Implemented: ORS 410.070

Hist.: SPD 15-2013(Temp), f. & cert. ef. 7-1-13 thru 12-28-13; SPD 46-2013, f. 12-13-13, cert. ef. 12-15-13; APD 9-2014(Temp), f. 4-17-14, cert. ef. 4-21-14 thru 10-18-14; APD 35-2014, f. & cert. ef. 10-1-14

411-028-0020

Scope of Case Management Services

(1) DIRECT CASE MANAGEMENT SERVICES. Direct case management services are provided by a case manager or higher level staff, who communicates directly with an individual or the individual's representative. Direct case management services may occur by phone call, face-to-face contact, or email. Direct case management services do not include contact with collateral contacts unless the collateral contact is the individual's authorized representative. Direct case management services include:

(a) An assessment as described in OAR 411-015-0008.

(b) Service Plan development and review as described in OAR 411-015-0008.

(c) Service options choice counseling as described in OAR 411-030-0050.

(d) Risk assessment and monitoring:

(A) Identifying and documenting risks;

(B) Working with an individual to eliminate or reduce risks;

(C) Developing and implementing a Risk Mitigation Plan;

(D) Monitoring risks over time; and

(E) Making adjustments to an individual's Service Plan as needed.

(e) Diversion activities. This means assisting an individual with finding alternatives to nursing facility admission.

(f) Other program coordination. This means helping an individual navigate or coordinate with other social, health, and assistance programs.

(g) Crisis response and intervention. This means assisting an individual with problem resolution.

(h) Service provision issues. This means assisting an individual with problem solving to resolve issues that occur with providers, services, or hours that don't meet the individual's needs.

(2) INDIRECT CASE MANAGEMENT SERVICES. Indirect case management services are services provided by a case manager or higher level staff, in which direct contact with an individual is not occurring. Indirect case management services include:

(a) Monitoring Service Plan implementation. Reviewing implementation of an individual's Service Plan by reviewing and comparing authorized and billed services to ensure that adequate services are being provided.

(b) Service options choice counseling. This means assisting an individual's caregiver, family member, or other support person with understanding all available Medicaid home and community-based service options.

(c) Risk monitoring. Working with a collateral contact to review an individual's risks, eliminate or reduce risks, and develop and implement a Risk Mitigation Plan. Adjustments to an individual's Service Plan based on risk monitoring activities are classified as direct case management.

(d) Diversion activities. This means finding alternatives to nursing facility admission. Diversion activities do not include transition activities to help an individual move from a nursing facility.

(e) Adult protective services referral including collateral contact.

(f) Other program coordination. This means helping collateral contacts navigate or coordinate with other social, health, and assistance programs.

(g) Service provision issues. This means assisting with problem solving issues that occur with providers, services, or hours that do not meet an individual's needs.

(h) Other case management activities not included in any criteria in this section of the rule.

Stat. Auth.: ORS 410.070

Stats. Implemented: ORS 410.070

Hist.: SPD 15-2013(Temp), f. & cert. ef. 7-1-13 thru 12-28-13; SPD 46-2013, f. 12-13-13, cert. ef. 12-15-13; APD 9-2014(Temp), f. 4-17-14, cert. ef. 4-21-14 thru 10-18-14; APD 35-2014, f. & cert. ef. 10-1-14

411-030-0020

Definitions

Unless the context indicates otherwise, the following definitions apply to the rules in OAR chapter 411, division 030:

(1) "AAA" means "Area Agency on Aging" as defined in this rule.

(2) "Activities of Daily Living (ADL)" mean those personal, functional activities required by an individual for continued well-being, which are essential for health and safety. Activities include eating, dressing, grooming, bathing, personal hygiene, mobility (ambulation and transfer), elimination (toileting, bowel, and bladder management), and cognition, and behavior as defined in OAR 411-015-0006.

(3) "ADL" means "activities of daily living" as defined in this rule.

(4) "Architectural Modifications" means any service leading to the alteration of the structure of a dwelling to meet a specific service need of an eligible individual.

ADMINISTRATIVE RULES

(5) "Area Agency on Aging (AAA)" means the Department designated agency charged with the responsibility to provide a comprehensive and coordinated system of services to individuals in a planning and service area. The term Area Agency on Aging is inclusive of both Type A and Type B Area Agencies on Aging as defined in ORS 410.040 and described in 410.210 to 410.300.

(6) "Assistive Devices" means any category of durable medical equipment, mechanical apparatus, electrical appliance, or instrument of technology used to assist and enhance an individual's independence in performing any activity of daily living. Assistive devices include the use of service animals, general household items, or furniture to assist the individual.

(7) "Business Days" means Monday through Friday and excludes Saturdays, Sundays, and state or federal holidays.

(8) "CA/PS" means the "Client Assessment and Planning System" as defined in this rule.

(9) "Case Manager" means an employee of the Department or Area Agency on Aging who assesses the service needs of an individual applying for services, determines eligibility, and offers service choices to the eligible individual. The case manager authorizes and implements an individual's service plan and monitors the services delivered as described in OAR chapter 411, division 028.

(10) "Client Assessment and Planning System (CA/PS)":

(a) Is a single entry data system used for:

(A) Completing a comprehensive and holistic assessment;

(B) Surveying an individual's physical, mental, and social functioning; and

(C) Identifying risk factors, individual choices and preferences, and the status of service needs.

(b) The CA/PS documents the level of need and calculates an individual's service priority level in accordance with the rules in OAR chapter 411, division 015, calculates the service payment rates, and accommodates individual participation in service planning.

(11) "Collective Bargaining Agreement" means the ratified Collective Bargaining Agreement between the Home Care Commission and the Service Employees International Union, Local 503. The Collective Bargaining Agreement is maintained on the Department's website: (<http://www.oregon.gov/dhs/spd/adv/hcc/docs/contract1113.pdf>). Printed copies may be obtained by calling (503) 945-6398 or writing the Department of Human Services, Aging and People with Disabilities, ATTN: Rules Coordinator, 500 Summer Street NE, E-48, Salem, Oregon 97301-1067.

(12) "Consumer" or "Consumer-Employer" means an individual eligible for in-home services.

(13) "Consumer-Employed Provider Program" refers to the program described in OAR chapter 411, division 031 wherein a provider is directly employed by a consumer to provide either hourly or live-in in-home services.

(14) "Contingency Fund" means a monetary amount that continues month to month if approved by a case manager that is set aside in the Independent Choices Program service budget to purchase identified items that substitute for personal assistance.

(15) "Contracted In-Home Care Agency" means an incorporated entity or equivalent, licensed in accordance with OAR chapter 333, division 536 that provides hourly contracted in-home services to individuals receiving services through the Department or Area Agency on Aging.

(16) "Cost Effective" means being responsible and accountable with Department resources. This is accomplished by offering less costly alternatives when providing choices that adequately meet an individual's service needs. Those choices consist of all available services under the Medicaid home and community-based service options, the utilization of assistive devices, natural supports, architectural modifications, and alternative service resources (defined in OAR 411-015-0005). Less costly alternatives may include resources not paid for by the Department.

(17) "Department" means the Department of Human Services (DHS).

(18) "Discretionary Fund" means a monetary amount set aside in the Independent Choices Program service budget to purchase items not otherwise delineated in the monthly service budget or agreed to be savings for items not traditionally covered under Medicaid home and community-based services. Discretionary funds are expended as described in OAR 411-030-0100.

(19) "Disenrollment" means either voluntary or involuntary termination of a participant from the Independent Choices Program.

(20) "DMAP" means the Oregon Health Authority, Division of Medical Assistance Programs.

(21) "Employee Provider" means a worker who provides services to, and is a paid provider for, a participant in the Independent Choices Program.

(22) "Employment Relationship" means the relationship of employee and employer involving an employee provider and a participant.

(23) "Exception" means an approval for payment of a service plan granted to a specific individual in their current residence or in the proposed residence identified in the exception request that exceeds the CA/PS assessed service payment levels for individuals residing in community-based care facilities or the maximum hours of service as described in OAR 411-030-0070 for individuals residing in their own homes or the home of a relative. The approval of an exception is based on the service needs of the individual and is contingent upon the individual's service plan meeting the requirements in 411-027-0020, 411-027-0025, and 411-027-0050. The term "exception" is synonymous with "exceptional rate" or "exceptional payment."

(24) "FICA" is the acronym for the Social Security payroll taxes collected under authority of the Federal Insurance Contributions Act.

(25) "Financial Accountability" refers to guidance and oversight which act as fiscal safeguards to identify budget problems on a timely basis and allow corrective action to be taken to protect the health and welfare of individuals.

(26) "FUTA" is the acronym for Federal Unemployment Tax Assessment which is a United States payroll (or employment) tax imposed by the federal government on both employees and employers.

(27) "Homecare Worker" means a provider, as described in OAR 411-031-0040, that is directly employed by a consumer to provide either hourly or live-in services to the eligible consumer.

(a) The term homecare worker includes:

(A) A consumer-employed provider in the Spousal Pay and Oregon Project Independence Programs;

(B) A consumer-employed provider that provides state plan personal care services to individuals; and

(C) A relative providing Medicaid in-home services to an individual living in the relative's home.

(b) The term homecare worker does not include an Independent Choices Program provider or a personal support worker enrolled through Developmental Disability Services or the Addictions and Mental Health Division.

(28) "Hourly Services" mean the in-home services, including activities of daily living and instrumental activities of daily living, that are provided at regularly scheduled times.

(29) "IADL" means "instrumental activities of daily living" as defined in this rule.

(30) "ICP" means "Independent Choices Program" as defined in this rule.

(31) "Independent Choices Program (ICP)" means a self-directed in-home services program in which a participant is given a cash benefit to purchase goods and services identified in the participant's service plan and prior approved by the Department or Area Agency on Aging.

(32) "Individual" means a person age 65 or older, or an adult with a physical disability, applying for or eligible for services.

(33) "Individualized Back-Up Plan" means a plan incorporated into an Independent Choices Program service plan to address critical contingencies or incidents that pose a risk or harm to a participant's health and welfare.

(34) "In-Home Services" mean the activities of daily living and instrumental activities of daily living that assist an individual to stay in his or her own home or the home of a relative.

(35) "Instrumental Activities of Daily Living (IADL)" mean those activities, other than activities of daily living, required by an individual to continue independent living. The definitions and parameters for assessing needs in IADL are identified in OAR 411-015-0007.

(36) "Liability" refers to the dollar amount an individual with excess income contributes to the cost of service pursuant to OAR 461-160-0610 and 461-160-0620.

(37) "Live-In Services" mean services provided when an individual requires activities of daily living, instrumental activities of daily living, and twenty-four hour availability. Time spent by any live-in employee doing instrumental activities of daily living and twenty-four hour availability are exempt from federal and state minimum wage and overtime requirements.

(38) "Medicaid OHP Plus Benefit Package" means only the Medicaid benefit packages provided under OAR 410-120-1210(4)(a) and (b). This excludes individuals receiving Title XXI benefits.

ADMINISTRATIVE RULES

(39) "Natural Supports" or "Natural Support System" means resources and supports (e.g. relatives, friends, neighbors, significant others, roommates, or the community) who are willing to voluntarily provide services to an individual without the expectation of compensation. Natural supports are identified in collaboration with the individual and the potential "natural support". The natural support is required to have the skills, knowledge, and ability to provide the needed services and supports.

(40) "Oregon Project Independence (OPI)" means the program of in-home services described in OAR chapter 411, division 032.

(41) "Participant" means an individual eligible for the Independent Choices Program.

(42) "Provider" means the person who renders the services.

(43) "Rate Schedule" means the rate schedule maintained by the Department at <http://www.dhs.state.or.us/spd/tools/program/osip/rateschedule.pdf>. Printed copies may be obtained by calling (503) 945-6398 or writing the Department of Human Services, Aging and People with Disabilities, ATTN: Rules Coordinator, 500 Summer Street NE, E-48, Salem, Oregon 97301-1064.

(44) "Relative" means a person, excluding an individual's spouse, who is related to the individual by blood, marriage, or adoption.

(45) "Representative" is a person either appointed by an individual to participate in service planning on the individual's behalf or an individual's natural support with longstanding involvement in assuring the individual's health, safety, and welfare. There are additional responsibilities for an Independent Choices Program (ICP) representative as described in OAR 411-030-0100. An ICP representative is not a paid employee provider regardless of relationship to a participant.

(46) "Service Budget" means a participant's plan for the distribution of authorized funds that are under the control and direction of the participant within the Independent Choices Program. A service budget is a required component of the participant's service plan.

(47) "Service Need" means the assistance an individual requires from another person for those functions or activities identified in OAR 411-015-0006 and 411-015-0007.

(48) "SUTA" is the acronym for State Unemployment Tax Assessment. State unemployment taxes are paid by employers to finance the unemployment benefit system that exists in each state.

(49) "These Rules" mean the rules in OAR chapter 411, division 30.

(50) "Twenty-Four Hour Availability" means the availability and responsibility of a homecare worker to meet activities of daily living and instrumental activities of daily living needs of a consumer as required by the consumer over a twenty-four hour period. Twenty-four hour availability services are provided by a live-in homecare worker and are exempt from federal and state minimum wage and overtime requirements.

Stat. Auth.: ORS 409.050, 410.070 & 410.090

Stats. Implemented: ORS 410.010, 410.020 & 410.070

Hist.: SSD 5-1983, f. 6-7-83, ef. 7-1-83; SSD 3-1985, f. & ef. 4-1-85; SSD 5-1987, f. & ef. 7-1-87; SSD 4-1993, f. 4-30-93, cert. ef. 6-1-93; SSD 6-1994, f. & cert. ef. 11-15-94; SPD 14-2003, f. & cert. ef. 7-31-03; SPD 15-2003 f. & cert. ef. 9-30-03; SPD 18-2003(Temp), f. & cert. ef. 12-11-03 thru 6-7-04; SPD 15-2004, f. 5-28-04, cert. ef. 6-7-04; SPD 18-2005(Temp), f. 12-20-05, cert. ef. 12-21-05 thru 6-1-06; SPD 20-2006, f. 5-26-06, cert. ef. 6-1-06; SPD 3-2007(Temp), f. 4-11-07, cert. ef. 5-1-07 thru 10-28-07; SPD 17-2007, f. 10-26-07, cert. ef. 10-28-07; SPD 4-2008(Temp), f. & cert. ef. 4-1-08 thru 9-24-08; SPD 13-2008, f. & cert. ef. 9-24-08; SPD 15-2008, f. 12-26-08, cert. ef. 1-1-09; SPD 10-2013(Temp), f. & cert. ef. 5-23-13 thru 11-19-13; SPD 16-2013(Temp), f. & cert. ef. 7-1-13 thru 11-19-13; SPD 43-2013, f. 10-31-13, cert. ef. 11-1-13; APD 9-2014(Temp), f. 4-17-14, cert. ef. 4-21-14 thru 10-18-14; APD 35-2014, f. & cert. ef. 10-1-14

411-030-0040

Eligibility Criteria

(1) In-home services are provided to individuals who meet the established priorities for service as described in OAR chapter 411, division 015 who have been assessed to be in need of in-home services.

(a) Payments for in-home services are not intended to replace the resources available to an individual from the individual's natural supports.

(b) An individual whose service needs are sufficiently and appropriately met by available natural supports is not eligible for in-home services.

(2) An individual receiving Medicaid in-home services must:

(a) Meet the established priorities for service as described in OAR chapter 411, division 015;

(b) Be a current recipient of a Medicaid OHP Plus benefit package. Recipients receiving Medicaid OHP Plus benefits are subject to the transfer of assets rule criteria described in section (1)(b) of OAR 411-015-0100;

(c) Reside in a living arrangement described in OAR 411-030-0033; and

(d) Be 18 years of age or older.

(3) An individual receiving services through the Independent Choices Program must:

(a) Meet the established priorities for service as described in OAR chapter 411, division 015;

(b) Be a current recipient of OSIPM (Oregon Supplemental Income Program Medical).

(c) Reside in a living arrangement described in OAR 411-030-0033; and

(d) Be 18 years of age or older.

(4) To be eligible for Medicaid in-home services, an individual must employ an enrolled homecare worker or contracted in-home care agency. To be eligible for ICP, a participant must employ an employee provider.

(5) Initial eligibility for Medicaid in-home services, or the ICP, does not begin until an individual's service plan has been authorized by the Department or the Department's designee. The service plan must identify the provider who delivers the authorized services, include the date when the provision of services begins, and include the maximum number of hours authorized. Service plans must be based upon the least costly means of providing adequate services.

(6) If, for any reason, the employment relationship between an individual and provider is discontinued, an enrolled homecare worker or contracted in-home care agency must be employed within 14 business days for the individual to remain eligible for in-home services. A participant of ICP must employ an employee provider within 14 business days to remain eligible for ICP services. The individual's case manager has the authority to waive the 14 business day restriction if the individual is making progress towards employing a provider.

(7) An eligible individual who has been receiving in-home services who temporarily enters a nursing facility or medical institution must employ an enrolled homecare worker or contracted in-home care agency within 14 business days of discharge from the facility or institution for the individual to remain eligible for in-home services. A participant of ICP must employ an employee provider within 14 business days of discharge to remain eligible for ICP services.

(8) EMPLOYER RESPONSIBILITIES.

(a) In order to be eligible for in-home services provided by a homecare worker, an individual must be able to, or designate a representative to:

(A) Locate, screen, and hire a qualified homecare worker;

(B) Supervise and train the homecare worker;

(C) Schedule the homecare worker's work, leave, and coverage;

(D) Track the hours worked and verify the authorized hours completed by the homecare worker;

(E) Recognize, discuss, and attempt to correct any performance deficiencies with the homecare worker; and

(F) Discharge an unsatisfactory homecare worker.

(b) Individuals who are unable to meet the responsibilities in subsection (a) of this section are ineligible for in-home services provided by a homecare worker. Except as set forth in subsection (f) of this section, individuals ineligible for in-home services provided by a homecare worker may designate a representative to manage the individual's responsibilities as an employer on the individual's behalf. A representative of an individual may not be a homecare worker providing homecare worker services to the individual. Individuals must also be offered other available community-based service options to meet the individual's service needs, including contracted in-home care agency services, nursing facility services, or other community-based service options.

(c) An individual determined ineligible for in-home services provided by a homecare worker and who does not have a representative may request in-home services provided by a homecare worker at the individual's next re-assessment, but no sooner than 12 months from the date the individual was determined ineligible. To reestablish eligibility for in-home services provided by a homecare worker, an individual must attend training and acquire, or otherwise demonstrate, the ability to meet the employer responsibilities in subsection (a) of this section. Improvements in health and cognitive functioning, for example, may be factors in demonstrating the individual's ability to meet the employer responsibilities in subsection (a) of this section. If the Department determines an individual may not meet the individual's employer responsibilities, the Department may require the individual appoint an acceptable representative.

(d) The Department retains the right to approve the representative selected by an individual. Approval may be based on, but is not limited to, the representative's criminal history, protective services history, or credible allegations of fraud or collusion in fraudulent activities involving a public assistance program.

ADMINISTRATIVE RULES

(e) If an individual's designated representative is unable to meet the employer responsibilities of subsection (a) of this section, or the Department does not approve the representative, the individual must designate a different representative or select other available services.

(f) An individual with a history of credible allegations of fraud or collusion in fraud with respect to in-home services is not eligible for in-home services provided by a homecare worker.

(9) REPRESENTATIVE.

(a) The Department or the Department's designee, may deny an individual's request for any representative if the representative has a history of a substantiated adult protective service complaint as described in OAR chapter 411, division 020. The individual may select another representative.

(b) An individual with a guardian must have a representative for service planning purposes. A guardian may designate themselves as the representative.

(10) Additional eligibility criteria for Medicaid in-home services exist for individuals eligible for:

(a) The Consumer-Employed Provider Program as described in OAR chapter 411, division 031;

(b) The Independent Choices Program as described in OAR 411-030-0100 of these rules; and

(c) The Spousal Pay Program as described in OAR 411-030-0080 of these rules.

(11) Residents of licensed community-based care facilities, nursing facilities, prisons, hospitals, and other institutions that provide assistance with ADLs, are not eligible for in-home services.

(12) Individuals with excess income must contribute to the cost of service pursuant to OAR 461-160-0610 and 461-160-0620.

Stat. Auth.: ORS 409.050, 410.070 & 410.090

Stats. Implemented: ORS 410.010, 410.020 & 410.070

Hist.: SSD 3-1985, f. & ef. 4-1-85; SSD 4-1993, f. 4-30-93, cert. ef. 6-12-93, Renumbered from 411-030-0001; SPD 2-2003(Temp), f. 1-31-03, cert. ef. 2-1-03 thru 7-30-03; SPD 14-2003, f. & cert. ef. 7-31-03; SPD 15-2003 f. & cert. ef. 9-30-03; SPD 18-2003(Temp), f. & cert. ef. 12-11-03 thru 6-7-04; SPD 15-2004, f. 5-28-04, cert. ef. 6-7-04; SPD 18-2005(Temp), f. 12-20-05, cert. ef. 12-21-05 thru 6-1-06; SPD 1-2006(Temp), f. & cert. ef. 1-13-06 thru 6-1-06; SPD 20-2006, f. 5-26-06, cert. ef. 6-1-06; SPD 4-2008(Temp), f. & cert. ef. 4-1-08 thru 9-24-08; SPD 13-2008, f. & cert. ef. 9-24-08; SPD 15-2008, f. 12-26-08, cert. ef. 1-1-09; SPD 10-2013(Temp), f. & cert. ef. 5-23-13 thru 11-19-13; SPD 43-2013, f. 10-31-13, cert. ef. 11-1-13; APD 9-2014(Temp), f. 4-17-14, cert. ef. 4-21-14 thru 10-18-14; APD 35-2014, f. & cert. ef. 10-1-14

411-034-0010

Definitions

Unless the context indicates otherwise, the following definitions apply to the rules in OAR chapter 411, division 034:

(1) "AAA" means "Area Agency on Aging" as defined in this rule.

(2) "Adult" means any person at least 18 years of age.

(3) "Area Agency on Aging (AAA)" means the Department designated agency charged with the responsibility to provide a comprehensive and coordinated system of services to older adults and adults with disabilities in a planning and service area. The terms AAA and Area Agency on Aging are inclusive of both Type A and Type B Area Agencies on Aging as defined in ORS 410.040 and described in ORS 410.210 to 410.300.

(4) "Assistance" means an individual requires help from another person with the personal care or supportive services described in OAR 411-034-0020. Assistance may include cueing, hands-on, monitoring, reassurance, redirection, set-up, standby, or support as defined in OAR 411-015-0005. Assistance may also require verbal reminding to complete one of the tasks described in OAR 411-034-0020.

(5) "Assistive Devices" means any category of durable medical equipment, mechanical apparatus, electrical appliance, or instrument of technology used to assist and enhance an individual's independence in performing any task described in OAR 411-034-0020.

(6) "Assistive Supports" means the aid of service animals, general household items, or furniture used to assist and enhance an individual's independence in performing any task described in OAR 411-034-0020.

(7) "Background Check" means a criminal records check and abuse check as defined in OAR 407-007-0210.

(8) "Case Management" means the functions performed by a case manager, services coordinator, personal agent, or manager. Case management includes determining service eligibility, developing a plan of authorized services, and monitoring the effectiveness of services.

(9) "Case Manager" means a Department employee or an employee of the Department's designee, services coordinator, or personal agent who assesses the service needs of individuals, determines eligibility, and offers service choices to eligible individuals. A case manager authorizes and implements an individual's plan for services and monitors the services delivered.

(10) "Central Office" means the main office of the Department, Division, or Designee.

(11) "Child" means an individual who is less than 18 years of age.

(12) "Community Developmental Disability Program (CDDP)" means the Department's designee that is responsible for plan authorization, delivery, and monitoring of services for individuals with intellectual or developmental disabilities according to OAR chapter 411, division 320.

(13) "Contracted In-Home Care Agency" means an incorporated entity or equivalent, licensed in accordance with OAR chapter 333, division 536 that provides hourly contracted in-home services to individuals receiving services through the Department or Area Agency on Aging.

(14) "Cost Effective" means being responsible and accountable with Department resources. This is accomplished by offering less costly alternatives when providing choices that adequately meet an individual's service needs. Those choices consist of all available service options, the utilization of assistive devices or assistive supports, natural supports, architectural modifications, and alternative service resources (defined in OAR 411-015-0005). Less costly alternatives may include resources not paid for by the Department.

(15) "Delegated Nursing Task" means a registered nurse (RN) authorizes an unlicensed person (defined in OAR 851-047-0010) to provide a nursing task normally requiring the education and license of an RN. In accordance with 851-047-0000, 851-047-0010, and 851-047-0030, the RN's written authorization of a delegated nursing task includes assessing a specific eligible individual, evaluating an unlicensed person's ability to perform a specific nursing task, teaching the nursing task, and supervising and re-evaluating the individual and the unlicensed person at regular intervals.

(16) "Department" means the Department of Human Services.

(17) "Designee" means an organization with which the Department contracts or has an interagency agreement.

(18) "Developmental Disability" as defined in OAR 411-320-0020 and described in 411-320-0080.

(19) "Disability" means a physical, cognitive, or emotional impairment which, for an individual, constitutes or results in a functional limitation in one or more of the activities of daily living defined in OAR 411-015-0006.

(20) "Division" means:

(a) Oregon Health Authority, Addictions and Mental Health Division (AMHD);

(b) Department of Human Services, Aging and People with Disabilities Division (APD);

(c) Area Agencies on Aging (AAA);

(d) Department of Human Services, Self-Sufficiency Programs (SSP);

(e) Department of Human Services, Office of Developmental Disability Services (ODDS);

(f) Community Developmental Disability Programs (CDDP); and

(g) Support Services Brokerages.

(21) "Fiscal Improprieties" means a homecare or personal support worker committed financial misconduct involving an individual's money, property, or benefits.

(a) Fiscal improprieties include, but are not limited to, financial exploitation, borrowing money from an individual, taking an individual's property or money, having an individual purchase items for the homecare or personal support worker, forging an individual's signature, falsifying payment records, claiming payment for hours not worked, or similar acts intentionally committed for financial gain.

(b) Fiscal improprieties do not include the exchange of money, gifts, or property between a homecare or personal support worker whose employer is a relative unless an allegation of financial exploitation, as defined in OAR 411-020-0002 or 407-045-0260, has been substantiated based on an adult protective services investigation.

(22) "Guardian" means a parent for an individual less than 18 years of age or a person or agency appointed and authorized by the courts to make decisions about services for an individual.

(23) "Homecare Worker" means a provider as described in OAR 411-031-0040, that is directly employed by an individual to provide either hourly or live-in services to the individual.

(a) The term homecare worker includes:

(A) A consumer-employed provider in the Spousal Pay and Oregon Project Independence Programs;

(B) A consumer-employed provider that provides State Plan personal care services; and

(C) A relative providing Medicaid in-home services to an individual living in the relative's home.

ADMINISTRATIVE RULES

(b) The term homecare worker does not include an Independent Choices Program provider or a personal support worker enrolled through Developmental Disability Services or the Addictions and Mental Health Division.

(24) "Individual" means the person applying for or determined eligible for State Plan personal care services.

(25) "Intellectual Disability" as defined in OAR 411-320-0020 and described in 411-320-0080.

(26) "Lacks the Skills, Knowledge, and Ability to Adequately or Safely Perform the Required Work" means a homecare or personal support worker does not possess the skills to perform services needed by individuals receiving services from the Department. The homecare or personal support worker may not be physically, mentally, or emotionally capable of providing services to individuals. The homecare or personal support worker's lack of skills may put individuals at risk because the homecare or personal support worker fails to perform, or learn to perform, the duties needed to adequately meet the needs of the individuals.

(27) "Legal Representative" means:

(a) For a child, the parent or step-parent unless a court appoints another person or agency to act as the guardian; and

(b) For an adult:

(A) A spouse;

(B) A family member who has legal custody or legal guardianship according to ORS 125.005, 125.300, 125.315, and 125.310;

(C) An attorney at law who has been retained by or for an individual; or

(D) A person or agency authorized by the courts to make decisions about services for an individual.

(28) "Long Term Care Community Nursing" means the nursing services described in OAR chapter 411, division 048.

(29) "Medicaid OHP Plus Benefit Package" means only the Medicaid benefit packages provided under OAR 410-120-1210(4)(a) and (b). This excludes individuals receiving Title XXI benefits.

(30) "Natural Support" means resources and supports (e.g. relatives, friends, significant others, neighbors, roommates, or the community) who are willing to voluntarily provide services to an individual without the expectation of compensation. Natural supports are identified in collaboration with the individual and the potential "natural support". The natural support is required to have the skills, knowledge, and ability to provide the needed services and supports.

(31) "Older Adult" means any person at least 65 years of age.

(32) "Ostomy" means assistance that an individual needs with a colostomy, urostomy, or ileostomy tube or opening used for elimination.

(33) "Personal Agent" means a person who is a case manager for the provision of case management services, works directly with individuals and the individuals' legal or designated representatives and families to provide or arrange for support services as described in OAR chapter 411, division 340, meets the qualifications set forth in OAR 411-340-0150, and is a trained employee of a support services brokerage or a person who has been engaged under contract to the brokerage to allow the brokerage to meet responsibilities in geographic areas where personal agent resources are severely limited.

(34) "Personal Care" means the functional activities described in OAR 411-034-0020 that an individual requires for continued well-being.

(35) "Personal Support Worker" means:

(a) A provider:

(A) Who is hired by an individual with an intellectual or developmental disability or the individual's representative;

(B) Who receives money from the Department for the purpose of providing services to the individual in the individual's home or community; and

(C) Whose compensation is provided in whole or in part through the Department or community developmental disability program.

(b) This definition of personal support worker is intended to reflect the term as defined in ORS 410.600.

(36) "Provider" or "Qualified Provider" means a homecare worker or personal support worker that meets the qualifications in OAR 411-034-0050 that performs State Plan personal care services.

(37) "Provider Enrollment" means a homecare worker's or personal support worker's authorization to work as a provider employed by an eligible individual, representative, or legal representative for the purpose of receiving payment for services authorized by the Department. Provider enrollment includes the issuance of a Medicaid provider number.

(38) "Provider Number" means an identifying number issued to each homecare or personal support worker who is enrolled as a provider through the Department.

(39) "Relative" means a person, excluding an individual's spouse, who is related to the individual by blood, marriage, or adoption.

(40) "Representative" means:

(a) A person appointed by an individual or legal representative to participate in service planning on the individual's behalf that is either the individual's guardian or natural support with longstanding involvement in assuring the individual's health, safety and welfare; and

(b) For the purpose of obtaining State Plan personal care services through a homecare or personal support worker, the person selected by an individual or the individual's legal representative to act on the individual's behalf to provide the employer responsibilities described in OAR 411-034-0040.

(41) "Respite" means services for the relief of a person normally providing supports to an individual unable to care for him or herself.

(42) "Service Need" means the assistance with personal care and supportive services needed by an individual receiving Department services.

(43) "Service Plan" or "Service Authorization" means an individual's written plan for services that identifies:

(a) The individual's qualified provider who is to deliver the authorized services;

(b) The date when the provision of services is to begin; and

(c) The maximum monthly hours of personal care and supportive services authorized by the Department or the Department's designee.

(44) "Services Coordinator" means an employee of a community developmental disability program or other agency that contracts with the county or Department, who is selected to plan, procure, coordinate, and monitor an individual's plan for services, and to act as a proponent for individuals with intellectual or developmental disabilities.

(45) "State Plan Personal Care Services" means the assistance with personal care and supportive services described in OAR 411-034-0020 provided to an individual by a homecare worker or personal support worker. The assistance may include cueing, hands-on, monitoring, reassurance, redirection, set-up, standby, or support as defined in 411-015-0005. The assistance may also require verbal reminding to complete one of the personal care tasks described in 411-034-0020.

(46) "Sub-Acute Care Facility" means a care center or facility that provides short-term rehabilitation and complex medical services to an individual with a condition that does not require acute hospital care but prevents the individual from being discharged to his or her home.

(47) "Support Services Brokerage" means an entity, or distinct operating unit within an existing entity, that uses the principles of self-determination to perform the functions associated with planning and implementation of support services for individuals with intellectual or developmental disabilities.

(48) "These Rules" mean the rules in OAR chapter 411, division 34.

Stat. Auth.: ORS 410.070

Stats. Implemented: ORS 410.020, 410.070, 410.710 & 411.675

Hist.: SSD 2-1996, f. 3-13-96, cert. ef. 3-15-96; SPD 35-2004, f. 11-30-04, cert. ef. 12-1-04; SPD 16-2007, f. 10-4-07, cert. ef. 10-5-07; SPD 31-2010, f. 12-29-10, cert. ef. 1-1-11; SDP 19-2013(Temp), f. & cert. ef. 7-1-13 thru 12-28-13; SPD 48-2013, f. 12-13-13, cert. ef. 12-15-13; APD 9-2014(Temp), f. 4-17-14, cert. ef. 4-21-14 thru 10-18-14; APD 10-2014(Temp), f. & cert. ef. 5-1-14 thru 10-18-14; APD 35-2014, f. & cert. ef. 10-1-14

411-034-0030

Eligibility for State Plan Personal Care Services

(1) To be eligible for State Plan personal care services, an individual must:

(a) Require assistance (defined in OAR 411-034-0010) from a qualified provider with one or more of the personal care tasks described in OAR 411-034-0020; and

(b) Be a current recipient of a Medicaid OHP Plus benefit package.

(2) An individual is not eligible to receive State Plan personal care services if:

(a) The individual is receiving assistance with activities of daily living (as described in OAR 411-015-0006) from a licensed 24-hour residential services program (such as an adult foster home, assisted living facility, group home, or residential care facility);

(b) The individual is in a prison, hospital, sub-acute care facility, nursing facility, or other medical institution;

(c) The individual's service needs are met through the individual's natural support system (defined in OAR 411-034-0010); or

(d) The individual's assessed service needs are being met under other Medicaid-funded home and community-based service options of the individual's choosing.

ADMINISTRATIVE RULES

(3) Payment for State Plan personal care services is not intended to replace the resources available to an individual from the individual's natural support system (defined in OAR 411-034-0010).

(4) State Plan personal care services are not intended to replace routine care commonly needed by an infant or child typically provided by the infant's or child's parent.

(5) State Plan personal care services may not be used to replace other non-Medicaid governmental services.

(6) The Department, Division, or Designee has the authority to close the eligibility and authorization for State Plan personal care services if an individual fails to:

(a) Employ a provider that meets the requirements in OAR 411-034-0050; or

(b) Receive personal care from a qualified provider paid by the Department for 30 continuous calendar days or longer.

(7) State Plan personal care services must not duplicate other Medicaid services.

Stat. Auth.: ORS 409.050 & 410.070

Stats. Implemented: ORS 409.010, 410.020, 410.070, 410.608 & 410.710

Hist.: SSD 2-1996, f. 3-13-96, cert. ef. 3-15-96; SPD 35-2004, f. 11-30-04, cert. ef. 12-1-04; SPD 9-2005, f. & cert. ef. 7-1-05; SPD 16-2007, f. 10-4-07, cert. ef. 10-5-07; SDP 19-2013(Temp), f. & cert. ef. 7-1-13 thru 12-28-13; SPD 48-2013, f. 12-13-13, cert. ef. 12-15-13; APD 9-2014(Temp), f. 4-17-14, cert. ef. 4-21-14 thru 10-18-14; APD 35-2014, f. & cert. ef. 10-1-14

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**Department of Human Services,
Self-Sufficiency Programs
Chapter 461**

Rule Caption: Amending OAR relating to availability of income in the GA, GAM, OSIPM, and QMB programs

Adm. Order No.: SSP 23-2014(Temp)

Filed with Sec. of State: 9-19-2014

Certified to be Effective: 9-19-14 thru 3-18-15

Notice Publication Date:

Rules Amended: 461-140-0040

Subject: OAR 461-140-0040 about availability of income is being amended to more closely align with federal policy regarding disregarding a portion of certain income sources withheld to repay a previous overpayment of that same source of income, if double-counting will occur. A previous amendment to this rule became effective 7/1/14; however, it may not allow an adequate length of unavailability and may therefore result in double-counting. This revision will allow the Department to consider the same amount of withheld funds unavailable as was originally counted in determining eligibility for GA, GAM, OSIPM, and QMB rather than simply considering the number of months an overpaid benefit was counted.

Rules Coordinator: Kris Skaro—(503) 945-6067

461-140-0040

Determining Availability of Income

(1) This rule describes the date income is considered available, what amount of income is considered available, and situations in which income is considered unavailable.

(2) Income is considered available the date it is received or the date a member of the financial group (see OAR 461-110-0530) has a legal right to the payment and the legal ability to make it available, whichever is earlier, except as follows:

(a) Income usually paid monthly or on some other regular payment schedule is considered available on the regular payment date if the date of payment is changed because of a holiday or weekend.

(b) Income withheld or diverted at the request of an individual is considered available on the date the income would have been paid without the withholding or diversion.

(c) An advance or draw of earned income is considered available on the date it is received.

(d) Income that is averaged, annualized, converted, or prorated is considered available throughout the period for which the calculation applies.

(e) A payment due to a member of the financial group, but paid to a third party for a household expense, is considered available when the third party receives the payment.

(f) In prospective budgeting, income is available in the month the income is expected to be received (see OAR 461-150-0020).

(3) The following income is considered available even if not received:

(a) Deemed income.

(b) In the ERDC, REF, REFM, and TANF programs, the portion of a payment from an assistance program, such as public assistance, unemployment compensation, or Social Security, withheld to repay an overpayment.

(c) In the GA, GAM, OSIPM, and QMB programs, the portion of a payment from an assistance program (such as public assistance, unemployment compensation, or Social Security) withheld on or after July 1, 2014 to repay an overpayment if the individual was not receiving GA, GAM, OSIP, OSIPM, or QMB during the time period the overpaid benefit was received. If the individual was receiving GA, GAM, OSIP, OSIPM, or QMB during the time period the overpaid benefit was received, the withheld amount is treated as follows:

(A) If the overpaid benefit was counted in determining eligibility for GA, GAM, OSIP, OSIPM, or QMB, it is considered unavailable until one of the following requirements is met, whichever occurs sooner:

(i) The overpayment is satisfied; or

(ii) The total amount considered unavailable by the Department equals the total amount previously counted in determining eligibility for GA, GAM, OSIP, OSIPM, or QMB.

(B) If the overpaid benefit was not counted in determining eligibility for GA, GAM, OSIP, OSIPM, or QMB, it is considered available.

(C) The portion of a payment from an assistance program withheld prior to July 1, 2014 is considered available.

(d) In the SNAP program, the portion of a payment from the TANF program counted as disqualifying income under OAR 461-145-0105.

(4) The amount of income considered available is the gross before deductions, such as garnishments, taxes, or other payroll deductions including flexible spending accounts.

(5) The following income is not considered available:

(a) Wages withheld by an employer in violation of the law.

(b) Income received by another person who does not pay the client his or her share.

(c) Income received by a member of the financial group after he or she has left the household.

(d) Moneys withheld from or returned to the source of the income to repay an overpayment from that source unless the repayment is countable:

(A) In the SNAP program, under OAR 461-145-0105;

(B) In the ERDC, REF, REFM, and TANF programs, under subsection (3)(b) of this rule; or

(C) In the GA, GAM, OSIP, OSIPM, and QMB programs, under subsection (3)(c) of this rule.

(e) For a client who is not self-employed, income required to be expended on an ongoing, monthly basis on an expense necessary to produce the income, such as supplies or rental of work space.

(f) Income received by the financial group but intended and used for the care of someone not in the financial group as follows:

(A) If the income is intended both for someone in the financial group and someone not in the financial group, the portion of the income intended for the care of the individual not in the financial group is considered unavailable.

(B) If the portion intended for the care of the individual not in the financial group cannot readily be identified, the income is prorated evenly among the individuals for whom the income is intended. The prorated share intended for the care of the individual not in the financial group is then considered unavailable.

(g) In the ERDC, REF, REFM, SNAP, and TANF programs, income controlled by the client's abuser if the client is a victim of domestic violence (see OAR 461-001-0000), the client's abuser controls the income and will not make the money available to the filing group, and the abuser is not in the client's filing group.

(h) In the OSIP, OSIPM, and QMB programs, unearned income not received because a payment was reduced to cover expenses incurred by a member of the financial group to secure the payment. For example, if a retroactive check is received from a benefit program other than SSI, legal fees connected with the claim are subtracted. Or, if payment is received for damages received as a result of an accident the amount of legal, medical or other expenses incurred by a member of the financial group to secure the payment are subtracted.

(i) In the REFM program, any income used for medical or medical-related purposes.

(6) The availability of lump-sum income is covered in OAR 461-140-0120.

Stat. Auth.: ORS 409.050, 411.060, 411.404, 411.816, 412.049

Stats. Implemented: ORS 411.060, 411.117, 411.404, 411.816, 412.049

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 20-1990, f. 8-17-90, cert. ef. 9-1-90; AFS 9-1991, f. 3-29-91, cert. ef. 4-1-91; AFS 13-1991, f. & cert. ef. 7-1-91; AFS 17-1992, f. & cert. ef. 7-1-92; AFS 19-1993, f. & cert. ef. 10-1-93; AFS 22-1995, f. 9-20-95, cert. ef. 10-1-95; AFS 3-1997, f. 3-31-97, cert. ef. 4-1-97; AFS 25-1998, f. 12-28-98, cert. ef. 1-1-99;

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AFS 10-2000, f. 3-31-00, cert. ef. 4-1-00; AFS 17-2000, f. 6-28-00, cert. ef. 7-1-00; AFS 13-2002, f. & cert. ef. 10-1-02; SSP 17-2004, f. & cert. ef. 7-1-04; SSP 1-2005(Temp), f. & cert. ef. 2-1-05 thru 6-30-05; SSP 4-2005, f. & cert. ef. 4-1-05; SSP 5-2005(Temp), f. & cert. ef. 4-1-05 thru 6-30-05; SSP 7-2005, f. & cert. ef. 7-1-05; SSP 10-2006, f. 6-30-06, cert. ef. 7-1-06; SSP 4-2007, f. 3-30-07, cert. ef. 4-1-07; SSP 10-2007, f. & cert. ef. 10-1-07; SSP 8-2008, f. & cert. ef. 4-1-08; SSP 17-2008, f. & cert. ef. 7-1-08; SSP 5-2009, f. & cert. ef. 4-1-09; SSP 30-2013(Temp), f. & cert. ef. 10-1-13 thru 3-30-14; SSP 38-2013, f. 12-31-13, cert. ef. 1-1-14; SSP 15-2014, f. & cert. ef. 7-1-14; SSP 23-2014(Temp), f. & cert. ef. 9-19-14 thru 3-18-15

Rule Caption: Amending rules affecting public assistance, medical assistance, or Supplemental Nutrition Assistance Program clients

Adm. Order No.: SSP 24-2014

Filed with Sec. of State: 10-1-2014

Certified to be Effective: 10-1-14

Notice Publication Date: 8-1-2014

Rules Amended: 461-001-0000, 461-101-0010, 461-110-0370, 461-125-0030, 461-125-0170, 461-135-0075, 461-135-0405, 461-135-0407, 461-135-1260, 461-145-0460, 461-155-0190, 461-155-0250, 461-160-0420, 461-160-0430, 461-160-0620, 461-170-0011

Rules Repealed: 461-001-0000(T), 461-101-0010(T), 461-125-0150, 461-135-0407(T), 461-135-1260(T), 461-155-0250(T), 461-160-0420(T), 461-160-0620(T), 461-170-0011(T)

Subject: OAR 461-001-0000 about definitions in chapter 461 is being amended to make permanent temporary changes adopted on June 26, 2014 and July 1, 2014 which changed the definition of “parent” for JOBS Participation Incentive (JPI) to include two-parent working families. This rule is also being amended to expand the definition of “OCCS Medical Programs”.

OAR 461-101-0010 about program acronyms and overview is being amended to make permanent temporary changes adopted on June 26, 2014 and July 1, 2014 which changed the definition of “parent” for JOBS Participation Incentive (JPI) to include two-parent working families.

OAR 461-110-0370 about filing groups, 461-155-0190 about income and payment standards, and 461-160-0430 about income deductions are being amended to implement the annual increase in the standards for the SNAP Program.

OAR 461-125-0030 about determining deprivation of a child, 461-125-0170 about deprivation based on unemployment or underemployment, and 461-135-0075 about limitation on TANF eligibility period are being amended and 461-125-0150 about determining primary wage earner is being repealed to remove unnecessary references to Primary Wage Earner (PWE). The TANF program treats both adults in a TANF household equally for both benefits and the JOBS Opportunity and Basic Skills (JOBS) program.

OAR 461-135-0405 about children eligible for the ERDC program who can receive child care under a contract between Head Start agency and the Department is being amended to make permanent a temporary change adopted on April 10, 2014 (effective April 1, 2014) to include children receiving TANF program benefits when determining eligibility for placement in a contracted slot with a Head Start agency for child care.

OAR 461-135-0407 about eligibility for contracted child care between Oregon Program of Quality (OPQ) providers and the Department is being amended to make permanent a temporary change adopted on May 1, 2014 that added eligibility for children receiving TANF program benefits for placement in a contracted child care slot with an OPQ provider.

OAR 461-135-1260 about JOBS Participation Incentive (JPI) is being amended to make permanent temporary changes adopted on June 26, 2014 which added two-parent working families and set out when these families are eligible for the incentive.

OAR 461-145-0460 about the sale of a resource is being amended to change current policy regarding the treatment of the proceeds from the sale of a resource (other than a home) in the Oregon Supplemental Income Program Medical (OSIPM) and Qualified Medicare Beneficiary (QMB) programs. This amendment identifies situations when the proceeds (including principal and interest) for a

sale originating on or after October 1, 2012 are counted as income, resource or excluded.

OAR 461-155-0250 about income and payment standards in the Oregon Supplemental Income Program Medical (OSIPM) is being amended to make permanent a temporary change adopted July 1, 2014 that increased the allowance for clothing and personal incidentals for some individuals in nursing facilities or intermediate care facilities for the mentally retarded (ICF/MR) from \$30 to \$60. Additionally, the rule is also amended to adopt a payment standard for these individuals if their countable income (including any SSI) is less than \$60. The payment standard is the difference between the individual’s countable income (including any SSI) and \$60.

OAR 461-160-0420 about shelter costs used for the shelter deduction in the SNAP program is being amended to make permanent a temporary rule adopted May 20, 2014 to comply with Section 4006 of The Agricultural Act of 2014, enacted February 7, 2014. This rule states that a filing group is eligible for an additional utility allowance to help with energy costs if they receive an energy assistance payment through the Low-Income Energy Assistance Act. The amount of the energy assistance payment had not been considered. To comply with federal law, the rule states that the assistance payment a filing group receives must be greater than \$20 to qualify for the additional utility allowance. This rule is also being amended to include the annual change in standard utility allowance. Each year Oregon surveys utility companies and the general public about increases in utility costs. The utility allowances are derived from these surveys and approved by the Food and Nutrition Service in the SNAP Program State Plan. There are four utility allowances. The full utility allowance (FUA) is for those households that have heating and cooling costs. The limited utility allowance (LUA) is for those households with more than one non-heating/cooling utility cost. The individual utility allowance (IUA) is for those households with a single non-heat cost. The single utility allowance (TUA) is for those households with only a telephone cost.

OAR 461-160-0620 about income deductions and client liability for long-term care or home and community-based care in the OSIPM program is being amended to make permanent a temporary change adopted July 1, 2014 that increased the deduction for personal needs for an individual receiving long-term care from \$30 to \$60.

OAR 461-170-0011 about changes that must be reported is being amended to make permanent temporary changes adopted on June 26, 2014 which expanded those receiving JOBS Participation Incentive (JPI) to include families in the change reporting system (CRS).

In addition, some the above rules are being amended to reflect new Department terminology, update statute and rule references, and correct formatting and punctuation.

Rules Coordinator: Kris Skaro—(503) 945-6067

461-001-0000

Definitions for Chapter 461

Defined terms are often italicized throughout this chapter of rules. If a defined term is accompanied by a cross-reference to a rule defining the term, subsequent usages of that term in the same rule refer to the same definition cross-referenced earlier in the rule. In this chapter of rules, unless the context indicates otherwise:

(1) A reference to Division, Adult and Family Services Division (or AFS), Senior and Disabled Services Division (or SDSD), or any other agency formerly part of the Department of Human Services shall be taken to mean the Department of Human Services (DHS), except:

(a) The rule in which reference occurs only regulates programs covered by Chapter 461 of the Oregon Administrative Rules.

(b) OCCS medical program eligibility rules are set out in the 410-200 division of Oregon Administrative Rules.

(2) “Address Confidentiality Program” (ACP) means a program of the Oregon Department of Justice, which provides a substitute mailing address and mail forwarding service for ACP participants who are victims of domestic violence, sexual assault, or stalking.

(3) “Adjusted income” means the amount determined by subtracting income deductions from countable income (see OAR 461-140-0010). Specific rules on the deductions are found in division 461-160.

ADMINISTRATIVE RULES

(4) "Adoption assistance" means financial assistance provided to families adopting children with special needs. Adoption assistance may be state or federally funded. Federal adoption assistance is authorized by the Adoption Assistance and Child Welfare Act of 1980 (Pub. L. No. 96-272, 94 Stat. 500 (1980)). State adoption assistance is authorized by ORS 418.330 to 418.335.

(5) "Assets" mean income and resources.

(6) "Basic decision notice" means a decision notice mailed no later than the date of action given in the notice.

(7) "Branch office" means any Department or AAA (Area Agency on Aging) office serving a program covered by this chapter of rules.

(8) "Budgeting" means the process of calculating the benefit level.

(9) "Budget month" means the calendar month from which nonfinancial and financial information is used to determine eligibility and benefit level for the payment month.

(10) "Cafeteria plan" means a written benefit plan offered by an employer in which:

(a) All participants are employees; and

(b) Participants can choose, cafeteria-style, from a menu of two or more cash or qualified benefits. In this context, qualified benefits are benefits other than cash that the Internal Revenue Services does not consider part of an employee's gross income. Qualified benefits include, but are not limited to:

(A) Accident and health plans (including medical plans, vision plans, dental plans, accident and disability insurance);

(B) Group term life insurance plans (up to \$50,000);

(C) Dependent care assistance plans; and

(D) Certain stock bonus plans under section 401(k)(2) of the Internal Revenue Code (but not 401(k)(1) plans).

(11) "Capital asset" means property that contributes toward earning self-employment income, including self-employment income from a microenterprise, either directly or indirectly. A capital asset generally has a useful life of over one year and a value, alone or in combination, of \$100 or more.

(12) "Caretaker" means an individual who is responsible for the care, control, and supervision of a child. The status of caretaker ends once the individual no longer exercises care, control, and supervision of the child for 30 days.

(13) "Caretaker relative" means:

(a) In the Pre-TANF, REF, SFPSS, and TANF programs, a dependent child's father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin, nephew, or niece who lives in a residence maintained by one or more of the relatives as the child's or the relative's own home.

(b) In all programs not covered under subsection (a) of this section, a caretaker who meets the requirements of one of the following paragraphs:

(A) Is one of the following relatives of the dependent child:

(i) Any blood relative, including those of half-blood, and including first cousins, nephews, or nieces, and individuals of preceding generations as denoted by prefixes of grand, great, or great-great.

(ii) Stepfather, stepmother, stepbrother, and stepsister.

(iii) An individual who legally adopts the child and any individual related to the individual adopting the child, either naturally or through adoption.

(B) Is or was a spouse of an individual listed in paragraph (A) of this subsection.

(C) Met the definition of caretaker relative under paragraph (A) or (B) of this subsection before the child was adopted (notwithstanding the child's subsequent adoption).

(14) "Certification period" means the period for which an individual is certified eligible for a program.

(15) "Child" includes natural, step, and adoptive children. The term child does not include an unborn.

(a) In the ERDC program, a child need not have a biological or legal relationship to the caretaker but must be in the care and custody of the caretaker, must meet the citizenship or alien status requirements of OAR 461-120-0110, and must be:

(A) Under the age of 18; or

(B) Under the age of 19 and in secondary school or vocational training at least half time.

(b) In the GA, GAM, and OSIP programs, a child is an individual under the age of 18.

(c) In the OSIPM and QMB programs, child means an unmarried individual living with a parent who is:

(A) Under the age of 18; or

(B) Under the age of 22 and attending full-time secondary, postsecondary or vocational-technical training designed to prepare the individual for employment.

(16) "Community based care" is any of the following:

(a) Adult foster care — Room and board and 24 hour care and services for the elderly or for disabled people 18 years of age or older. The care is contracted to be provided in a home for five or fewer clients.

(b) Assisted living facility — A program approach, within a physical structure, which provides or coordinates a range of services, available on a 24-hour basis, for support of resident independence in a residential setting.

(c) In-home Services — People living in their home receiving services determined necessary by the Department.

(d) Residential care facility — A facility that provides residential care in one or more buildings on contiguous property for six or more individuals who have physical disabilities or are socially dependent.

(e) Specialized living facility — Identifiable services designed to meet the needs of individuals in specific target groups which exist as the result of a problem, condition or dysfunction resulting from a physical disability or a behavioral disorder and require more than basic services of other established programs.

(f) Independent choices — In-Home Services program wherein the participant is given cash benefits to purchase self-directed personal assistance services or goods and services provided pursuant to a written service plan (see OAR 411-030-0020).

(17) "Continuing benefit decision notice" means a decision notice that informs the client of the right to continued benefits and is mailed in time to be received by the date benefits are, or would be, received.

(18) "Countable" means that an available asset (either income or a resource) is not excluded and may be considered by some programs to determine eligibility.

(19) "Cover Oregon" means Oregon Health Insurance Exchange Corporation.

(20) "Custodial parents" mean parents who have physical custody of a child. Custodial parents may be receiving benefits as dependent children or as caretaker relatives for their own children.

(21) "Decision notice" means a written notice of a decision by the Department regarding an individual's eligibility for benefits in a program.

(22) "Department" means the Department of Human Services (DHS).

(23) "Dependent child", in the REF, REFM, and TANF programs, means the following:

(a) An individual who is not a caretaker relative of a child in the household, is unmarried or married but separated, and is under the age of 18, or 18 years of age and a full time student in secondary school or the equivalent level of vocational or technical training; or

(b) A minor parent whose parents have chosen to apply for benefits for the minor parent. This does not apply to a minor parent who is married and living with his or her spouse.

(24) "Disability" means:

(a) In the SNAP program, see OAR 461-001-0015.

(b) In the REF, SFPSS, TA-DVS, and TANF programs, for purposes other than determining eligibility:

(A) An individual with a physical or mental impairment that substantially limits the individual's ability to meet the requirements of the program; or

(B) An individual with a physical or mental impairment that substantially limits one or more major life activities, a record of such impairment, or who is regarded as having such an impairment as defined by the Americans with Disabilities Act (42 USC 12102; 28 CFR 35.104).

(25) "Domestic violence" means the occurrence of one or more of the acts described in subsections (a) to (d) of this section between family members, intimate partners, or household members:

(a) Attempting to cause or intentionally, knowingly or recklessly causing physical injury or emotional, mental or verbal abuse.

(b) Intentionally, knowingly or recklessly placing another in fear of imminent serious physical injury.

(c) Committing sexual abuse in any degree as defined in ORS 163.415, 163.425 and 163.427.

(d) Using coercive or controlling behavior.

(e) As used in this section, "family members" and "household members" mean any of the following:

(A) Spouse;

(B) Former spouse;

(C) Individuals related by blood, marriage, or adoption;

(D) Individuals who are cohabitating or have cohabited with each other;

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(E) Individuals who have been involved in a sexually intimate or dating relationship; or

(F) Unmarried parents of a child.

(26) "Domestic violence shelters" are public or private nonprofit residential facilities providing services to victims of domestic violence. If the facility serves other people, a portion must be used solely for victims of domestic violence.

(27) "Electronic application" is an application electronically signed and submitted through the internet.

(28) "Eligibility" means the decision as to whether an individual qualifies, under financial and nonfinancial requirements, to receive program benefits.

(29) "Equity value" means fair market value minus encumbrances.

(30) "Fair market value" means the amount an item is worth on the open market.

(31) "Family stability" in the JOBS, Pre-TANF, Post-TANF, SFPSS, TA-DVS, and TANF programs means the characteristics of a family that support healthy child development, including parental mental health, drug and alcohol free environment, stable relationships, and a supportive, flexible, and nurturing home environment.

(32) "Family stability activity" in the JOBS, Pre-TANF, Post-TANF, SFPSS, TA-DVS, and TANF programs means an action or set of actions taken by the client, as specified in a case plan, intended to promote the ability of one or both parents to achieve or maintain family stability.

(33) "Financial institution" means a bank, credit union, savings and loan association, investment trust, or other organization held out to the public as a place receiving funds for deposit, savings, checking, or investment.

(34) "Income producing property" means any real or personal property that generates income for the financial group. Examples of income producing property are:

(a) Livestock, poultry, and other animals.

(b) Farmland, rental homes (including a room or other space in the home or on the property of a member of the financial group), vacation homes, condominiums.

(35) "Initial month" of eligibility means any of the following:

(a) In all programs, the first month a benefit group (see OAR 461-110-0750) is eligible for a program benefit in Oregon after a period during which the group is not eligible.

(b) In all programs except the SNAP program, the first month a benefit group is eligible for a program benefit after there has been a break in the program benefit of at least one full calendar month. If benefits are suspended for one month, that is not considered a break.

(c) In the SNAP program:

(A) The first month for which the benefit group is certified following any period during which they were not certified to participate, except for migrant and seasonal farm workers (see OAR 461-001-0015).

(B) For migrant and seasonal farmworkers, the first month for which the benefit group is certified following any period of one month or more during which they were not certified to participate.

(d) For a new applicant to the GA, GAM, OSIP, or OSIPM program applying for care in a nonstandard living arrangement, for the purposes of calculating the correct divisor in OAR 461-140-0296, the month in which the client would have been eligible had it not been for the disqualifying transfer of assets.

(e) For a current recipient of the GA, GAM, OSIP, or OSIPM program receiving or applying for care in a nonstandard living arrangement, for the purpose of calculating the correct divisor in OAR 461-140-0296, the later of the following:

(A) The month the disqualifying transfer occurred.

(B) The month of application for long-term-care services if the client would have been eligible had it not been for the disqualifying transfer of assets.

(36) "In-kind income" means income in a form other than money (such as food, clothing, cars, furniture, and payments made to a third party).

(37) "Legally married" means a marriage uniting two individuals according to:

(a) The statutes of the state where the marriage occurred;

(b) Except in the SNAP program, the common law of the state in which the two individuals previously resided while meeting the requirements for common law marriage in that state; or

(c) The laws of a country in which the two individuals previously resided while meeting the requirements for legal or cultural marriage in that country.

(38) "Life estate" means the right to property limited to the lifetime of the individual holding it or the lifetime of some other individual. In gen-

eral, a life estate enables the owner of the life estate to possess, use, and obtain profits from property during the lifetime of a designated individual while actual ownership of the property is held by another individual. A life estate is created when an individual owns property and then transfers ownership to another individual while retaining, for the rest of his or her life, certain rights to that property. In addition, a life estate is established when a member of the financial group (see OAR 461-110-0530) purchases a life estate interest in the home of another individual.

(39) "Lodger" means a member of the household group (see OAR 461-110-0210) who:

(a) Is not a member of the filing group; and

(b) Pays the filing group:

(A) In all programs except the GA, GAM, OSIP, OSIPM, and QMB programs, for room and board.

(B) In the GA, GAM, OSIP, OSIPM, and QMB programs, for room with or without board.

(40) "Long term care" means the system through which the Department provides a broad range of social and health services to eligible adults who are aged, blind, or have disabilities for extended periods of time. This includes nursing homes and state hospitals (Eastern Oregon and Oregon State Hospitals).

(41) "Lump-sum income" means income received too infrequently or irregularly to be reasonably anticipated, or received as a one-time payment. Lump-sum income includes:

(a) Retroactive benefits covering more than one month, whether received in a single payment or several payments.

(b) Income from inheritance, gifts, winnings, and personal injury claims.

(42) "Marriage" means the union of two individuals who are legally married.

(43) "Microenterprise" means a sole proprietorship, partnership, or family business with fewer than five employees and capital needs no greater than \$35,000.

(44) "Minor parent", in the ERDC, REF, REFM, and TANF programs, means a parent under the age of 18.

(45) "Nonstandard living arrangement" is defined as follows:

(a) In the GA, GAM, OSIP, OSIPM, and QMB programs, a client is considered to be in a nonstandard living arrangement when the client is applying for or receiving services in any of the following locations:

(A) A nursing facility in which the client receives long-term care services paid with Medicaid funding, except this subsection does not apply to a Medicare client in a skilled-stay nursing facility.

(B) An intermediate care facility for the mentally retarded (ICF/MR).

(C) A psychiatric institution, if the individual is not yet 21 years of age or has reached the age of 65.

(D) A community based care (see section (16) of this rule) setting, except a State Plan Personal Care (SPPC) setting is not considered a nonstandard living arrangement.

(b) In all programs except GA, GAM, OSIP, OSIPM, and QMB, nonstandard living arrangement means each of the following locations:

(A) Foster care.

(B) Residential Care facility.

(C) Drug or alcohol residential treatment facility.

(D) Homeless or domestic violence shelter.

(E) Lodging house if paying for room and board.

(F) Correctional facility.

(G) Medical institution.

(46) "OCCS" is the Office of Client and Community Services, part of the Medical Assistance Programs under the Oregon Health Authority responsible for OCCS medical program eligibility policy, community outreach, OCCS Medical Program eligibility determinations, and the OHA Customer Service Call Center.

(47) "OCCS Medical Programs" refers to programs for which eligibility policy can be found in division 410-200 of Oregon Administrative Rule, and includes CEC, CEM, MAA, MAF, EXT, OHP, Substitute Care, BCCTP, and MAGI Medicaid/CHIP programs, including:

(a) MAGI Adult;

(b) MAGI Child;

(c) MAGI Parent or Other Caretaker Relative;

(d) MAGI Pregnant Woman; and

(e) MAGI CHIP.

(48) "Ongoing month" means one of the following:

(a) For all programs except the SNAP program, any month following the initial month of eligibility, if there is no break in the program benefit of one or more calendar months.

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(b) For the SNAP program, any month in the certification period following the initial month of eligibility.

(49) "Parent" for all programs except the JPI and SNAP programs, means the biological or legal mother or father of an individual or unborn child. For the SNAP program, a "parent" means the biological or legal mother or father of an individual. For the JPI program, a "parent" means the biological or legal mother or father of a child under the age of 18.

(a) If the mother lives with a male and either she or the male claims that he is the father of the child or unborn, and no one else claims to be the father, he is treated as the father even if paternity has not been legally established.

(b) A stepparent relationship exists if:

(A) The individual is legally married to the child's biological or adoptive parent; and

(B) The marriage has not been terminated by legal separation, divorce, or death.

(c) A legal adoption erases all prior legal and blood relationships and establishes the adoptive parent as the legal parent. However, the biological parent is also considered a parent if both of the following are true:

(A) The child lives with the biological parent; and

(B) The legal parent has given up care, control, and supervision of the child.

(50) "Payment month" means, for all programs except EA, the calendar month for which benefits are issued.

(51) "Payment period" means, for EA, the 30-day period starting with the date the first payment is issued and ending on the 30th day after the date the payment is issued.

(52) "Periodic income" means income received on a regular basis less often than monthly.

(53) "Primary person" for all programs except the SNAP program, means the filing group member who is responsible for providing information necessary to determine eligibility and calculate benefits. The primary person for individual programs is as follows:

(a) For the TANF program, the parent or caretaker relative.

(b) For the ERDC program, the caretaker.

(c) For SNAP, see OAR 461-001-0015.

(d) For the GA, GAM, OSIP, OSIPM, and QMB programs: the client or client's spouse.

(e) For the REF and REFM programs: the applicant, caretaker, caretaker relative, or parent.

(54) "Qualified Partnership Policy" means a long term care insurance policy meeting the requirements of OAR 836-052-0531 that was either:

(a) Issued while the client was a resident in Oregon on January 1, 2008 or later; or

(b) Issued in another state while the client was a resident of that state on or after the effective date of that state's federally approved State Plan Amendment to issue qualified partnership policies.

(55) "Real property" means land, buildings, and whatever is erected on or affixed to the land and taxed as real property.

(56) "Reimbursement" means money or in-kind compensation provided specifically for an identified expense.

(57) "Safe homes" mean private homes that provide a few nights lodging to victims of domestic violence. The homes must be recognized as such by the local domestic violence agency, such as crisis hot lines and shelters.

(58) "Shelter costs" mean, in all programs except the SNAP program, housing costs (rent or mortgage payments, property taxes) and utility costs, not including cable TV or non-basic telephone charges. In the SNAP program, see OAR 461-160-0420.

(59) "Shelter in kind" means an agency or person outside the financial group (see OAR 461-110-0530) provides the shelter of the financial group, or makes a payment to a third party for some or all of the shelter costs of the financial group. Shelter-in-kind does not include temporary shelter provided by a domestic violence shelter, homeless shelter, or residential alcohol and drug treatment facilities or situations where no shelter is being provided, such as sleeping in a doorway, park, or bus station.

(60) "Sibling" means the brother or sister of an individual. "Blood related" means they share at least one biological or adoptive parent. "Step" means they are not related by blood, but are related by the marriage of their parents.

(61) "Spousal support" means income paid (voluntarily, per court order, or per administrative order) by a separated or divorced spouse to a member of the financial group (see OAR 461-110-0530).

(62) "Spouse" means an individual who is legally married to another individual.

(63) "Stable income" means income that is the same amount each time it is received.

(64) "Standard living arrangement" means a location that does not qualify as a nonstandard living arrangement.

(65) "Teen parent" means, for TANF and JOBS, a parent under the age of 20 who has not completed a high school diploma or GED.

(66) "Timely continuing benefit decision notice" means a decision notice that informs the client of the right to continued benefits and is mailed no later than the time requirements in OAR 461-175-0050.

(67) "Trust funds" mean money, securities, or similar property held by a person or institution for the benefit of another person.

(68) "USDA meal reimbursements" mean cash reimbursements made by the Oregon Department of Education for family day-care providers who serve snacks and meals to children in their care.

(69) "Variable income" means earned or unearned income that is not always received in the same amount each month.

Stat. Auth.: ORS 411.060, 411.070, 411.404, 411.816, 412.006, 412.014, 412.049
Stats. Implemented: ORS 411.060, 411.070, 411.404, 411.816, 412.001, 412.006, 412.014, 412.049

Hist.: AFS 28-1978, f. & ef. 7-13-78; AFS 54-1984, f. 12-28-84, ef. 1-1-85; AFS 21-1995, f. 9-20-95, cert. ef. 10-1-95; AFS 25-2000, f. 9-29-00, cert. ef. 10-1-00; AFS 27-2001, f. 12-21-01, cert. ef. 1-1-02; SSP 14-2005, f. 9-30-05, cert. ef. 10-1-05; SSP 14-2006, f. 9-29-06, cert. ef. 10-1-06; SSP 15-2006, f. 12-29-06, cert. ef. 1-1-07; SSP 4-2007, f. 3-30-07, cert. ef. 4-1-07; SSP 10-2007, f. & cert. ef. 10-1-07; SSP 11-2007(Temp), f. & cert. ef. 10-1-07 thru 3-29-08; SSP 14-2007, f. 12-31-07, cert. ef. 1-1-08; SSP 15-2007(Temp), f. 12-31-07, cert. ef. 1-1-08 thru 3-29-08; SSP 5-2008, f. 2-29-08, cert. ef. 3-1-08; SSP 8-2008, f. & cert. ef. 4-1-08; SSP 17-2008, f. & cert. ef. 7-1-08; SSP 23-2008, f. & cert. ef. 10-1-08; SSP 26-2008, f. 12-31-08, cert. ef. 1-1-09; SSP 5-2009, f. & cert. ef. 4-1-09; SSP 13-2009, f. & cert. ef. 7-1-09; SSP 29-2009(Temp), f. & cert. ef. 10-1-09 thru 3-30-10; Administrative correction 4-21-10; SSP 41-2010, f. 12-30-10, cert. ef. 1-1-11; SSP 25-2011, f. 9-30-11, cert. ef. 10-1-11; SSP 17-2012(Temp), f. & cert. ef. 5-1-12 thru 10-28-12; SSP 30-2012, f. 9-28-12, cert. ef. 10-1-12; SSP 22-2013(Temp), f. & cert. ef. 8-23-13 thru 2-19-14; SSP 24-2013, f. & cert. ef. 10-1-13; SSP 29-2013(Temp), f. & cert. ef. 10-1-13 thru 2-19-14; SSP 37-2013, f. 12-31-13, cert. ef. 1-1-14; SSP 39-2013(Temp), f. 12-31-13, cert. ef. 1-1-14 thru 6-30-14; SSP 9-2014, f. & cert. ef. 4-1-14; SSP 14-2014(Temp), f. & cert. ef. 6-26-14 thru 12-23-14; SSP 15-2014, f. & cert. ef. 7-1-14; SSP 18-2014(Temp), f. & cert. ef. 7-1-14 thru 12-23-14; SSP 24-2014, f. & cert. ef. 10-1-14

461-101-0010

Program Acronyms and Overview

(1) Acronyms are frequently used when referring to a program. There is an acronym for each umbrella program and acronyms for each subprogram.

(2) When no program acronym appears in a rule in Chapter 461 of these rules, the rule with no program acronym applies to all programs listed in this rule. If a rule does not apply to all programs, the rule uses program acronyms to identify the programs to which the rule applies.

(3) Wherever an umbrella acronym appears, that means the rule covers all the subprograms under that code.

(4) CAWEM; Citizen/Alien-Waived Emergent Medical. Medicaid coverage of emergent medical needs for clients who are not eligible for other medical programs solely because they do not meet citizenship and alien status requirements.

(5) DSNAP; Disaster Supplemental Nutrition Assistance Program. Following a presidential declaration of a major disaster in Oregon, DSNAP provides emergency DSNAP program benefits to victims. OAR 461-135-0491 to 461-135-0497 cover DSNAP eligibility and benefits.

(6) EA; Emergency Assistance. Emergency cash to families without the resources to meet emergent needs.

(7) ERDC or ERDC-BAS; Employment Related Day Care-Basic. Helps low-income working families pay the cost of child care.

(8) GA; General Assistance. Cash assistance to low-income individuals with disabilities who do not have dependent children.

(9) GAM; General Assistance Medical. Medical assistance to clients who are eligible for the GA program but have not been found eligible for OSIPM benefits.

(10) HSP; Housing Stabilization Program. A program that helps low-income families obtain stable housing. The program is operated through the Housing and Community Services Department through community-based, service-provider agencies. The Department's rules for the program (OAR 461-135-1305 to 461-135-1335) were repealed July 1, 2001.

(11) JOBS; Job Opportunity and Basic Skills. An employment program for REF, REFM, and TANF clients. JOBS helps these clients attain self-sufficiency through training and employment. The program is part of Welfare Reform.

(12) JOBS Plus. Provides subsidized jobs rather than SNAP or TANF benefits. For TANF clients, JOBS Plus is a component of the JOBS Program; for SNAP clients and noncustodial parents of children receiving TANF, it is a separate employment program. Eligibility for TANF clients, SNAP clients, and noncustodial parents of children receiving TANF is

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determined by the Department. Eligibility for UI recipients is determined by the Oregon State Employment Department. When used alone, JOBS Plus includes only clients whose JOBS Plus program participation is through the Department of Human Services. JOBS Plus administered through the Oregon State Employment Department is known in chapter 461 of the Oregon Administrative Rules as Oregon Employment Department UI JOBS Plus. The following acronyms are used for specific categories:

- (a) TANF-PLS; Clients eligible for JOBS Plus based on TANF.
- (b) SNAP-PLS; Clients eligible for JOBS Plus based on SNAP.
- (c) NCP-PLS; Noncustodial parents of children receiving TANF.

(13) JPI; Job Participation Incentive. An additional \$10 food benefit to help increase the ability of parents with children, who meet federal TANF participation rate, to meet the nutritional needs of their families.

(14) LIS; Low-Income Subsidy. The Low-Income Subsidy program is a federal assistance program for Medicare clients who are eligible for extra help meeting their Medicare Part D prescription drug costs.

(15) OFSET. The Oregon Food Stamp Employment Transition Program, which helps SNAP program benefit recipients find employment. This program is mandatory for some SNAP program benefit recipients.

(16) OSIP; Oregon Supplemental Income Program. Cash supplements and special need payments to persons who are blind, disabled, or 65 years of age or older. When used alone, OSIP refers to all OSIP programs. The following acronyms are used for OSIP subprograms:

(a) OSIP-AB; Oregon Supplemental Income Program — Aid to the Blind.

(b) OSIP-AD; Oregon Supplemental Income Program — Aid to the Disabled.

(c) OSIP-EPD; Oregon Supplemental Income Program — Employed Persons with Disabilities program. This program provides Medicaid coverage for employed persons with disabilities with adjusted income less than 250 percent of the Federal Poverty Level.

(d) OSIP-OAA; Oregon Supplemental Income Program — Old Age Assistance.

(17) OSIPM; Oregon Supplemental Income Program Medical. Medical coverage for elderly and disabled individuals. When used alone, OSIPM refers to all OSIP-related medical programs. The following codes are used for OSIPM subprograms:

(a) OSIPM-AB; Oregon Supplemental Income Program Medical — Aid to the Blind.

(b) OSIPM-AD; Oregon Supplemental Income Program Medical — Aid to the Disabled.

(c) OSIPM-EPD; Oregon Supplemental Income Program Medical — Employed Persons with Disabilities program. This program provides Medicaid coverage for employed persons with disabilities with adjusted income less than 250 percent of the Federal Poverty Level.

(d) OSIPM-OAA; Oregon Supplemental Income Program Medical — Old Age Assistance.

(e) OSIPM-IC; Oregon Supplemental Income Program Medical — Independent Choices

(18) The Post-TANF program provides a monthly transitional payment to employed clients who are no longer eligible for the Pre-TANF or TANF programs due to earnings, and meet the other eligibility requirements.

(19) The Pre-TANF program is an up-front assessment and resource-search program for TANF applicant families. The intent of the program is to assess the individual's employment potential; determine any barriers to employment or family stability; develop an individualized case plan that promotes family stability and financial independence; help individuals find employment or other alternatives; and provide basic living expenses immediately to families in need.

(20) QMB; Qualified Medicare Beneficiaries. Programs providing payment of Medicare premiums and one program also providing additional medical coverage for Medicare recipients. Each of these programs also is considered to be a Medicare Savings Program (MSP). When used alone in a rule, QMB refers to all MSP. The following codes are used for QMB subprograms:

(a) QMB-BAS; Qualified Medicare Beneficiaries — Basic. The basic QMB program.

(b) QMB-DW; Qualified Medicare Beneficiaries — Disabled Worker. Payment of the Medicare Part A premium for people under age 65 who have lost eligibility for Social Security disability benefits because they have become substantially gainfully employed.

(c) QMB-SMB; Qualified Medicare Beneficiaries — Specified Limited Medicare Beneficiary. Payment of the Medicare Part B premium only. There are no medical benefits available through QMB-SMB.

(d) QMB-SMF; Qualified Medicare Beneficiaries — Qualified Individuals. Payment of the Medicare Part B premium only. There are no medical benefits available through QMB-SMF. This program has a 100-percent federal match, but also has an allocation that, if reached, results in the closure of the program.

(21) REF; Refugee Assistance. Cash assistance to low-income refugee singles or married couples without children.

(22) REFM; Refugee Assistance Medical. Medical coverage for low-income refugees.

(23) The Repatriate Program helps Americans resettle in the United States if they have left a foreign land because of an emergency situation.

(24) SFDNP; Senior Farm Direct Nutrition Program. Food vouchers for low income seniors. Funded by a grant from the United States Department of Agriculture.

(25) SFPSS; State Family Pre-SSI/SSDI Program. A voluntary program providing cash assistance and case management services to families when at least one TANF eligible adult in the household has an impairment (see OAR 461-125-0260) and is or will be applying for Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI).

(26) SNAP; Supplemental Nutrition Assistance Program. Helps low-income households maintain proper nutrition by giving them the means to purchase food. SNAP used to be known as FS or Food Stamps, any reference to SNAP also includes FS and Food Stamps.

(27) TA-DVS; Temporary Assistance for Domestic Violence Survivors. Addresses the needs of clients threatened by domestic violence.

(28) TANF; Temporary Assistance for Needy Families. Cash assistance for families when children in those families are deprived of parental support because of continued absence, death, incapacity, or unemployment.

Stat. Auth.: ORS 411.060, 411.404, 411.706, 411.816, 412.014, 412.049, 414.025, 414.231, 414.826, 414.831, 414.839

Implemented: ORS 411.060, 411.404, 411.704, 411.706, 411.816, 412.014, 412.049, 414.025, 414.231, 414.826, 414.831, 414.839

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 12-1990, f. 3-30-90, cert. ef. 4-1-90; AFS 16-1990, f. 6-29-90, cert. ef. 7-1-90; AFS 20-1990, f. 8-17-90, cert. ef. 9-1-90; AFS 23-1990, f. 9-28-90, cert. ef. 10-1-90; AFS 13-1991, f. & cert. ef. 7-1-91; AFS 20-1992, f. 7-31-92, cert. ef. 8-1-92; AFS 35-1992, f. 12-31-92, cert. ef. 1-1-93; AFS 16-1993, f. & cert. ef. 9-1-93; AFS 2-1994, f. & cert. ef. 2-1-94; AFS 23-1994, f. 9-29-94, cert. ef. 10-1-94; AFS 10-1995, f. 3-30-95, cert. ef. 4-1-95; AFS 13-1995, f. 6-29-95, cert. ef. 7-1-95; AFS 17-1996, f. 4-29-96, cert. ef. 5-1-96; AFS 42-1996, f. 12-31-96, cert. ef. 1-1-97; AFS 3-1997, f. 3-31-97, cert. ef. 4-1-97; AFS 9-1997, f. & cert. ef. 7-1-97; AFS 4-1998, f. 2-25-98, cert. ef. 3-1-98; AFS 10-1998, f. 6-29-98, cert. ef. 7-1-98; AFS 17-1998, f. & cert. ef. 10-1-98; AFS 25-1998, f. 12-18-98, cert. ef. 1-1-99; AFS 1-1999(Temp), f. & cert. ef. 2-1-99 thru 7-31-99; AFS 7-1999, f. 4-27-99, cert. ef. 5-1-99; AFS 9-1999, f. & cert. ef. 7-1-99; AFS 17-2000, f. 6-28-00, cert. ef. 7-1-00; AFS 11-2001, f. 6-29-01, cert. ef. 7-1-01; AFS 17-2001(Temp), f. 8-31-01, cert. ef. 9-1-01 thru 9-30-01; AFS 22-2001, f. & cert. ef. 10-1-01; AFS 5-2002, f. & cert. ef. 4-1-02; AFS 10-2002, f. & cert. ef. 7-1-02; SSP 1-2003, f. 1-31-03, cert. ef. 2-1-03; SSP 7-2003, f. & cert. ef. 4-1-03; SSP 29-2003(Temp), f. 10-31-03, cert. ef. 11-1-03 thru 3-31-04; SSP 6-2004, f. & cert. ef. 4-1-04; SSP 17-2004, f. & cert. ef. 7-1-04; SSP 22-2004, f. & cert. ef. 10-1-04; SSP 7-2005, f. & cert. ef. 7-1-05; SSP 19-2005, f. 12-30-05, cert. ef. 1-1-06; SSP 8-2006, f. & cert. ef. 6-1-06; SSP 7-2007, f. 6-29-07, cert. ef. 7-1-07; SSP 11-2007(Temp), f. & cert. ef. 10-1-07 thru 3-29-08; SSP 5-2008, f. 2-29-08, cert. ef. 3-1-08; SSP 23-2008, f. & cert. ef. 10-1-08; SSP 26-2008, f. 12-31-08, cert. ef. 1-1-09; SSP 29-2009(Temp), f. & cert. ef. 10-1-09 thru 3-30-10; SSP 38-2009, f. 12-31-09, cert. ef. 1-1-10; SSP 39-2009(Temp), f. 12-31-09, cert. ef. 1-1-10 thru 6-30-10; SSP 18-2010, f. & cert. ef. 7-1-10; SSP 25-2010(Temp), f. & cert. ef. 8-16-10 thru 2-12-11; SSP 41-2010, f. 12-30-10, cert. ef. 1-1-11; SSP 9-2012, f. 3-29-12, cert. ef. 4-1-12; SSP 22-2013(Temp), f. & cert. ef. 8-23-13 thru 2-19-14; SSP 29-2013(Temp), f. & cert. ef. 10-1-13 thru 2-19-14; SSP 37-2013, f. 12-31-13, cert. ef. 1-1-14; SSP 14-2014(Temp), f. & cert. ef. 6-26-14 thru 12-23-14; SSP 16-2014, f. & cert. ef. 7-1-14; SSP 18-2014(Temp), f. & cert. ef. 7-1-14 thru 12-23-14; SSP 24-2014, f. & cert. ef. 10-1-14

461-110-0370

Filing Group; SNAP

In the SNAP program:

(1) Except as provided in this rule, the filing group consists of members of a household group (see OAR 461-110-0210) who choose to apply together or customarily purchase and prepare meals together.

(2) Except as provided in sections (3) and (8) of this rule, the following household group members must be in the same filing group, even if they do not customarily purchase and prepare meals together:

(a) Each spouse (see OAR 461-001-0000).

(b) A parent (see OAR 461-001-0000) and his or her child under age 22 living with the parent.

(c) A household group member and any child under age 18 who lives with and is under parental control of that household group member. For the purposes of this subsection, "parental control" means the adult is responsible for the care, control, and supervision of the child or the child is financially dependent on the adult.

(3) In the following specific situations, the Department forms a filing group as indicated:

(a) An individual is not included in the filing group if, during the month the group applied for SNAP program benefits, the individual received SSI benefits through the state of California. This exclusion applies

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only in the month the group applied and, if necessary to meet notice requirements, in the month following the month the group applied.

(b) An individual is not included in the filing group if during the month the group applied for SNAP program benefits the individual received SNAP program benefits in another household and was not the head of household in the prior household. This exclusion applies only in the month the group applied and, if necessary to meet notice requirements, in the month following the month the group applied.

(c) An elderly (see OAR 461-001-0015) individual and his or her spouse may be considered a separate filing group from others with whom the elderly individual purchases and prepares meals, if:

(A) The elderly individual is unable to purchase or prepare food because of a permanent and severe disabling condition; and

(B) The combined income of the other members of the household group does not exceed the following limit: [Table not included. See ED. NOTE]

(4) A paid live-in attendant may choose not to be in the filing group with the recipient of the services provided, unless required by section (2) of this rule to be in the same filing group.

(5) An individual in foster care, the individual's spouse, and each child under age 22 living with the individual are not eligible to participate in the SNAP program independently of the care or service provider's filing group, but may be included in the provider's filing group if the provider applies for benefits.

(6) Unless required under section (2) of this rule, the following household group members may form a separate filing group from other members of the household group:

(a) A resident of an alcohol or drug treatment and rehabilitation program certified by the Department for which an employee of the facility is the authorized representative (see OAR 461-135-0550). A resident's spouse in the same facility may be in a separate filing group, but a child of a resident must be in the same filing group as the resident.

(b) A resident in group living (see OAR 461-001-0015).

(c) A resident of a public or private non-profit homeless or domestic violence shelter (see OAR 461-135-0510).

(d) An individual who is a resident of federally subsidized housing for the elderly, an individual with a disability, or blind recipient of benefits under Title I, II, X, XIV, or XVI of the Social Security Act.

(7) A member of the household group who pays the filing group for room and board (lodger) is treated as follows:

(a) A lodger cannot participate in the SNAP program independently of the household group when the lodger pays a reasonable amount for room and board. A reasonable amount is:

(A) An amount that equals or exceeds the Thrifty Food Plan for the individual and anyone in that individual's filing group (see OAR 461-155-0190(2)), if more than two meals per day are provided; or

(B) An amount that equals or exceeds two-thirds of the Thrifty Food Plan for the individual and anyone in the individual's filing group, if two or fewer meals per day are provided.

(b) A lodger may participate in the SNAP program independently of the household group when the lodger pays less than a reasonable amount for room and board.

(8) A household group member is not included in the filing group, if the member is:

- (a) A resident of a commercial boarding house; or
- (b) An ineligible student, as defined in OAR 461-135-0570.

(9) A household group member may be included in two filing groups in the same month, if the member:

- (a) Is a resident of a domestic violence shelter (see OAR 461-001-0000) or safe home (see 461-001-0000); and
- (b) Recently left the household group containing the member's abus-

er.

[ED. NOTE: Tables referenced are available from the agency.]

Stat. Auth.: ORS 411.816

Stats. Implemented: ORS 411.816, 411.825

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 12-1990, f. 3-30-90, cert. ef. 4-1-90; AFS 23-1990, f. 9-28-90, cert. ef. 10-1-90; AFS 30-1990, f. 12-31-90, cert. ef. 1-1-91; AFS 9-1991, f. 3-29-91, cert. ef. 4-1-91; AFS 20-1991, f. & cert. ef. 10-1-91; AFS 28-1992, f. & cert. ef. 10-1-92; AFS 1-1993, f. & cert. ef. 2-1-93; AFS 19-1993, f. & cert. ef. 10-1-93; AFS 6-1994, f. & cert. ef. 4-1-94; AFS 19-1994, f. & cert. ef. 9-1-94; AFS 23-1994, f. 9-29-94, cert. ef. 10-1-94; AFS 10-1995, f. 3-30-95, cert. ef. 4-1-95; AFS 23-1995, f. 9-20-95, cert. ef. 10-1-95; AFS 32-1996(Temp), f. & cert. ef. 9-23-96; AFS 34-1996, f. 9-26-96, cert. ef. 10-1-96; AFS 42-1996, f. 12-31-96, cert. ef. 1-1-97; AFS 19-1997, f. & cert. ef. 10-1-97; AFS 15-1998(Temp), f. 9-15-98, cert. ef. 10-1-98 thru 10-31-98; AFS 22-1998, f. 10-30-98, cert. ef. 11-1-98; AFS 11-1999, f. & cert. ef. 10-1-99; AFS 25-2000, f. 9-29-00, cert. ef. 10-1-00; AFS 12-2001, f. 6-29-01, cert. ef. 7-1-01; AFS 22-2001, F. & cert. ef. 10-1-01; AFS 13-2002, f. & cert. ef. 10-1-02; SSP 23-2003, f. & cert. ef. 10-1-03; SSP 22-2004, f. & cert. ef. 10-1-04; SSP 7-2005, f. & cert. ef. 7-1-05; SSP 14-2005, f. 9-30-05, cert. ef. 10-1-05; SSP 6-2006, f. 3-31-06, cert. ef. 4-1-06; SSP 10-2006, f. 6-30-06, cert. ef. 7-1-06; SSP 14-2006, f. 9-29-06, cert. ef. 10-1-06; SSP 15-2006, f. 12-29-06, cert. ef. 1-1-07; SSP 7-2007, f. 6-29-07, cert.

ef. 7-1-07; SSP 10-2007, f. & cert. ef. 10-1-07; SSP 23-2008, f. & cert. ef. 10-1-08; SSP 5-2009, f. & cert. ef. 4-1-09; SSP 28-2009, f. & cert. ef. 10-1-09; SSP 38-2009, f. 12-31-09, cert. ef. 1-1-10; SSP 10-2011, f. 3-31-11, cert. ef. 4-1-11; SSP 25-2011, f. 9-30-11, cert. ef. 10-1-11; SSP 30-2012, f. 9-28-12, cert. ef. 10-1-12; SSP 24-2013, f. & cert. ef. 10-1-13; SSP 24-2014, f. & cert. ef. 10-1-14

461-125-0030

Determining Deprivation of a Child

(1) In the TANF program, determination of deprivation for a child (see OAR 461-001-0000) who lives with one parent (see OAR 461-001-0000) or does not live with a parent is based on the continued absence or death of a parent.

(2) Determination of deprivation for a child who lives with two parents is based on:

- (a) The unemployment or underemployment of both parents; or
- (b) The incapacity of a parent.

(3) If a child meets deprivation on more than one basis, the branch office (see OAR 461-001-0000) may choose which reason to use. However, the choice cannot adversely affect the child's eligibility.

Stat. Auth.: ORS 411.060, 411.070, 411.400, 412.006 & 412.049

Stats. Implemented: ORS 411.060, 411.070, 411.404, 412.006 & 412.049

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; SSP 27-2013, f. & cert. ef. 10-1-13; SSP 24-2014, f. & cert. ef. 10-1-14

461-125-0170

Deprivation Based on Unemployment or Underemployment; TANF

(1) In the TANF program, deprivation based on unemployment or underemployment exists if all the following are true:

- (a) A child (see OAR 461-001-0000) lives with two parents.
- (b) Both parents are unemployed or underemployed.

(2) For purposes of this rule, a parent (see OAR 461-001-0000) is not considered unemployed or underemployed if the parent is participating in a labor dispute.

Stat. Auth.: ORS 411.060, 411.070, 411.400, 412.006, 412.016, 412.049

Stats. Implemented: ORS 411.060, 411.070, 412.006, 412.016, 412.049, 412.064, 2011 Or. Laws 604, 2012 Or. Laws 107

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 12-1990, f. 3-30-90, cert. ef. 4-1-90; AFS 28-1992, f. & cert. ef. 10-1-92; AFS 23-1994, f. 9-29-94, cert. ef. 10-1-94; AFS 13-1995, f. 6-29-95, cert. ef. 7-1-95; AFS 27-1996, f. 6-27-96, cert. ef. 7-1-96; AFS 3-1997, f. 3-31-97, cert. ef. 4-1-97; AFS 9-1997, f. & cert. ef. 7-1-97; AFS 8-1998, f. 4-28-98, cert. ef. 5-1-98; SSP 18-2009(Temp), f. 7-29-09, cert. ef. 8-1-09 thru 1-28-10; SSP 32-2009(Temp), f. & cert. ef. 10-29-09 thru 1-28-10; SSP 38-2009, f. 12-31-09, cert. ef. 1-1-10; SSP 18-2011(Temp), f. & cert. ef. 7-1-11 thru 12-28-11; SSP 25-2011, f. 9-30-11, cert. ef. 10-1-11; SSP 17-2012(Temp), f. & cert. ef. 5-1-12 thru 10-28-12; SSP 30-2012, f. 9-28-12, cert. ef. 10-1-12; SSP 27-2013, f. & cert. ef. 10-1-13; SSP 24-2014, f. & cert. ef. 10-1-14

461-135-0075

Limitation on Eligibility Period; TANF

(1) A minor parent head of household or an adult may not receive a TANF grant in Oregon if the minor parent head of household or adult has received a TANF grant in any state or states in excess of 60 months except as allowed in this rule.

(2) The following months do not count toward the time limit in section (1) of this rule:

(a) Months prior to July 1, 2003 in which a minor parent head of household or an adult received a TANF grant in Oregon or another state.

(b) Months between July 1, 2003 and September 30, 2007 in which a minor parent head of household or adult received TANF in Oregon; and

(A) Participated in required JOBS activities or other education, employment, or job training program including teen parent programs; or

(B) Was not required to participate in JOBS activities or other education, employment, or job training program including teen parent programs.

(c) Months beginning July 1, 2003 in which the family resided in Indian Country (as defined in 18 U.S.C. 1151) and 50 percent or more of the adult residents of that area were unemployed.

(d) Months beginning October 1, 2007 in which the minor parent head of household or adult is a participant in the JOBS Plus, Pre-TANF, Post-TANF, or SFPSS programs.

(e) Months beginning October 1, 2011 in which the minor parent head of household or adult is a participant in the JPI program.

(f) Months between October 1, 2007 and June 30, 2009 and months between October 1, 2011 and April 30, 2012 in which the filing group (see OAR 461-110-0330) is a two-parent family receiving cash assistance in Oregon for which deprivation is based on unemployment or underemployment.

(g) Months beginning October 1, 2007 in which the individual who is now a parent or pregnant was in that month a minor child and neither the head of a household nor married to the head of a household.

(h) Months beginning October 1, 2007 in which a minor parent head of household or adult received aid in Oregon and is a participant in the

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Degree Completion Initiative (DCI) activity (see OAR 461-001-0025) enrolled in an educational institution.

(i) Months beginning October 1, 2008 in which a minor parent head of household or adult received aid in Oregon and is a participant in the Parents as Scholars (PAS) activity (see OAR 461-001-0025) enrolled in an educational institution consistent with OAR 461-190-0199.

(j) Months beginning October 1, 2007 in which the individual is unable to obtain or maintain employment for a sufficient number of hours in a month to satisfy the federally required participation rates (see OAR 461-001-0025) because the individual:

- (A) Is a victim of domestic violence (see OAR 461-001-0000);
- (B) Has a certified learning disability;
- (C) Has a verified alcohol and drug or mental health condition;
- (D) Has a child with a disability (see OAR 461-001-0000), which prevents the parent from obtaining or keeping employment;
- (E) Is an individual with a disability;
- (F) Is providing care for a family member who lives in the home and is an individual with a disability;
- (G) Is deprived of needed medical care; or
- (H) Is subjected to battery or extreme cruelty. For purposes of this rule, an individual is subjected to battery or extreme cruelty if the individual has been subjected to one or more of the following:

(i) Physical acts that resulted in, or threatened to result in, physical injury to the individual.

- (ii) Sexual abuse.
- (iii) Sexual activity involving a dependent child.
- (iv) Being forced as the caretaker relative of a dependent child to engage in nonconsensual sexual acts or activities.
- (v) Threats of, or attempts at, physical or sexual abuse.
- (vi) Mental abuse.
- (vii) Neglect or deprivation of medical care.

(k) Months between July 1, 2008 and April 30, 2012 in which the individual did not qualify for any other TANF time-limit exemption under this rule, and was unable to obtain or maintain employment for a sufficient number of hours in a month to satisfy the federally required participation rates (see OAR 461-001-0025) when Oregon's statewide average unemployment rate as published by the Oregon Employment Department was equal to or greater than seven percent. For purposes of this rule, this determination --

(A) Through December 31, 2011 is calculated based on a six-month period as follows:

(i) The time period during July 1, 2008 through June 30, 2009 was based on Oregon's statewide average unemployment rate as published by the Oregon Employment Department for the period July 1, 2008 through December 31, 2008.

(ii) In each six-month period, starting July 1, 2009 and ending December 31, 2011:

(I) The time period during January 1 through June 30 was based on Oregon's statewide average unemployment rate as published by the Oregon Employment Department for the period April 1 through September 30 of the preceding year.

(II) The time period during July 1 through December 31 was based on Oregon's statewide average unemployment rate as published by the Oregon Employment Department for the period October 1 through December 31 of the preceding year and January 1 through March 31 of the current year.

(B) From January 1, 2012 through April 30, 2012 was based on Oregon's statewide average unemployment rate as published by the Oregon Employment Department for the period April 1 through September 30, 2011.

(3) Months that do not count toward the time limit based on a condition described in paragraphs (2)(j)(B) to (2)(j)(F) of this rule require documentation from a licensed or certified professional qualified to make such a determination.

(4) A minor parent head of household or an adult may not be denied a TANF grant under section (1) of this rule during months that qualify as exempt from time limits under sections (2), and (3) of this rule.

(5) Each minor parent head of household and adult who qualifies for a TANF grant under this rule must also meet all other TANF eligibility requirements and cooperate with the requirements of his or her case plan, unless good cause (see OAR 461-130-0327) exists.

(6) Except as provided otherwise in section (4) of this rule, a minor parent head of household or an adult in the benefit group who exceeds the 60-month time limit is removed from the need group (see OAR 461-110-0630). When a minor head of household or adult is removed from the need

group under this section, the remaining need group members may continue to receive TANF benefits.

(7) If a minor parent head of household or adult qualifies under sections (2), (3), or (4) of this rule, any disqualifications that have been accrued for the benefit group remain in place.

Stat. Auth.: ORS 411.060 & 412.049

Stats. Implemented: ORS 411.060, 411.117, 412.049 & 412.079

Hist.: AFS 27-1996, f. 6-27-96, cert. ef. 7-1-96; AFS 3-1997, f. 3-31-97, cert. ef. 4-1-97; AFS 9-1997, f. & cert. ef. 7-1-97; AFS 15-1999, f. 11-30-99, cert. ef. 12-1-99; SSP 15-2006, f. 12-29-06, cert. ef. 1-1-07; SSP 11-2007(Temp), f. & cert. ef. 10-1-07 thru 3-29-08; SSP 5-2008, f. 2-29-08, cert. ef. 3-1-08; SSP 22-2008(Temp), f. & cert. ef. 10-1-08 thru 3-30-09; SSP 26-2008, f. 12-31-08, cert. ef. 1-1-09; SSP 12-2009(Temp), f. 6-23-09, cert. ef. 7-1-09 thru 12-28-09; SSP 13-2009, f. & cert. ef. 7-1-09; SSP 15-2009(Temp), f. & cert. ef. 7-1-09 thru 12-28-09; SSP 28-2009, f. & cert. ef. 10-1-09; SSP 30-2011(Temp), f. & cert. ef. 11-1-11 thru 4-29-12; SSP 9-2012, f. 3-29-12, cert. ef. 4-1-12; SSP 17-2012(Temp), f. & cert. ef. 5-1-12 thru 10-28-12; SSP 30-2012, f. 9-28-12, cert. ef. 10-1-12; SSP 24-2014, f. & cert. ef. 10-1-14

461-135-0405

Children in the Head Start Program; ERDC and TANF

(1) Initial eligibility for the ERDC program (see OAR 461-135-0400) or the TANF program must be met prior to receiving child care under a contract between a Head Start agency and the Department.

(2) The following subsections apply when a child (see OAR 461-001-0000) in the ERDC or TANF programs receives child care under a contract between a Head Start agency and the Department.

(a) The Head Start agency is considered the provider of child care.

(b) If the Head Start agency uses another provider for the child care, that provider must meet the requirements in OAR 461-165-0160 and following.

(c) The payment made by the Department on behalf of the child is made only to the Head Start agency. The child is ineligible for child care payments for care not provided under the contract between the Head Start agency and the Department.

(d) Once the Department makes a child care payment for the child under the contract, the child may not lose child care benefits until the next August 31, unless any of the following paragraphs apply:

(A) The child's caretaker (see OAR 461-001-0000) has been found ineligible for ERDC program benefits under OAR 461 135 0415 for failure to make a copayment.

(B) The caretaker was found ineligible because of inaccurate information provided to the Department or because information was withheld from the Department when eligibility was determined.

(C) The caretaker fails to meet the requirements of the locally-prepared agreement among the client and the Head Start program.

(D) In the ERDC program, the caretaker is found ineligible for ERDC program benefits under OAR 461-160-0040(5) unless the caretaker is:

(i) Continuing to actively seek employment (other than self-employment) during the hours the contracted Head Start program is operating; and

(ii) Available to work (other than self-employment) during the operating hours of the contracted Head Start program.

(E) The child is no longer attending a Head Start contracted program.

(F) The caretaker of the child voluntarily quits their job or causes their own dismissal and does not meet the "good cause" criteria set out in OAR 461-135-0070(2).

(G) The caretaker of the child enrolls in school, unless the caretaker is:

(i) Continuing to actively seek employment during the hours the contracted Head Start program is operating; and

(ii) Available to work during the operating hours of the contracted Head Start program.

(H) In the TANF program:

(i) The case closes due to disqualification (see OAR 461-130-0330); or

(ii) The caretaker is not actively participating in an open case plan (see OAR 461-001-0025).

(e) For any month in which the child is eligible to be served under a contract and the client complies with a plan developed jointly by the client, the Head Start agency, and the Department (plan), the Department waives the client's copayment for the child, in whole or in part, if the waiver is provided for in the contract.

(f) For any month in which the client's child is eligible to be served under a contract and the client complies with a plan, the Department waives the copayment with respect to the child's siblings, in whole or in part, if the waiver is provided for in the contract.

(3) The Department will not make a child care payment for a child in a Head Start program if the child's caretaker has been found ineligible for ERDC program under OAR 461-135-0415 for failure to make a copayment.

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Stat. Auth.: ORS 409.050, 411.060 & 412.049
Stats. Implemented: ORS 409.010, 411.060 & 412.049
Hist.: AFS 33-2000(Temp), f. 12-22-00, cert. ef. 1-1-01 thru 3-31-01; AFS 6-2001, f. 3-30-01, cert. ef. 4-1-01; AFS 10-2002, f. & cert. ef. 7-1-02; SSP 23-2003, f. & cert. ef. 10-1-03; SSP 22-2004, f. & cert. ef. 10-1-04; SSP 24-2004, f. 12-30-04, cert. ef. 1-1-05; SSP 9-2009(Temp), f. & cert. ef. 5-1-09 thru 10-28-09; SSP 28-2009, f. & cert. ef. 10-1-09; SSP 24-2013, f. & cert. ef. 10-1-13; SSP 11-2014(Temp), f. & cert. ef. 4-10-14 thru 10-7-14; SSP 24-2014, f. & cert. ef. 10-1-14

461-135-0407

Children in Oregon Program of Quality Contracted Child Care; ERDC and TANF

(1) Initial eligibility for the ERDC program (see OAR 461-135-0400) or the TANF program must be met prior to receiving child care under a contract between an Oregon Program of Quality (OPQ) provider and the Department.

(2) The following subsections apply when a child (see OAR 461-001-0000) in the ERDC or TANF programs receives child care under a contract between an OPQ provider and the Department.

(a) The payment made by the Department on behalf of the child is made only to the OPQ provider. The child is ineligible for child care payments for care not provided under the contract between the OPQ provider and the Department.

(b) Once the Department makes a child care payment for the child under the contract, the child may not lose child care benefits until the next August 31, unless any of the following paragraphs apply:

(A) The child is no longer attending an OPQ contracted provider.

(B) The filing group (see OAR 461-110-0350) was found ineligible because of inaccurate information provided to the Department or because information was withheld from the Department when eligibility was determined.

(C) The filing group fails to meet the requirements of the agreement between the client and the OPQ provider.

(D) The caretaker of the child voluntarily quits their job or causes their own dismissal, and does not meet the "good cause" criteria set out in OAR 461-135-0070(2).

(E) The caretaker of the child enrolls in school, unless the caretaker is:

(i) Continuing to actively seek employment during the hours the OPQ contracted child care program is operating; and

(ii) Available to work during the operating hours of the OPQ provider.

(F) In the ERDC program:

(i) The caretaker of the child has been found ineligible under OAR 461-135-0415 for failure to make a copayment.

(ii) The caretaker of the child is found ineligible due to self-employment (see OAR 461-160-0040(5)), unless during the operating hours of the OPQ contracted provider, the caretaker is:

(I) Continuing to actively seek employment (other than self-employment); and

(II) Available to work (other than self-employment).

(G) In the TANF program:

(i) The case closes due to disqualification (see OAR 461-130-0330); or

(ii) The caretaker is not actively participating in an open case plan (see OAR 461-001-0025).

(3) Except as provided in section (4) of this rule, for any month in which a child is eligible to be served under a contract covered by this rule, the client's copayment is established under OAR 461-155-0150(12)(a).

(4) For any month in which a child in an OPQ contracted slot is eligible for and receiving TANF, the copay is zero.

Stat. Auth.: ORS 409.050, 411.060, 411.116, 412.049
Stats. Implemented: ORS 409.010, 409.610, 411.060, 411.116, 411.121, 411.122, 411.135, 412.049

Hist.: SSP 29-2012(Temp), f. 8-31-12, cert. ef. 9-1-12 thru 2-28-13; SSP 37-2012, f. 12-28-12, cert. ef. 1-1-13; SSP 11-2013(Temp), f. & cert. ef. 5-15-13 thru 11-11-13; SSP 24-2013, f. & cert. ef. 10-1-13; SSP 12-2014(Temp), f. & cert. ef. 5-1-14 thru 10-28-14; SSP 24-2014, f. & cert. ef. 10-1-14

461-135-1260

Specific Requirements: Job Participation Incentive

(1) This rule explains specific requirements of the Job Participation Incentive (JPI). The JPI food benefit provides \$10 per month for qualifying SNAP households with a dependent child (see OAR 461-001-0000) under age 18.

(2) An individual eligible for JPI may receive a \$10 monthly food benefit.

(a) The individual receives the \$10 incentive payment starting the month the Department receives documentation that all enrollment criteria in section (3) of this rule have been met.

(b) There are no partial months of JPI benefits.

(c) The individual may only be issued retroactive JPI benefits as allowed under OAR 461-180-0130.

(3) As used in this rule, a "two-parent household" refers to a SNAP household group (see OAR 461-110-0210) that contains a dependent child under age 18 and the dependent child's two parents.

(4) To receive JPI, an individual must be in a SNAP filing group (see OAR 461-110-0370) and meet the requirements of all of the following subsections:

(a) Be working at an unsubsidized paid employment that meets the federally required participation rates (see OAR 461-001-0025). For self-employment or piece rate work, the hours of work must be equivalent to the required average weekly hours at Oregon State minimum wage. An individual must meet the requirements of at least one of the following paragraphs:

(A) Be a single parent (see OAR 461-001-0000) of a dependent child under six years of age and working at an unsubsidized paid employment for an average of at least 20 weekly hours.

(B) Be a single parent of a dependent child at least six years of age and under 18 years of age, and working at an unsubsidized paid employment for an average of at least 30 weekly hours.

(C) Be a parent in a two-parent household (see section (3) of this rule) that does not receive federally-funded child care assistance, and the parents are working at unsubsidized paid employment for a combined average of at least 35 hours per week.

(D) Be a parent in a two-parent household that receives federally-funded child care assistance and the parents are working at unsubsidized paid employment for a combined average of 55 hours per week.

(b) Provide the Department with employer-produced documents of paid, unsubsidized work hours covering a consecutive two-week period that has occurred within the last 60 days.

(c) Anticipate weekly employment hours will remain the same or increase for the reporting period.

(d) Provide employer-produced documents of paid, unsubsidized work hours each time requested by the Department and no later than the last day of the sixth month following the date the client provides the verification of work hours in accordance with subsections (a) and (b) of this section.

(e) Be an eligible adult in a SNAP benefit group (see OAR 461-110-0750) and the parent of an eligible dependent child under age 18 in the same SNAP benefit group.

(f) Not be receiving any Post-TANF, SFPSS, or TANF program benefits in the same month.

(5) To remain eligible for JPI, a client must:

(a) Meet all SNAP eligibility and reporting requirements (see OAR 461-170-0011); and

(b) Meet all requirements in section (4) of this rule at the time of the interim change report and at the time of the recertification of SNAP benefits.

(6) Household income in JPI is calculated in accordance with all SNAP financial rules.

(7) A client is no longer eligible for JPI when it has been determined that the client does not meet federally required participation rates and requirements due to any of the following:

(a) Loss of employment.

(b) A reduction in work hours.

(c) The client no longer has a dependent child under age 18 in their SNAP benefit group.

Stat. Auth.: ORS 409.050, 411.060, 411.070, 412.049

Stats. Implemented: ORS 409.010, 411.060, 411.070, 412.049

Hist.: SSP 26-2011(Temp), f. 9-30-11, cert. ef. 10-1-11 thru 3-29-12; SSP 10-2012, f. 3-29-12, cert. ef. 3-30-12; SSP 17-2012(Temp), f. & cert. ef. 5-1-12 thru 10-28-12; SSP 19-2012(Temp), f. 5-23-12, cert. ef. 5-24-12 thru 10-28-12; SSP 30-2012, f. 9-28-12, cert. ef. 10-1-12; SSP 14-2014(Temp), f. & cert. ef. 6-26-14 thru 12-23-14; SSP 24-2014, f. & cert. ef. 10-1-14

461-145-0460

Sale of a Resource

(1) In the ERDC program, all proceeds from the sale of a resource are excluded as income and as a resource.

(2) In the REF, REFM, and TANF programs:

(a) Proceeds from the sale of an excluded resource to the extent reinvested in another excluded resource are excluded as income and as a resource.

(b) All proceeds from the sale of the resource are counted as unearned income, unless excluded in subsection (a) of this section.

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(3) In all programs except the ERDC, REF, REFM, and TANF programs, proceeds from the sale of a resource are treated as follows:

(a) Proceeds from the sale of a resource (other than a home) received on a monthly or other periodic basis are counted as unearned income, except that in the OSIPM and QMB programs for a sale originating on or after October 1, 2012 all proceeds that are principal are counted as a resource.

(b) Proceeds from the sale of a resource (other than a home) received on a lump sum basis are treated as follows, except that in the OSIPM and QMB programs for a sale originating on or after October 1, 2012 all proceeds that are interest are treated as unearned income:

(A) If the proceeds are from the sale of an excluded resource, the amount reinvested in another excluded resource is excluded, and the remainder is counted as a resource.

(B) The proceeds from all other sales are counted as a resource. If the proceeds put the benefit group (see OAR 461-110-0750) over the resource limit, the proceeds are counted as periodic or lump sum income (see OAR 461-140-0110 and 461-140-0120).

(c) Proceeds from the sale of the home of the financial group (see OAR 461-110-0530) are excluded for three months if the financial group intends to use the proceeds (subparagraphs (A)(i) and (A)(ii) of this subsection set out the scope of use of excluded proceeds in the GA, GAM, OSIP, and QMB programs) to buy another home, except as follows:

(A) In the GA, GAM, OSIPM (except for clients eligible under OAR 461-135-0771), and QMB programs for a home sold on or after October 1, 2012:

(i) Principal payments, including lump-sum payments, are excluded for three full calendar months from the date of receipt if the financial group intends to use the proceeds to buy another home or for associated costs including:

- (I) Downpayments;
- (II) Settlement costs;
- (III) Loan processing fees and points;
- (IV) Moving expenses;
- (V) Necessary repairs to or replacement of the new home's structure or fixtures (including roof, furnace, plumbing, built-in appliances) that are identified and documented prior to occupancy; and
- (VI) Mortgage payments.

(ii) For the purposes of subparagraph (i) of this paragraph, funds that are obligated by contract during these three full calendar months are also excluded.

(iii) Interest payments are counted as unearned income.

(B) For clients eligible for OSIPM under OAR 461-135-0771, the proceeds from the sale of the financial group's home, if the financial group intends to use them to buy another home (subparagraphs (A)(i) and (A)(ii) of this subsection set out the scope of use of excluded proceeds), are treated as follows:

(i) For a home sold prior to October 1, 2012, the proceeds are excluded for 12 full calendar months.

(ii) For a home sold on or after October 1, 2012:

(I) Principal payments, including lump-sum payments, are excluded for 12 full calendar months from the date of receipt.

(II) Interest payments are counted as unearned income.

(d) The proceeds from the sale of a home that are not reinvested in another home are counted as a resource, except as follows:

(A) In the GA and GAM programs, if the proceeds put the benefit group over the resource limit, they are counted as periodic or lump sum income.

(B) In the GA, GAM, OSIPM, and QMB programs for a home sold on or after October 1, 2012:

(i) Principal is counted as a resource, except that in the GA and GAM programs, if the proceeds put the benefit group over the resource limit, they are counted as periodic or lump sum income.

(ii) Interest payments are counted as unearned income.

(C) In the SNAP program, the proceeds are treated as lump-sum income (see OAR 461-001-0000) under OAR 461-140-0120.

(e) In the SNAP program:

(A) Interest received monthly or on another periodic basis from the sale of a home is counted as unearned income.

(B) If a self-employed client sells a work-related asset, including equipment and inventory, the proceeds of the sale are treated as self-employment income (see OAR 461-145-0910).

(4) Costs of the type excluded under OAR 461-145-0920 are subtracted from proceeds counted as income under this rule.

Stat. Auth.: ORS 411.060, 411.070, 411.083, 411.404, 411.816, 412.014, 412.049

Stats. Implemented: ORS 411.060, 411.070, 411.083, 411.404, 411.816, 412.014, 412.049

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 20-1992, f. 7-31-92, cert. ef. 8-1-92; AFS 12-1993, f. & cert. ef. 7-1-93; AFS 2-1994, f. & cert. ef. 2-1-94; AFS 21-1995, f. 9-20-95, cert. ef. 10-1-95; AFS 9-1997, f. & cert. ef. 7-1-97; AFS 9-2001, f. & cert. ef. 6-1-01; AFS 5-2002, f. & cert. ef. 4-1-02; SSP 16-2003, f. & cert. ef. 7-1-03; SSP 10-2007, f. & cert. ef. 10-1-07; SSP 5-2009, f. & cert. ef. 4-1-09; SSP 30-2012, f. 9-28-12, cert. ef. 10-1-12; SSP 30-2013(Temp), f. & cert. ef. 10-1-13 thru 3-30-14; SSP 38-2013, f. 12-31-13, cert. ef. 1-1-14; SSP 24-2014, f. & cert. ef. 10-1-14

461-155-0190

Income and Payment Standards; SNAP

(1) The monthly SNAP Countable and Adjusted Income Limits are as follows: [Table not included. See ED. NOTE.]

(2) The SNAP Payment Standard (Thrifty Food Plan) is: [Table not included. See ED. NOTE.]

[ED. NOTE: Tables referenced are available from the agency.]

Stat. Auth.: ORS 411.816

Stats. Implemented: ORS 411.816, 411.825

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 16-1990, f. 6-29-90, cert. ef. 7-1-90; AFS 23-1990, f. 9-28-90, cert. ef. 10-1-90; AFS 20-1991, f. & cert. ef. 10-1-91; AFS 28-1992, f. & cert. ef. 10-1-92; AFS 19-1993, f. & cert. ef. 11-1-93; AFS 23-1994, f. 9-29-94, cert. ef. 10-1-94; AFS 22-1995, f. 9-20-95, cert. ef. 10-1-95; AFS 34-1996, f. 9-26-96, cert. ef. 10-1-96; AFS 19-1997, f. & cert. ef. 10-1-97; AFS 15-1998(Temp), f. 9-15-98; cert. ef. 10-1-98 thru 10-31-98; AFS 22-1998, f. 10-30-98, cert. ef. 11-1-98; AFS 11-1999, f. & cert. ef. 10-1-99; AFS 25-2000, f. 9-29-00, cert. ef. 10-1-00; AFS 22-2001, f. & cert. ef. 10-1-01; AFS 13-2002, f. & cert. ef. 10-1-02; SSP 23-2003, f. & cert. ef. 10-1-03; SSP 22-2004, f. & cert. ef. 10-1-04; SSP 14-2005, f. 9-30-05, cert. ef. 10-1-05; SSP 14-2006, f. 9-29-06, cert. ef. 10-1-06; SSP 10-2007, f. & cert. ef. 10-1-07; SSP 23-2008, f. & cert. ef. 10-1-08; SSP 6-2009(Temp), f. & cert. ef. 4-1-09 thru 9-28-09; SSP 13-2009, f. & cert. ef. 7-1-09; SSP 28-2009, f. & cert. ef. 10-1-09; SSP 25-2011, f. 9-30-11, cert. ef. 10-1-11; SSP 30-2012, f. 9-28-12, cert. ef. 10-1-12; SSP 24-2013, f. & cert. ef. 10-1-13; SSP 34-2013, f. & cert. ef. 10-15-13; SSP 24-2014, f. & cert. ef. 10-1-14

461-155-0250

Income and Payment Standard; OSIPM

(1) A client who is assumed eligible per OAR 461-135-0010(6) is presumed to meet the income limits for the OSIPM program.

(2) A client in a nonstandard living arrangement (see OAR 461-001-0000) meeting the requirements of 461-135-0750, who is not assumed eligible and does not meet the income standards set out in section (4) of this rule, must have countable (see 461-001-0000) income that is equal to or less than 300 percent of the full SSI standard for a single individual (except OSIPM-EPD) or have established a qualifying trust as specified in 461-145-0540(9)(c).

(3) The OSIPM (except OSIPM-EPD) adjusted income standard takes into consideration the need for shelter (housing and utilities), food, and other items. The standard is itemized as follows: [Table not included. See ED. NOTE.]

(4) An individual, other than one identified in section (1), (2), or (6) of this rule, must have adjusted income below the standard in this section. The Department determines the adjusted number in the household under OAR 461-155-0020. [Table not included. See ED. NOTE.]

(5) In the OSIPM (except OSIPM-EPD) program, an individual in a nursing facility or an ICF-MR is allowed the following amounts for clothing and personal incidentals:

(a) For an individual who receives a VA pension based on unreimbursed medical expenses (UME), \$90 is allowed.

(b) For all other individuals, \$60 is allowed.

(c) For an individual identified in subsection (b) of this section with countable income (including any SSI) that is less than \$60, the payment standard is equal to the difference between the individual's countable income (including any SSI) and \$60. For the purposes of this subsection, countable income includes income that would otherwise be countable for an individual who is assumed eligible under OAR 461-135-0010.

(6) In the OSIPM-EPD program, the adjusted earned income limit is 250 percent of the federal poverty level for a family of one.

[ED. NOTE: Tables referenced are available from the agency.]

Stat. Auth.: ORS 411.060, 411.070, 411.404, 411.704, 411.706

Stats. Implemented: ORS 411.060, 411.070, 411.404, 411.704, 411.706

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 16-1990, f. 6-29-90, cert. ef. 7-1-90; AFS 30-1990, f. 12-31-90, cert. ef. 1-1-91; AFS 25-1991, f. 12-30-91, cert. ef. 1-1-92; AFS 35-1992, f. 12-31-92, cert. ef. 1-1-93; AFS 29-1993, f. 12-30-93, cert. ef. 1-1-94; AFS 29-1994, f. 12-29-94, cert. ef. 1-1-95; AFS 41-1995, f. 12-26-95, cert. ef. 1-1-96; AFS 42-1996, f. 12-31-96, cert. ef. 1-1-97; AFS 24-1997, f. 12-31-97, cert. ef. 1-1-98; AFS 25-1998, f. 12-28-98, cert. ef. 1-1-99; AFS 1-1999(Temp), f. & cert. ef. 2-1-99 thru 7-31-99; AFS 3-1999, f. 3-31-99, cert. ef. 4-1-99; AFS 16-1999, f. 12-29-99, cert. ef. 1-1-00; AFS 10-2000, f. 3-31-00, cert. ef. 4-1-00; AFS 34-2000, f. 12-22-00, cert. ef. 1-1-01; AFS 6-2001, f. 3-30-01, cert. ef. 4-1-01; AFS 27-2001, f. 12-21-01, cert. ef. 1-1-02; AFS 5-2002, f. & cert. ef. 4-1-02; AFS 22-2002, f. 12-31-02, cert. ef. 1-1-03; SSP 7-2003, f. & cert. ef. 4-1-03; SSP 10-2003(Temp) f. & cert. ef. 5-1-03 thru 9-30-03; SSP 26-2003, f. & cert. ef. 10-1-03; SSP 33-2003, f. 12-31-03, cert. ef. 1-4-04; SSP 8-2004, f. & cert. ef. 4-1-04; SSP 24-2004, f. 12-30-04, cert. ef. 1-1-05; SSP 4-2005, f. & cert. ef. 4-1-05; SSP 19-2005, f. 12-30-05, cert. ef. 1-1-06; SSP 4-2006, f. & cert. ef. 3-1-06; SSP 6-2006, f. 3-31-06, cert. ef. 4-1-06; SSP 10-2006, f. 6-30-06, cert. ef. 7-1-06; SSP 14-2006, f. 9-29-06, cert. ef. 10-1-06; SSP 15-2006, f. 12-29-06, cert. ef. 1-1-07; SSP 2-2007(Temp), f. & cert. ef. 3-1-07 thru 3-31-07; Suspended by SSP 3-2007(Temp), f. & cert. ef. 3-9-07 thru 6-30-07; SSP 4-2007, f. 3-30-07, cert. ef. 4-1-07; Suspended by SSP 5-2007(Temp), f. 3-30-07, cert. ef. 4-1-07 thru 6-30-07; SSP 7-2007, f. 6-

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29-07, cert. ef. 7-1-07; SSP 10-2007, f. & cert. ef. 10-1-07; SSP 14-2007, f. 12-31-07, cert. ef. 1-1-08; SSP 6-2008(Temp), f. 2-29-08, cert. ef. 3-1-08 thru 8-28-08; SSP 17-2008, f. & cert. ef. 7-1-08; SSP 23-2008, f. & cert. ef. 10-1-08; SSP 26-2008, f. 12-31-08, cert. ef. 1-1-09; SSP 2-2009(Temp), f. 2-27-09, cert. ef. 3-1-09 thru 8-28-09; SSP 13-2009, f. & cert. ef. 7-1-09; SSP 38-2009, f. 12-31-09, cert. ef. 1-1-10; SSP 35-2011, f. 12-27-11, cert. ef. 1-1-12; SSP 5-2012(Temp), f. & cert. ef. 2-1-12 thru 7-30-12; SSP 25-2012, f. 6-29-12, cert. ef. 7-1-12; SSP 39-2012(Temp), f. 12-28-12, cert. ef. 1-1-13 thru 6-30-13; SSP 37-2013, f. 12-31-13, cert. ef. 1-1-14; SSP 17-2014(Temp), f. & cert. ef. 7-1-14 thru 12-28-14; SSP 24-2014, f. & cert. ef. 10-1-14

461-160-0420 Shelter Cost; SNAP

(1) This rule explains how to calculate the client's shelter cost. The shelter cost is used to determine the shelter deduction (see OAR 461-160-0430). The shelter cost is the sum of the filing group's cost of housing plus an allowance for utilities, if the client incurs a utility cost. The shelter deduction is based on the shelter cost but is subject to a limitation described in 461-160-0430.

(2) Cost of housing.

(a) The following comprise the cost of housing if they are incurred with respect to the filing group's current residence or the home described in section (5) of this rule:

(A) Regular, periodic charges for the shelter of the filing group (see OAR 461-110-0370), such as rent, mortgage payments, and condominium or association fees. Late fees charged because a mortgage or rent payment was made late are not deductible.

(B) Property taxes, state and local assessments, and property insurance on the structure.

(C) Costs for repairing a home substantially damaged or destroyed by a natural disaster (such as a fire or flood), if such costs are not reimbursed.

(D) If the filing group is homeless and living in a vehicle — vehicle payments and collision and comprehensive insurance premiums for the vehicle.

(b) If housing costs are billed on a weekly or biweekly basis, the monthly cost is the weekly cost multiplied by 4.3 or the biweekly cost multiplied by 2.15.

(c) The filing group has the following choices about housing costs:

(A) The group may choose to apply the cost in the month it is billed or becomes due.

(B) The group may choose to have periodic costs averaged.

(C) For expenses that are billed less often than monthly, the group may choose to have them averaged over the period they are intended to cover.

(3) Shared housing. If the filing group shares housing costs with an individual in the dwelling who is not in the filing group, only the housing costs incurred by the filing group are included in the calculation. If the portion paid by a person outside the filing group cannot be ascertained, the cost is apportioned among the people contributing to the cost. The pro rata share of those not in the filing group is deducted from the total, and the balance is considered a housing cost of the filing group.

(4) Cost for utilities.

(a) A filing group has a cost for utilities if it incurs a cost for heating or cooling; cooking fuel; electricity; water and sewerage; well installation and maintenance; septic tank system installation and maintenance; garbage and trash collection; service for a telephone, such as basic service fee, wire maintenance, subscriber line charges, relay center surcharges, 911 service, and taxes; or initial installation fees charged by a utility provider.

(b) If the group incurs no cost for utilities in either its current home or in the home described in section (5) of this rule, then the shelter cost is calculated without an allowance for utilities.

(c) If a homeless filing group uses a vehicle for shelter, the cost of fuel for the vehicle is considered a utility cost.

(d) If a filing group incurs a cost for utilities, then the utility allowance is one of the following:

(A) Allowance with heating or cooling. A full standard utility allowance of \$446 per month is used if the household group (see OAR 461-110-0210) is billed for heating or cooling costs for its dwelling. Charges for any fuel and for electricity are considered heating costs if they are used for heating. A filing group who receives an energy assistance payment for the dwelling provided through the Low Income Energy Assistance Act of 1981 is eligible for the utility allowance established by this paragraph (A). This energy assistance payment must be greater than \$20 annually.

(B) Allowance without heating or cooling.

(i) A limited standard utility allowance of \$328 per month is used if the filing group is not billed for heating or cooling costs but is billed for at least two other costs enumerated in subsection (4)(a) of this rule.

(ii) An individual standard utility allowance of \$55 per month is used if the filing group is not billed for heating or cooling costs but is billed for

only one of the costs enumerated in subsection (4)(a) of this rule other than the service cost for a telephone, including the related taxes or fees.

(iii) A telephone standard utility allowance of \$57 per month is used if the filing group is billed only for telephone service, such as basic service fee, wire maintenance, subscriber line charges, relay center surcharges, 911 service, and taxes.

(5) Housing costs for a home not occupied by the filing group. Housing and utility costs with respect to a home not currently occupied may be considered in calculating the shelter cost if—

(a) The home is temporarily unoccupied because of employment or training away from home, illness, or abandonment caused by casualty or natural disaster;

(b) The filing group intends to return to the home;

(c) No other, current occupant is claiming a deduction for shelter costs in the SNAP program; and

(d) The home is not leased during the household's absence.

Stat. Auth.: ORS 411.816

Stats. Implemented: ORS 411.816 & 411.825

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 1-1991(Temp), f. & cert. ef. 1-2-91; AFS 13-1991, f. & cert. ef. 7-1-91; AFS 8-1992, f. & cert. ef. 4-1-92; AFS 19-1993, f. & cert. ef. 10-1-93; AFS 13-1994, f. & cert. ef. 7-1-94; AFS 23-1994, f. 9-29-94, cert. ef. 10-1-94; AFS 13-1995, f. 6-29-95, cert. ef. 7-1-95; AFS 34-1996, f. 9-26-96, cert. ef. 10-1-96; AFS 19-1997, f. & cert. ef. 10-1-97; AFS 21-1998(Temp), f. 10-15-98 & cert. ef. 11-1-98 thru 12-31-98; AFS 25-1998, f. 12-28-98, cert. ef. 1-1-99; AFS 25-2000, f. 9-29-00, cert. ef. 10-1-00; AFS 9-2001, f. & cert. ef. 6-1-01; AFS 22-2001, f. & cert. ef. 10-1-01; AFS 13-2002, f. & cert. ef. 10-1-02; SSP 23-2003, f. & cert. ef. 10-1-03; SSP 22-2004, f. & cert. ef. 10-1-04; SSP 14-2005, f. 9-30-05, cert. ef. 10-1-05; SSP 14-2006, f. 9-29-06, cert. ef. 10-1-06; SSP 10-2007, f. & cert. ef. 10-1-07; SSP 23-2008, f. & cert. ef. 10-1-08; SSP 28-2009, f. & cert. ef. 10-1-09; SSP 32-2010, f. & cert. ef. 10-1-10; SSP 25-2011, f. 9-30-11, cert. ef. 10-1-11; SSP 30-2012, f. 9-28-12, cert. ef. 10-1-12; SSP 8-2013, f. & cert. ef. 4-1-13; SSP 24-2013, f. & cert. ef. 10-1-13; SSP 13-2014(Temp), f. & cert. ef. 5-20-14 thru 11-16-14; SSP 24-2014, f. & cert. ef. 10-1-14

461-160-0430

Income Deductions; SNAP

(1) Deductions from income are subtracted from countable income (see OAR 461-140-0010) in the following order to determine adjusted income (see 461-001-0000) for the SNAP program:

(a) An earned income deduction of 20 percent of countable earned income. The 20 percent deduction is not taken from the wages funded by grant diversions such as Work Supplementation wages.

(b) A standard deduction of:

(A) \$155 per month for a benefit group (see OAR 461-110-0750) of one, two, or three individuals.

(B) \$165 per month for a benefit group of four individuals.

(C) \$193 per month for a benefit group of five individuals.

(D) \$221 per month for a benefit group of six or more individuals.

(c) A dependent care deduction for dependent care costs billed to a member of the filing group (see OAR 461-110-0370) and not paid for through any other program of the Department. For the cost to be deductible under this section, the care must be necessary to enable a member of the filing group to:

(A) Accept or continue employment;

(B) Seek employment, including a job search that meets the requirements of a case plan (see OAR 461-001-0020); or

(C) Attend vocational or educational training. A student receiving educational income is entitled to a deduction only for costs not excluded from educational income by OAR 461-145-0150.

(d) The medical deduction for elderly clients and clients who have a disability (see OAR 461-001-0015) in the filing group. The deduction is calculated by determining the total of their deductible medical costs (see 461-160-0415) and subtracting \$35. The remainder is the medical deduction.

(e) A deduction for child support payments (including cash medical support) a member of the filing group makes under a legal obligation to a child not a member of the filing group, including payments for the current month and for payments on arrearages. Child support is not deductible if collected by setoff through the Oregon Department of Revenue or by interception of a federal tax refund.

(f) A shelter deduction, calculated as follows:

(A) For SNAP filing group members required to pay room and board in a nonstandard living arrangement (see OAR 461-001-0000), the shelter deduction is:

(i) The cost of room and board, minus the payment standard for the benefit group; or

(ii) The actual room cost, if the client can prove that the room cost exceeds the cost described in subparagraph (i) of this paragraph.

(B) For all other filing group members, the shelter deduction is calculated as follows:

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(i) The standard deduction and the deductions of earned income, dependent care, court-ordered child support, and medical expenses are subtracted from countable income. Fifty percent of the remainder is subtracted from the shelter cost calculated in accordance with OAR 461-160-0420.

(ii) The rounded balance is the deduction, except the deduction is limited if the filing group has no member who has a disability or is elderly (see OAR 461-001-0015). The limit is \$490 per month.

(2) If a filing group member cannot verify a medical or court-ordered child-support expense or cannot verify any other expense when asked to do so, the unverified expense is not used to calculate the deduction. If the client provides verification, the deduction is applied when calculating the next month's benefits. If verification is provided within the period authorized for processing applications (see OAR 461-115-0210), the benefits for the initial month (see 461-001-0000) are recalculated using the deduction.

Stat. Auth.: ORS 411.816

Stat. Implemented: ORS 411.816 & 411.825

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 12-1990, f. 3-30-90, cert. ef. 4-1-90; AFS 23-1990, f. 9-28-90, cert. ef. 10-1-90; AFS 13-1991, f. & cert. ef. 7-1-91; AFS 20-1991, f. & cert. ef. 10-1-91; AFS 8-1992, f. & cert. ef. 4-1-92; AFS 28-1992, f. & cert. ef. 10-1-92; AFS 19-1993, f. & cert. ef. 10-1-93; AFS 13-1994, f. & cert. ef. 7-1-94; AFS 19-1994, f. & cert. ef. 9-1-94; AFS 23-1994, f. 9-29-94, cert. ef. 10-1-94; AFS 10-1995, f. 3-30-95, cert. ef. 4-1-95; AFS 22-1995, f. 9-20-95, cert. ef. 10-1-95; AFS 27-1995(Temp), f. 10-30-95, cert. ef. 11-1-95; AFS 41-1995, f. 12-26-95, cert. ef. 1-1-96; AFS 27-1996, f. 6-27-96, cert. ef. 7-1-96; AFS 31-1996, f. & cert. ef. 9-23-96; AFS 41-1996(Temp), f. & cert. ef. 12-31-96; AFS 3-1997, f. 3-31-97, cert. ef. 4-1-97; AFS 19-1997, f. & cert. ef. 10-1-97; AFS 4-1998, f. 2-25-98, cert. ef. 3-1-98; AFS 5-1998(Temp), f. & cert. ef. 3-11-98 thru 5-31-98; AFS 8-1998, f. 4-28-98, cert. ef. 5-1-98; AFS 15-1998(Temp), f. 9-15-98, cert. ef. 10-1-98 thru 10-31-98; AFS 22-1998, f. 10-30-98, cert. ef. 11-1-98; AFS 2-1999, f. 3-26-99, cert. ef. 4-1-99; AFS 23-2000(Temp), f. 9-29-00, cert. ef. 10-1-00 thru 12-31-00; AFS 25-2000, f. 9-29-00, cert. ef. 10-1-00; AFS 23-2000(Temp) Suspended by AFS 28-2000(Temp), f. 10-31-00, cert. ef. 11-1-00 thru 12-31-00; AFS 34-2000, f. 12-22-00, cert. ef. 1-1-01; AFS 3-2001, f. 2-27-01, cert. ef. 3-1-01; AFS 22-2001, f. & cert. ef. 10-1-01; AFS 13-2002, f. & cert. ef. 10-1-02; SSP 23-2003, f. & cert. ef. 10-1-03; SSP 17-2004, f. & cert. ef. 7-1-04; SSP 22-2004, f. & cert. ef. 10-1-04; SSP 14-2005, f. 9-30-05, cert. ef. 10-1-05; SSP 14-2006, f. 9-29-06, cert. ef. 10-1-06; SSP 15-2006, f. 12-29-06, cert. ef. 1-1-07; SSP 10-2007, f. & cert. ef. 10-1-07; SSP 11-2007(Temp), f. & cert. ef. 10-1-07 thru 3-29-08; SSP 5-2008, f. 2-29-08, cert. ef. 3-1-08; SSP 23-2008, f. & cert. ef. 10-1-08; SSP 28-2009, f. & cert. ef. 10-1-09; SSP 39-2010(Temp), f. & cert. ef. 11-4-10 thru 5-3-11; SSP 41-2010, f. 12-30-10, cert. ef. 1-1-11; SSP 43-2010(Temp), f. 12-30-10, cert. ef. 1-1-11 thru 4-30-11; SSP 10-2011, f. 3-31-11, cert. ef. 4-1-11; SSP 25-2011, f. 9-30-11, cert. ef. 10-1-11; SSP 30-2012, f. 9-28-12, cert. ef. 10-1-12; SSP 8-2013, f. & cert. ef. 4-1-13; SSP 24-2013, f. & cert. ef. 10-1-13; SSP 24-2014, f. & cert. ef. 10-1-14

461-160-0620

Income Deductions and Client Liability; Long-Term Care Services or Home and Community-Based Care; OSIPM

In the OSIPM program:

(1) Deductions from income are made for a client residing in or entering a long-term care facility or receiving home and community-based care (see OAR 461-001-0030) as explained in subsections (3)(a) to (3)(h) of this rule.

(2) Except as provided otherwise in OAR 461-160-0610, the liability of the client is determined according to subsection (3)(i) of this rule.

(3) Deductions are made in the following order:

(a) One standard earned income deduction of \$65 is made from the earned income in the OSIPM-AD and OSIPM-OAA programs. The deduction is \$85 in the OSIPM-AB program.

(b) The deductions under the plan for self-support as allowed by OAR 461-145-0405.

(c) One of the following need standards:

(A) A \$60 personal needs allowance for a client receiving long-term care services.

(B) A \$90 personal needs allowance for a client receiving long-term care services who is eligible for VA benefits based on unreimbursed medical expenses. The \$90 allowance is allowed only when the VA benefit has been reduced to \$90.

(C) For a client who receives home and community-based care:

(i) Except as provided in subparagraph (ii) of this paragraph, the OSIPM maintenance standard.

(ii) For a client who receives in-home services, the OSIPM maintenance standard plus \$500.

(d) A community spouse monthly income allowance is deducted from the income of the institutionalized spouse to the extent that the income is made available to or for the benefit of the community spouse, using the following calculation.

(A) Step 1 — Determine the maintenance needs allowance. \$1,967 is added to the amount over \$590 that is needed to pay monthly shelter expenses for the principal residence of the couple. This sum or \$2,931 whichever is less, is the maintenance needs allowance. For the purpose of this calculation, shelter expenses are the rent or home mortgage payment (principal and interest), taxes, insurance, required maintenance charges for

a condominium or cooperative, and the full standard utility allowance for the SNAP program (see OAR 461-160-0420).

(B) Step 2 — Compare maintenance needs allowance with community spouse's countable income. The countable income of the community spouse is subtracted from the maintenance needs allowance determined in step 1. The difference is the income allowance unless the allowance described in step 3 is greater.

(C) Step 3 — If a spousal support order or exceptional circumstances resulting in significant financial distress require a greater income allowance than that calculated in step 2, the greater amount is the allowance.

(e) A dependent income allowance as follows:

(A) For a case with a community spouse, a deduction is permitted only if the monthly income of the eligible dependent is below \$1,967. To determine the income allowance of each eligible dependent:

(i) The monthly income of the eligible dependent is deducted from \$1,967.

(ii) One-third of the amount remaining after the subtraction in paragraph (A) of this subsection is the income allowance of the eligible dependent.

(B) For a case with no community spouse:

(i) The allowance is the TANF adjusted income standard for the client and eligible dependents.

(ii) The TANF standard is not reduced by the income of the dependent.

(f) Costs for maintaining a home if the client meets the criteria in OAR 461-160-0630.

(g) Medical deductions allowed by OAR 461-160-0030 and 461-160-0055 are made for costs not covered under the state plan. This includes the public and private health insurance premiums of the community spouse and the client's dependent.

(h) After taking all the deductions allowed by this rule, the remaining balance is the adjusted income.

(i) The client liability is determined as follows:

(A) For a client receiving home and community-based care (except a client identified in OAR 461-160-0610(4)), the liability is the actual cost of the home and community-based care or the adjusted income of the client, whichever is less. This amount must be paid to the Department each month as a condition of being eligible for home and community-based care. In OSIPM-IC, the liability is subtracted from the gross monthly benefit.

(B) For a client who resides in a nursing facility, a state psychiatric hospital, an Intermediate Care Facility for the Mentally Retarded, or a mental health facility, there is a liability as described at OAR 461-160-0610.

(4) The deduction used to determine adjusted income for a GA and GAM client receiving long-term care services or home and community-based care is as follows:

(a) One standard earned income deduction of \$65 is made from the earned income for a client who is not blind; or

(b) One standard earned income deduction of \$85 is made from the earned income for a client who is blind.

Stat. Auth.: ORS 411.060, 411.070, 411.706

Stats. Implemented: ORS 411.060, 411.070, 411.706

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 16-1990, f. 6-29-90, cert. ef. 7-1-90; AFS 13-1991, f. & cert. ef. 7-1-91; AFS 8-1992, f. & cert. ef. 4-1-92; AFS 17-1992, f. & cert. ef. 7-1-92; AFS 28-1992, f. & cert. ef. 10-1-92; AFS 5-1993, f. & cert. ef. 4-1-93; AFS 19-1993, f. & cert. ef. 10-1-93; AFS 6-1994, f. & cert. ef. 4-1-94; AFS 29-1994, f. 12-29-94, cert. ef. 1-1-95; AFS 10-1995, f. 3-30-95, cert. ef. 4-1-95; AFS 23-1995, f. 9-20-95, cert. ef. 10-1-95; AFS 15-1996, f. 4-29-96, cert. ef. 5-1-96; AFS 5-1997, f. 4-30-97, cert. ef. 5-1-97; AFS 6-1998(Temp), f. 3-30-98, cert. ef. 4-1-98 thru 5-31-98; AFS 8-1998, f. 4-28-98, cert. ef. 5-1-98; AFS 1-1999(Temp), f. & cert. ef. 2-1-99 thru 7-31-99; AFS 3-1999, f. 3-31-99, cert. ef. 4-1-99; AFS 6-1999, f. & cert. ef. 4-22-99; AFS 3-2000, f. 1-31-00, cert. ef. 2-1-00; AFS 10-2000, f. 3-31-00, cert. ef. 4-1-00; AFS 17-2000, f. 6-28-00, cert. ef. 7-1-00; AFS 25-2000, f. 9-29-00, cert. ef. 10-1-00; AFS 6-2001, f. 3-30-01, cert. ef. 4-1-01; AFS 11-2001, f. 6-29-01, cert. ef. 7-1-01; AFS 5-2002, f. & cert. ef. 4-1-02; AFS 10-2002, f. & cert. ef. 7-1-02; AFS 22-2002, f. 12-31-02, cert. ef. 1-1-03; SSP 16-2003, f. & cert. ef. 7-1-03; SSP 23-2003, f. & cert. ef. 10-1-03; SSP 33-2003, f. 12-31-03, cert. ef. 1-4-04; SSP 17-2004, f. & cert. ef. 7-1-04; SSP 24-2004, f. 12-30-04, cert. ef. 1-1-05; SSP 7-2005, f. & cert. ef. 7-1-05; SSP 8-2005(Temp), f. & cert. ef. 7-1-05 thru 10-1-05; SSP 9-2005(Temp), f. & cert. ef. 7-6-05 thru 10-1-05; SSP 14-2005, f. 9-30-05, cert. ef. 10-1-05; SSP 19-2005, f. 12-30-05, cert. ef. 1-1-06; SSP 10-2006, f. 6-30-06, cert. ef. 7-1-06; SSP 14-2006, f. 9-29-06, cert. ef. 10-1-06; SSP 15-2006, f. 12-29-06, cert. ef. 1-1-07; SSP 4-2007, f. 3-30-07, cert. ef. 4-1-07; SSP 7-2007, f. 6-29-07, cert. ef. 7-1-07; SSP 14-2007, f. 12-31-07, cert. ef. 1-1-08; SSP 17-2008, f. & cert. ef. 7-1-08; SSP 26-2008, f. 12-31-08, cert. ef. 1-1-09; SSP 13-2009, f. & cert. ef. 7-1-09; SSP 18-2011(Temp), f. & cert. ef. 7-1-11 thru 12-28-11; SSP 25-2011, f. 9-30-11, cert. ef. 10-1-11; SSP 35-2011, f. 12-27-11, cert. ef. 1-1-12; SSP 23-2012(Temp), f. 6-29-12, cert. ef. 7-1-12 thru 12-28-12; SSP 30-2012, f. 9-28-12, cert. ef. 10-1-12; SSP 37-2012, f. 12-28-12, cert. ef. 1-1-13; SSP 16-2013(Temp), f. & cert. ef. 7-1-13 thru 12-28-13; SSP 25-2013, f. & cert. ef. 10-1-13; SSP 37-2013, f. 12-31-13, cert. ef. 1-1-14; SSP 3-2014, f. 1-31-14, cert. ef. 2-1-14; SSP 15-2014, f. & cert. ef. 7-1-14; SSP 17-2014(Temp), f. & cert. ef. 7-1-14 thru 12-28-14; SSP 24-2014, f. & cert. ef. 10-1-14

ADMINISTRATIVE RULES

461-170-0011

Changes That Must Be Reported

(1) A change in employment status is considered to occur as follows:
(a) For a new job, the change occurs the first day of the new job.
(b) For a job separation, the change occurs on the last day of employment.

(2) A change in source of income is considered to occur as follows:

(a) For earned income, the change occurs upon the receipt by the client of the first paycheck from a new job or the first paycheck reflecting a new rate of pay.

(b) For unearned income, the change occurs the day the client receives the new or changed payment.

(3) A client must report, orally or in writing, the following changes:

(a) In the ERDC program:

(A) A client not participating in SRS in the SNAP program must report the following changes within 10 days of occurrence:

(i) A change in child care provider.

(ii) A change in employment status.

(iii) A change in mailing address or residence.

(iv) A change in membership of the filing group (see OAR 461-110-0350).

(v) A change in source of income expected to continue.

(B) A client participating in SRS in the SNAP program must report the following changes by the tenth day of the month following the month of occurrence:

(i) A change in child care provider.

(ii) Loss of employment.

(iii) Monthly income exceeding the SNAP countable income limit.

(iv) A parent (see OAR 461-001-0000) of a child or unborn or the spouse of the caretaker moves into the residence.

(C) The ERDC case may continue to follow the reporting requirements in paragraph (3)(a)(B) of this rule without a companion SNAP case in SRS when:

(i) The ERDC case was certified in the fifth or sixth month of the SNAP certification period (see OAR 461-001-0000); and

(ii) The SNAP companion case automatically closes because the Interim Change Report (see OAR 461-170-0010) was not received.

(b) In the SNAP program:

(A) A client assigned to CRS must report any of the following changes within 10 days of occurrence:

(i) A change in earned income of more than \$100.

(ii) A change in unearned income of more than \$50.

(iii) A change in source of income.

(iv) A change in membership of the filing group (see OAR 461-110-0370) and any resulting change in income.

(v) A change in residence and the shelter costs in the new residence.

(vi) A change in the legal obligation to pay child support.

(vii) When the sum of cash on hand, stocks, bond, and money in a bank or savings institution account reaches or exceeds program resource limits.

(viii) Acquisition or change in ownership of a non-excluded vehicle.

(B) A client assigned to SRS must report when the filing group's monthly income exceeds the SNAP countable income limit by the tenth day of the month following the month of occurrence.

(C) A client assigned to TBA is not required to report any changes.

(c) For JPI (see OAR 461-135-1260), a client must follow the same reporting requirements as a SNAP client assigned to CRS, SRS or TBA reporting systems (see OAR 461-170-0010).

(d) In the GA, GAM, OSIP, OSIPM, and QMB programs a client must report all changes that may affect eligibility within 10 days of occurrence, including any of the following changes:

(A) A change in employment status.

(B) A change in health care coverage.

(C) A change in membership of the household group (see OAR 461-110-0210).

(D) A change in marital status.

(E) A change in residence.

(F) A change in resources.

(G) A change in source or amount of income.

(e) In the REF, SFPSS, and TANF programs, clients assigned to CRS must report any of the following changes within 10 days of occurrence:

(A) Acquisition or change in ownership of a non-excluded vehicle.

(B) A change in earned income more than \$100.

(C) A change in employment status.

(D) A change in membership of the household group (see OAR 461-110-0210).

(E) A change in marital status or other changes in membership of the filing group.

(F) A change in mailing address or residence.

(G) A change in pregnancy status of any member of the filing group.

(H) A change in source of income.

(I) A change in unearned income more than \$50.

(J) A change in who pays the shelter costs if the costs will be paid by a non-custodial parent.

(K) Sale or receipt of a resource that causes total resources to exceed program resource limits.

(f) In the REFM program, clients must report the following changes within 10 days of occurrence:

(A) A change in membership of the household group (see OAR 461-110-0210).

(B) A change in residence.

Stat. Auth.: ORS 411.060, 411.070, 411.404, 411.706, 411.816, 412.014, 412.049, 414.231, 412.014, 412.049, 414.025, 414.231, 414.826, 414.831

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 13-1992, f. & cert. ef. 5-1-92; AFS 17-1992, f. & cert. ef. 7-1-92; AFS 20-1992, f. 7-31-92, cert. ef. 8-1-92; AFS 12-1993, f. & cert. ef. 7-1-93; AFS 2-1994, f. & cert. ef. 2-1-94; AFS 13-1994, f. & cert. ef. 7-1-94; AFS 19-1994, f. & cert. ef. 9-1-94; AFS 22-1995, f. 9-20-95, cert. ef. 10-1-95; AFS 23-1995, f. 9-20-95, cert. ef. 10-1-95; AFS 15-1996, f. 4-29-96, cert. ef. 5-1-96; AFS 3-1997, f. 3-31-97, cert. ef. 4-1-97; AFS 13-1997, f. 8-28-97, cert. ef. 9-1-97; AFS 19-1997, f. & cert. ef. 10-1-97; AFS 17-1998, f. & cert. ef. 10-1-98; AFS 25-1998, f. 12-18-98, cert. ef. 1-1-99; AFS 9-1999, f. & cert. ef. 7-1-99; AFS 11-1999, f. & cert. ef. 10-1-99; AFS 17-2000, f. 6-28-00, cert. ef. 7-1-00; AFS 24-2002(Temp), f. 12-31-02, cert. ef. 1-1-03 thru 6-30-03; SSP 1-2003, f. 1-31-03, cert. ef. 2-1-03; SSP 7-2003, f. & cert. ef. 4-1-03; SSP 13-2003, f. 6-12-03, cert. ef. 6-16-03; SSP 20-2003, f. & cert. ef. 8-15-03; SSP 23-2003, f. & cert. ef. 10-1-03; SSP 14-2005, f. 9-30-05, cert. ef. 10-1-05; SSP 16-2005, f. & cert. ef. 12-1-05; SSP 15-2006, f. 12-29-06, cert. ef. 1-1-07; SSP 4-2007, f. 3-30-07, cert. ef. 4-1-07; SSP 10-2007, f. & cert. ef. 10-1-07; SSP 11-2007(Temp), f. & cert. ef. 10-1-07 thru 3-29-08; SSP 5-2008, f. 2-29-08, cert. ef. 3-1-08; SSP 23-2008, f. & cert. ef. 10-1-08; Renumbered from 461-170-0015, 461-170-0020, 461-170-0025, 461-170-0030, 461-170-0035 by SSP 26-2008, f. 12-31-08, cert. ef. 1-1-09; SSP 5-2009, f. & cert. ef. 4-1-09; SSP 39-2009(Temp), f. 12-31-09, cert. ef. 1-1-10 thru 6-30-10; SSP 5-2010, f. & cert. ef. 4-1-10; SSP 7-2010(Temp), f. & cert. ef. 4-1-10 thru 6-30-10; SSP 18-2010, f. & cert. ef. 7-1-10; SSP 32-2010, f. & cert. ef. 10-1-10; SSP 41-2010, f. 12-30-10, cert. ef. 1-1-11; SSP 26-2011(Temp), f. 9-30-11, cert. ef. 10-1-11 thru 3-29-12; SSP 10-2012, f. 3-29-12, cert. ef. 3-30-12; SSP 17-2012(Temp), f. & cert. ef. 5-1-12 thru 10-28-12; SSP 30-2012, f. 9-28-12, cert. ef. 10-1-12; SSP 24-2013, f. & cert. ef. 10-1-13; SSP 30-2013(Temp), f. & cert. ef. 10-1-13 thru 3-30-14; SSP 38-2013, f. 12-31-13, cert. ef. 1-1-14; SSP 14-2014(Temp), f. & cert. ef. 6-26-14 thru 12-23-14; SSP 24-2014, f. & cert. ef. 10-1-14

Rule Caption: Adding exemption to ERDC reservation list

Adm. Order No.: SSP 25-2014(Temp)

Filed with Sec. of State: 10-1-2014

Certified to be Effective: 10-1-14 thru 3-30-15

Notice Publication Date:

Rules Amended: 461-115-0016

Subject: OAR 461-115-0016 about the application process and reservation list for the Employment Related Day Care (ERDC) program is being amended to add an additional exemption under which otherwise eligible ERDC families would not be placed on the reservation list. Under this amendment, new ERDC applicants that include a filing group member who is determined eligible for Temporary Assistance for Domestic Violence Survivors (TA-DVS) program benefits from the State of Oregon in the current month or at least one of the preceding three months will meet an exception to the ERDC reservation list.

Rules Coordinator: Kris Skaro—(503) 945-6067

461-115-0016

Application Process; Reservation List for ERDC

Notwithstanding any other rule in Chapter 461 of the Oregon Administrative Rules, in the ERDC program:

(1) Eligibility is subject to the availability of funds. The Department may implement a Child Care Reservation List whenever the Department determines that sufficient funding is not available to sustain benefits for all of the applicants requesting assistance.

(2) Except as provided in section (3) of this rule, the following applicants are subject to placement on the Child Care Reservation List when the Child Care Reservation List is in effect:

(a) New applicants for ERDC when no member of the ERDC filing group (see OAR 461-110-0350) meets the requirements of one or more of the following paragraphs:

(A) Received a partial or full month of REF, SFPSS, or TANF program cash benefits from the State of Oregon in at least one of the preced-

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ing three months; and no member of the ERDC program filing group may be concurrently receiving TANF program benefits except as allowed under OAR 461-165-0030.

(B) Is eligible for and being placed in a current opening in an Oregon Program of Quality contracted slot under OAR 461-135-0407 or Head Start program contracted slot under 461-135-0405.

(C) The caretaker (see OAR 461-001-0000) is currently working with Child Welfare as part of a CPS assessment or open case, an ongoing safety plan is in place, and Child Welfare has determined the use of child care as part of an ongoing safety plan will:

(i) Prevent removal of the child (see OAR 461-001-0000) from their home;

(ii) Allow a child to be returned home; or

(iii) Allow for placement of the child with a relative or with an adult whom the child or the family of the child has an established relationship.

(D) Determined eligible for TA-DVS program benefits (see OAR 461-135-1225) from the State of Oregon in the current month or at least one of the preceding three months.

(b) Individuals who are reapplying for ERDC after a break in ERDC benefits of two consecutive, calendar months or more.

(3) Except as allowed under OAR 461-165-0030, no member of an ERDC program filing group may be concurrently receiving TANF program benefits. When concurrent benefits are not allowed, the Department sends a decision notice (see 461-001-0000) of ineligibility for the ERDC program and the filing group is not placed on the Child Care Reservation List.

(4) When the Child Care Reservation List is in effect, the Department must place all applicants who are subject to the Child Care Reservation List under section (2) of this rule on the Child Care Reservation List for future selection. The Department sends these applicants a decision notice of ineligibility for the ERDC program.

(5) Each month, on the basis of an estimate of available funds, an appropriate number of individuals from the Child Care Reservation List are randomly selected and invited to apply for ERDC.

(6) After an individual is selected from the Child Care Reservation List, the individual must contact the Department to establish a date of request (see OAR 461-115-0030) no later than 30 days after the date on the selection letter. The individual may request child care benefits from the Department:

(a) Without completing a new application, when the previous application is within 45 days of its date of request; or

(b) By submitting a new application for child care benefits to the Department.

(7) The processing time frame for the ERDC application is the same as that specified in OAR 461-115-0190, except that:

(a) An individual who requests benefits after the 30 day deadline to apply (see section (6) of this rule) will be returned to the Child Care Reservation List.

(b) If the Department does not receive a request for benefits within the deadline to apply, the individual is dropped from the Child Care Reservation List.

Stat. Auth.: ORS 409.050, 411.060, 411.116
Stats. Implemented: ORS 409.010, 409.610, 411.060, 411.116, 411.121, 411.122, 411.135
Hist.: SSP 23-2011(Temp), f. & cert. ef. 8-1-11 thru 1-27-12; SSP 35-2011, f. 12-27-11, cert. ef. 1-1-12; SSP 29-2012(Temp), f. 8-31-12, cert. ef. 9-1-12 thru 2-28-13; SSP 37-2012, f. 12-28-12, cert. ef. 1-1-13; SSP 39-2013(Temp), f. 12-31-13, cert. ef. 1-1-14 thru 6-30-14; SSP 15-2014, f. & cert. ef. 7-1-14; SSP 25-2014(Temp), f. & cert. ef. 10-1-14 thru 3-30-15

Rule Caption: Increasing the resource limit for some households in the Supplemental Nutrition Assistance Program

Adm. Order No.: SSP 26-2014(Temp)

Filed with Sec. of State: 10-1-2014

Certified to be Effective: 10-1-14 thru 3-30-15

Notice Publication Date:

Rules Amended: 461-160-0015

Subject: OAR 461-160-0015 about Resource Limits is being amended to increase the resource limit for some SNAP households from \$2000 to \$2250.

Rules Coordinator: Kris Skaro—(503) 945-6067

461-160-0015

Resource Limits

(1) In the EA program, all countable (see OAR 461-001-0000) resources must be used to meet the emergent need.

(2) In the ERDC and REFM programs, there is no resource limit.

(3) In the GA, GAM, OSIP, and OSIPM programs, the resource limit is as follows:

(a) \$2,000 for a one-person need group (see OAR 461-110-0630) and \$3,000 for a two-person need group.

(b) \$1,000 for an OSIP need group eligible under OAR 461 135 0771. The total cash resources may not exceed \$500 for a one-person need group or \$1,000 for a two-person need group.

(c) \$5,000 is the limit for the OSIP-EPD and OSIPM-EPD programs (see OAR 461-001-0035 and 461-145-0025 for funds that may be excluded as approved accounts).

(4) In the REF and TANF programs, the resource limit is:

(a) \$2,500 for any of the following:

(A) A new REF or TANF applicant for benefits.

(B) REF and TANF need groups which do not have at least one caretaker relative or parent who is receiving TANF.

(C) REF and TANF need groups which have at least one JOBS participant who is:

(i) Receiving TANF and not progressing in an activity (see OAR 461-001-0025) of an open JOBS case plan (see OAR 461-001-0025); or

(ii) Serving a current JOBS disqualification.

(b) \$10,000 for a need group not covered under subsection (a) of this section.

(5) In the QMB program, the resource limit is amended in January of each year based on the low income subsidy for Medicare Part D as published by the Health Resources and Services Administration of the U.S. Department of Health and Human Services. Effective January 1, 2014 the resource limit is \$7,160 for a one-person need group and \$10,750 for a need group containing two or more individuals.

(6) In the SNAP program, the resource limit is:

(a) \$3,250 for a financial group (see OAR 461-110-0530) with at least one member who is elderly (see OAR 461-001-0015) or an individual with a disability (see OAR 461-001-0015).

(b) \$2,250 for all other financial groups.

Stat. Auth.: ORS 409.050, 411.060, 411.070, 411.404, 411.706, 411.816, 412.049 & 414.231
Stats. Implemented: ORS 409.010, 411.060, 411.070, 411.404, 411.704, 411.706, 411.816, 411.837, 412.049, 414.025, 414.231, 414.826, 414.831 & 414.839
Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 12-1990, f. 3-30-90, cert. ef. 4-1-90; AFS 13-1991, f. & cert. ef. 7-1-91; AFS 20-1991, f. & cert. ef. 10-1-91; AFS 20-1992, f. 7-31-92, cert. ef. 8-1-92; AFS 12-1993, f. & cert. ef. 7-1-93; AFS 2-1994, f. & cert. ef. 2-1-94; AFS 23-1994, f. 9-29-94, cert. ef. 10-1-94; AFS 29-1994, f. 12-29-94, cert. ef. 1-1-95; AFS 10-1995, f. 3-30-95, cert. ef. 4-1-95; AFS 13-1995, f. 6-29-95, cert. ef. 7-1-95; AFS 22-1995, f. 9-20-95, cert. ef. 10-1-95; AFS 27-1996, f. 6-27-96, cert. ef. 7-1-96; AFS 42-1996, f. 12-31-96, cert. ef. 1-1-97; AFS 3-1997, f. 3-31-97, cert. ef. 4-1-97; AFS 10-1998, f. 6-29-98, cert. ef. 7-1-98; AFS 1-1999(Temp), f. & cert. ef. 2-1-99 thru 7-31-99; AFS 7-1999, f. 4-27-99, cert. ef. 5-1-99; AFS 16-1999, f. 12-29-99, cert. ef. 1-1-00; AFS 27-2001, f. 12-21-01, cert. ef. 1-1-02; AFS 13-2002, f. & cert. ef. 10-1-02; SSP 1-2003, f. 1-31-03, cert. ef. 2-1-03; SSP 17-2003, f. & cert. ef. 7-1-03; SSP 29-2003(Temp), f. 10-31-03, cert. ef. 11-1-03 thru 3-31-04; SSP 6-2004, f. & cert. ef. 4-1-04; SSP 17-2004, f. & cert. ef. 7-1-04; SSP 22-2004, f. & cert. ef. 10-1-04; SSP 6-2006, f. 3-31-06, cert. ef. 4-1-06; SSP 15-2006, f. 12-29-06, cert. ef. 1-1-07; SSP 29-2009(Temp), f. & cert. ef. 10-1-09 thru 3-30-10; SSP 38-2009, f. 12-31-09, cert. ef. 1-1-10; SSP 39-2009(Temp), f. 12-31-09, cert. ef. 1-1-10 thru 6-30-10; SSP 18-2010, f. & cert. ef. 7-1-10; SSP 42-2010(Temp), f. 12-30-10, cert. ef. 1-1-11 thru 6-30-11; SSP 10-2011, f. 3-31-11, cert. ef. 4-1-11; SSP 26-2011(Temp), f. 9-30-11, cert. ef. 10-1-11 thru 3-29-12; SSP 35-2011, f. 12-27-11, cert. ef. 1-1-12; SSP 37-2012, f. 12-28-12, cert. ef. 1-1-13; SSP 39-2012(Temp), f. 12-28-12, cert. ef. 1-1-13 thru 6-30-13; SSP 8-2013, f. & cert. ef. 4-1-13; SSP 27-2013, f. & cert. ef. 10-1-13; SSP 30-2013(Temp), f. & cert. ef. 10-1-13 thru 3-30-14; SSP 37-2013, f. 12-31-13, cert. ef. 1-1-14; SSP 26-2014(Temp), f. & cert. ef. 10-1-14 thru 3-30-15

Rule Caption: Expanding a pilot project to provide assistance with SSD applications and appeals

Adm. Order No.: SSP 27-2014(Temp)

Filed with Sec. of State: 10-1-2014

Certified to be Effective: 10-1-14 thru 1-28-15

Notice Publication Date:

Rules Amended: 461-125-0370

Rules Suspended: 461-125-0370(T)

Subject: OAR 461-125-0370 about disability as a basis of need for Oregon Supplemental Income Program (OSIP) and Oregon Supplemental Income Program-Medical (OSIPM) is being amended to allow an individual who is served in Coos, Curry, Jackson, or Josephine County and who has been determined by the Presumptive Medicaid Disability Determination Team (PMDDT) to have a disability to receive free assistance from the department with applications and administrative appeals for Social Security Disability Insurance (SSDI) benefits in order to meet the requirements of OAR 461-120-0330 (Requirement to Pursue Assets).

Rules Coordinator: Kris Skaro—(503) 945-6067

ADMINISTRATIVE RULES

461-125-0370

Disability as the Basis of Need; OSIP and OSIPM

(1) In the OSIP and OSIPM programs (except OSIP-EPD and OSIPM-EPD), an individual meets the eligibility requirement to have a disability if the requirements of one of the following subsections are met:

(a) The individual is receiving Social Security Disability Income (SSDI) or Supplemental Security Income (SSI) based on disability. Eligibility continues as long as the individual remains eligible for SSDI or SSI.

(b) The individual was eligible for and received Aid to the Disabled benefits in Oregon in December 1973. These grandfathered cases continue to be eligible as long as they are continuously disabled as defined by Oregon requirements that were in effect in 1973.

(c) The Department has determined the individual meets the listing of impairments found in 20 C.F.R. Part 404, Subpart P, Appendix 1; meets the medical vocational guidelines found in 20 C.F.R. Part 404, Subpart P, Appendix 2 for SSI; or meets the definition of disability in 20 C.F.R. 404.1505 or 416.905.

(d) The Social Security Administration (SSA) has determined the individual meets the listing of impairments found in 20 C.F.R. Part 404, Subpart P, Appendix 1; meets the medical vocational guidelines found in 20 C.F.R. Part 404, Subpart P, Appendix 2; or meets the definition of disability in 20 C.F.R. 404.1505 or 416.905.

(2) If the Department finds the individual eligible for OSIPM in the absence of a disability determination by SSA, the individual remains eligible, provided that the individual continues to meet the disability criteria for eligibility for OSIPM, until SSA denies the disability claim in a final administrative decision.

(3) For OSIP and OSIPM, a disability determination made by SSA that is unfavorable to an individual is binding on the Department unless the requirements of at least one of the following subsections are met (see 42 C.F.R. 435.541(c)(1) and (c)(4)):

(a) SSA made the determination for a reason other than disability.

(b) The individual alleges a disabling condition different from, or in addition to, that considered by SSA in making its determination.

(c) More than 12 months after the most recent SSA determination denying disability, the individual alleges that his or her condition has changed or deteriorated since that SSA determination, and the individual has not made application to SSA based on these allegations.

(d) The individual alleges less than 12 months after the most recent SSA determination denying disability that the condition which SSA evaluated has changed or deteriorated since that SSA determination; and one or both of the following apply:

(A) The individual has requested reconsideration or reopening of the most recent SSA determination denying disability and SSA has declined to consider the new allegations.

(B) It is clear that the individual no longer meets SSI eligibility requirements unrelated to disability status but may satisfy comparable Medicaid eligibility requirements.

(4) If a binding SSA disability determination is not in place, the determination of disability to qualify for OSIPM is made by the Presumptive Medicaid Disability Determination Team, composed of a medical or psychological consultant and another individual who is qualified to interpret and evaluate medical reports, other evidence relating to the individual's physical or mental impairments, and (as necessary) to determine the capacities of the individual to perform substantial gainful activity, as specified in 20 C.F.R. Part 416, Subpart J (see 42 C.F.R. 435.541(f)(2)).

(5) The Presumptive Medicaid Disability Determination Team obtains and reviews medical reports and other non-medical evidence pertaining to the individual and the claimed disability. The medical report and non-medical evidence must include diagnosis and other information in accordance with the requirements for evidence applicable to disability determinations under the SSI program specified in 20 CFR Part 416, Subpart I. The Presumptive Medicaid Disability Determination Team then makes a decision about medical eligibility and whether and when a redetermination shall be made (see 42 C.F.R. 435.541(f)(1) and (3)).

(6) In the OSIP-EPD and OSIPM-EPD programs, an individual is disabled (see OAR 461-001-0035) or has a disability (see 461-001-0035) if the individual has a physical or mental impairment, or a combination of these impairments, that meets the definition of disability used by SSA when determining eligibility for SSI or SSDI under 20 C.F.R. Part 404. The determination is made as follows:

(a) A determination by SSA that the individual is disabled or has a disability is accepted by the Department.

(b) If the individual was determined to have a disability by SSA and lost their SSDI eligibility due to their own income, the SSA determination remains effective for one year from the date that the individual loses eligibility for SSDI.

(c) If there is no currently effective SSA determination finding the individual has a disability, the case is referred to the Department's central office for a disability determination (see OAR 461-001-0035) using the standards of 20 C.F.R. Parts 404 and 416 and considering all relevant medical and vocational information.

(d) For OSIPM-EPD, an individual is engaging in substantial gainful activity (SGA, see OAR 461-001-0035) if the earnings of the individual are at or above the EPD Income Standard.

(e) For OSIPM-EPD, any work activity engaged in during the OSIPM-EPD application process or certification period is not evaluated as past relevant work (PRW, see OAR 461-001-0035).

(7) An individual who is served by a branch office (see OAR 461-001-0000) in Benton, Clackamas, Clatsop, Columbia, Coos, Curry, Jackson, Josephine, Lane, Lincoln, Linn, Marion, Polk, Tillamook, Washington, or Yamhill County and who has been determined by the Presumptive Medicaid Disability Determination Team (PMDDT) to have a disability (see section (1) of this rule) may receive free assistance from the Department with applications and administrative appeals for Social Security Disability Insurance (SSDI) benefits in order to meet the requirements of 461-120-0330 (Requirement to Pursue Assets).

Stat. Auth.: ORS 409.050, 411.060, 411.070, 411.404 & 411.706

Stats. Implemented: ORS 409.010, 411.060, 411.070, 411.404, 411.704 & 411.706

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 20-1991, f. & cert. ef. 10-1-91; AFS 29-1994, f. 12-29-94, cert. ef. 1-1-95; AFS 1-1999(Temp), f. & cert. ef. 2-1-99 thru 7-31-99; AFS 7-1999, f. 4-27-99, cert. ef. 5-1-99; SSP 9-2003(Temp), f. & cert. ef. 4-11-03 thru 6-30-03; SSP 16-2003, f. & cert. ef. 7-1-03; SSP 23-2003, f. & cert. ef. 10-1-03; SSP 22-2004, f. & cert. ef. 10-1-04; SSP 14-2005, f. 9-30-05, cert. ef. 10-1-05; SSP 15-2006, f. 12-29-06, cert. ef. 1-1-07; SSP 4-2007, f. 3-30-07, cert. ef. 4-1-07; SSP 20-2014(Temp), f. & cert. ef. 8-1-14 thru 1-28-15; SSP 22-2014(Temp), f. 8-29-14, cert. ef. 9-1-14 thru 1-28-15; SSP 27-2014(Temp), f. & cert. ef. 10-1-14 thru 1-28-15

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Department of Justice Chapter 137

Rule Caption: Amends OAR 137-045-0050 extending temporary exemption from legal sufficiency review for certain university agreements.

Adm. Order No.: DOJ 12-2014(Temp)

Filed with Sec. of State: 9-25-2014

Certified to be Effective: 10-1-14 thru 11-14-14

Notice Publication Date:

Rules Amended: 137-045-0050

Rules Suspended: 137-045-0050(T)

Subject: DOJ adopted a temporary rule on July 11, 2014, adding a temporary exemption from the legal sufficiency review requirement to OAR 137-045-0050, for transitional agreements with the University of Oregon, Portland State University, and Oregon State University. That temporary rule was effective until September 30, 2014. This temporary rule amends OAR 137-045-0050 to extend the exemption to November 14, 2014.

Rules Coordinator: Carol Riches—(503) 947-4700

137-045-0050

Exemptions from Legal Sufficiency Approval Based on Risk Assessment

The Attorney General has determined that the degree of risk assumed by Agencies is not materially reduced by legal review and approval of individual Public Contracts within the types of Public Contracts listed below. The Attorney General exempts from the legal sufficiency approval requirement under ORS 291.047 the Public Contracts falling within the types of Public Contracts listed below:

(1) Adoption Assistance Agreements. A document of understanding between the Department of Human Services and adoptive parents of a special needs child as defined under title IV-E at section 473(c) of the Social Security Act.

(2) Amendments to Contracts Other than Public Improvement and Loan Contracts. A written amendment to a Public Contract that is not a Public Improvement or loan Contract, if all of the following apply:

(a) The Public Contract being amended was approved for legal sufficiency.

(b) The amendment modifies only one or more of the following, and related payment obligations as necessary:

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(A) The Statement of Work to require the contractor to provide additional or fewer goods, services or other work within the general scope of the Last Reviewed Contract.

(B) The expiration date of the Public Contract; Technical Specifications; time, place, quantity or form of delivery, or price.

(C) Any provisions as specified in writing at the time of approval by the Assistant Attorney General who provided legal sufficiency approval of the Last Reviewed Contract, based on the Assistant Attorney General's finding that the degree of risk assumed by the Agency will not be materially reduced by legal review and approval of the provisions.

(c) The aggregate increase in payments scheduled to be made by the Agency, or the aggregate decrease in payments scheduled to be received by the Agency, under the amendment, and all prior amendments exempted from the legal sufficiency approval requirement under this section subsequent to the Last Reviewed Contract, does not exceed the greater of:

(A) \$150,000; or

(B) Any limits specified in writing at the time of approval by the Assistant Attorney General who provided legal sufficiency approval of the Last Reviewed Contract, based on the Assistant Attorney General's finding that the degree of risk assumed by the Agency will not be materially reduced by legal review and approval of the provisions.

(3) Amendments to Public Improvement Contracts.

(a) A written change order or other amendment to a Public Improvement Contract, other than a construction manager/general contractor contract, as provided in subsection (b) or a design-build contract or an energy savings performance contract as provided in subsection (c) of this section, if all of the following apply:

(A) The Public Improvement Contract being amended was approved for legal sufficiency.

(B) The change order or other amendment is within the general scope of the Public Improvement Contract.

(C) The change order or other amendment is implemented in accordance with the provisions of the Public Improvement Contract governing change orders and other types of amendments.

(D) The change order or other amendment modifies only one or both of the following and related payment obligations as necessary:

(i) The Statement of Work so as to require the contractor to provide additional or fewer materials, tools, equipment, labor or professional or non-professional services within the general scope of the Last Reviewed Contract;

(ii) The substantial completion date, the final completion date, or interim milestone dates of the Public Improvement Contract; Technical Specifications; time, place, quantity or form of delivery of materials, tools, equipment or services; price.

(E) Any increase in Agency payments under the change order or other amendment does not exceed ten percent (10%) of the total amount of Agency payments scheduled to be made under the Last Reviewed Contract, and the aggregate increase in Agency payments scheduled to be made under that change order or other amendment, and all prior change orders or other amendments subsequent to the Last Reviewed Contract do not exceed thirty-three percent (33%) of that total amount.

(b) An amendment to a CM/GC contract (as defined in OAR 137-049-0610) that complies with either subsection (A) or (B) below, whether the amendment is in the form of a change order or other amendment:

(A) The amendment is made before construction services have been authorized under the CM/GC contract and complies with all of the following:

(i) The CM/GC contract being amended was approved for legal sufficiency.

(ii) The amendment is implemented in accordance with the provisions of the CM/GC contract governing change orders and other amendments.

(iii) The amendment modifies only one or more of the following and related payment obligations as necessary:

(I) The Statement of Work so as to require the CM/GC to provide additional or fewer materials, equipment, or pre-construction services within the general scope of the Last Reviewed Contract.

(II) The substantial completion date, the final completion date, or interim milestone dates of the CM/GC contract; Technical Specifications; time, place, quantity or form of delivery of services; or price.

(iv) Any increase in Agency payments under the amendment does not exceed ten percent (10%) of the total amount of Agency payments scheduled to be made under the Last Reviewed Contract, and the aggregate increase in Agency payments scheduled to be made under that amendment and all prior amendments subsequent to the Last Reviewed Contract do not exceed thirty-three percent (33%) of that total amount.

(B) The amendment is made after construction services have been authorized under the CM/GC contract and complies with all of the following:

(i) The CM/GC contract being amended was approved for legal sufficiency.

(ii) The amendment is implemented in accordance with the provisions of the CM/GC contract governing change orders and other types of amendments.

(iii) The amendment is not the first amendment that authorizes construction services under the CM/GC contract.

(iv) The amendment does not establish the guaranteed maximum price ("GMP") under the CM/GC contract.

(v) The amendment modifies only one or both of the following and related payment obligations as necessary:

(I) The Statement of Work so as to require the CM/GC to provide additional or fewer materials, tools, equipment, labor or professional or non-professional services within the general scope of the Last Reviewed Contract.

(II) The substantial completion date, the final completion date, or interim milestone dates of the CM/GC contract; Technical Specifications; time, place, quantity or form of delivery of materials, tools, equipment or services; or the price.

(vi) The amendment does not increase the contract price (whether a GMP, fixed price, lump sum or other price) established under the Last Reviewed Contract by more than \$500,000.

(vii) The amendment and all prior amendments subsequent to the Last Reviewed Contract in the aggregate do not increase the contract price (whether a GMP, fixed price, lump sum or other price) established under the Last Reviewed Contract by more than ten percent (10%).

(c) An amendment to a Design-Build contract (as defined in OAR 137-049-0610), or an amendment to an Energy Savings Performance Contract (as defined in ORS 279A.010(1)(g)) that is in the construction phase, whether the amendment is in the form of a change order or a conventional amendment, if all of the following apply:

(A) The contract being amended was approved for legal sufficiency.

(B) The amendment is implemented in accordance with the provisions of the Design-Build or Energy Savings Performance Contract governing change orders and other types of amendments.

(C) The amendment modifies only one or both of the following and related payment obligations as necessary:

(i) The Statement of Work so as to require the Design/Builder or Energy Savings Performance Contract contractor, as applicable, to provide additional or fewer materials, tools, equipment, labor or professional or non-professional services within the general scope of the Last Reviewed Contract;

(ii) The substantial completion date, the final completion date, or interim milestone dates of the contract; Technical Specifications; time, place, quantity or form of delivery of materials, tools, equipment or services; or the price.

(D) The amendment does not increase the contract price (whether a GMP, fixed price, lump sum or other price) established under the Last Reviewed Contract by more than \$500,000 or five percent (5%), whichever is less.

(E) The amendment and all prior amendments subsequent to the Last Reviewed Contract in the aggregate do not increase the contract price (whether a GMP, fixed price, lump sum or other price) established under the Last Reviewed Contract by more than \$500,000 or ten percent (10%), whichever is less.

(d) For purposes of this rule, "change order" means a mutually agreed upon change order or a unilateral construction change directive or similar instruction issued by the Agency or its authorized representative to the contractor requiring a change in the work within the general scope of a Public Improvement Contract and issued under the provisions of the Public Improvement Contract governing the implementation, addition, reduction or other revisions to the work and, if applicable, adjusting the contract price or contract time for the changed work.

(4) Bonds and Confirmation Statements.

(a) A Public Contract entered into, issued or established in connection with the issuance of a bond or other borrowing of the State of Oregon, including an interest rate exchange agreement and any associated confirmation statement, if the Oregon State Treasurer has issued or authorized the bond or other borrowing obligation to which the Public Contract relates and if bond counsel appointed in accordance with applicable law has issued an approving opinion for the benefit or use of purchasers of the bond or other

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borrowing with respect to the enforceability of the bond or other borrowing upon closing of the transaction.

(b) A confirmation statement associated with an Agency's investment-related interest rate or currency swap agreement or other investment transaction, if the agreement under which the confirmation statement arises has been approved for legal sufficiency or is exempt from legal sufficiency approval.

(5) Employment Agreements. Employment agreements; collective bargaining agreements negotiated under applicable federal or state laws, including collective bargaining agreements entered into pursuant to ORS 410.612; or notices of appointment provided in accordance with OAR chapter 580, division 021. Agreements with third-party providers of temporary services are not exempt.

(6) Federal Contracts. A contract with a federal agency consisting substantially of provisions prescribed in Federal Acquisition Regulations or federal agency supplemental acquisition clauses (48 CFR), except a contract allowed under Section 211 of the federal E-Government Act of 2002.

(7) Federal Cooperative Agreements. A Federal Cooperative Agreement.

(8) Federal Grants. A grant from a federal agency under which an Agency is the grantee, provided that the Agency has a grants coordinator.

(9) Federal Pass-Through Grants. A grant under which an Agency passes through to another recipient all or a portion of the money or property received by the Agency under a grant from a federal agency, provided that:

(a) The Agency does not add to or modify the federal grant except as necessary to provide for proper administration; and

(b) The grant contains a clause substantially in the following form: "The recipient of grant funds, pursuant to this agreement with the State of Oregon, shall assume sole liability for recipient's breach of the conditions of the grant, and shall, upon recipient's breach of grant conditions that causes or requires the State of Oregon to return funds to the grantor, hold harmless and indemnify the State of Oregon for an amount equal to the funds which the State of Oregon is required to pay to grantor."

(10) Foster Care Agreements. An agreement between the Department of Human Services or the Oregon Youth Authority and a foster parent for the provision of foster care to an individual under the age of 21, or a youth placed with the Department of Human Services or Oregon Youth Authority pursuant to ORS 419C.478.

(11) Home Care Services Agreements. An agreement for the provision of and payment for home care services as defined in ORS 410.600(6).

(12) Membership Agreements. A Public Contract that calls for the payment of dues or fees in consideration of membership of individual officers, employees or agents of the State of Oregon in a club, institution, or association in which the State of Oregon acquires no ownership interest.

(13) Non-Negotiable Public Contracts. A Non-Negotiable Public Contract.

(14) Prescribed Contracts. A Public Contract that is in the form prescribed in Procurement Documents and any conditions on authorization for release under OAR 137-045-0035. Prescribed Contracts do not vary from the form prescribed in Procurement Documents other than to fill in blanks in the form, as is commonly done with invitations to bid for goods and services other than personal services.

(15) Purchase Order Contracts. A Public Contract formed by a purchase order, work order or a similar ordering instrument for the purchase of goods or services under a Price Agreement, provided that the Price Agreement was approved by an Assistant Attorney General and the ordering instrument complies with any conditions of the approval.

(16) Settlement Agreements. Agreements settling disputed claims, provided that they do not have the effect of amending Public Contracts that are subject to the legal sufficiency approval requirement.

(17) Amendments to Loan Contracts. A written amendment to a Public Contract solely for an Agency loan of money to another party that requires repayment to the Agency, if all of the following apply:

(a) The Public Contract being amended was approved for legal sufficiency.

(b) The amendment modifies only:

(A) The description of the project being financed, but only to the extent that the modified project remains eligible for financing by the same source of funds as the project before modification; or

(B) Business terms in the Public Contract which:

(i) Except as provided in subsection (17)(c), do not increase or decrease the total principal repayment obligations under the Public Contract;

(ii) Change the interest rate or payment due dates, except for the final maturity date; or

(iii) Describe the non-financial terms and conditions of performance, such as performance start or completion dates for the project being financed or job creation or retention requirements.

(c) The aggregate increase in the loan amount under the amendment or the aggregate decrease in principal payments scheduled to be received by the Agency, and all prior amendments exempted from the legal sufficiency approval requirement subsequent to the Last Reviewed Contract, does not exceed the greater of:

(A) \$150,000; or

(B) Any particular amounts specified in writing at the time of approval by the Assistant Attorney General who provided legal sufficiency approval of the Last Reviewed Contract.

(18) Personal Services Contracts, Information Technology Contracts and Architectural and Engineering Services Contracts not calling for or providing for payment in excess of \$150,000.

(19) Technology Transfer and Related Agreements. Agreements that govern the transfer of tangible research materials between Oregon University System ("OUS") and another organization, agreements with a predominant purpose to grant a license to OUS intellectual property and related agreements. Related agreements are agreements to manage interests in OUS intellectual property, agreements to combine management of interests in OUS intellectual property with management of interests in intellectual property from other parties, agreements that transfer ownership of intellectual property between OUS and other parties, agreements governing revenue sharing from licensing, and confidentiality agreements regarding intellectual property.

(20) Public Contracts between the State of Oregon and Universities with Governing Boards. For the period beginning October 1, 2014, and ending November 14, 2014, Public Contracts between an Agency and the University of Oregon, Oregon State University, and Portland State University that were Interagency Agreements prior to July 1, 2014.

Stat. Auth.: ORS 291.047

Stats. Implemented: ORS 291.047(4)

Hist.: JD 4-1997(Temp), f. & cert. ef. 10-3-97; JD 5-1997(Temp), f. & cert. ef. 10-17-97; 137-045-0050(Temp) repealed by DOJ 3-1998, f. & cert. ef. 4-1-98; DOJ 3-1998, f. & cert. ef. 4-1-98; DOJ 2-2001, f. & cert. ef. 1-18-01; DOJ 17-2003, f. & cert. ef. 12-9-03; DOJ 19-2005, f. 12-27-05, cert. ef. 1-1-06; DOJ 18-2007, f. 12-28-07, cert. ef. 1-1-08; DOJ 2-2009(Temp), f. & cert. ef. 2-26-09 thru 8-25-09; DOJ 10-2009, f. 7-2-09, cert. ef. 7-6-09; DOJ 14-2009, f. 12-1-09, cert. ef. 1-1-10; DOJ 11-2014(Temp), f. & cert. ef. 7-11-14 thru 9-30-14; DOJ 12-2014(Temp), f. 9-25-14, cert. ef. 10-1-14 thru 11-14-14

Rule Caption: Amending legal actions, accepting payments in court, child attending school and claim of risk

Adm. Order No.: DOJ 13-2014(Temp)

Filed with Sec. of State: 10-1-2014

Certified to be Effective: 10-1-14 thru 3-30-15

Notice Publication Date:

Rules Amended: 137-055-2160, 137-055-5030, 137-055-5110

Subject: OAR 137-055-2160 is amended to authorize the Program to amend a legal action, if necessary, following a dismissal of the hearing when the requesting party fails to appear.

OAR 137-055-5030 is amended to put procedures in place to specifically allow Child Support Program staff to accept child support payments in court if the payment is received as a result of a court hearing for nonpayment of support.

OAR 137-055-5110 is amended to simplify the process for submitting documentation of compliance with the requirements in ORS 107.108 when the Child Attending School has filed a Claim of Risk. The Program will seek documentation from the Child Attending School as provided in ORS 107.108(8)(c).

Rules Coordinator: Carol Riches—(503) 947-4700

137-055-2160

Requests for Hearing

(1) A request for hearing must be in writing and signed by the party, the party's authorized representative, or the administrator. The signature may be handwritten, typed or electronic.

(2) A request for hearing may be made on a form provided by the Child Support Program (CSP).

(3) A request for hearing must be received by the CSP office which issued the action within the time provided by law or notice in order to be considered timely.

ADMINISTRATIVE RULES

(4) A new or amended request for hearing is not required from the requesting party to obtain a hearing if the administrator amends the order being appealed, unless the administrator notifies the requesting party that an additional request is required.

(5) Notwithstanding OAR 137-003-0530 and 137-003-0672(3), if the requesting party failed to appear at the hearing, the CSP may issue an amended notice instead of issuing a final order by default.

(6) When a party requests a hearing after the time specified by the administrator, the administrator will handle the request pursuant to OAR 137-003-0528, except that the administrator may accept the late request only if:

(a) The request is received before or within 60 days after entry of a final order by default;

(b) The circuit court has not approved the final order or there is no appeal of the final order pending with the circuit court, and

(c) The cause for failure to timely request the hearing was beyond the reasonable control of the party, unless other applicable statutes or Oregon Child Support Program administrative rules provide a different time frame or standard.

(7) Notwithstanding the provisions of section (6) of this rule, a request for hearing is not considered a late hearing request when:

(a) Parentage testing has been conducted pursuant to ORS 109.252 and 416.430 which includes the man as the biological father of the child, and a request for hearing has been received from a party 30 days from the date of service of the Notice of Intent to Enter Order/Judgment establishing paternity and the notice of parentage testing results; or

(b) A party has denied paternity and failed to appear for parentage tests, an order establishing paternity has been entered, and a request for hearing has been received from a party within 30 days from the date the order establishing paternity was mailed to the parties.

(8) For the purpose of computing any period of time under this rule, except as otherwise provided, any response period begins to run on the following date:

(a) If service is by certified mail, on the date the party signs a receipt for the mailing;

(b) If service is by regular mail:

(A) Three days after the mailing date if mailed to an address in Oregon;

(B) Seven days after the mailing date if mailed to an address outside Oregon; or

(c) The date evidence shows the party received the mailing.

(9) Except as provided in subsection (10)(b) the dates in section (8) are computed based on calendar days, not business days.

(10)(a) In computing any period of time under this rule, do not count the date of mailing as the first day; and

(b) If the last day falls on a Saturday, Sunday or legal holiday, do not count that day as a calendar day.

(11) The provisions of sections (8) through (10) do not apply to service on a party by regular mail to complete substitute service. For substitute service, the service date is the date the document is mailed.

Stat. Auth.: ORS 180.345

Stats. Implemented: ORS 183.415

Hist.: AFS 5-1995, f. & cert. 2-6-95; AFS 26-1997, f. 12-31-97, cert. ef. 1-1-98; AFS 21-2000, f. & cert. ef. 8-1-00; AFS 32-2000, f. 11-29-00, cert. ef. 12-1-00, Renumbered from 461-195-0830; AFS 28-2001, f. 12-28-01, cert. ef. 1-1-02; DOJ 6-2003(Temp), f. 6-25-03, cert. ef. 7-1-03 thru 12-28-03, Renumbered from 461-200-2160; DOJ 10-2003, f. 9-29-03, cert. ef. 10-1-03, Renumbered from 461-200-2160; DOJ 2-2006(Temp), f. & cert. ef. 1-3-06 thru 6-30-06; DOJ 5-2006, f. 6-29-06, cert. ef. 7-3-06; DOJ 6-2006, f. & cert. ef. 10-2-06; DOJ 10-2008, f. & cert. ef. 7-1-08; DOJ 2-2010(Temp), f. & cert. ef. 1-4-10 thru 7-1-10; DOJ 11-2010, f. & cert. ef. 7-1-10; DOJ 13-2011, f. 12-30-11, cert. ef. 1-3-12; DOJ 5-2013, f. & cert. ef. 7-8-13; DOJ 13-2014(Temp), f. & cert. ef. 10-1-14 thru 3-30-15

137-055-5030

Receipting of Support Payments

(1) For purposes of this rule, "receipt" means to officially acknowledge and credit payments to an account.

(2) For purposes of this rule, "authorized representative" means an employee of the Division of Child Support, employees of a District Attorney Child Support office, and Assistant Attorneys General and Deputy District Attorneys representing the Child Support Program.

(3) When support payments are made to the Department of Justice in accordance with ORS 25.020, the State Disbursement Unit (SDU) is the official receipting unit of the Child Support Program. All payments will be disbursed after receipt by the SDU pursuant to 45 CFR 302.32.

(4) Support payments will only be received by the SDU.

(5) Physical access to all areas where support payments are stored or processed will be limited to employees assigned to handle, accept, or receipt support payments.

(6) Support payments received by the receipting office must be physically secured. At least two employees must be present when support payments are not secured in a locked area or in a safe.

(7) Support payments will be properly recorded and tracked in accordance with 45 CFR Ch. III.

(8) Support payments which have been received by the SDU will be reconciled daily.

(9) Support payments will be received and deposited within 48 hours.

(10) Pursuant to ORS 73.0114, if there are contradictory terms on a negotiable instrument, the amount received will be the amount written in words.

(11) Pursuant to ORS 73.0401, if a negotiable instrument is not signed, the person is not liable for the instrument.

(12) Under limited circumstances, offices of the Oregon Child Support Program other than the facility which houses the SDU may accept child support payments in person or by mail and authorized representatives may accept payments in court. If a payment is made in person, in court, or by mail the employee or authorized representative shall provide written acknowledgement to the payor that the payment has been accepted.

(13) Payments for support may be accepted by an employee of an office of the Oregon Child Support Program or by an authorized representative of the Child Support Program when:

(a) The payment is received in court as a result of a court hearing for nonpayment of support; or

(b) The payment is received in an office that employs strict internal currency handling standards;

(c) The office has the payment deposited to an approved bank account; and

(d) The office ensures the payment and remittance details are transmitted to the SDU immediately for receipting and disbursement.

(A) The office or authorized representative may transmit the payment to the SDU by an electronic fund transfer (EFT) through an approved bank account; or

(B) The office may mail a check to the SDU for the total amount of the payment(s).

Stat. Auth.: ORS 180.345

Stats. Implemented: ORS 25.020, 73.0114 & 73.0401

Hist.: DOJ 10-2004, f. & cert. ef. 7-1-04; DOJ 13-2014(Temp), f. & cert. ef. 10-1-14 thru 3-30-15

137-055-5110

Child Attending School

The purpose of this rule is to provide additional information as to how the Child Support Program (CSP) will apply the provisions of ORS 107.108 when the order or modification provides for support until the child is age 21, so long as the child is a child attending school in accordance with ORS 107.108.

(1) In addition to the definitions found in ORS 107.108, as used in OAR chapter 137, division 55, the following terms have the meanings given below:

(a) "Active member of the military" means:

(A) A member of the Army, Navy, Air Force, Marine Corps, or Coast Guard (collectively known as the "armed forces"), who is serving on active duty; or

(B) A member of the National Guard who is serving full-time National Guard state or federal active duty; or

(C) A cadet at a federal service academy.

(b) "Adult child" means a child over the age of 18 and under the age of 21, who is not married or otherwise emancipated, and is not currently a child attending school.

(c) "Child attending school" has the meaning given in ORS 107.108, except a child attending school does not include an active member of the military.

(d) "Satisfactory academic progress" means:

(A) For a child attending high school who is over age 18 but under age 21, enrollment in school and meeting attendance requirements or as defined by the school; or

(B) For a child attending post high school classes, as defined by the higher educational institution.

(2) If the obligor has not provided the child attending school with an address to send the documents required by ORS 107.108 to the administrator, pursuant to OAR 137-055-1140(8), may release the contact address of the obligor to the child attending school. If the obligor does not provide an address to the CSP or to the child, the obligor's failure to receive required documents is not a basis for objecting that a child does not qualify as a child attending school.

ADMINISTRATIVE RULES

(3) If there has been a finding and order of nondisclosure on behalf of the child attending school pursuant to ORS 25.020, the child may send the obligor's copy any documents required by 107.108 to the administrator for the administrator to forward to the obligor. The child must submit a copy of the documents to the administrator within the time periods set out in 107.108. The administrator will redact the following information prior to sending a copy of the documents otherwise required to be provided to the obligor:

(a) Residence, mailing or contact address including the school name and address;

(b) Social security number;

(c) Telephone number including the school telephone number;

(d) Driver's license number;

(e) Employer's name, address and telephone number; and

(f) Name of registrar or school official.

(4) If a child attending school is in the care of the Oregon Youth Authority (OYA), any and all reporting duties of the child attending school will be the duty of OYA.

(5) The Department of Justice will distribute and disburse support directly to the child attending school, unless good cause is found to distribute and disburse support in some other manner. For purposes of this section "good cause" may include:

(a) The child is in the care of OYA;

(b) The child provides written notarized authorization for distribution and disbursement to the obligee;

(c) The court, administrative law judge or administrator orders otherwise; or

(d) The administrator is enforcing the Oregon order at the request of another state and that state has indicated they are unable to distribute and disburse support directly to the child.

(6)(a) If the administrator makes a finding that the support payment should be distributed and disbursed to the obligee under subsection (5)(b), the administrator will send a notice of redirection of support to the parties.

(b) A party may contest the administrator's finding as provided in ORS 183.484.

(7) An objection based on the requirements of ORS 107.108 may be made by any party to the support order.

(a) Unless new supporting documentation can be provided, an objection can only be made once per semester or term as defined by the school, or three months from the date of a previous objection if the school does not have semesters or terms.

(b) A party may contest the administrator's finding from the objection as provided in ORS 183.484.

(8) When support has been suspended under ORS 107.108, if the case has been closed pursuant to OAR 137-055-1120 and the adult child subsequently complies with the requirements for reinstatement, the adult child must submit the written confirmation of compliance, proof of written consent and an application for services as described in 137-055-1060. The written confirmation and application for services may be combined as one document.

(9) When the administrator has suspended or reinstated a support obligation pursuant to ORS 107.108, a party may request an administrative review of the action within 30 days after the date of the notice of suspension or reinstatement.

(a) The only issues which may be considered in the review are whether:

(A) The child meets the requirements of a child attending school;

(B) The written notice of the child's intent to attend or continue to attend school was sent to the parent ordered to pay support;

(C) The written consent was sent or proof of written consent was received.

(b) The burden of proof for the administrative review is on the requesting party to provide documentation supporting the allegation(s).

(10) When support has been suspended under ORS 107.108, the adult child may request to receive notice of future modifications and may request to be a party to the modification as outlined in 107.108 and OAR 137-055-3430. The adult child does not have any party status on the case until the request has been received by the administrator.

(11) In addition to the rights afforded under ORS 107.108, if the obligee claims good cause under OAR 137-055-1090, the child attending school may apply for services to enforce the existing support obligation on behalf of the child attending school only.

(a) The application will be handled in the same manner as outlined in OAR 137-055-1090(10)(a)-(c).

(b) If the child attending school applies for services, and services are provided under ORS 25.080, all arrears for that child will accrue to the child attending school as provided for in OAR 137-055-6021, until the child's 21st birthday or is otherwise emancipated and then will be file credited off the case.

(12) If a court orders payment from a higher education savings plan in lieu of support under ORS 107.108;

(a) The administrator will cease collection and billing actions on behalf of that child at age 18. If the support order is for a single or last remaining child the department will close the case unless there are arrears on the case.

(b) If payments are ordered from a higher education savings plan and the court has not provided for a modification of the support amount for any remaining children of the order, this is a substantial change of circumstances for purposes of modifying the support order.

(c) If payment from a higher education savings plan has been ordered, the administrator will not take action to subsequently modify the support order to include child attending school support provisions for that child.

(13) Except for support orders originally issued by a state other than Oregon and being enforced under the provisions of ORS 110.303 to 110.452, if the most recent order or modification for support cites 107.108 or otherwise provides for support of a "child attending school", the administrator will follow the provisions of 107.108 and this rule, regardless of other child attending school provisions that may be in the support order.

Stat. Auth.: ORS 25.020, 107.108 & 180.345

Stats. Implemented: ORS 25.020, 25.080, 107.108 & 416.407

Hist.: AFS 23-2001, f. 10-2-01, cert. 10-6-01; DOJ 6-2003(Temp), f. 6-25-03, cert. ef. 7-1-03 thru 12-28-03, Renumbered from 461-200-5110; DOJ 10-2003, f. 9-29-03, cert. ef. 10-1-03, Renumbered from 461-200-5110; DOJ 2-2004, f. 1-2-04 cert. ef. 1-5-04; DOJ 10-2004, f. & cert. ef. 7-1-04; DOJ 5-2005, f. & cert. ef. 7-15-05; DOJ 8-2005(Temp), f. & cert. ef. 9-1-05 thru 2-17-06; DOJ 1-2006, f. & cert. ef. 1-3-06; DOJ 5-2006, f. 6-29-06, cert. ef. 7-3-06; DOJ 6-2006, f. & cert. ef. 10-2-06; DOJ 8-2007, f. 9-28-07, cert. ef. 10-1-07; DOJ 10-2008, f. & cert. ef. 7-1-08; DOJ 1-2010, f. & cert. ef. 1-4-10; DOJ 13-2014(Temp), f. & cert. ef. 10-1-14 thru 3-30-15

Department of Public Safety Standards and Training Chapter 259

Rule Caption: Restricts polygraph trainees from performing reviews or offering professional opinions regarding another polygrapher's examinations.

Adm. Order No.: DPSST 24-2014

Filed with Sec. of State: 10-1-2014

Certified to be Effective: 10-1-14

Notice Publication Date: 9-1-2014

Rules Amended: 259-020-0010

Subject: Current rule does not restrict a polygraph trainee from performing reviews or offering professional opinions regarding an examination performed by another licensed polygraph examiner or trainee. This rule change adds language to rule to address this issue. Housekeeping changes have also been made for clarity and consistency.

Rules Coordinator: Sharon Huck—(503) 378-2432

259-020-0010

Minimum Standards for a Polygraph Examiner Trainee License

(1) Any applicant for a license as a polygraph examiner trainee must:

(a)(A) Have graduated from a polygraph examiner's course approved by the Department; or

(B) Provide documentation of military experience or training that the Department determines is substantially equivalent to the education required by subsection (a)(A) above.

(b) Be at least 18 years of age;

(c) Be a citizen of the United States;

(d) Not have demonstrated a course of behavior in the preceding 10 years that would indicate the applicant is unable to perform the duties of a polygraph examiner in a manner that would serve the interests of the public. When the Department refuses to issue a license based upon an applicant's failure to meet this requirement, the Department must follow the procedures set forth in OAR 259-020-0030.

(e) For the purposes of this rule, an applicant demonstrates a course of behavior indicating they are unable to perform the duties of a polygraph examiner in a manner that would serve the interests of the public if the applicant:

ADMINISTRATIVE RULES

(A) Has been convicted of a Person Felony as defined by the Criminal Justice Commission in OAR 213-003-0001 or any crime with similar elements in any other jurisdiction;

(B) Has been convicted of a Person Class A Misdemeanor as defined by the Criminal Justice Commission in OAR 213-003-0001 or any crime with similar elements in any other jurisdiction;

(C) Demonstrates a lack of respect for the laws of this state and nation by engaging in a pattern of behavior which leads to 3 or more arrests; or

(D) Engages in conduct involving untruthfulness.

(f) Provide any information required by the Department relating to the circumstances of a conviction, if the applicant has previously been convicted of a criminal offense. ORS 670.280 is applicable when the Department considers information provided under this paragraph.

(g) Be fingerprinted and submit one completed fingerprint card to the Department for submission to the Oregon State Police, Identification Services Section.

(A) Appropriate fees must accompany the applicant's fingerprints to pay the costs of the state and federal fingerprint background checks.

(B) Currently employed corrections officers, parole and probation officers, or police officers as defined in ORS 181.610, whose fingerprints are on file in accordance with OAR 259-008-0010, are exempt from this fingerprinting requirement.

(h) Submit a completed Application for Polygraph Examiner's License (DPSST Form F-203) as prescribed by OAR 259-020-0060, accompanied by documentation of qualifications as required by the Department.

(i) Submit appropriate fees to the Department as prescribed by OAR 259-020-0035.

(2) The internship requirements of any person who is licensed as a trainee under this rule include:

(a) Periodic consultation with licensed general polygraph examiners of the trainee's own choice;

(b) A total review of 20 examinations from the first 200 examinations conducted must be reviewed by a licensed general polygraph examiner. The following review format is mandatory:

(A) 1st series — 5 examinations reviewed of the first 20 conducted;

(B) 2nd series — 5 examinations reviewed of the next 30 conducted;

(C) 3rd series — 5 examinations reviewed of the next 50 conducted;

(D) 4th series — 5 examinations reviewed of the last 100 conducted.

(E) During each review series, the trainee must have a general polygraph examiner complete a Polygraph Review Critique (DPSST Form F-203a) on each set of examinations reviewed. The trainee must forward the original critiques to the Department. One copy of the form must be retained by the reviewer, and one copy must be retained by the trainee. These reviews must be completed and forwarded to the Department within 30 days of the completion date of each of the four (4) series of examinations shown above. The Department will not renew a trainee license unless the trainee has complied with the examination requirements in this subsection.

(F) At least two of the review series must be completed with a general polygraph examiner during personal interviews. However, if time and distance are a distinct problem, up to two of the review series may be completed by mail. These review procedures cannot be interpreted as detracting from the trainee examiner's ability or expertise, but will be considered as legitimate, professional consultation.

(c) When participating in this prescribed course of study, trainees may administer specific issue examinations. If the trainee conducts a test which is to be offered as evidence in a court of law, the trainee must seek and utilize the assistance of a general polygraph examiner during the administration of the case and must have that general polygraph examiner available for continued consultation, including joint court appearances, if necessary. Each trainee should obtain legal advice concerning all questions relating to admissibility of polygraph examination evidence.

(d) Every trainee must maintain basic records of examinations conducted. A numerical log or ledger (beginning with #1) must provide a brief record of the name of the person examined, date, time, type of examination, and results, as well as other information the trainee examiner considers pertinent. Folder or envelope "case" files containing all available test information, including notes, questions, charts, reports, and correspondence, must be maintained for a minimum of five years unless State Archivist rules require longer maintenance.

(e) A person may not hold a license as a trainee for more than two years. An extension of the two-year period may be granted for good cause.

(A) If the applicant requests an extension of time to hold the trainee license beyond the initial two year limitation, the Department may grant an extension to the date of the next regularly scheduled Polygraph Licensing

Advisory Committee meeting. The applicant will be scheduled to appear at the next committee meeting. The applicant must provide his or her request and justification for the extension, polygraph log, and the last ten polygraph reports and charts performed by the trainee. If just cause is presented, the Polygraph Licensing Advisory Committee may recommend an extension to the Department.

(B) The Polygraph Licensing Advisory Committee may recommend additional requirements that must be met during the extension period. Failure to complete any additional requirements imposed by the Department during an extension period may be grounds to deny any additional extension requests.

(f) Trainees must clearly indicate their trainee status on all letterhead, business cards, advertising, signage, and any other type of written material that describes a polygraph examination.

(3) A trainee must not conduct more than five completed examinations, of any type, in any one calendar day.

(4) A trainee must not perform any type of review or provide a professional opinion of any completed polygraph examination performed by another polygraph examiner or polygraph trainee.

[ED. NOTE: Forms referenced are available from the agency.]

Stat. Auth.: ORS 703.230

Stats. Implemented: ORS 703.230

Hist.: PS 12, f. & ef. 12-19-77; PS 1-1979, f. 10-1-79, ef. 10-3-79; PS 3-1987, f. & ef. 10-26-87; PS 1-1990, f. & cert. ef. 2-7-90; PS 2-1995, f. & cert. ef. 9-27-95; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 7-1999, f. & cert. ef. 7-29-99; BPSST 10-2000, f. 11-13-00, cert. ef. 11-15-00; BPSST 9-2001, f. & cert. ef. 9-19-01; BPSST 14-2002, f. & cert. ef. 7-1-02; DPSST 1-2003, f. & cert. ef. 1-21-03; DPSST 23-2008(Temp), f. & cert. ef. 12-29-08 thru 5-30-09; DPSST 1-2009, f. & cert. ef. 2-2-09; DPSST 15-2012, f. & cert. ef. 6-28-12; DPSST 29-2012, f. & cert. ef. 12-26-12; DPSST 24-2014, f. & cert. ef. 10-1-14

Rule Caption: Amends the current rule regarding Polygraph Licensing Advisory Committee Membership.

Adm. Order No.: DPSST 25-2014

Filed with Sec. of State: 10-1-2014

Certified to be Effective: 10-1-14

Notice Publication Date: 9-1-2014

Rules Amended: 259-020-0055

Subject: The Polygraph Licensing Advisory Committee expressed concerns regarding the availability of qualified general examiners representing law enforcement to participate on the committee. Current rule states that that the Polygraph Licensing Advisory Committee consist of at least four general examiners; one member from the Oregon State Police, one member from a county sheriff's department, one member from a city police agency, and one member from the private sector. To address this issue, DPSST has amended the current rule to have two members representing law enforcement and two members representing the private sector. Further, the two examiners representing law enforcement do not have to be agency specific, but rather can be from the Oregon State Police, a county sheriff's department, or a city police agency. The rule change also states that that law enforcement membership is limited to currently employed law enforcement polygraph examiners and provides housekeeping for clarity and consistency.

Rules Coordinator: Sharon Huck—(503) 378-2432

259-020-0055

Polygraph Licensing Advisory Committee

(1) The Department may appoint a polygraph licensing advisory committee whose function is to assist and advise the Department concerning the administration of the Act. The advisory committee's duties may include, but are not limited to, providing advice and assistance to the Department regarding content and procedures for required examinations, evaluation, and selection of polygraph examiners courses to be approved by the Department; evaluation of applications received for polygraph examiners licenses; examination and approval of instruments; investigation of complaints which could lead to license denial, suspension, or revocation; and general enforcement of all provisions of the Act.

(2) The advisory committee will consist of a minimum of five members to be appointed by the Director, each appointment to be subject to ratification by the Board at its next regular meeting. Members of the committee will be initially appointed for a two-year term, with additional two-year term reappointments.

ADMINISTRATIVE RULES

(3) The advisory committee will select one of its members to serve as chairperson, and one to serve as vice-chairperson.

(4) The advisory committee will hold regular meetings a minimum of three times per year; approximately once every four months. The advisory committee will also coordinate the scheduling of special meetings with the Director and submit written reports as requested by the Director.

(5) Membership of the advisory committee will consist of at least four persons qualified as general examiners; two currently employed law enforcement members and two members from the private sector. Additional members of the committee may be selected on the basis of special qualifications to be determined by the Director, subject to the provisions of section (2) of this rule.

Stat. Auth.: ORS 703.230

Stats. Implemented: ORS 703.230

Hist.: PS 12, f. & ef. 12-19-77; PS 1-1979, f. 10-1-79, ef. 10-3-79; PS 2-1995, f. & cert. ef. 9-27-95; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 9-2001, f. & cert. ef. 9-19-01; DPST 25-2014, f. & cert. ef. 10-1-14

Rule Caption: Requires that applicants renewing instructor certification include proof of eight hours of continuing education.

Adm. Order No.: DPSST 26-2014

Filed with Sec. of State: 10-1-2014

Certified to be Effective: 10-1-14

Notice Publication Date: 9-1-2014

Rules Amended: 259-060-0025, 259-060-0135

Subject: This proposed rule change adds the requirement to rule that applicants for instructor certification renewal must include proof of at least eight hours of continuing education taken within the last certification period. Proof of the training can be in the form of a grade or certificate, minutes, a roster, or receipt of course payment.

Rules Coordinator: Sharon Huck—(503) 378-2432

259-060-0025

Application for Certification and Licensure

(1) An applicant must meet all minimum standards for the certification or license being applied for as described in OAR 259-060-0020.

(2) Application Packet and Fees.

(a) The application packet for new certification or licensure as a private security provider must be completed in its entirety and must include:

(A) A completed Form PS-1 (Application for Licensure or Certification of Private Security Services Provider);

(B) A completed fingerprint packet. A fingerprint packet must include a pre-printed FBI fingerprint card and a Form PS-4 (Affidavit of Person Rolling Fingerprints) completed by the person rolling or scanning the fingerprints. The card and form must be enclosed in a tamper-proof bag and sealed by the person who rolled the fingerprints before the packet is returned to the applicant. The Department will supply pre-printed FBI fingerprint cards and tamper-proof bags.

(i) The Department will only accept fingerprint cards correctly rolled and completed by private security or public safety personnel trained to roll fingerprints, or a person who is employed and trained by a private business that provides fingerprinting services.

(ii) If a fingerprint card is rejected twice by the Federal Bureau of Investigation, the applicant will be charged a fee for a third submittal of fingerprint cards.

(C) The original Form PS-6 (Affidavit of Instructor and Private Security Provider Testing Results) completed as prescribed by OAR 259-060-0060, documenting completion of the training required in these rules. Applicants enrolled in an accredited private security program at the time of application will submit the Form PS-6 upon completion of the program.

(D) A completed Form PS-7 (Private Security Instructor Evaluation) (optional);

(E) If currently employed, an original, completed Form PS-20 (Private Security Services Provider Temporary Work Permit). Temporary Work Permits will not be issued to armed private security professionals or private security instructors;

(F) A completed Form PS-27 (Private Security Professional Code of Ethics) affirming moral fitness and professional standards;

(G) All applicants for instructor certification must submit a resume demonstrating they meet the instructor prerequisites as described in OAR 259-060-0135; and

(H) Nonrefundable certification or licensure fees as prescribed by OAR 259-060-0500.

(b) The application packet for renewing certification or licensure as a private security provider must be completed in its entirety and must include:

(A) A completed Form PS-21 (Application for Renewal of Private Security Certification/Licensure);

(B) A completed Form PS-27 affirming moral fitness and professional standards;

(C) The original Form PS-6 completed as prescribed by OAR 259-060-0060, documenting completion of the training required in these rules. Applicants enrolled in an accredited private security program at the time of application will submit the Form PS-6 upon completion of the program.

(D) All applicants for renewal of instructor certification must submit a Form PS-8 (Private Security Instructor Continuing Education), including proof of at least eight hours of continuing education taken within the last certification period. Proof can be in the form of a grade or certificate, minutes, a roster, or receipt of course payment;

(E) A Form PS-20 if currently employed and submitting the renewal packet less than 30 days prior to the expiration of certification or licensure; and

(F) Nonrefundable renewal certification or licensure fees as prescribed by OAR 259-060-0500;

(c) The application packet for adding certification or licensure as a private security provider must be completed in its entirety and must include:

(A) A completed Form PS-1;

(B) The original Form PS-6 completed as prescribed by OAR 259-060-0060, documenting completion of the training required in these rules. Applicants enrolled in an accredited private security program at the time of application will submit the Form PS-6 upon completion of the program.

(C) If currently employed, an original, completed Form PS-20. Temporary Work Permits will not be issued to armed private security professionals or private security instructors;

(D) A completed Form PS-27 affirming moral fitness and professional standards;

(E) Nonrefundable certification or licensure fees as prescribed by OAR 259-060-0500;

(F) Individuals applying to add private security instructor certification must submit a resume demonstrating they meet the instructor prerequisites as described in OAR 259-060-0135.

(G) Individuals currently certified as an unarmed private security provider applying to add armed private security certification must carry a copy of the Form PS-6 and the Form PS-23 (Change of Information) while performing private security services until a new certificate is received.

(d) The application packet for upgrading from unarmed private security professional to an armed private security professional must be completed in its entirety and must include:

(A) A completed Form PS-1;

(B) The original Form PS-6 completed as prescribed by OAR 259-060-0060, documenting completion of the training required in these rules. Applicants enrolled in an accredited private security program at the time of application will submit the Form PS-6 upon completion of the program;

(C) A completed Form PS-27 affirming moral fitness and professional standards; and

(D) Nonrefundable certification or licensure fees as prescribed by OAR 259-060-0500;

(E) Individuals currently certified as an unarmed private security provider applying to upgrade to armed private security certification must carry a copy of the Form PS-6 and the Form PS-23 (Change of Information) while performing private security services until a new certificate is received.

(3) Timelines.

(a) A completed application packet must be mailed to the Department and postmarked prior to the applicant performing any private security services.

(b) Renewal application documents must be received by the Department within 180 days prior to the expiration date of the certification or licensure to allow for processing of the forms and criminal history check.

(c) A late submission penalty will be assessed as prescribed in OAR 259-060-0500 if reapplying after the expiration date of the certification or licensure.

(d) Applicants renewing their certification or licensure more than four years after the expiration date of the certification or licensure must submit a new application packet in accordance with subsection (2)(a) of this rule.

(4) The Department may administratively terminate the application process if the Department is unable to complete the certification process

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due to non-response or non-compliance, or upon the discovery of disqualifying criminal convictions or any violation of the temporary work permit provisions, the Act or these rules.

(a) Once the application process has been administratively terminated, the applicant may not perform private security services.

(b) To re-apply, applicants will be required to re-submit an application packet with all deficiencies corrected, including new fees and proof of valid training.

(5) A Notice of Deficiency will be issued to an applicant whose application packet is determined by the Department to be incomplete or insufficient. If the deficiency is not corrected within 21 days of the date of the Notice of Deficiency, the application process will be administratively terminated.

(6) Any exception to the application process found in this rule must be approved by the Department.

[ED. NOTE: Forms referenced are available from the agency.]

Stat. Auth.: ORS 181.873 - 181.878 & 181.883 - 181.885

Stats. Implemented: ORS 181.873 - 181.878 & 181.883 - 181.885

Hist.: DPSST 25-2012, f. 10-26-12, cert. ef. 11-1-12; DPSST 12-2013, f. & cert. ef. 6-24-13; DPSST 26-2014, f. & cert. ef. 10-1-14

259-060-0135

Private Security Instructor Certification and Responsibilities

(1) The Department will certify instructors deemed qualified to instruct any required private security professional training courses.

(2) All private security instructor applicants must complete an application in accordance with OAR 259-060-0025.

(3) All private security instructor applicants must be in compliance with the minimum standards for certification as listed in OAR 259-060-0020. In addition, applicants must:

(a) Have a minimum three years of work experience in private security services, military police, or law enforcement fields; and

(b) Applicants for certification as a firearms private security instructor must be in compliance with the firearms standards listed in OAR 259-060-0020.

(4) Private security instructors are authorized to instruct and deliver private security professional courses based on the approved or accredited private security professional course content and materials provided by the Department.

(a) Private security instructors must remediate or fail applicants as necessary.

(b) Private security instructors must provide all applicants with appropriate training manuals.

(c) Only a certified private security instructor delivering the training on-site may sign a Form PS-6 (Affidavit of Instructor and Private Security Provider Testing Results).

(d) Certified private security instructors are responsible for verifying the identity of all applicants using government-issued identification.

(e) Only private security firearms instructors are authorized to instruct and administer basic and renewal firearms courses.

(f) All private security instructors must instruct courses in a manner that is consistent with the minimum requirements of the Department, including safety provisions. Training facilities must be an environment conducive to learning.

(5) Alarm monitor private security instructor.

(a) Basic training consists of the successful completion of:

(A) Alarm monitor basic classroom instruction and exam;

(B) Alarm monitor assessment; and

(C) Alarm monitor private security instructor course.

(b) Biennial alarm monitor private security instructor renewal training consists of the successful completion of:

(A) Alarm monitor private security instructor course; and

(B) A minimum of eight hours of coursework relating to any of the specific subjects being taught or a minimum of eight hours of coursework relating to improving instructor skills. Coursework must be submitted on a form PS-8 (Private Security Instructor Continuing Education), including proof of at least eight hours of continuing education taken within the last certification period. Proof can be in the form of a grade or certificate, minutes, a roster, or receipt of course payment;

(6) Unarmed private security instructor.

(a) Basic training consists of the successful completion of:

(A) Unarmed basic classroom instruction and exam;

(B) Unarmed assessment; and

(C) Unarmed private security instructor course and exam.

(b) Biennial unarmed private security instructor renewal training consists of the successful completion of:

(A) Unarmed private security instructor course and exam; and

(B) A minimum of eight hour of coursework relating to any of the specific subjects being taught or a minimum of eight hours of coursework relating to improving instructor skills. Coursework must be submitted on a form PS-8 (Private Security Instructor Continuing Education), including proof of at least eight hours of continuing education taken within the last certification period. Proof can be in the form of a grade or certificate, minutes, a roster, or receipt of course payment;

(7) Firearms Private Security Instructor.

(a) Basic training consists of the successful completion of:

(A) Basic unarmed classroom instruction and exam;

(B) Basic unarmed assessment;

(C) Basic firearms course;

(D) Department-administered firearms private security instructor course and Department-approved marksmanship qualification; and

(E) Proof of successful completion of training from one or more of the following sources no more than five years prior to the time of application:

(i) The National Rifle Association Law Enforcement Firearms Instructor Development School;

(ii) A firearms instructor through the Federal Law Enforcement Training Center;

(iii) A Department-certified law enforcement or criminal justice firearms instructor course;

(iv) A firearms instructor through the Federal Bureau of Investigation;

(v) A private security firearms instructor through the Washington Criminal Justice Training Center; or

(vi) A qualified instructor certification course as determined by the Department.

(b) Firearms private security instructors must successfully complete annual firearms instructor marksmanship qualifications. Instructors must qualify on a target authorized by the Department, within three attempts in one day.

(c) Biennial renewal consists of:

(A) Successful completion of the firearms private security instructor course, written exam, and marksmanship qualifications; and

(B) A minimum of eight hours of coursework relating to any of the specific subjects being taught or a minimum of eight hours of coursework relating to improving instructor skills. Coursework must be submitted on a form PS-8 (Private Security Instructor Continuing Education), including proof of at least eight hours of continuing education taken within the last certification period. Proof can be in the form of a grade or certificate, minutes, a roster, or receipt of course payment.

(8) Certified private security instructors who simultaneously hold certification as a private security professional are exempt from the required private security professional renewal training if they deliver the basic curriculum of the discipline for which they are certified at least one time per year.

(9) Applicant Remediation/Failure. When an applicant fails to successfully complete any portion of the required training the instructor must remediate or fail the applicant as follows:

(a) If a test score is between 85 and 99 percent, the instructor must remediate the incorrect test responses by reviewing each incorrect test question with the applicant, explaining the principle behind the question, the correct answer, and the basis for the correct answer. The instructor must assess whether oral responses from the applicant indicate that the applicant understands the underlying principles. An inappropriate answer may result in the termination of training and indication on the training affidavit that the applicant has failed to successfully complete the required training.

(b) If a test score is below 85 percent correct, the instructor must fail the applicant or require the applicant repeat the deficient section missed of the curriculum and retake the exam.

(c) The instructor may remediate and re-test an applicant who fails to score 100% on the firearms marksmanship qualification course. Re-qualification attempts are limited to three in a single session.

(d) An applicant who is unable to successfully achieve a training standard must be failed. Any instructor who fails an applicant must:

(A) Fully document the reason for failure;

(B) Retain documentation of failure in the instructor's file for a minimum period of two years; and

(C) Notify the Department within 48 hours of the failure by submitting a Form PS-6 indicating that an individual has failed.

(10) Instructors may terminate training if, in the instructor's opinion, the applicant is unfit to proceed, taking into consideration the applicant's poor judgment, unsafe practices, abnormal behavior or other relevant factors. The instructor must immediately notify the applicant of the reason for

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termination of training and must also notify the Department within 48 hours in writing, using a Form PS-6.

(11) Training Records.

(a) Instructors must maintain the following documents in separate class files for a period of two years:

(A) A Form PS-6 (Affidavit of Instructor and Private Security Provider Testing Results) for each applicant;

(B) All written exams, assessments and any applicable qualification records;

(C) A training outline for the curriculum used, including any references to any resources used; and

(D) A class roster, including the name and address of each applicant.

(b) Upon successful completion of all requirements, the instructor must provide the applicant the accurately-completed, original Form PS-6, sealed in a tamper-proof bag. The instructor will also supply the applicant with a colored carbon copy of the Form PS-6.

(c) Instructors will provide additional copies of the Form PS-6 to applicants at any time during the life of their training at reasonable expense to the applicant.

(12) Failure to complete any training requirements as prescribed by this rule may result in denial or revocation or private security certification or licensure as prescribed in OAR 259-060-0300 and civil penalties as prescribed in OAR 259-060-0450.

[ED. NOTE: Forms referenced are available from the agency.]

Stat. Auth.: ORS 181.878 & 181.883

Stats. Implemented: ORS 181.878

Hist.: PS 9-1997, f. & cert. ef. 8-20-97; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 3-1999(Temp), f. & cert. ef. 3-9-99 thru 9-5-99; BPSST 4-1999, f. 4-29-99, cert. ef. 9-5-99; BPSST 3-2000, f. & cert. ef. 8-10-00; BPSST 8-2001(Temp), f. & cert. ef. 8-22-01 thru 2-18-02; BPSST 18-2001(Temp), f. & cert. ef. 11-28-01 thru 2-18-02; BPSST 4-2002(Temp), f. & cert. ef. 2-25-02 thru 7-1-02; BPSST 13-2002, f. & cert. ef. 4-30-02; DPSST 11-2005, f. & cert. ef. 10-14-05; DPSST 6-2006, f. & cert. ef. 5-15-06; DPSST 4-2007, f. & cert. ef. 2-15-07; DPSST 6-2008, f. & cert. ef. 4-15-08; DPSST 25-2012, f. 10-26-12, cert. ef. 11-1-12; DPSST 12-2013, f. & cert. ef. 6-24-13; DPSST 26-2014, f. & cert. ef. 10-1-14

Rule Caption: Revise and merge Private Investigator compliance rules into one rule; adds violations and procedures.

Adm. Order No.: DPSST 27-2014

Filed with Sec. of State: 10-1-2014

Certified to be Effective: 10-1-14

Notice Publication Date: 9-1-2014

Rules Amended: 259-061-0200

Rules Repealed: 259-061-0210, 259-061-0220, 259-061-0230

Subject: The rules relating to Private Investigator compliance have been revised and merged into one rule. OAR 259-061-0200 now contains a list of violations, the procedures for complaints and violation allegations, procedures for proposing civil penalties, hearings requests, default orders, resolution by stipulation, and civil penalty amounts. Additionally, the language for imposing civil penalties allows DPSST to consider each violation of any section or sub-section of ORS 703.401 to 703.490, or any section or subsection of the rule, as a separate violation. This rule change repeals OAR 259-061-0210, OAR 259-061-0220, and OAR 259-061-0230.

Rules Coordinator: Sharon Huck—(503) 378-2432

259-061-0200

Compliance

(1) The Department may cause any administrative proceeding or court action to be initiated to enforce compliance with the provisions of ORS 703.010 to 703.995 and these rules.

(2) Violations. The Department may find violations and recommend assessment of civil penalties upon finding that an investigator has previously engaged in or is currently engaging in any of the following acts:

(a) Providing investigative services without valid licensure;

(b) The falsification of any documents submitted to the Department;

(c) Failure to cease providing investigative services upon issuance of a cease and desist order, expiration of licensure, notice of termination, suspension, denial or revocation;

(d) Failure to submit properly completed forms or documentation in a time frame as designated by the Department; or

(e) Any other violation of the requirements of ORS 703.401 to 703.490 or these rules.

(3) The Department may issue a Demand to Examine Books and Records (DEBR) to obtain any record or document related to compliance.

(a) The Department may cause inspection or audits of the records of any investigator. Records inspected may include any document relating to the requirements of ORS 703.401 to 703.490 and these rules.

(b) Failure to cooperate or respond to any investigative inquires or DEBR may result in the issuance of a civil penalty as described in this rule and the revocation or denial of licensure as described in OAR 259-061-0300.

(4) The Department may issue a Cease and Desist Order when an individual is not in compliance with these rules. The order requires the individual to cease and desist providing investigative services in the state of Oregon and will remain in effect until rescinded by the Department.

(5) Complaints and Allegations of Violation.

(a) All complaints or allegations of violations must be submitted on a Department-approved complaint form before an investigation can be initiated, unless the Department grants an exception. The Department may consider additional credible sources of information to determine non-compliance.

(b) A complainant other than the Department must file the complaint with the Department within one year of knowledge of the incident's occurrence.

(c) A preliminary administrative review of the complaint or allegation will be conducted by the Department to ensure there is sufficient information to proceed. Staff may conduct a fact-finding preliminary investigation.

(A) If sufficient information is determined to support the complaint or allegation, the Department may open and conduct an investigation and gather relevant information.

(B) Investigators or other involved parties must respond to any questions or requests within 20 days after a request is mailed by the Department, unless an extension is requested and approved by the Department.

(d) Unless otherwise prohibited by law, if the complainant is a client or former client of the respondent, the complainant must sign the waiver of confidentiality allowing the Department access to records and other materials. Refusal by a complainant to comply with these requirements may result in no investigation of the complaint.

(6) All records related to alleged violations are subject to ORS 192.410 to 192.505, 703.480(2)(a) and ORS 703.473(3).

(7) Procedures for Proposing a Civil Penalty.

(a) The Department may issue an Allegation of Non-Compliance when there is reason to believe a violation has occurred. The purpose of this document is to provide education and allow an opportunity to gain compliance within 30 days without penalty.

(b) The Department will issue a Notice of Violation upon discovery of violation as described in this rule. The Notice will include a statement of found violations and proposed sanctions. An individual may be given the opportunity to remedy the violation and pay a penalty within 10 days of the mailing of the notice.

(A) The Department may extend the time to remedy a violation upon a showing of good cause.

(B) An individual will be given the opportunity to provide mitigation to the Department.

(c) The Department, through the Policy Committee and Board, will issue a Notice of Intent to Propose Civil Penalty upon the failure to remedy a violation or request an extension within 10 days of the mailing of the Notice of Violation.

(8) Hearing Request.

(a) If the Department issues a Notice of Intent to Propose Civil Penalty, an individual is entitled to a contested case hearing in accordance with the applicable provisions of the Attorney General's Model Rules of Procedure adopted under OAR 259-005-0015.

(b) The Department must receive a request for hearing in writing within 20 days of the date the Notice of Intent to Propose Civil Penalty was served on the individual.

(9) Default Order. If a timely request for a hearing is not received, the Notice of Intent to Impose Civil Penalty will become a Final Order Imposing Civil Penalty.

(10) Resolution by Stipulation. The Department is authorized to seek resolution by stipulation, subject to acceptance and approval by the Board and Director, if:

(a) The matter is resolved before entry of a Final Order assessing penalty;

(b) The respondent satisfies all terms set forth by the Department within the time allowed; and

(c) Any stipulated penalty amount is received by the Department.

(11) Civil Penalty Amounts.

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(a) Investigators will be charged a penalty of not more than \$500 for each violation.

(b) Notwithstanding subsection (a), individuals in violation of ORS 703.405 will be charged a penalty of not more than \$5,000 for each violation with maximum penalties not to exceed \$10,000 per year.

(c) For the purposes of imposing civil penalties, the Department will consider each violation of any section or sub-section of ORS 703.401 to 703.490 or any section or subsection of these rules a separate violation.

(12) The Department may reduce or waive civil penalties from the amounts set in this rule in situations where further mitigation is warranted or the matter is resolved by stipulation at any time prior to the entry of a Final Order.

(13) Staff will recommend the full civil penalty amount for individuals that fail to satisfy the terms as stipulated. The recommendation will be reviewed by the Policy Committee and approved by the Board.

(14) An individual accused of a violation will be given the opportunity to provide written mitigation to the Department for consideration by the Department, Policy Committee or the Board.

Stat. Auth: ORS 703.995

Stats. Implemented: ORS 703.995

Hist.: DPSST 7-2006, f. & cert. ef. 5-15-06; DPSST 27-2014, f. & cert. ef. 10-1-14

Rule Caption: To clarify that DPSST certifies police officers for the purposes of ORS 813.131(2).

Adm. Order No.: DPSST 28-2014(Temp)

Filed with Sec. of State: 10-8-2014

Certified to be Effective: 10-8-14 thru 4-6-15

Notice Publication Date:

Rules Amended: 259-008-0060

Subject: ORS 181.131(2), which is the statute governing implied consent, prohibits police officers from requesting a urine test in cases of suspected impaired driving unless the officer is "... certified by the Board on Public Safety Standards and Training as having completed at least eight hours of training in recognition of drug impaired driving ..." [ORS 813.131(2)].

Recently an administrative law judge issued an order addressing the inconsistency of the statute requiring that officers be certified by the Board on Public Safety Standards and Training (Board.) Because ORS 813.131(2) requires that an officer be certified by the Board, evidence that the officer was certified by the Department of Public Safety Standards and Training (DPSST) is not sufficient for the statute.

To remedy this discrepancy, The Department of Motor Vehicles (DMV), in consultation with the Department of Justice (DOJ), will be requesting a technical solution to the statutory language in the 2015 legislative session. In the meantime, at the request of the DMV and DOJ, DPSST is adding language to our rule clarifying that DPSST certifies police officers for the purposes of ORS 813.131(2). This temporary rule will help avoid any further confusion while the permanent rulemaking process is underway, which will include review by the Board.

Rules Coordinator: Sharon Huck—(503) 378-2432

259-008-0060

Public Safety Officer Certification

(1)(a) Basic, Intermediate, Advanced, Supervisory, Management, and Executive Certificates are awarded by the Department to law enforcement officers and telecommunicators meeting prescribed standards of training, education, experience; and the levels established by the employing law enforcement units, or public or private safety agencies. Emergency medical dispatchers may be awarded basic certification only.

(b) The Department of Public Safety Standards and Training certifies police officers for the purposes of ORS 813.131(2).

(2) Basic certification is mandatory and must be acquired by all police officers, parole and probation officers, telecommunicators, and emergency medical dispatchers within 18 months of employment, and by all corrections officers within one year of employment unless an extension is granted by the Department.

(3) To be eligible for the award of a certificate, law enforcement officers must be full-time employees as defined by ORS 181.610 and OAR 259-008-0005 or part-time parole and probation officers, as described in ORS 181.610 and OAR 259-008-0066.

(4) To be eligible for the award of a certificate, law enforcement officers must meet the Board's prescribed minimum employment standards as established by OAR 259-008-0010.

(5) To be eligible for the award of a certificate, telecommunicators must meet the Board's prescribed minimum employment standards as established by OAR 259-008-0011.

(6) To be eligible for the award of a certificate, law enforcement officers must subscribe to and swear or affirm to abide by the Criminal Justice Code of Ethics (Form F11). Telecommunicators and emergency medical dispatchers must subscribe to and swear or affirm to abide by the Telecommunicator Code of Ethics (Form F-11T).

(7) Application for certification must be submitted on Form F7 (Application for Certification), with all applicable sections of the form completed. The form must be signed by the applicant. In order to ensure that the applicant meets the minimum standards of employment, training, education, and experience, and is competent to hold the level of certification for which the applicant has applied, the department head or authorized representative must sign the form recommending that the certificate be issued or withheld. If the department head chooses not to recommend the applicant's request for certification, the reason for this decision must be specified in writing and must accompany the Form F7.

(8) When a department head is the applicant, the above recommendation must be made by the department head's appointing authority such as the city manager or mayor, or in the case of a specialized agency, the applicant's superior. Elected department heads are authorized to sign as both applicant and department head.

(9) In addition to the requirements set forth above, each applicant must have completed the designated education and training, combined with the prescribed corrections, parole and probation, police or telecommunications experience for the award of an Intermediate, Advanced, Supervisory, Management, or Executive Certificate.

(a) Each quarter credit unit granted by an accredited college or university which operates on a quarterly schedule will equal one (1) education credit.

(b) Each semester credit unit granted by an accredited college or university operating on a semester schedule will equal one and one half (1-1/2) education credits.

(c) The Department must receive sealed official transcripts from a college prior to entering college credit on an individual's official record.

(10) Training:

(a) Basic courses certified by the Department shall be approved by the Board.

(b) The Department may record training hours for departmental or other in-service training which is recorded and documented in the personnel files of the trainee's department. These records must include the subject, instructor, classroom hours, date, sponsor, and location.

(c) Training completed in other states, military training, and other specialized training, if properly documented, may be accepted, subject to staff evaluation and approval. These records must include the subject, date, and classroom hours, and must be certified true copies of the original.

(d) College credits earned may be counted for either training hours or education credits, whichever is to the advantage of the applicant.

(e) College credit awarded based on training completed may be applied toward either training hours or education credits, whichever is to the advantage of the applicant.

(A) Prior to applying an applicant's college credit toward any upper level of certification, the Department must receive documentation of the number of college credits awarded based on training attended.

(B) The training hours identified under paragraph (A) and submitted as college credit toward an upper level of certification will not be included in any calculation of whether the applicant has earned sufficient training hours to qualify for the requested certification level.

(i) Any college credit received for practical or skills-based training attended will be calculated at a ratio of 1:20 hours for each quarter credit, for purposes of training hour deductions.

(ii) Any college credit received for academic training attended will be calculated at a ratio of 1:10 hours for each quarter credit, for purposes of training hour deductions.

(f) No credit can be applied toward both education credits and training hours when originating from the same training event.

(11) Experience/Employment:

(a) Experience gained as a corrections, parole and probation, or police officer employed full time with municipal, county, state, or federal agencies, may be accepted if the experience is in the field in which certification is requested and is approved by the Department. For the purpose of this

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rule, creditable service time for experience will not accrue under the following circumstances:

(A) When an individual is employed in a casual, seasonal, or temporary capacity;

(B) When an individual is on leave. A public safety officer may submit a written request for credit for military time served upon return from his or her military duty. The Department will evaluate each written request to determine whether an individual is eligible for any credit for time served;

(C) From the date a public safety officer's certification is suspended until it is reinstated by the Department; or

(D) When a public safety officer fails to obtain Basic certification within a mandated timeframe and is prohibited from being employed as a public safety officer.

(b) Experience acquired as a telecommunicator or emergency medical dispatcher employed with a public or private safety agency may be accepted if the experience is in the field in which certification is requested and is approved by the Department.

(c) Experience acquired as a certified part-time telecommunicator or emergency medical dispatcher as defined in OAR 259-008-0005, or part time parole and probation officer as defined under 259-008-0005 and 259-008-0066, will count on a pro-rated basis.

(d) Police, corrections, parole and probation, telecommunicator, or emergency medical dispatch experience in fields other than that in which certification is requested may receive partial credit when supported by job descriptions or other documentary evidence. In all cases, experience claimed is subject to evaluation and approval by the Department.

(12) The Basic Certificate. In addition to the requirements set forth in section (1) of this rule, the following are required for the award of the Basic Certificate:

(a) Applicants must have completed a period of service of not less than nine (9) months with one or more law enforcement units or public or private safety agencies in a certifiable position in the field in which certification is being requested;

(b) Applicants must have satisfactorily completed the required Basic Course in the field in which certification is requested or have completed equivalent training as determined by the Department; and

(c) Applicants must have valid first aid and cardiopulmonary resuscitation (CPR) cards.

(13) The Intermediate Certificate. In addition to the requirements set forth in section (1) of this rule, the following are required for the award of the Intermediate Certificate:

(a) Applicants must possess a Basic Certificate in the field in which certification is requested; and

(b) Applicants must have acquired the combinations of education hours and training hours combined with the prescribed years of police, corrections, parole and probation or telecommunications experience, or the college degree designated combined with the prescribed years of experience as identified on the chart effective through October 31, 2012: [Table not included. See ED. NOTE.]

(14) Effective November 1, 2012:

(a) Applicants for an Intermediate Certificate in police, corrections or parole and probation must have acquired the combinations of education hours and training hours combined with the prescribed years of experience, or college degree designated combined with the prescribed years of experience as identified on the chart effective November 1, 2012: [Table not included. See ED. NOTE.]

(b) Applicants for an Intermediate Certificate in telecommunications must have acquired the following combinations of education hours, training hours, prescribed years of telecommunications experience, and competency as identified on the chart effective November 1, 2012: [Table not included. See ED. NOTE.]

(c) The years experience must be full-time employment within the discipline for which Intermediate certification is being applied.

(d) The training hours originating from a single training event that are used to meet the training hour requirement for Intermediate certification cannot be applied towards future levels of certification.

(e) The required years of experience are for the purpose of developing and demonstrating competency at the Intermediate level. The signature of the agency head or designee on an F-7 Application for Certification at the Intermediate level represents the agency's attestation that the applicant is performing at a level of competence expected at that certification level.

(15) Applicants for Intermediate certification may apply by satisfying the requirements described in subsection (13) or the requirements described in subsection (14) through October 31, 2015.

(16) The Advanced Certificate. In addition to the requirements set forth in section (1) of this rule, the following are required for the award of the Advanced Certificate:

(a) Applicants must possess or be eligible to possess the Intermediate Certificate in the field in which certification is requested; and

(b) Applicants must have acquired the combinations of education and training hours combined with the prescribed years of corrections, parole and probation, police, telecommunications experience, or the college degree designated combined with the prescribed years of experience as identified on the chart effective through October 31, 2012: [Table not included. See ED. NOTE.]

(17) Effective November 1, 2012:

(a) Applicants for an Advanced Certificate in police, corrections or parole and probation must have acquired the following combinations of education and training hours combined with the prescribed years of experience, or the college degree designated combined with the prescribed years of experience as identified on the chart effective November 1, 2012: [Table not included. See ED. NOTE.]

(b) Applicants for an Advanced Certificate in telecommunications must have acquired the following combinations of education hours, training hours, prescribed years of telecommunications experience, and competency as identified on the chart effective November 1, 2012: [Table not included. See ED. NOTE.]

(c) The years of experience must be full-time employment within the discipline for which Advanced certification is being applied.

(d) The training hours originating from a single training event that are used to meet the training hour requirement for Advanced certification cannot be applied towards future levels of certification.

(e) The required years of experience are for the purpose of developing and demonstrating competency at the Advanced level. The signature of the agency head or designee on an F-7 Application for Certification at the Advanced level represents the agency's attestation that the applicant is performing at a level of competence expected at that certification level.

(18) Applicants for Advanced certification may apply by satisfying the requirements described in subsection (16) or the requirements described in subsection (17) through October 31, 2015.

(19) The Supervisory Certificate. In addition to requirements set forth in section (1) of this rule, the following are required for the award of the Supervisory Certificate:

(a) Applicants must possess or be eligible to possess the Advanced Certificate in the field in which certification is requested;

(b) Applicants must have satisfactorily completed no less than 45 education credits as defined in section (10) of this rule;

(c) Applicants must have satisfactorily completed the prescribed Supervision training within five (5) years prior to application for the Supervisory Certificate; and

(d) Applicants must be presently employed in, or have satisfactorily performed the duties associated with, the position of a first-level supervisor as defined in OAR 259-008-0005 and as attested to by the applicant's department head during the time such duties were performed for a period of one (1) year. The required experience must have been acquired within five (5) years prior to the date of application.

(e) Upon request of the employing agency, the Department may waive the requirements of subsection (c) or (d) of this section, provided the employing agency demonstrates that the applicant performs, on a regular basis, supervisory duties.

(20) The Management Certificate. In addition to requirements set forth in section (1) of this rule, the following are required for the award of the Management Certificate:

(a) Applicants must possess or be eligible to possess the Supervisory Certificate in the field in which certification is requested;

(b) Applicants must have satisfactorily completed no less than 90 education credits as defined in section (10) of this rule;

(c) Applicants must have satisfactorily completed the prescribed Middle Management training within five (5) years prior to application for the Management Certificate; and

(d) Applicants must be presently employed in and must have served satisfactorily in a Middle Management position as a Department Head or Assistant Department Head as defined in OAR 259-008-0005 for a period of two (2) years. The required experience must have been acquired within five (5) years prior to the date of application.

(e) Upon request of the employing agency, the Department may waive the requirements of subsection (c) or (d) of this section, provided the employing agency demonstrates that the applicant performs, on a regular basis, management duties.

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(21) The Executive Certificate. In addition to requirements set forth in section (1) of this rule, the following are required for the award of the Executive Certificate:

(a) Applicants must possess or be eligible to possess the Management Certificate in the field in which certification is requested;

(b) Applicants must have satisfactorily completed no less than 90 education credits as defined in section (10) of this rule;

(c) Applicants must have satisfactorily completed 100 hours of Department-approved executive level training within five (5) years prior to application for the Executive Certificate; and

(d) Applicants must be presently employed in and must have served satisfactorily in a Middle Management position as Department Head or Assistant Department Head as defined in OAR 259-008-0005 for a period of two (2) years. The required experience must have been acquired within five (5) years prior to the date of the application.

(e) Upon request of the employing agency, the Department may waive the requirements of subsection (c) or (d) of this section, provided the employing agency demonstrates that the applicant performs, on a regular basis, the duties associated with that of a department head or assistant department head.

(22) Multi-discipline Certification. Upon receiving written request from the department head stating a justified and demonstrated need exists for the efficient operation of the employing agency, the Department may approve multi-discipline certification for law enforcement officers who meet all minimum employment, training and education standards established in OAR 259-008-0010, 259-008-0011, 259-008-0025, and this rule, in the disciplines which they are requesting certification. The officer must meet the following requirements for the award of multi-discipline certification:

(a) Basic certification. A law enforcement officer who is certified in one discipline may apply for multi-discipline certification if employed in or transferred to another discipline within the same law enforcement unit. The applicant must demonstrate completion of all training requirements in the discipline in which certification is being requested.

(b) Higher levels of certification. Law enforcement officers who possess higher levels of certification in one discipline may, upon employment in or transfer to another discipline within the same law enforcement unit, apply for the same level of certification after completion of nine (9) months experience in the discipline in which they are requesting certification and meeting the requirements for those higher levels of certification as outlined in this rule. This section does not apply to the emergency medical dispatcher discipline since it only exists at the basic certification level.

(c) Retention of multi-discipline certification. In order to maintain multi-discipline certification, each discipline in which certification is held requires successful completion and documentation of training hours by the holders of the certificates every twelve (12) months. The training must be reported to the Department, as follows:

(A) For a law enforcement officer who also holds emergency medical dispatcher certification, a minimum of four (4) hours of training specific to the emergency medical dispatcher discipline must be reported annually as required under OAR 259-008-0064.

(B) For a law enforcement officer who also holds telecommunicator certification, a minimum of twelve (12) hours of training specific to the telecommunicator discipline must be reported annually as required under OAR 259-008-0064.

(C) A minimum of twenty (20) hours of training specific to each law enforcement discipline in which certification is held must be reported annually as required under subsections (h) through (l) of this section.

(d) The same training may be used for more than one discipline if the content is specific to each discipline. It is the responsibility of the agency head to determine if the training is appropriate for more than one discipline.

(e) The maintenance training cycle for law enforcement officers who are certified in more than one discipline begins on July 1st of each year and ends on June 30th the following year.

(f) The employing agency must maintain documentation of all required maintenance training completed.

(g) If reported on a Form F-6 (Course Attendance Roster), required maintenance training must be submitted to the Department by June 30th of each year. Training reported on a Form F-6 will result in credit for training hours. No training hours will be added to a law enforcement officer's record, unless accompanied by a Form F-6 Course Attendance Roster.

(h) On or after July 1st of each year, the Department will identify all law enforcement officers who are deficient in maintenance training according to Department records. A Contested Case Notice of Intent to Suspend will be prepared and served on the law enforcement officer pursuant to

ORS 181.662(c) and these rules. A copy of the Notice will be sent to the officer's employing agency.

(A) All Contested Case Notices will be prepared in accordance with the applicable provisions of the Attorney General's Model Rules of Procedure adopted under OAR 259-005-0015.

(B) A law enforcement officer who has been served with a Contested Case Notice of Intent to Suspend has 30 days from the date of mailing or personal service of the notice to notify the Department of the training status identified as deficient by submitting a Form F-16 (Maintenance Training Log) to the Department identifying the maintenance training completed during the previous one (1) year reporting period, or to file a written request for hearing with the Department.

(C) Maintenance training hours reported to the Department on a Form F-16 will be used solely to verify completion of maintenance training requirements and will not be added to an officer's training record.

(i) Default Order: If the required training is not reported to the Department or a request for a hearing received within 30 days from the date of the mailing or personal service of the notice, the Contested Case Notice will become a final order suspending certification pursuant to OAR 137-003-0672.

(j) A law enforcement officer with a suspended certification is prohibited from being employed in any position for which the certification has been suspended.

(k) Recertification following a suspension may be obtained, subject to Department approval, by submitting the following:

(A) A written request from the employing agency head requesting recertification, along with a justification of why the maintenance training was not completed; and

(B) Verification that the missing training was completed.

(l) Failure to complete the required maintenance training may not result in a suspension of certification if the law enforcement officer is on leave from a public or private safety agency.

(23) Certificates and awards are the property of the Department. The Department has the power to revoke or suspend any certificate or award as provided in the Act.

[ED. NOTE: Forms & Tables referenced are available from the agency.]

Stat. Auth.: ORS 181.640, 181.644, 181.651, 181.652, 181.653, 181.654 & 181.665
Stats. Implemented: ORS 181.640, 181.644, 181.651, 181.652, 181.653, 181.654 & 181.665
Hist.: PS 12, f. & ef. 12-19-77; PS 1-1979, f. 10-1-79, ef. 10-3-79; PS 1-1980(Temp), f. & ef. 6-26-80; PS 2-1980, f. & ef. 12-8-80; PS 1-1981, f. 9-26-81, ef. 11-2-81; PS 1-1983, f. & ef. 12-15-83; PS 1-1985, f. & ef. 4-24-85; Renumbered from 259-010-0055, PS 1-1990, f. & cert. ef. 2-7-90; PS 1-1995, f. & cert. ef. 3-30-95, PS 2-1995, f. & cert. ef. 9-27-95; PS 7-1997, f. 3-20-97, cert. ef. 3-25-97; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 1-1999, f. & cert. ef. 3-9-99; BPSST 6-1999, f. & cert. ef. 7-29-99; BPSST 11-2000, f. 11-13-00, cert. ef. 11-15-00; BPSST 13-2001(Temp), f. & cert. ef. 10-26-01 thru 4-10-02; BPSST 8-2002, f. & cert. ef. 4-3-02; BPSST 21-2002, f. & cert. ef. 11-21-02; DPSST 1-2004, f. 1-16-04, cert. ef. 1-20-04; DPSST 5-2004, f. & cert. ef. 4-23-04; DPSST 2-2008, f. & cert. ef. 1-15-08; DPSST 9-2008, f. & cert. ef. 7-15-08; DPSST 22-2008, f. & cert. ef. 12-29-08; DPSST 4-2009, f. & cert. ef. 4-8-09; DPSST 1-2010, f. & cert. ef. 1-11-10; DPSST 2-2010, f. & cert. ef. 3-15-10; DPSST 4-2010, f. & cert. ef. 6-2-10; DPSST 7-2010, f. 7-15-10, cert. ef. 8-1-10; DPSST 8-2010, f. & cert. ef. 8-13-10; DPSST 8-2011, f. & cert. ef. 6-24-11; DPSST 17-2011, f. & cert. ef. 12-23-11; DPSST 23-2012, f. 10-25-12, cert. ef. 11-1-12; DPSST 31-2012, f. & cert. ef. 12-27-12; DPSST 15-2013, f. & cert. ef. 6-25-13; DPSST 1-2014, f. & cert. ef. 1-2-14; DPSST 12-2014, f. & cert. ef. 6-24-14; DPSST 28-2014(Temp), f. & cert. ef. 10-8-14 thru 4-6-15

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Department of Transportation, Driver and Motor Vehicle Services Division Chapter 735

Rule Caption: Clarifies requirements to reactivate a group status for special registration plates

Adm. Order No.: DMV 9-2014

Filed with Sec. of State: 9-19-2014

Certified to be Effective: 9-19-14

Notice Publication Date: 8-1-2014

Rules Amended: 735-040-0100

Subject: If production of a group's plate (issued under 805.205) is discontinued, in order to restart production the group must reapply as a new group and pay all required fees.

DMV has interpreted its statutes and rules to mean that once a group becomes inactive, it is required to apply as a new group. This includes: 1) Meeting the general qualifications under ORS 805.205 and DMV rules for a group to be eligible for group plates; and 2)

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Paying the department an application fee of \$10,000 and all of the department's anticipated costs as required under ORS 805.206.

Section (5) was amended to clarify the procedure to restart production of a group's plate, when, after the plate is approved, it is determined the plate includes a word(s), initial(s), image or logo that is inconsistent with statute or rule.

Rules Coordinator: Lauri Kunze—(503) 986-3171

735-040-0100

Refund of Fees; Withdrawal and Reinstatement of Group Plates

(1) DMV will refund a group's \$10,000 application fee if the group sells at least 1,000 sets of plates within the first 12-month period following issuance of the plates. The refund will be issued in the name of the group and mailed to the group's authorized representative designated on the group plate application form.

(2) DMV will stop production of a group's plate if the group:

(a) Fails to provide an annual statement as required under 735-040-0095 or 735-040-0097;

(b) The group ceases to exist;

(c) The group's approval is otherwise withdrawn;

(d) DMV determines the word(s), initials, image or logo used to name or describe the group are inconsistent with statute or rule; or

(e) DMV fails to sell or renew at least 500 sets of plates within any 12 consecutive month period. For purposes of this rule and OAR 735-040-0055, 735-040-0061, 735-040-0095 or 735-040-0097:

(A) "Sets" mean any plate(s) issued other than those issued as a replacement plate(s), whether one or two plates are issued; and

(B) The first day of the month in which the group plates are first offered for sale will be used to determine the start of the first 12-month period.

(3) DMV will notify the group's authorized representative if DMV will no longer produce plates for the group.

(4) Except as provided in section (5) of this rule, when DMV stops producing a group's plate, DMV will issue the remaining inventory.

(5) If DMV determines a group's plate contains a word, initial, image or logo that violates statute or rule, DMV will stop producing the plate and destroy the inventory. Upon request of the group, DMV may approve and produce a different plate:

(a) If the group is eligible and qualified for group plates; and

(b) Upon payment of fees estimated by DMV to cover its costs to produce the requested plate.

(6) If production of a group's plate is discontinued for reasons other than those described in section (5) of this rule, to restart production, the group must reapply as a new group and pay all required fees as described in OAR 735-040-0055, 735-040-0061, 735-040-0095 or 735-040-0097.

Stat. Auth.: ORS 184.616; 184.619, 802.010, 805.205 & 805.206

Stats. Implemented: ORS 805.205 & 805.206

Hist.: DMV 2-1994, f. & cert. ef. 3-17-94; DMV 3-1995, f. 3-9-95, cert. ef. 3-20-95; DMV 29-2003(Temp), f. 12-15-03, cert. ef. 1-1-04 thru 6-28-04; DMV 14-2004, f. & cert. ef. 6-24-04; DMV 22-2007(Temp), f. 12-24-07, cert. ef. 1-1-08 thru 6-27-08; DMV 14-2008, f. & cert. ef. 6-23-08; DMV 9-2014, f. & cert. ef. 9-19-14

Rule Caption: Implied Consent Hearing Requests and Police Officer Official Duty Conflict

Adm. Order No.: DMV 10-2014

Filed with Sec. of State: 9-19-2014

Certified to be Effective: 9-19-14

Notice Publication Date: 8-1-2014

Rules Amended: 735-090-0020, 735-090-0042, 735-090-0120

Subject: These rules outline how a petitioner or police officer may request an in-person hearing and what occurs when a police officer is unable to attend a hearing. After the rules were questioned, DMV determined that OAR 735-090-0020 was not clear regarding the ability of a petitioner to change a request for an in-person hearing after the initial time period outlined in rule. Therefore, DMV amended OAR 735-090-0020 to specify when a request from a petitioner can be made or amended. DMV amended OAR 735-090-0042 to clarify when a police officer may amend a request for an in-person hearing to correspond with the amendments in OAR 735-090-0020.

In 261OR App, A150353, Johnson v. DMV, 3/26/14, the Oregon Court of Appeals determined that DMV had incorrectly interpreted official duty conflict when defining acceptable conflicts that prevent a law enforcement officer from appearing at an implied consent hear-

ing. The case specifically involved the conflict of jury duty. In reviewing the court's opinion, DMV determined that, in some cases, other conflicts currently listed in administrative rule would be in conflict with the court's ruling as they do not specifically involve the police officer having a conflict caused by his or her duties as a police officer. Therefore, DMV amended OAR 735-090-0120 to clarify what constitutes official duty conflict. Hazardous or impeding travel conditions and service in the military have been removed since they are not related to the duties of a police officer.

Rules Coordinator: Lauri Kunze—(503) 986-3171

735-090-0020

Hearings Requests

(1) A hearing request must be in writing. The request should include:

(a) Petitioner's full name;

(b) Petitioner's complete mailing address;

(c) Date of arrest;

(d) Petitioner's Oregon driver license number;

(e) Petitioner's date of birth;

(f) Telephone number where petitioner can be called between 8 a.m. and 5 p.m.;

(g) Brief statement of the issues the petitioner proposes to raise at the hearing; and

(h) Dates and times the petitioner or attorney cannot participate in a hearing.

(2) A petitioner may request an in-person hearing either as part of the hearing request or as an amendment to the hearing request. The request for in-person hearing or any amendment to the request for an in-person hearing must be made within the time requirements specified in section (4), (5) or (6) of this rule. A petitioner may request an in-person hearing when submitting a late hearing request but may not amend the request.

(3) A request for an interpreter for a non-English speaking petitioner must be part of the hearing request.

(4) To be considered timely, a hearing request submitted pursuant to ORS 813.132 or 813.410(3), for failure of a breath test or refusal of a breath, blood or urine test, must be received by DMV by the tenth day following the arrest of the petitioner. Oregon Rules of Civil Procedure 10A (ORCP 10A) will be used to determine the computation of time.

(5) To be considered timely, a hearing request submitted pursuant to ORS 813.410(3), for failure of a blood test, must be received by DMV by the tenth day from the date DMV sends notice of suspension. ORCP 10A will be used to determine the computation of time.

(6) DMV will issue a final order denying an untimely hearing request unless the petitioning party demonstrates that the request should be granted under ORS 813.440.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 183.341, 184.616, 184.619, 802.010, 813.410 & 813.440

Stats. Implemented: ORS 813.410 & 813.440

Hist.: MV 5-1984, f. 6-29-84, ef. 7-1-84; MV 10-1985, f. 9-19-85, ef. 9-20-85; Administrative Renumbering 3-1988, Renumbered from 735-021-0110; MV 2-1991, f. & cert. ef. 3-18-91; MV 15-1993, f. 10-22-93, cert. ef. 11-4-93; DMV 3-1996, f. & cert. ef. 7-26-96; DMV 21-2002, f. & cert. ef. 11-18-02; DMV 23-2004, f. & cert. ef. 11-17-04; DMV 14-2007, f. & cert. ef. 12-24-07; DMV 24-2010, f. 12-22-10, cert. ef. 1-1-11; DMV 10-2014, f. & cert. ef. 9-19-14

735-090-0042

Police Officer Request for an In-Person Hearing

A police officer may request that any hearing required under ORS 813.410 be an in-person hearing. The request may be made by:

(1) Marking the box provided on the Implied Consent Combined Report, Form 735-0075, or Implied Consent Blood Test Failure Report, Form 735-0055; or

(2) Submitting a separate written request to DMV Hearings Case Management Unit. The request may be:

(a) Personally delivered to DMV Headquarters, 1905 Lana Ave. NE, Salem, OR;

(b) Delivered by mail to DMV Headquarters, 1905 Lana Ave. NE, Salem, OR 97314; or

(c) Received by facsimile machine at telephone number (503) 945-5521.

(3) To be considered timely, an officer's in-person hearing request submitted pursuant to ORS 813.132 or 813.410(3), for failure of a breath test or refusal of a breath, blood or urine test, must be received by DMV by the tenth day following the arrest of the petitioner. Oregon Rules of Civil Procedure 10A (ORCP 10A) will be used to determine the computation of time.

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(4) To be considered timely, a hearing request submitted pursuant to ORS 813.410(3), for failure of a blood test, must be received by DMV by the 45th day following the arrest of the petitioner. ORCP 10A will be used to determine the computation of time.

(5) A police officer may amend the request for an in-person hearing within the time requirement specified in section (3) or (4) of this rule.

Stat. Auth.: ORS 183.341, 184.616, 184.619, 802.010, 813.410 & 813.440

Stats. Implemented: ORS 813.410 & 813.440

Hist.: DMV 24-2010, f. 12-22-10, cert. ef. 1-1-11; DMV 10-2014, f. & cert. ef. 9-19-14

735-090-0120

Police Officer Unable to Appear at Hearing

(1) If a subpoenaed police officer is unable to appear at a hearing under ORS 813.410 due to an officer's illness, vacation or official duty conflicts, a hearing will be re-scheduled as soon as practicable.

(2) DMV will rescind the suspension of the petitioner's driving privileges pending the outcome of the hearing conducted pursuant to ORS 813.440(1)(d).

(3) The DMV or OAH may receive notification of an officer's illness, vacation or official duty conflict before or after a scheduled hearing. Post hearing notification must be received by the DMV or OAH no later than 10 days after the hearing. Verification must be to the satisfaction of the DMV.

(4) An official duty conflict exists if the subpoenaed police officer is unable to attend the hearing due to any of the following conditions:

- (a) Community caretaking pursuant to ORS 133.033;
- (b) Court appearance on behalf of the police officer's agency;
- (c) Participating in employer approved training; or
- (d) Duty-related physical incapacity.

(5) Nothing in this rule prevents the taking of evidence at the time of the originally scheduled hearing and continuing the hearing for the testimony of the unavailable police witness(es).

Stat. Auth.: ORS 183.341, 184.616, 813.410 & 813.440

Stats. Implemented: ORS 813.410 & 813.440

Hist.: MV 15-1993, f. 10-22-93, cert. ef. 11-4-93; DMV 7-1997, f. & cert. ef. 9-18-97; DMV 14-2007, f. & cert. ef. 12-24-07; DMV 30-2009, f. 12-22-09, cert. ef. 1-1-10; DMV 10-2014, f. & cert. ef. 9-19-14

Department of Transportation, Motor Carrier Transportation Division Chapter 740

Rule Caption: Agency Representation in Contested Cases

Adm. Order No.: MCTD 3-2014

Filed with Sec. of State: 9-22-2014

Certified to be Effective: 9-22-14

Notice Publication Date: 8-1-2014

Rules Amended: 740-010-0010

Subject: These rules describe the role of agency representation in a contested case hearing. The Attorney General is authorized to consent to lay representation in a particular hearing or particular classes of hearings in accordance with ORS 183.452. The Attorney General has approved Oregon Department of Transportation; Motor Carrier Transportation Division lay representation for the following type of contested case hearing: assessment of civil monetary penalties for violations of ORS 818, 823, 825, 826 or related rules, suspension or cancellation of motor carrier operating authority, cancellation of registration or tax identification plates issued to motor carriers or farmers, surety bond increase, tariff docket, and reassessment of cases involving weight-mile tax, commercial or prorate registration fees, road use assessment fees or fuel taxes pursuant to ORS 818, 825, and 825 or related rules. The amendment rectifies the exclusion of the reference to ORS Chapter 818 Vehicle Limits. In addition, the rulemaking adds the reference to the road use assessment fees to the cases for reassessment that was excluded from the rule.

Rules Coordinator: Lauri Kunze—(503) 986-3171

740-010-0010

Agency Representation at Contested Case Hearings

(1) The Attorney General has given written consent as required by ORS 183.452 for an officer or employee of the Department of Transportation to appear on behalf of the agency in the following types of contested case hearings conducted by ODOT:

(a) Assessment of civil monetary penalties for violation(s) of ORS Chapter 818, 823, 825 and 826 or related rules;

(b) Suspension or cancellation of motor carrier operating authority;

(c) Cancellation of registration or tax identification plates issued to motor carriers or farmers;

(d) Surety bond increase;

(e) Tariff docket; and

(f) Reassessment cases involving weight-mile tax, commercial or prorate registration fees, road use assessment fees, or fuel taxes pursuant to ORS Chapter 818, 825 and 826 or related rules.

(2) The agency representative may present evidence, ask questions of witnesses and present factual arguments.

(3) The agency representative may not make legal argument on behalf of the agency.

(a) "Legal argument" includes arguments on:

(A) The jurisdiction of the agency to hear the contested case;

(B) The constitutionality of a statute or rule or the application of a constitutional requirement to an agency; and

(C) The application of court precedent to the facts of the particular contested case proceeding.

(b) "Legal argument" does not include presentation of evidence, examination and cross-examination of witnesses or presentation of factual arguments or arguments on:

(A) The application of the facts to the statutes or rules directly applicable to the issues in the contested case;

(B) Comparison of prior actions of the agency in handling similar situations;

(C) The literal meaning of the statutes or rules directly applicable to the issues in the contested case; and

(D) The admissibility of evidence or the correctness of procedures being followed.

(4) When an agency officer or employee represents the agency, the presiding officer shall advise such representative of the manner in which objections may be made and matters preserved for appeal. Such advice is of procedural nature and does not change applicable law on waiver or the duty to make timely objection. Where such objections involve legal argument, the presiding officer shall provide reasonable opportunity for the agency officer or employee to consult legal counsel and permit such legal counsel to file written legal argument within a reasonable time after conclusion of the hearing.

Stat. Auth.: ORS 184.616, 814.619 & 823.011

Stats. Implemented: ORS 183.450, 823.031 & 823.033

Hist.: MCT 7-1997, f. & cert. ef. 9-18-97; MCTD 3-2014, f. & cert. ef. 9-22-14

Rule Caption: Annual Report for Exempt Operations

Adm. Order No.: MCTD 4-2014

Filed with Sec. of State: 9-22-2014

Certified to be Effective: 9-22-14

Notice Publication Date: 8-1-2014

Rules Adopted: 740-030-0045

Subject: In accordance with ORS 825.018, owners or operators of vehicles exempt from the provisions of ORS Chapter 825 provided in ORS 825.017 must file an annual report showing the miles of travel by registered weight class of the vehicles for each exempt vehicle. This new rule determines the form and manner the exempt operations will be reported to the Department. An annual report has been created to capture the requirements listed in statute. The annual report includes operations from the prior year and is due no later than March 31st of the following year.

Rules Coordinator: Lauri Kunze—(503) 986-3171

740-030-0045

Annual Report for Operations Exempt Under ORS 825.017

(1) Any owner or operator of a motor vehicle exempt from the provisions of ORS Chapter 825 by 825.017 must file an annual report form number 735-9948. The annual report will cover operations for the prior calendar year. The report must be filed no later than the 31st day of March following the year in which the operations occurred.

(2) The owner or operator's report must:

(a) Identify the specific exemption of ORS 825.017;

(b) List the mileage for each exempt vehicle; and

(c) Include the registered weight class for each exempt vehicle.

Stat. Auth.: ORS 184.616, 184.619, 823.011 & 825.018

Stats. Implemented: ORS 825.017 & 825.018

Hist.: MCTD 4-2014, f. & cert. ef. 9-22-14

ADMINISTRATIVE RULES

Rule Caption: Determination of Mailing Date

Adm. Order No.: MCTD 5-2014

Filed with Sec. of State: 9-22-2014

Certified to be Effective: 9-22-14

Notice Publication Date: 8-1-2014

Rules Adopted: 740-055-0045

Subject: These rules describe the records, reports, accounting, fees, taxes and penalties requirements for Weight-Mile Tax. United States Postal Service (USPS) postmarks are not required for mailings bearing a permit, meter, or pre-canceled stamp for postage; however, the USPS offers a manual postmark at the counter. The postmark or cancellation mark is used by the Department to determine if the report or fee is late. The new rule provides a method to determine a report date when the report is mailed through USPS and the cancellation mark is absent or unreadable by allowing the Department to apply a five day grace period to the receive date of the reports or fees mailed through the USPS.

Rules Coordinator: Lauri Kunze—(503) 986-3171

740-055-0045

Determination of Mailing Date

For reports and payments transmitted through the United States Postal Service on which the post-office cancellation mark on the envelope or wrapper containing the report or payment is omitted or is not legible, the department will consider the report or fee deposited in the United States mail as five (5) postal delivery days prior to the date received by the department.

Stat. Auth.: ORS 184.616, 184.619 & 823.011

Stats. Implemented: ORS 818.225, 825.472 & 825.555

Hist.: MCTD 5-2014, f. & cert. ef. 9-22-14

Rule Caption: Household Goods Respondents for General Rate Increases

Adm. Order No.: MCTD 6-2014

Filed with Sec. of State: 9-22-2014

Certified to be Effective: 9-22-14

Notice Publication Date: 8-1-2014

Rules Amended: 740-050-0610

Subject: These rules govern the transportation of intrastate household goods. This amendment increases the revenue generated from an independent tariff from \$250,000 to \$500,000. Respondents for general rate increases are specified as all carriers who are members of Oregon tariff bureaus or who publish individual tariffs that generate more than \$250,000 annually. The increase is necessary to align revenues generated from collective rate tariffs and independent tariffs at consistent aggregated amounts.

Rules Coordinator: Lauri Kunze—(503) 986-3171

740-050-0610

Procedures for Changing Tariffs

(1) All rates, fares, charges, classifications and rules and regulations governing the practices or services of a motor carrier participating in joint line rates or transporting household goods or engaging in regular route full-service scheduled transportation of passengers in intrastate commerce in Oregon must be filed as a tariff and fixed by order of the Department. Changes in tariffs must be made pursuant to Division 50 rules.

(2)(a) Written petitions to amend tariffs may be submitted to the Department by a household goods carrier, a regular route full-service scheduled passenger carrier, carriers participating in a joint line rate, a tariff bureau under OAR 740-050-0640, or by any other party having an interest in the matter;

(b) The Department may permit a tariff change to become temporarily effective if that action is in the public interest.

(3)(a) All petitions for changes in tariffs will be assigned for public hearing. The hearing notice will set the time and place for the hearing;

(b) If the petition is for a general increase, the Department will use the Oregon Consumer Price Index-Urban (ORCPI-U) as the basis for determining if the requested increase is justified. The Department will use a comparison of the ORCPI-U in effect at the time of the last general increase with the current ORCPI-U;

(c) As used in this rule, "general increase" means a general increase in, restructuring of, or substantial change in rates previously approved by

the Oregon Public Utility Commission or the Oregon Department of Transportation.

(4)(a) The Department's notice will designate as respondents in petitions for general increases, unless specifically exempted, all carriers who participate in joint line tariffs, or possess authority to transport household goods and who are members of Oregon tariff bureaus pursuant to OAR 740-050-0640, or who publish individual tariffs and generate Oregon intrastate revenues from economically regulated commodities of \$500,000 or more annually;

(b) Exemptions under subsection (4)(a) of this rule may be granted by the Department upon a showing that the territory served by the carrier, or the carrier's method of operation is such that the carrier does not compete with the petitioner;

(c) If the Department approves the petition for general increase, the tariff change will apply to all respondents. A respondent may tender evidence at the hearing justifying independent rates which will apply only to that carrier. Upon giving seven days written notice to the Department, the petitioning carrier and any supporting rate bureau, any respondent may participate at the hearing as a party in opposition to application of the proposed general increases for its account. Upon a proper showing the Department may exclude such respondent from the application of the general increase proposal.

(5)(a) A tariff bureau may support or oppose another tariff bureau's petition at the Department's hearing;

(b) If the Department approves a tariff bureau petition which is not a general increase, the tariff change will apply to members of all Oregon tariff bureaus;

(c) For a tariff bureau petition, other than that described in section (3) of this rule, the notice shall describe as respondents all carriers who possess authority and who are members of Oregon tariff bureaus pursuant to OAR 740-050-0640.

(6) Individual carrier proposals submitted by independent action and approved by the Department shall apply only to the petitioning carrier.

Stat. Auth.: ORS 184.616, 184.619 & 823.011

Stats. Implemented: ORS 825.200, 825.202, 825.224 & 825.226

Hist.: PUC 19, f. 7-3-58, ef. 1-1-50 (Order No. 24027); PUC 120, f. 10-26-62, ef. 11-15-62 (Order No. 38811); PUC 135, f. 5-9-66, ef. 5-15-66 (Order No. 42332); PUC 148, f. 7-29-68, ef. 9-1-68 (Order No. 44783); PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); PUC 2-1980, f. & ef. 3-27-80 (Order No. 80-179); Renumbered from 860-037-0300; PUC 10-1981, f. & ef. 10-30-81 (Order No. 81-777); PUC 1-1983, f. & ef. 1-17-83 (Order No. 83-024); PUC 10-1983(Temp), f. & ef. 9-1-83 (Order No. 83-538); PUC 3-1984(Temp), f. & ef. 2-15-84 (Order No. 84-113); PUC 14-1984, f. & ef. 7-27-84 (Order No. 84-578); PUC 20-1985, f. & ef. 11-8-85 (Order No. 85-1087); MCT 2-1996, f. & cert. ef. 2-16-96; Renumbered from 860-067-0300; MCT 3-1996, f. & cert. ef. 3-14-96; MCTB 7-2000, f. 12-15-00 cert. ef. 1-1-01; MCTD 8-2005, f. & cert. ef. 12-14-05; MCTD 6-2014, f. & cert. ef. 9-22-14

Rule Caption: Electronic Truck Tracking Reports

Adm. Order No.: MCTD 7-2014

Filed with Sec. of State: 9-22-2014

Certified to be Effective: 9-22-14

Notice Publication Date: 8-1-2014

Rules Adopted: 740-065-0000, 740-065-0005, 740-065-0010, 740-065-0015, 740-065-0020, 740-065-0025, 740-065-0030, 740-065-0035, 740-065-0040, 740-065-0045, 740-065-0050

Subject: This rulemaking supports the development of automated electronic systems operated by motor carrier agents that accurately and reliably transmit, process, and store operating data from motor vehicles and which allows the generation of tax reports and the transmission of taxes, fees for the use of highways under Oregon Highway Use Tax. The new rules specify the procedures and requirements for the motor carrier agents that will operate the automated electronic systems and provides the framework for motor carriers that voluntarily subscribe to electronic truck tracking reports to pay their taxes to Oregon. In addition, the new rules promote the development and use of the latest technologies to improve the operating efficiencies of the state and trucking industries in Oregon.

Rules Coordinator: Lauri Kunze—(503) 986-3171

740-065-0000

Purpose

These rules are adopted by the Oregon Department of Transportation to:

(1) Promote the development and use of the latest technologies to improve the operating efficiencies of the state and trucking industries in Oregon;

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(2) Promote the use and development of automated electronic systems operated by third party agents that accurately and reliably transmit, process and store operating data from motor carrier vehicles that allow the generation of tax reports and transmission of taxes and fees for the use of highways under Oregon Highway Use Tax, ORS 825.450, et seq.; and

(3) Specify the procedures and requirements for the third party agents that operate the automated electronic systems and the motor carriers that choose to participate in this voluntary program.

Stat. Auth.: ORS 184.616, 184.619 & 823.011

Stats. Implemented: ORS 825.137, 825.139, 825.232, 825.450, 825.474, 825.480 & 825.490

Hist.: MCTD 7-2014, f. & cert. ef. 9-22-14

740-065-0005

Definitions

As used in these rules, unless the context requires otherwise:

(1) "Assessment" means an assessment for the highway use tax.

(2) "Department" means the Oregon Department of Transportation.

(3) "Electronic Highway Use Tax" or "EHUT" means taxes and fees payable to the Department under ORS Chapters 818, 825 and 826 for the use of public highways.

(4) "EHUT vehicle" means a motor vehicle equipped with technology provided by an electronic system provider.

(5) "EHUT information" means:

(a) Information that is generated or collected by an electronic system provider for any purpose relating to the provision of services of reporting taxes and fees; and

(b) Information relating to:

(A) The identity and business address of a motor carrier which is operating a vehicle;

(B) The distance travelled by a motor vehicle;

(C) The location of a motor vehicle for the purpose of verifying the taxable status of the distance travelled; and

(D) A fault with an electronic distance recorder or tampering (including suspected tampering) with an electronic distance recorder.

(6) "Electronic distance recorder" means an electronic device that conforms to published Departmental requirements and:

(a) Records in miles;

(b) Is of a nature and accuracy sufficient to provide a reliable record of the distance travelled by the Electronic Highway Use Tax (EHUT) vehicle; and

(c) Is an electronic distance recorder provided by an electronic system provider.

(7) "Electronic system" means a system involving the use of electronic equipment and other technology situated in, or fitted to, an EHUT vehicle and that has the capacity to measure, monitor, collect, store, display, analyze, communicate, and report information relating to:

(a) The identity, distance travelled by, and location of the EHUT vehicle; and

(b) The integrity, security, and normal operation of the system.

(8) "Electronic system provider" means a person or entity (primary provider, not their agent) that provides electronic distance recorders conforming to Departmental published standards.

(9) "Fail," in relation to an electronic system, means:

(a) A failure of the system to perform as intended in terms of accuracy, security, reliability, verifiability, or any other performance indicator; and

(b) Includes a permanent failure, a temporary failure, or the failure of the system on a particular occasion or in particular circumstances.

(10) "Motor carrier" and "Carrier" have the meaning given in ORS 825.005(1), (7), and (11).

(11) "Motor vehicle" has the meaning given in ORS 825.005(9).

(12) "Reading," in relation to a distance recorder, means the reading of distance recorded on the distance recorder at any particular time.

(13) "Records," in relation to an EHUT vehicle, mean the following documents that relate to the use and maintenance of the vehicle or vehicles:

(a) Daily distance records as prescribed in OAR 740-055-0120; and

(b) Fuel invoice records as prescribed in OAR 740-055-0110; and

(c) Daily records as prescribed in OAR 740-200-0010 and OAR 740-200-0040; and

(d) EHUT information as defined in these rules.

(14) "Public highway" has the meaning as defined in ORS 825.005(14).

(15) "Vehicle inspection" means an inspection of an EHUT vehicle for fitness.

(16) "Vehicle inspector" has the meaning defined in ORS 810.560.

(17) Vehicle management system, in relation to an EHUT vehicle, means an electronic control system situated in the vehicle that:

(a) Receives inputs from the engine of the EHUT vehicle; or

(b) May receive inputs from other sources or systems of the EHUT vehicle; or

(c) Controls one or more functions of the EHUT vehicle; or

(d) Stores data relating to the operation of the EHUT vehicle.

(18) Subscribing motor carrier means a motor carrier that owns or operates a motor vehicle that is fitted with a properly operating electronic distance recorder supplied by an electronic system provider.

Stat. Auth.: ORS 184.616, 184.619 & 823.011

Stats. Implemented: ORS 818.225, 825.137, 825.139, 825.232, 825.490, 826.005 & 826.007

Hist.: MCTD 7-2014, f. & cert. ef. 9-22-14

740-065-0010

General Provisions

(1) Any motor carrier that has an EHUT vehicle equipped with an electronic distance recorder, as specified in sections (2) and (3), that is properly working and provides an accurate and reliable record relating to the identity, distance travelled by, and the location of the EHUT vehicle may file tax reports and transmit taxes for the Oregon Highway Use Tax using an electronic system. Mixed fleets containing both EHUT equipped vehicles and non-EHUT equipped vehicles may also file tax reports and transmit taxes for Oregon Highway Use Tax using an electronic system provider if at least 50 percent of the fleet are equipped with EHUT equipment and the provisions of section (1) are otherwise met. Electronic system providers must identify transmitted data originating from non-EHUT equipped vehicles.

(2) The EHUT vehicle must be fitted with an electronic distance recorder that:

(a) Is provided by an electronic system provider;

(b) Is fitted in accordance with these rules; and

(c) Accurately records the distance travelled by the EHUT vehicle at all times.

(3) A motor carrier is not eligible to file tax returns under these rules if the motor carrier:

(a) Operates the EHUT vehicle with an electronic distance recorder that has not been provided by an electronic system provider;

(b) Operates the EHUT vehicle with an electronic distance recorder not fitted to the motor vehicle in accordance with these rules;

(c) Operates the EHUT vehicle with an electronic distance recorder fitted to the vehicle that is not accurately recording the distance travelled by the motor vehicle;

(d) Wilfully alters, damages or tampers with an electronic distance recorder fitted to a EHUT vehicle, or any equipment that is required for the operation of the electronic distance recorder fitted to the vehicle, in a manner that affects, or is likely to affect, the accuracy of the electronic distance recorder;

(e) Operates the EHUT vehicle on a taxable road if the motor carrier knows, or should have known, that the electronic distance recorder fitted to the EHUT vehicle has been modified or repaired, except as authorized by these rules; or

(f) Modifies or attempts to modify or repair, any part of an electronic distance recorder fitted to the EHUT vehicle except as provided by these rules.

(4) Taxes for an EHUT vehicle are based on the declared combined weight of the EHUT vehicle in accordance with the weight group tax rates shown in the tables set forth in ORS 825.476. However, whenever a motor carrier operates an EHUT vehicle at a weight higher than its declared combined weight, the motor carrier must report and pay at the heaviest weight all miles operated in that configuration for the entire reporting period.

(5) The tax status of an EHUT vehicle operating under flat fees is determined by the weight of the vehicle, the commodity being transported, the purpose of the transportation and highways traveled. The tax status of the EHUT vehicle's operation will be determined by the motor carrier pursuant to OAR 740-055-0035 and entered in the electronic system for that operation. Any changes in the tax status of the EHUT vehicle will also be determined by motor carrier pursuant to OAR 740-055-0035 and entered in the electronic system.

(6) If a motor carrier provides information that the motor carrier knows, or should have known, is incorrect regarding the declared weight or actual combined weight of an EHUT vehicle the motor carrier will be assessed taxes on the EHUT vehicle based on the higher combined weight, in addition to interest and penalties.

(7) Any motor carrier that operates an EHUT vehicle under these rules agrees that when the electronic system is properly working, the system's

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records related to the identity, distance traveled by, and the location of the EHUT vehicle, may be used in calculating tax reports.

Stat. Auth.: ORS 184.616, 184.619 & 823.011
Stats. Implemented: ORS 319.020, 319.530, 825.017, 825.474 & 825.480
Hist.: MCTD 7-2014, f. & cert. ef. 9-22-14

740-065-0015

Payment of Highway Use Taxes

All provisions of ORS Chapters 818, 825 and 826 apply to operations of EHUT vehicles.

Stat. Auth.: ORS 184.616, 184.619 & 823.011
Stats. Implemented: ORS 818.225, 825.494, 825.496, 825.500, 826.005 & 825.007
Hist.: MCTD 7-2014, f. & cert. ef. 9-22-14

740-065-0020

Electronic System Providers

(1) The Department may, upon application, allow an electronic system provider to participate in the automated electronic reporting system.

(2) Before allowing participation under section (1), the Department must be satisfied that:

- (a) The applicant's electronic system is secure and reliable; and
- (b) Any electronic distance recorder provided by the applicant:
 - (A) Is fit for the purpose; and
 - (B) Meets any requirements specified in these rules.
- (3) Allowance of participation of an electronic system provider is conditional and:

(a) May be on the terms and conditions imposed by the Department; and

(b) May be modified or revoked by the Department upon written notice to the participating electronic system provider.

(4) The Department will publish standards to assist electronic system providers in complying with the requirement in paragraph (2)(b)(A) for an electronic distance recorder to be fit for the purpose.

(5) An electronic system provider who knows or has reasonable grounds to suspect that any electronic system has been tampered with must report the matter to the Department in writing within five working days of becoming aware of the suspected tampering.

(6) If an electronic system provider makes a report to the Department under section (5), the electronic system provider must not disclose to any person other than the Department:

- (a) That the electronic system provider has made the report; or
- (b) Any information from which the person to whom the disclosure is made could reasonably infer that the electronic system provider has made the report.

(7) In this rule, tamper, in relation to an electronic system, means:

(a) To engage in conduct that results in, or is likely to result in:

(A) The system being altered;

(B) The system or any part of the system being used in a way that is not in accordance with the terms and conditions of the electronic system provider's approval; or

(C) Any EHUT information that the system uses internally being altered.

(b) To engage in conduct with the intention of causing the electronic system to:

(A) Fail to collect information; or

(B) Fail to correctly record distances travelled by a vehicle; or

(C) Fail to correctly store or report information.

(8) An electronic system provider must collect and store all information regarding a motor carrier's operations of an EHUT vehicle for the periods required by OAR 740-055-0120, OAR 740-200-0010 and OAR 740-200-0040.

Stat. Auth.: ORS 184.616, 184.619 & 823.011
Stats. Implemented: ORS 825.212, 825.232, 825.474, 825.480, 825.490 & 825.515
Hist.: MCTD 7-2014, f. & cert. ef. 9-22-14

740-065-0025

Duties of Electronic System Providers Relating to Collection of EHUT Information

(1) An electronic system provider must collect and store all EHUT information.

(2) An electronic system provider must:

(a) Clearly identify the EHUT information it collects; and

(b) Keep the EHUT information separate from other commercial information.

(3) For purposes of this rule, "other commercial information" means information relating to any telematics services or location-based services, including associated communication services that are provided to the trans-

port operator by an electronic system provider that are not related to EHUT information.

Stat. Auth.: ORS 184.616, 184.619 & 823.011
Stats. Implemented: ORS 825.137, 825.139, 825.232, 825.474, 845.480 & 825.490
Hist.: MCTD 7-2014, f. & cert. ef. 9-22-14

740-065-0030

Duties of Electronic System Provider Relating to Use and Disclosure of EHUT Information

(1) An electronic system provider must not use or disclose EHUT information collected under a motor carrier except as provided by these rules or any other enactments.

(2) An electronic system provider must take reasonable steps to ensure that the EHUT information it collects is protected against unauthorized access or use, misuse, loss, modification, or unauthorized disclosure.

(3) Upon request from a motor carrier an electronic system provider must disclose EHUT information relating to the motor carrier's EHUT vehicles to the motor carrier or to any other party authorized by the motor carrier to receive the EHUT information.

Stat. Auth.: ORS 184.616, 184.619 & 823.011
Stats. Implemented: ORS 825.137, 825.139, 825.232, 825.474, 845.480 & 825.490
Hist.: MCTD 7-2014, f. & cert. ef. 9-22-14

740-065-0035

Information from Vehicle Management System

The Department may take information from the vehicle management system for the purpose of issuing an assessment or for other matters related to the regulation of the EHUT vehicle. The Department may:

(1) Apply an electronic device to an EHUT vehicle to download information from the vehicle's vehicle management system; and

(2) Retain information taken from the vehicle management system for any purpose related to the operation of the EHUT vehicle.

Stat. Auth.: ORS 184.616, 184.619 & 823.011
Stats. Implemented: ORS 825.137, 825.139, 825.232, 825.474, 825.480 & 825.490
Hist.: MCTD 7-2014, f. & cert. ef. 9-22-14

740-065-0040

Motor Carriers Must Make and Retain Records

(1) A motor carrier must:

(a) Keep records in relation to each EHUT vehicle that the motor carrier owns or operates; and

(b) Retain those records for the purposes of this rule.

(2) Motor carriers must maintain records as defined in OAR 740-065-0005 that show operations of any vehicles in accordance 740-055-0120, 740-200-0010 and 740-200-0040.

(3) Motor carriers must produce the EHUT records for inspection and copying if required by the Department.

(4) A motor carrier that fails to provide required information to the Department for the purposes of an assessment or that is related to the operation of an EHUT vehicle may no longer be eligible to participate in the automated electronic reporting system. Readmission to the automated electronic reporting system will be conditioned upon satisfactorily responding to Department information requests.

Stat. Auth.: ORS 184.616, 184.619 & 823.011
Stats. Implemented: ORS 825.137, 825.139, 825.232, 825.474, 845.480 & 825.490
Hist.: MCTD 7-2014, f. & cert. ef. 9-22-14

740-065-0045

Inspection of Records or Other Information

(1) For the purpose of issuing an assessment under these rules, or otherwise ascertaining whether the provisions of this rule have been, or are being, complied with by any motor carrier to whom these rules apply, the Department may require that motor carrier to produce for inspection any records or other information in that motor carrier's possession or control including records required to be kept by a motor carrier that are relevant to the use and maintenance of an EHUT vehicle.

(2) The Department may, in relation to any records or other information produced under section

(a) Extract information from records; and

(b) Make copies of the records or other information at the place of inspection; and

(c) Remove the records or other information if it is impracticable to copy the records or other information at the place of inspection.

(3) If the Department removes any records or other information under subsection (2)(c), the Department must:

(a) Issue a receipt for the records or other information to the person from whom the records or other information was taken; and

(b) Return the records or other information as soon as practicable; and

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(c) For as long as the records or other information is held by the Department, allow the person from whom the records or other information was taken, at any reasonable time, to inspect, and obtain copies of, the records or other information at the premises where the records or other information is held.

Stat. Auth.: ORS 184.616, 184.619 & 823.011
Stats. Implemented: ORS 825.137, 825.139, 825.232, 825.474, 845.480 & 825.490
Hist.: MCTD 7-2014, f. & cert. ef. 9-22-14

740-065-0050

Due Date of Taxes, Fees, and Reports

(1) The electronic system provider must electronically submit tax reports required under ORS 818.225, 825.480, 825.490 and 825.492 for each subscribing motor carrier on or before the statutorily defined due dates. A subscribing motor carrier that remits taxes and fees to the electronic system provider on or before the statutorily defined due date will be deemed to have met statutory due date for such taxes and fees.

(2) The electronic system provider must electronically convey payments, along with the detail by motor carrier of taxes and fees received from subscribing motor carriers to the Department no later than five (5) business days following the statutorily defined due dates.

(3) The subscribing motor carrier's tax liability is not satisfied until the electronic service provider has transmitted the funds to the Department.

Stat. Auth.: ORS 184.616, 184.619 & 823.011
Stats. Implemented: ORS 818.225, 825.137, 825.139, 825.232, 825.480 & 825.490
Hist.: MCTD 7-2014, f. & cert. ef. 9-22-14

Rule Caption: International Fuels Tax Agreement Retention Period

Adm. Order No.: MCTD 8-2014

Filed with Sec. of State: 9-22-2014

Certified to be Effective: 9-22-14

Notice Publication Date: 8-1-2014

Rules Amended: 740-200-0040

Subject: These rules describe the adoption of the International Fuels Tax Agreement (IFTA) Articles of Agreement, the IFTA Audit Manual and the IFTA Procedures. IFTA is applicable to Oregon-based motor carriers who participate in IFTA as a way to report and pay fuel tax to other jurisdictions. Oregon acts as an intermediary between Oregon-based motor carriers and 57 distinct taxing authorities in the US and Canada. The amended rule specifies a time period of four years to file an amendment or to conduct an audit. While the record retention period is clearly four years in the IFTA agreement, there was no statute of limitations specified. The new language establishes four years as the statute of limitations. To align with the current statute, the amendment removes the penalty of \$150.00 for failure to appear at a hearing.

Rules Coordinator: Lauri Kunze—(503) 986-3171

740-200-0040

Adoption of International Fuel Tax Agreement

(1) The provisions contained in the International Fuel Tax Agreement (IFTA) Articles of Agreement, the IFTA Audit Manual and the IFTA Procedures Manual, and all amendments thereto in effect January 1, 2014, are hereby adopted and prescribed by the Oregon Department of Transportation (ODOT) and apply to Oregon-based motor carriers who participate in IFTA.

(2) In addition to the requirements described in section (1) of this rule, the following requirements apply to Oregon-based motor carriers who participate in IFTA:

(a) Records required to be maintained for distance data must denote intermediate trip stops;

(b) Records of monthly over the road and bulk fuel reconciliations must be maintained;

(c) The Department will assess a penalty of \$50 or 10 percent of the amount of delinquent taxes due, whichever is greater, for failing to file a return, filing a late return, or underpaying taxes due on a return;

(d) The Department will assess a penalty of 10 percent of the amount of delinquent taxes due, for additional assessments as the result of an audit;

(e) Any person against whom a proposed assessment is made by the Department may petition the Department for reassessment within 30 days after service upon the person of the assessment notice. If a petition for reassessment is not filed within the 30-day period, the assessment becomes final. If a petition for reassessment is timely filed, the Department will reconsider the assessment. The decision of the Department upon a petition

for reassessment will become final 30 days after notice of the decision is served to the petitioner. A petitioner may submit a request for hearing in the petition for reassessment;

(f) If a request for hearing is timely received, a hearing will be scheduled and conducted in accordance with the provisions of ORS Chapter 183. The petitioner will be provided a minimum of 10 days' notice of the time and place of the hearing; and

(g) An amendment may be made to, or audit conducted of, a tax return not more than four (4) years from the date the taxes or fees were filed.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 184.616, 184.619 & 823.011

Stat. Implemented: ORS 825.490, 825.494 & 825.555

Hist.: MCTB 6-2002, fr. & cert. ef. 11-18-02; MCTD 8-2003, f. & cert. ef. 11-18-03, cert. ef. 1-1-04; MCTD 4-2004, f. 12-28-04, cert. ef. 1-1-05; MCTD 2-2008, f. 6-23-08, cert. ef. 7-1-08; MCTD 4-2009, f. 12-22-09, cert. ef. 1-1-10; MCTD 1-2011, f. & cert. ef. 2-18-11; MCTD 2-2012, f. & cert. ef. 2-21-12; MCTD 1-2013, f. & cert. ef. 1-17-13; MCTD 7-2013, f. 12-20-13, cert. ef. 1-1-14; MCTD 8-2014, f. & cert. ef. 9-22-14

Health Licensing Office Chapter 331

Rule Caption: Require that all denturists follow the Center for Disease Control and Prevention Guidelines.

Adm. Order No.: HLA 6-2014

Filed with Sec. of State: 9-30-2014

Certified to be Effective: 10-1-14

Notice Publication Date: 8-1-2014

Rules Amended: 331-420-0010

Rules Repealed: 331-420-0020

Subject: Permanently amend administrative rule to require all denturists follow all applicable Centers for Disease Control and Prevention Standards including Guidelines for Infection Control in Dental Health Care Settings.

Permanently repeal administrative rule OAR 331-420-0020 Approved Sterilization and Disinfection Standards. The purpose for repealing this rule in entirety is to require that all denturists broadly follow all applicable Centers for Disease Control and Prevention Standards including process for sterilizing instruments, frequency of biological testing and appropriateness of using liquid disinfectants as opposed to using an autoclave.

Rules Coordinator: Samantha Patnode—(503) 373-1917

331-420-0010

Practice Standards for Business Premises

(1) A licensed dentist must:

(a) Ensure all areas of the business premises where denture technology is practiced are kept clean and in good repair;

(b) Have a sterilization area, where cleaning and sterilization of reusable instruments is performed, separated from public areas, service areas and restrooms;

(c) Maintain washing accommodations in a clean and sanitary condition;

(d) Ensure all floors, walls and procedure surfaces where services are provided including counters, tables, and chairs are easily cleanable, non-absorbent and non-porous;

(e) Ensure pets or other animals are not permitted in the business facility. This prohibition does not apply to service animals recognized by the American with Disabilities Act;

(f) Ensure all disinfecting solutions or agents be kept at adequate strengths according to manufacturer's instructions to maintain effectiveness, be free of foreign material and be available for immediate use at all times the business is open;

(g) Use equipment and instruments in a manner described in the manufacturer's instructions which is consistent with the manufacturer's intended use of the device by the FDA;

(h) Ensure chemicals are stored in labeled, closed containers;

(i) Ensure all waste material contaminated with blood or other potentially infectious materials, with exception of sharps, are deposited in a covered container following service for each patient; and

(j) Ensure all sharps are discarded in a sharps container which is a puncture-resistant, leak-proof container that can be closed for handling, storage, transportation, and disposal. The container must be labeled with the "Biohazard" symbol.

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(2) The licensee must comply with all applicable rules and regulations of the Agency and other federal, state, county and local agencies. This includes the following:

(a) Building, fire, plumbing and electrical codes, and with exit and fire standards established by the Oregon Building Codes Division, and the Oregon Office of State Fire Marshal;

(b) Oregon Indoor Clean Air Act as it appears in ORS 433.875 through 433.875;

(c) Occupational Safety and Health Act Blood Borne Pathogens Standards, Universal Precautions and Exposure Control Plan under 29 CFR 1910.1030;

(d) Oregon Safe Employment Act pursuant to ORS Chapter 654 if an employee/employer relationship exists; and

(e) All applicable Occupational Safety and Health Act standards if an employee/employer relationship exists.

(f) All applicable recommendations from the Centers for Disease Control and Prevention including Guidelines for Infection Control in Dental Health Care Settings available at <http://www.cdc.gov/oralhealth/Infectioncontrol/guidelines/index.htm>.

(3) For the purpose of this rule “Sharps” means any object that can penetrate the skin, including but not limited to needles or scalpel blades.

(4) A licensee must ensure all procedures performed are done in a manner to avoid cross contamination of blood borne pathogens.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 680.550 & 680.565

Stats. Implemented: ORS 680.550 & 680.565

Hist.: HD 13-1991(Temp), f. & cert. ef. 9-30-91; HD 3-1992, f. & cert. ef. 3-25-92, Renumbered from 333-020-0085(9)(a) through (h); HD 22-1993, f. 12-30-93, cert. ef. 1-1-94; HDLP 3-1998, f. 6-26-98, cert. ef. 7-1-98, Renumbered from 333-020-0090; HLO 1-2003, f. 1-21-03 cert. ef. 2-1-03; HLA 10-2013, f. & cert. ef. 7-1-13; HLA 6-2014, f. 9-30-14, cert. ef. 10-1-14

Higher Education Coordinating Commission Chapter 715

Rule Caption: Enables commission to enter into and administer state reciprocity and interstate agreements; assess fees.

Adm. Order No.: HECC 5-2014(Temp)

Filed with Sec. of State: 10-15-2014

Certified to be Effective: 10-15-14 thru 4-13-15

Notice Publication Date:

Rules Amended: 715-010-0015

Subject: The Higher Education Coordinating Commission (commission) is amending OAR 715-010-0015 to enable the commission to enter into and administer any interstate agreements, such as the State Authorization Reciprocity Agreement (SARA), including reviewing applications, administering agreements for participation in SARA between the commission and educational institutions, and establishing a biennial fee for participating institutions based on an educational institution’s total enrolled full-time equivalent (FTE).

Rules Coordinator: Kelly Dickinson—(503) 378-5690

715-010-0015

Delegating the Duties

This rule is for the purpose of delegating the duties, functions, and powers of the Higher Education Coordinating Commission with respect to degree authorization, degree validation, administer interstate agreements and review of new academic programs under ORS 348.594 to 348.615 and 348.992 to the manager of these programs and activities.

(1) Degree authorization shall be the responsibility of the manager, who shall have final authority with regard to:

(a) Authorization of post-secondary schools to offer academic degree programs (under Oregon Administrative Rules 583-030);

(b) Authorization of approved degree-granting schools to offer academic programs leading to a certificate or diploma;

(c) Termination of any activities related to higher education by an education entity not authorized to offer degrees and post-secondary academic programs in Oregon and ineligible for exemption from authorization under Oregon statutes.

(2) Degree validation under OAR 583-050 shall be the responsibility of the manager, who shall have final authority with regard to:

(a) Validation of claims of degree possession and determination of appropriate degree use under Oregon law;

(b) Termination of substandard or fraudulent degree activities;

(c) Termination of activities of diploma mills operating in or from Oregon;

(d) Termination of any operation in or from Oregon of post-secondary accrediting bodies that are not recognized by the United States Department of Education.

(3) Administration of any interstate agreements, such as the State Authorization Reciprocity Agreement (SARA) shall be the responsibility of the executive director, which includes but is not limited to:

(a) Reviewing applications of and entering into agreements with educational institutions for authorization to participate in SARA;

(b) Administering agreements for participation in SARA between the commission and an educational institution; and

(c) Establishing application fees. The commission imposes a biennial fee on any educational institution applying to operate under or participate in SARA. The fee is based on an educational institution’s total enrolled full-time equivalent (FTE) as shown in the Integrated Postsecondary Education Data System and is as follows:

(A) Under 2,500 Enrolled FTE: \$3,000.

(B) 2,500 to 9,999 Enrolled FTE: \$5,000.

(C) 10,000 or more Enrolled FTE: \$7,000.

Stat. Auth.: 2012 SB 242, 2014 SB 1525 & 2014 HB 4018

Stats. Implemented: 2012 SB 242

Hist.: HECC 1-2013, f. & cert. ef. 8-21-13; HECC 5-2014(Temp), f. & cert. ef. 10-15-14 thru 4-13-15

Land Conservation and Development Department Chapter 660

Rule Caption: Amend rules allowing commercial photovoltaic solar facilities on lands designed for exclusive farm use.

Adm. Order No.: LCDD 2-2014

Filed with Sec. of State: 10-14-2014

Certified to be Effective: 10-14-14

Notice Publication Date: 7-1-2014

Rules Amended: 660-033-0120, 660-033-0130

Subject: the adopted rule revisions include minimal housekeeping updates to OAR 660-033-0120 and the introduction to OAR 660-033-0130. The adopted revisions also amend OAR 660-033-0130(38) to increase the acreage threshold for photovoltaic solar facility on nonarable lands from 250 acres to 320 acres and clarify language regarding wildlife habitat.

Rules Coordinator: Casaria Taylor—(503) 373-0050, ext. 322

660-033-0120

Uses Authorized on Agricultural Lands

The uses listed in the table adopted and referenced by this rule may be allowed on agricultural land in areas that meet the applicable requirements of this division, statewide goals and applicable laws. All uses are subject to the requirements, special conditions, additional restrictions and exceptions set forth in ORS chapter 215, Goal 3 and this division. The abbreviations used within the table shall have the following meanings:

(1) “A” — The use is allowed. Authorization of some uses may require notice and the opportunity for a hearing because the authorization qualifies as a land use decision pursuant to ORS chapter 197. Minimum standards for uses in the table that include a numerical reference are specified in OAR 660-033-0130. Counties may prescribe additional limitations and requirements to meet local concerns only to the extent authorized by law.

(2) “R” — The use may be allowed, after required review. The use requires notice and the opportunity for a hearing. Minimum standards for uses in the table that include a numerical reference are specified in OAR 660-033-0130. Counties may prescribe additional limitations and requirements to address local concerns.

(3) “*” — The use is not allowed.

(4) “#” — Numerical references for specific uses shown in the table refer to the corresponding section of OAR 660-033-0130. Where no numerical reference is noted for a use in the table, this rule does not establish criteria for the use.

[ED. NOTE: Tables referenced are available from the agency.]

Stat. Auth.: ORS 197.040 & 197.245

Stats. Implemented: ORS 197.015, 197.040, 197.230, 197.245, 215.203, 215.243, 215.283, 215.700 - 215.710 & 215.780

Hist.: LCDC 6-1992, f. 12-10-92, cert. ef. 8-7-93; LCDC 3-1994, f. & cert. ef. 3-1-94; LCDC 6-1994, f. & cert. ef. 6-3-94; LCDC 2-1995(Temp), f. & cert. ef. 3-14-95; LCDC 7-1995, f. & cert. ef. 6-16-95; LCDC 5-1996, f. & cert. ef. 12-23-96; LCDD 2-1998, f. & cert. ef. 6-1-98; LCDD 1-2002, f. & cert. ef. 5-22-02; LCDD 1-2004, f. & cert. ef. 4-30-04; LCDD 2-2006, f. & cert. ef. 2-15-06; LCDD 3-2008, f. & cert. ef. 4-18-08; LCDD 5-2008, f. 12-31-08, cert. ef. 1-2-09; LCDD 5-2009, f. & cert. ef. 12-7-09; LCDD 6-2010, f. & cert. ef. 6-17-10; LCDD 4-2011, f. & cert. ef. 3-16-11; LCDD 9-2011, f. & cert. ef. 11-23-11; LCDD 7-

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2012, f. & cert. ef. 2-14-12; LCDD 6-2013, f. 12-20-13, cert. ef. 1-1-14; LCDD 2-2014, f. & cert. ef. 10-14-14

660-033-0130

Minimum Standards Applicable to the Schedule of Permitted and Conditional Uses

The following requirements apply to uses specified, and as listed in the table adopted by OAR 660-033-0120. For each section of this rule, the corresponding section number is shown in the table. Where no numerical reference is indicated on the table, this rule does not specify any minimum review or approval criteria. Counties may include procedures and conditions in addition to those listed in the table, as authorized by law.

(1) A dwelling on farmland may be considered customarily provided in conjunction with farm use if it meets the requirements of OAR 660-033-0135.

(2)(a) No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the use within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34.

(b) Any enclosed structures or group of enclosed structures described in subsection (a) within a tract must be separated by at least one-half mile. For purposes of this section, "tract" means a tract as defined by ORS 215.010(2) that is in existence as of June 17, 2010.

(c) Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law, but enclosed existing structures within a farm use zone within three miles of an urban growth boundary may not be expanded beyond the requirements of this rule.

(3)(a) A dwelling may be approved on a pre-existing lot or parcel if:

(A) The lot or parcel on which the dwelling will be sited was lawfully created and was acquired and owned continuously by the present owner as defined in subsection (3)(g) of this rule:

(i) Since prior to January 1, 1985; or

(ii) By devise or by intestate succession from a person who acquired and had owned continuously the lot or parcel since prior to January 1, 1985.

(B) The tract on which the dwelling will be sited does not include a dwelling;

(C) The lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993, no dwelling exists on another lot or parcel that was part of that tract;

(D) The proposed dwelling is not prohibited by, and will comply with, the requirements of the acknowledged comprehensive plan and land use regulations and other provisions of law;

(E) The lot or parcel on which the dwelling will be sited is not high-value farmland except as provided in subsections (3)(c) and (d) of this rule; and

(F) When the lot or parcel on which the dwelling will be sited lies within an area designated in an acknowledged comprehensive plan as habitat of big game, the siting of the dwelling is consistent with the limitations on density upon which the acknowledged comprehensive plan and land use regulations intended to protect the habitat are based.

(b) When the lot or parcel on which the dwelling will be sited is part of a tract, the remaining portions of the tract are consolidated into a single lot or parcel when the dwelling is allowed;

(c) Notwithstanding the requirements of paragraph (3)(a)(E) of this rule, a single-family dwelling may be sited on high-value farmland if:

(A) It meets the other requirements of subsections (3)(a) and (b) of this rule;

(B) The lot or parcel is protected as high-value farmland as defined in OAR 660-033-0020(8)(a);

(C) A hearing officer of a county determines that:

(i) The lot or parcel cannot practicably be managed for farm use, by itself or in conjunction with other land, due to extraordinary circumstances inherent in the land or its physical setting that do not apply generally to other land in the vicinity. For the purposes of this section, this criterion asks whether the subject lot or parcel can be physically put to farm use without undue hardship or difficulty because of extraordinary circumstances inherent in the land or its physical setting. Neither size alone nor a parcel's limited economic potential demonstrates that a lot or parcel cannot be practicably managed for farm use. Examples of "extraordinary circumstances inherent in the land or its physical setting" include very steep slopes, deep ravines, rivers, streams, roads, railroad or utility lines or other similar natural or physical barriers that by themselves or in combination separate the

subject lot or parcel from adjacent agricultural land and prevent it from being practicably managed for farm use by itself or together with adjacent or nearby farms. A lot or parcel that has been put to farm use despite the proximity of a natural barrier or since the placement of a physical barrier shall be presumed manageable for farm use;

(ii) The dwelling will comply with the provisions of ORS 215.296(1); and

(iii) The dwelling will not materially alter the stability of the overall land use pattern in the area by applying the standards set forth in paragraph (4)(a)(D) of this rule; and

(D) A local government shall provide notice of all applications for dwellings allowed under subsection (3)(c) of this rule to the Oregon Department of Agriculture. Notice shall be provided in accordance with the governing body's land use regulations but shall be mailed at least 20 calendar days prior to the public hearing before the hearing officer under paragraph (3)(c)(C) of this rule.

(d) Notwithstanding the requirements of paragraph (3)(a)(E) of this rule, a single-family dwelling may be sited on high-value farmland if:

(A) It meets the other requirements of subsections (3)(a) and (b) of this rule;

(B) The tract on which the dwelling will be sited is:

(i) Identified in OAR 660-033-0020(8)(c) or (d);

(ii) Not high-value farmland defined in OAR 660-033-0020(8)(a); and

(iii) Twenty-one acres or less in size; and

(C) The tract is bordered on at least 67 percent of its perimeter by tracts that are smaller than 21 acres, and at least two such tracts had dwellings on January 1, 1993; or

(D) The tract is not a flaglot and is bordered on at least 25 percent of its perimeter by tracts that are smaller than 21 acres, and at least four dwellings existed on January 1, 1993, within one-quarter mile of the center of the subject tract. Up to two of the four dwellings may lie within an urban growth boundary, but only if the subject tract abuts an urban growth boundary; or

(E) The tract is a flaglot and is bordered on at least 25 percent of its perimeter by tracts that are smaller than 21 acres, and at least four dwellings existed on January 1, 1993, within one-quarter mile of the center of the subject tract and on the same side of the public road that provides access to the subject tract. The governing body of a county must interpret the center of the subject tract as the geographic center of the flaglot if the applicant makes a written request for that interpretation and that interpretation does not cause the center to be located outside the flaglot. Up to two of the four dwellings may lie within an urban growth boundary, but only if the subject tract abuts an urban growth boundary:

(i) "flaglot" means a tract containing a narrow strip or panhandle of land providing access from the public road to the rest of the tract.

(ii) "Geographic center of the flaglot" means the point of intersection of two perpendicular lines of which the first line crosses the midpoint of the longest side of a flaglot, at a 90-degree angle to the side, and the second line crosses the midpoint of the longest adjacent side of the flaglot.

(e) If land is in a zone that allows both farm and forest uses, is acknowledged to be in compliance with both Goals 3 and 4 and may qualify as an exclusive farm use zone under ORS chapter 215, a county may apply the standards for siting a dwelling under either section (3) of this rule or OAR 660-006-0027, as appropriate for the predominant use of the tract on January 1, 1993;

(f) A county may, by application of criteria adopted by ordinance, deny approval of a dwelling allowed under section (3) of this rule in any area where the county determines that approval of the dwelling would:

(A) Exceed the facilities and service capabilities of the area;

(B) Materially alter the stability of the overall land use pattern of the area; or

(C) Create conditions or circumstances that the county determines would be contrary to the purposes or intent of its acknowledged comprehensive plan or land use regulations.

(g) For purposes of subsection (3)(a) of this rule, "owner" includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent or grandchild of the owner or a business entity owned by any one or a combination of these family members;

(h) The county assessor shall be notified that the governing body intends to allow the dwelling.

(i) When a local government approves an application for a single-family dwelling under section (3) of this rule, the application may be trans-

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ferred by a person who has qualified under section (3) of this rule to any other person after the effective date of the land use decision.

(4) A single-family residential dwelling not provided in conjunction with farm use requires approval of the governing body or its designate in any farmland area zoned for exclusive farm use:

(a) In the Willamette Valley, the use may be approved if:

(A) The dwelling or activities associated with the dwelling will not force a significant change in or significantly increase the cost of accepted farming or forest practices on nearby lands devoted to farm or forest use;

(B) The dwelling will be sited on a lot or parcel that is predominantly composed of Class IV through VIII soils that would not, when irrigated, be classified as prime, unique, Class I or II soils;

(C) The dwelling will be sited on a lot or parcel created before January 1, 1993;

(D) The dwelling will not materially alter the stability of the overall land use pattern of the area. In determining whether a proposed nonfarm dwelling will alter the stability of the land use pattern in the area, a county shall consider the cumulative impact of possible new nonfarm dwellings and parcels on other lots or parcels in the area similarly situated. To address this standard, the county shall:

(i) Identify a study area for the cumulative impacts analysis. The study area shall include at least 2000 acres or a smaller area not less than 1000 acres, if the smaller area is a distinct agricultural area based on topography, soil types, land use pattern, or the type of farm or ranch operations or practices that distinguish it from other, adjacent agricultural areas. Findings shall describe the study area, its boundaries, the location of the subject parcel within this area, why the selected area is representative of the land use pattern surrounding the subject parcel and is adequate to conduct the analysis required by this standard. Lands zoned for rural residential or other urban or nonresource uses shall not be included in the study area;

(ii) Identify within the study area the broad types of farm uses (irrigated or nonirrigated crops, pasture or grazing lands), the number, location and type of existing dwellings (farm, nonfarm, hardship, etc.), and the dwelling development trends since 1993. Determine the potential number of nonfarm/lot-of-record dwellings that could be approved under subsection(3)(a) and section (4) of this rule, including identification of predominant soil classifications, the parcels created prior to January 1, 1993 and the parcels larger than the minimum lot size that may be divided to create new parcels for nonfarm dwellings under ORS 215.263(4). The findings shall describe the existing land use pattern of the study area including the distribution and arrangement of existing uses and the land use pattern that could result from approval of the possible nonfarm dwellings under this subparagraph; and

(iii) Determine whether approval of the proposed nonfarm/lot-of-record dwellings together with existing nonfarm dwellings will materially alter the stability of the land use pattern in the area. The stability of the land use pattern will be materially altered if the cumulative effect of existing and potential nonfarm dwellings will make it more difficult for the existing types of farms in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area; and

(E) The dwelling complies with such other conditions as the governing body or its designate considers necessary.

(b) In the Willamette Valley, on a lot or parcel allowed under OAR 660-033-0100(7), the use may be approved if:

(A) The dwelling or activities associated with the dwelling will not force a significant change in or significantly increase the cost of accepted farming or forest practices on nearby lands devoted to farm or forest use;

(B) The dwelling will not materially alter the stability of the overall land use pattern of the area. In determining whether a proposed nonfarm dwelling will alter the stability of the land use pattern in the area, a county shall consider the cumulative impact of nonfarm dwellings on other lots or parcels in the area similarly situated and whether creation of the parcel will lead to creation of other nonfarm parcels, to the detriment of agriculture in the area by applying the standards set forth in paragraph (4)(a)(D) of this rule; and

(C) The dwelling complies with such other conditions as the governing body or its designate considers necessary.

(c) In counties located outside the Willamette Valley require findings that:

(A) The dwelling or activities associated with the dwelling will not force a significant change in or significantly increase the cost of accepted farming or forest practices on nearby lands devoted to farm or forest use;

(B)(i) The dwelling is situated upon a lot or parcel, or a portion of a lot or parcel, that is generally unsuitable land for the production of farm crops and livestock or merchantable tree species, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the tract. A lot or parcel or portion of a lot or parcel shall not be considered unsuitable solely because of size or location if it can reasonably be put to farm or forest use in conjunction with other land; and

(ii) A lot or parcel or portion of a lot or parcel is not "generally unsuitable" simply because it is too small to be farmed profitably by itself. If a lot or parcel or portion of a lot or parcel can be sold, leased, rented or otherwise managed as a part of a commercial farm or ranch, then the lot or parcel or portion of the lot or parcel is not "generally unsuitable". A lot or parcel or portion of a lot or parcel is presumed to be suitable if, in Western Oregon it is composed predominantly of Class I-IV soils or, in Eastern Oregon, it is composed predominantly of Class I-VI soils. Just because a lot or parcel or portion of a lot or parcel is unsuitable for one farm use does not mean it is not suitable for another farm use; or

(iii) If the parcel is under forest assessment, the dwelling shall be situated upon generally unsuitable land for the production of merchantable tree species recognized by the Forest Practices Rules, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the parcel. If a lot or parcel is under forest assessment, the area is not "generally unsuitable" simply because it is too small to be managed for forest production profitably by itself. If a lot or parcel under forest assessment can be sold, leased, rented or otherwise managed as a part of a forestry operation, it is not "generally unsuitable". If a lot or parcel is under forest assessment, it is presumed suitable if, in Western Oregon, it is composed predominantly of soils capable of producing 50 cubic feet of wood fiber per acre per year, or in Eastern Oregon it is composed predominantly of soils capable of producing 20 cubic feet of wood fiber per acre per year. If a lot or parcel is under forest assessment, to be found compatible and not seriously interfere with forest uses on surrounding land it must not force a significant change in forest practices or significantly increase the cost of those practices on the surrounding land;

(C) The dwelling will not materially alter the stability of the overall land use pattern of the area. In determining whether a proposed nonfarm dwelling will alter the stability of the land use pattern in the area, a county shall consider the cumulative impact of nonfarm dwellings on other lots or parcels in the area similarly situated by applying the standards set forth in paragraph (4)(a)(D) of this rule. If the application involves the creation of a new parcel for the nonfarm dwelling, a county shall consider whether creation of the parcel will lead to creation of other nonfarm parcels, to the detriment of agriculture in the area by applying the standards set forth in paragraph (4)(a)(D) of this rule; and

(D) The dwelling complies with such other conditions as the governing body or its designate considers necessary.

(d) If a single-family dwelling is established on a lot or parcel as set forth in section (3) of this rule or OAR 660-006-0027, no additional dwelling may later be sited under the provisions of section (4) of this rule;

(e) Counties that have adopted marginal lands provisions before January 1, 1993, shall apply the standards in ORS 215.213(3) through 215.213(8) for nonfarm dwellings on lands zoned exclusive farm use that are not designated marginal or high-value farmland.

(5) Approval requires review by the governing body or its designate under ORS 215.296. Uses may be approved only where such uses:

(a) Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and

(b) Will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

(6) A facility for the primary processing of forest products shall not seriously interfere with accepted farming practices and shall be compatible with farm uses described in ORS 215.203(2). Such facility may be approved for a one-year period that is renewable and is intended to be only portable or temporary in nature. The primary processing of a forest product, as used in this section, means the use of a portable chipper or stud mill or other similar methods of initial treatment of a forest product in order to enable its shipment to market. Forest products as used in this section means timber grown upon a tract where the primary processing facility is located.

(7) A personal-use airport as used in this section means an airstrip restricted, except for aircraft emergencies, to use by the owner, and, on an infrequent and occasional basis, by invited guests, and by commercial aviation activities in connection with agricultural operations. No aircraft may be based on a personal-use airport other than those owned or controlled by the owner of the airstrip. Exceptions to the activities allowed under this definition may be granted through waiver action by the Oregon Department of

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Aviation in specific instances. A personal-use airport lawfully existing as of September 13, 1975, shall continue to be allowed subject to any applicable rules of the Oregon Department of Aviation.

(8)(a) A lawfully established dwelling may be altered, restored or replaced under ORS 215.213(1)(q) or 215.283(1)(p) if, when an application for a permit is submitted, the permitting authority finds to its satisfaction, based on substantial evidence that:

(A) The dwelling to be altered, restored or replaced has, or formerly had:

- (i) Intact exterior walls and roof structure;
- (ii) Indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
- (iii) Interior wiring for interior lights; and
- (iv) A heating system; and

(B) The dwelling was assessed as a dwelling for purposes of ad valorem taxation for the previous five property tax years, or, if the dwelling has existed for less than five years, from that time; and

(C) Notwithstanding paragraph (B), if the value of the dwelling was eliminated as a result of either of the following circumstances, the dwelling was assessed as a dwelling until such time as the value of the dwelling was eliminated:

(i) The destruction (i.e. by fire or natural hazard), or demolition in the case of restoration, of the dwelling; or

(ii) The applicant establishes to the satisfaction of the permitting authority that the dwelling was improperly removed from the tax roll by a person other than the current owner. "Improperly removed" means that the dwelling has taxable value in its present state, or had taxable value when the dwelling was first removed from the tax roll or was destroyed by fire or natural hazard, and the county stopped assessing the dwelling even though the current or former owner did not request removal of the dwelling from the tax roll.

(b) For replacement of a lawfully established dwelling under ORS 215.213(1)(q) or 215.283(1)(p):

(A) The dwelling to be replaced must be removed, demolished or converted to an allowable nonresidential use:

(i) Within one year after the date the replacement dwelling is certified for occupancy pursuant to ORS 455.055; or

(ii) If the dwelling to be replaced is, in the discretion of the permitting authority, in such a state of disrepair that the structure is unsafe for occupancy or constitutes an attractive nuisance, on or before a date set by the permitting authority that is not less than 90 days after the replacement permit is issued; and

(iii) If a dwelling is removed by moving it off the subject parcel to another location, the applicant must obtain approval from the permitting authority for the new location.

(B) The applicant must cause to be recorded in the deed records of the county a statement that the dwelling to be replaced has been removed, demolished or converted.

(C) As a condition of approval, if the dwelling to be replaced is located on a portion of the lot or parcel that is not zoned for exclusive farm use, the applicant shall execute and cause to be recorded in the deed records of the county in which the property is located a deed restriction prohibiting the siting of another dwelling on that portion of the lot or parcel. The restriction imposed is irrevocable unless the county planning director, or the director's designee, places a statement of release in the deed records of the county to the effect that the provisions of 2013 Oregon Laws, chapter 462, section 2 and either ORS 215.213 or 215.283 regarding replacement dwellings have changed to allow the lawful siting of another dwelling.

(D) The county planning director, or the director's designee, shall maintain a record of:

(i) The lots and parcels for which dwellings to be replaced have been removed, demolished or converted; and

(ii) The lots and parcels that do not qualify for the siting of a new dwelling under subsection (b) of this section, including a copy of the deed restrictions filed under paragraph (B) of this subsection.

(c) A replacement dwelling under ORS 215.213(1)(q) or 215.283(1)(p) must comply with applicable building codes, plumbing codes, sanitation codes and other requirements relating to health and safety or to siting at the time of construction. However, the standards may not be applied in a manner that prohibits the siting of the replacement dwelling.

(A) The siting standards of paragraph (B) of this subsection apply when a dwelling under ORS 215.213(1)(q) or 215.213(1)(p) qualifies for replacement because the dwelling:

(i) Formerly had the features described in paragraph (a)(A) of this section;

(ii) Was removed from the tax roll as described in paragraph (C) of subsection (a); or

(iii) Had a permit that expired as described under paragraph (d)(C) of this section.

(B) The replacement dwelling must be sited on the same lot or parcel:

(i) Using all or part of the footprint of the replaced dwelling or near a road, ditch, river, property line, forest boundary or another natural boundary of the lot or parcel; and

(ii) If possible, for the purpose of minimizing the adverse impacts on resource use of land in the area, within a concentration or cluster of structures or within 500 yards of another structure.

(C) Replacement dwellings that currently have the features described in paragraph (a)(A) of this subsection and that have been on the tax roll as described in paragraph (B) of subsection (a) may be sited on any part of the same lot or parcel.

(d) A replacement dwelling permit that is issued under ORS 215.213(1)(q) or 215.283(1)(p):

(A) Is a land use decision as defined in ORS 197.015 where the dwelling to be replaced:

(i) Formerly had the features described in paragraph (a)(A) of this section; or

(ii) Was removed from the tax roll as described in paragraph (a)(C) of this section;

(B) Is not subject to the time to act limits of ORS 215.417; and

(C) If expired before January 1, 2014, shall be deemed to be valid and effective if, before January 1, 2015, the holder of the permit:

(i) Removes, demolishes or converts to an allowable nonresidential use the dwelling to be replaced; and

(ii) Causes to be recorded in the deed records of the county a statement that the dwelling to be replaced has been removed, demolished or converted.

(9)(a) To qualify for a relative farm help dwelling, a dwelling shall be occupied by relatives whose assistance in the management and farm use of the existing commercial farming operation is required by the farm operator. The farm operator shall continue to play the predominant role in the management and farm use of the farm. A farm operator is a person who operates a farm, doing the work and making the day-to-day decisions about such things as planting, harvesting, feeding and marketing.

(b) Notwithstanding ORS 92.010 to 92.192 or the minimum lot or parcel requirements under 215.780, if the owner of a dwelling described in this section obtains construction financing or other financing secured by the dwelling and the secured party forecloses on the dwelling, the secured party may also foreclose on the "homesite," as defined in 308A.250, and the foreclosure shall operate as a partition of the homesite to create a new parcel. Prior conditions of approval for the subject land and dwelling remain in effect.

(c) For the purpose of subsection(b), "foreclosure" means only those foreclosures that are exempt from partition under ORS 92.010(9)(a).

(10) A manufactured dwelling, or recreational vehicle, or the temporary residential use of an existing building allowed under this provision is a temporary use for the term of the hardship suffered by the existing resident or relative as defined in ORS Chapter 215. The manufactured dwelling shall use the same subsurface sewage disposal system used by the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling. If the manufactured home will use a public sanitary sewer system, such condition will not be required. Governing bodies shall review the permit authorizing such manufactured homes every two years. Within three months of the end of the hardship, the manufactured dwelling or recreational vehicle shall be removed or demolished or, in the case of an existing building, the building shall be removed, demolished or returned to an allowed nonresidential use. A temporary residence approved under this section is not eligible for replacement under 215.213(1)(q) or 215.283(1)(p). Department of Environmental Quality review and removal requirements also apply. As used in this section "hardship" means a medical hardship or hardship for the care of an aged or infirm person or persons.

(11) Subject to the issuance of a license, permit or other approval by the Department of Environmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055, or in compliance with rules adopted under 468B.095, and with the requirements of 215.246, 215.247, 215.249 and 215.251, the land application of reclaimed water, agricultural process or industrial process water or biosolids for agricultural, horticultural or silvicultural production, or for irrigation in connection with a use allowed in an exclusive farm use zones under this division is allowed.

(12) In order to meet the requirements specified in the statute, a historic dwelling shall be listed on the National Register of Historic Places.

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(13) Roads, highways and other transportation facilities, and improvements not otherwise allowed under this rule may be established, subject to the adoption of the governing body or its designate of an exception to Goal 3, Agricultural Lands, and to any other applicable goal with which the facility or improvement does not comply. In addition, transportation uses and improvements may be authorized under conditions and standards as set forth in OAR 60-012-0035 and 660-012-0065.

(14) Home occupations and the parking of vehicles may be authorized. Home occupations shall be operated substantially in the dwelling or other buildings normally associated with uses permitted in the zone in which the property is located. A home occupation shall be operated by a resident or employee of a resident of the property on which the business is located, and shall employ on the site no more than five full-time or part-time persons.

(15) New uses that batch and blend mineral and aggregate into asphalt cement may not be authorized within two miles of a planted vineyard. Planted vineyard means one or more vineyards totaling 40 acres or more that are planted as of the date the application for batching and blending is filed.

(16)(a) A utility facility established under ORS 215.213(1)(c) or 215.283(1)(c) is necessary for public service if the facility must be sited in an exclusive farm use zone in order to provide the service. To demonstrate that a utility facility is necessary, an applicant must:

(A) Show that reasonable alternatives have been considered and that the facility must be sited in an exclusive farm use zone due to one or more of the following factors:

(i) Technical and engineering feasibility;

(ii) The proposed facility is locationally-dependent. A utility facility is locationally-dependent if it must cross land in one or more areas zoned for exclusive farm use in order to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;

(iii) Lack of available urban and nonresource lands;

(iv) Availability of existing rights of way;

(v) Public health and safety; and

(vi) Other requirements of state and federal agencies.

(B) Costs associated with any of the factors listed in paragraph (A) of this subsection may be considered, but cost alone may not be the only consideration in determining that a utility facility is necessary for public service. Land costs shall not be included when considering alternative locations for substantially similar utility facilities and the siting of utility facilities that are not substantially similar.

(C) The owner of a utility facility approved under this section shall be responsible for restoring, as nearly as possible, to its former condition any agricultural land and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the facility. Nothing in this paragraph shall prevent the owner of the utility facility from requiring a bond or other security from a contractor or otherwise imposing on a contractor the responsibility for restoration.

(D) The governing body of the county or its designee shall impose clear and objective conditions on an application for utility facility siting to mitigate and minimize the impacts of the proposed facility, if any, on surrounding lands devoted to farm use in order to prevent a significant change in accepted farm practices or a significant increase in the cost of farm practices on surrounding farmlands.

(E) Utility facilities necessary for public service may include on-site and off-site facilities for temporary workforce housing for workers constructing a utility facility. Such facilities must be removed or converted to an allowed use under OAR 660-033-0130(19) or other statute or rule when project construction is complete. Off-site facilities allowed under this paragraph are subject to 660-033-0130(5). Temporary workforce housing facilities not included in the initial approval may be considered through a minor amendment request. A minor amendment request shall have no effect on the original approval.

(F) In addition to the provisions of paragraphs (A) to (D) of this subsection, the establishment or extension of a sewer system as defined by OAR 660-011-0060(1)(f) in an exclusive farm use zone shall be subject to the provisions of 660-011-0060.

(G) The provisions of paragraphs (A) to (D) of this subsection do not apply to interstate natural gas pipelines and associated facilities authorized by and subject to regulation by the Federal Energy Regulatory Commission.

(b) An associated transmission line is necessary for public service and shall be approved by the governing body of a county or its designee if an applicant for approval under ORS 215.213(1)(c) or 215.283(1)(c) demonstrates to the governing body of a county or its designee that the associated

transmission line meets either the requirements of paragraph (A) of this subsection or the requirements of paragraph (B) of this subsection.

(A) An applicant demonstrates that the entire route of the associated transmission line meets at least one of the following requirements:

(i) The associated transmission line is not located on high-value farmland, as defined in ORS 195.300, or on arable land;

(ii) The associated transmission line is co-located with an existing transmission line;

(iii) The associated transmission line parallels an existing transmission line corridor with the minimum separation necessary for safety; or

(iv) The associated transmission line is located within an existing right of way for a linear facility, such as a transmission line, road or railroad, that is located above the surface of the ground.

(B) After an evaluation of reasonable alternatives, an applicant demonstrates that the entire route of the associated transmission line meets, subject to paragraphs (C) and (D) of this subsection, two or more of the following criteria:

(i) Technical and engineering feasibility;

(ii) The associated transmission line is locationally-dependent because the associated transmission line must cross high-value farmland, as defined in ORS 195.300, or arable land to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;

(iii) Lack of an available existing right of way for a linear facility, such as a transmission line, road or railroad, that is located above the surface of the ground;

(iv) Public health and safety; or

(v) Other requirements of state or federal agencies.

(C) As pertains to paragraph (B), the applicant shall present findings to the governing body of the county or its designee on how the applicant will mitigate and minimize the impacts, if any, of the associated transmission line on surrounding lands devoted to farm use in order to prevent a significant change in accepted farm practices or a significant increase in the cost of farm practices on the surrounding farmland.

(D) The governing body of a county or its designee may consider costs associated with any of the factors listed in paragraph (B) of this subsection, but consideration of cost may not be the only consideration in determining whether the associated transmission line is necessary for public service.

(17) A power generation facility may include on-site and off-site facilities for temporary workforce housing for workers constructing a power generation facility. Such facilities must be removed or converted to an allowed use under OAR 660-033-0130(19) or other statute or rule when project construction is complete. Temporary workforce housing facilities not included in the initial approval may be considered through a minor amendment request. A minor amendment request shall be subject to 660-033-0130(5) and shall have no effect on the original approval. Permanent features of a power generation facility shall not preclude more than 12 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4.

(18)(a) Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law. An existing golf course may be expanded consistent with the requirements of sections (5) and (20) of this rule, but shall not be expanded to contain more than 36 total holes.

(b) In addition to and not in lieu of the authority in ORS 215.130 to continue, alter, restore or replace a use that has been disallowed by the enactment or amendment of a zoning ordinance or regulation, a use formerly allowed pursuant to 215.213(1)(a) or 215.283(1)(a), as in effect before January 1, 2010, the effective date of 2009 Oregon Laws, chapter 850, section 14, may be expanded subject to:

(A) The requirements of subsection (c) of this section; and

(B) Conditional approval of the county in the manner provided in ORS 215.296.

(c) A nonconforming use described in subsection (b) of this section may be expanded under this section if:

(A) The use was established on or before January 1, 2009; and

(B) The expansion occurs on:

(i) The tax lot on which the use was established on or before January 1, 2009; or

(ii) A tax lot that is contiguous to the tax lot described in subparagraph (i) of this paragraph and that was owned by the applicant on January 1, 2009.

(19)(a) Except on a lot or parcel contiguous to a lake or reservoir, private campgrounds shall not be allowed within three miles of an urban

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growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4. A campground is an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes and is established on a site or is contiguous to lands with a park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground. A campground shall be designed and integrated into the rural agricultural and forest environment in a manner that protects the natural amenities of the site and provides buffers of existing native trees and vegetation or other natural features between campsites. Campgrounds authorized by this rule shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations. Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive six-month period.

(b) Campsites may be occupied by a tent, travel trailer, yurt or recreational vehicle. Separate sewer, water or electric service hook-ups shall not be provided to individual camp sites except that electrical service may be provided to yurts allowed for by subsection (19)(c) of this rule.

(c) Subject to the approval of the county governing body or its designee, a private campground may provide yurts for overnight camping. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt. The yurt shall be located on the ground or on a wood floor with no permanent foundation. Upon request of a county governing body, the commission may provide by rule for an increase in the number of yurts allowed on all or a portion of the campgrounds in a county if the commission determines that the increase will comply with the standards described in ORS 215.296(1). As used in this section, "yurt" means a round, domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hook-up or internal cooking appliance.

(20) "Golf Course" means an area of land with highly maintained natural turf laid out for the game of golf with a series of nine or more holes, each including a tee, a fairway, a putting green, and often one or more natural or artificial hazards. A "golf course" for purposes of ORS 215.213(2)(f), 215.283(2)(f), and this division means a nine or 18 hole regulation golf course or a combination nine and 18 hole regulation golf course consistent with the following:

(a) A regulation 18 hole golf course is generally characterized by a site of about 120 to 150 acres of land, has a playable distance of 5,000 to 7,200 yards, and a par of 64 to 73 strokes;

(b) A regulation nine hole golf course is generally characterized by a site of about 65 to 90 acres of land, has a playable distance of 2,500 to 3,600 yards, and a par of 32 to 36 strokes;

(c) Non-regulation golf courses are not allowed uses within these areas. "Non-regulation golf course" means a golf course or golf course-like development that does not meet the definition of golf course in this rule, including but not limited to executive golf courses, Par three golf courses, pitch and putt golf courses, miniature golf courses and driving ranges;

(d) Counties shall limit accessory uses provided as part of a golf course consistent with the following standards:

(A) An accessory use to a golf course is a facility or improvement that is incidental to the operation of the golf course and is either necessary for the operation and maintenance of the golf course or that provides goods or services customarily provided to golfers at a golf course. An accessory use or activity does not serve the needs of the non-golfing public. Accessory uses to a golf course may include: Parking; maintenance buildings; cart storage and repair; practice range or driving range; clubhouse; restrooms; lockers and showers; food and beverage service; pro shop; a practice or beginners course as part of an 18 hole or larger golf course; or golf tournament. Accessory uses to a golf course do not include: Sporting facilities unrelated to golfing such as tennis courts, swimming pools, and weight rooms; wholesale or retail operations oriented to the non-golfing public; or housing;

(B) Accessory uses shall be limited in size and orientation on the site to serve the needs of persons and their guests who patronize the golf course to golf. An accessory use that provides commercial services (e.g., pro shop, etc.) shall be located in the clubhouse rather than in separate buildings; and

(C) Accessory uses may include one or more food and beverage service facilities in addition to food and beverage service facilities located in a clubhouse. Food and beverage service facilities must be part of and incidental to the operation of the golf course and must be limited in size and orientation on the site to serve only the needs of persons who patronize the golf course and their guests. Accessory food and beverage service facilities shall not be designed for or include structures for banquets, public gatherings or public entertainment.

(21) "Living History Museum" means a facility designed to depict and interpret everyday life and culture of some specific historic period using authentic buildings, tools, equipment and people to simulate past activities and events. As used in this rule, a living history museum shall be related to resource based activities and shall be owned and operated by a governmental agency or a local historical society. A living history museum may include limited commercial activities and facilities that are directly related to the use and enjoyment of the museum and located within authentic buildings of the depicted historic period or the museum administration building, if areas other than an exclusive farm use zone cannot accommodate the museum and related activities or if the museum administration buildings and parking lot are located within one quarter mile of an urban growth boundary. "Local historical society" means the local historical society, recognized as such by the county governing body and organized under ORS Chapter 65.

(22) A power generation facility may include on-site and off-site facilities for temporary workforce housing for workers constructing a power generation facility. Such facilities must be removed or converted to an allowed use under OAR 660-033-0130(19) or other statute or rule when project construction is complete. Temporary workforce housing facilities not included in the initial approval may be considered through a minor amendment request. A minor amendment request shall be subject to 660-033-0130(5) and shall have no effect on the original approval. Permanent features of a power generation facility shall not preclude more than 20 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4.

(23) A farm stand may be approved if:

(a) The structures are designed and used for sale of farm crops and livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area, including the sale of retail incidental items and fee-based activity to promote the sale of farm crops or livestock sold at the farm stand if the annual sales of the incidental items and fees from promotional activity do not make up more than 25 percent of the total annual sales of the farm stand; and

(b) The farm stand does not include structures designed for occupancy as a residence or for activities other than the sale of farm crops and livestock and does not include structures for banquets, public gatherings or public entertainment.

(c) As used in this section, "farm crops or livestock" includes both fresh and processed farm crops and livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area. As used in this subsection, "processed crops and livestock" includes jams, syrups, apple cider, animal products and other similar farm crops and livestock that have been processed and converted into another product but not prepared food items.

(d) As used in this section, "local agricultural area" includes Oregon or an adjacent county in Washington, Idaho, Nevada or California that borders the Oregon county in which the farm stand is located.

(24) Accessory farm dwellings as defined by subsection (e) of this section may be considered customarily provided in conjunction with farm use if:

(a) Each accessory farm dwelling meets all the following requirements:

(A) The accessory farm dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land and whose seasonal or year-round assistance in the management of the farm use, such as planting, harvesting, marketing or caring for livestock, is or will be required by the farm operator;

(B) The accessory farm dwelling will be located:

(i) On the same lot or parcel as the primary farm dwelling;

(ii) On the same tract as the primary farm dwelling when the lot or parcel on which the accessory farm dwelling will be sited is consolidated into a single parcel with all other contiguous lots and parcels in the tract;

(iii) On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is limited to only a manufactured dwelling with a deed restriction. The deed restriction shall be filed with the county clerk and require the manufactured dwelling to be removed when the lot or parcel is conveyed to another party. The manufactured dwelling may remain if it is reapproved under these rules;

(iv) On any lot or parcel, when the accessory farm dwelling is limited to only attached multi-unit residential structures allowed by the applicable state building code or similar types of farmworker housing as that existing on farm or ranch operations registered with the Department of Consumer and Business Services, Oregon Occupational Safety and Health Division under ORS 658.750. A county shall require all accessory farm

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dwellings approved under this subparagraph to be removed, demolished or converted to a nonresidential use when farmworker housing is no longer required. "Farmworker housing" shall have the meaning set forth in 215.278 and not the meaning in 315.163; or

(v) On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is located on a lot or parcel at least the size of the applicable minimum lot size under ORS 215.780 and the lot or parcel complies with the gross farm income requirements in OAR 660-033-0135(3) or (4), whichever is applicable; and

(C) There is no other dwelling on the lands designated for exclusive farm use owned by the farm operator that is vacant or currently occupied by persons not working on the subject farm or ranch and that could reasonably be used as an accessory farm dwelling.

(b) In addition to the requirements in subsection (a) of this section, the primary farm dwelling to which the proposed dwelling would be accessory, meets one of the following:

(A) On land not identified as high-value farmland, the primary farm dwelling is located on a farm or ranch operation that is currently employed for farm use, as defined in ORS 215.203, on which, in each of the last two years or three of the last five years or in an average of three of the last five years, the farm operator earned the lower of the following:

(i) At least \$40,000 in gross annual income from the sale of farm products. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract; or

(ii) Gross annual income of at least the midpoint of the median income range of gross annual sales for farms in the county with the gross annual sales of \$10,000 or more according to the 1992 Census of Agriculture, Oregon. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract;

(B) On land identified as high-value farmland, the primary farm dwelling is located on a farm or ranch operation that is currently employed for farm use, as defined in ORS 215.203, on which the farm operator earned at least \$80,000 in gross annual income from the sale of farm products in each of the last two years or three of the last five years or in an average of three of the last five years. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract;

(C) On land not identified as high-value farmland in counties that have adopted marginal lands provisions under former ORS 197.247 (1991 Edition) before January 1, 1993, the primary farm dwelling is located on a farm or ranch operation that meets the standards and requirements of 215.213(2)(a) or (b) or paragraph (A) of this subsection; or

(D) It is located on a commercial dairy farm as defined by OAR 660-033-0135(8); and

(i) The building permits, if required, have been issued and construction has begun or been completed for the buildings and animal waste facilities required for a commercial dairy farm;

(ii) The Oregon Department of Agriculture has approved a permit for a "confined animal feeding operation" under ORS 468B.050 and 468B.200 to 468B.230; and

(iii) A Producer License for the sale of dairy products under ORS 621.072.

(c) The governing body of a county shall not approve any proposed division of a lot or parcel for an accessory farm dwelling approved pursuant to this section. If it is determined that an accessory farm dwelling satisfies the requirements of OAR 660-033-0135, a parcel may be created consistent with the minimum parcel size requirements in 660-033-0100.

(d) An accessory farm dwelling approved pursuant to this section cannot later be used to satisfy the requirements for a dwelling not provided in conjunction with farm use pursuant to section (4) of this rule.

(e) For the purposes of OAR 660-033-0130(24), "accessory farm dwelling" includes all types of residential structures allowed by the applicable state building code.

(25) In counties that have adopted marginal lands provisions under former ORS 197.247 (1991 Edition) before January 1, 1993, an armed forces reserve center is allowed, if the center is within one-half mile of a community college. An "armed forces reserve center" includes an armory or National Guard support facility.

(26) Buildings and facilities associated with a site for the takeoff and landing of model aircraft shall not be more than 500 square feet in floor area or placed on a permanent foundation unless the building or facility preexisted the use approved under this section. The site shall not include an aggregate surface or hard surface area unless the surface preexisted the use approved under this section. An owner of property used for the purpose

authorized in this section may charge a person operating the use on the property rent for the property. An operator may charge users of the property a fee that does not exceed the operator's cost to maintain the property, buildings and facilities. As used in this section, "model aircraft" means a small-scale version of an airplane, glider, helicopter, dirigible or balloon that is used or intended to be used for flight and is controlled by radio, lines or design by a person on the ground.

(27) Insect species shall not include any species under quarantine by the Oregon Department of Agriculture or the United States Department of Agriculture. The county shall provide notice of all applications under this section to the Oregon Department of Agriculture. Notice shall be provided in accordance with the county's land use regulations but shall be mailed at least 20 calendar days prior to any administrative decision or initial public hearing on the application.

(28) A farm on which a processing facility is located must provide at least one-quarter of the farm crops processed at the facility. A farm may also be used for an establishment for the slaughter, processing or selling of poultry or poultry products pursuant to ORS 603.038. If a building is established or used for the processing facility or establishment, the farm operator may not devote more than 10,000 square feet of floor area to the processing facility or establishment, exclusive of the floor area designated for preparation, storage or other farm use. A processing facility or establishment must comply with all applicable siting standards but the standards may not be applied in a manner that prohibits the siting of the processing facility or establishment. A county may not approve any division of a lot or parcel that separates a processing facility or establishment from the farm operation on which it is located.

(29)(a) Composting operations and facilities allowed on high-value farmland are limited to those that are accepted farming practices in conjunction with and auxiliary to farm use on the subject tract, and that meet the performance and permitting requirements of the Department of Environmental Quality under OAR 340-093-0050 and 340-096-0060. Excess compost may be sold to neighboring farm operations in the local area and shall be limited to bulk loads of at least one unit (7.5 cubic yards) in size. Buildings and facilities used in conjunction with the composting operation shall only be those required for the operation of the subject facility.

(b) Composting operations and facilities allowed on land not defined as high-value farmland shall meet the performance and permitting requirements of the Department of Environmental Quality under OAR 340-093-0050 and 340-096-0060. Composting operations that are accepted farming practices in conjunction with and auxiliary to farm use on the subject tract are allowed uses, while other composting operations are subject to the review standards of ORS 215.296. Buildings and facilities used in conjunction with the composting operation shall only be those required for the operation of the subject facility. Onsite sales shall be limited to bulk loads of at least one unit (7.5 cubic yards) in size that are transported in one vehicle.

(30) The County governing body or its designate shall require as a condition of approval of a single-family dwelling under ORS 215.213, 215.283 or 215.284 or otherwise in a farm or forest zone, that the landowner for the dwelling sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under 30.936 or 30.937.

(31) Public parks including only the uses specified under OAR 660-034-0035 or 660-034-0040, whichever is applicable.

(32) Utility facility service lines are utility lines and accessory facilities or structures that end at the point where the utility service is received by the customer and that are located on one or more of the following:

(a) A public right of way;

(b) Land immediately adjacent to a public right of way, provided the written consent of all adjacent property owners has been obtained; or

(c) The property to be served by the utility.

(33) An outdoor mass gathering as defined in ORS 433.735 or other gathering of 3,000 or fewer persons that is not anticipated to continue for more than 120 hours in any three-month period is not a "land use decision" as defined in 197.015(10) or subject to review under this division. Agri-tourism and other commercial events or activities may not be permitted as mass gatherings under 215.213(11) and 215.283(4).

(34) Any outdoor gathering of more than 3,000 persons that is anticipated to continue for more than 120 hours in any three-month planning period is subject to review by a county planning commission under the provisions of ORS 433.763.

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(35)(a) As part of the conditional use approval process under ORS 215.296 and OAR 660-033-0130(5), for the purpose of verifying the existence, continuity and nature of the business described in ORS 215.213(2)(w) or 215.283(2)(y), representatives of the business may apply to the county and submit evidence including, but not limited to, sworn affidavits or other documentary evidence that the business qualifies; and

(b) Alteration, restoration or replacement of a use authorized in ORS 215.213(2)(w) or 215.283(2)(y) may be altered, restored or replaced pursuant to 215.130(5), (6) and (9).

(36) For counties subject to ORS 215.283 and not 215.213, a community center authorized under this section may provide services to veterans, including but not limited to emergency and transitional shelter, preparation and service of meals, vocational and educational counseling and referral to local, state or federal agencies providing medical, mental health, disability income replacement and substance abuse services, only in a facility that is in existence on January 1, 2006. The services may not include direct delivery of medical, mental health, disability income replacement or substance abuse services.

(37) For purposes of this rule a wind power generation facility includes, but is not limited to, the following system components: all wind turbine towers and concrete pads, permanent meteorological towers and wind measurement devices, electrical cable collection systems connecting wind turbine towers with the relevant power substation, new or expanded private roads (whether temporary or permanent) constructed to serve the wind power generation facility, office and operation and maintenance buildings, temporary lay-down areas and all other necessary appurtenances, including but not limited to on-site and off-site facilities for temporary workforce housing for workers constructing a wind power generation facility. Such facilities must be removed or converted to an allowed use under OAR 660-033-0130(19) or other statute or rule when project construction is complete. Temporary workforce housing facilities not included in the initial approval may be considered through a minor amendment request filed after a decision to approve a power generation facility. A minor amendment request shall be subject to 660-033-0130(5) and shall have no effect on the original approval. A proposal for a wind power generation facility shall be subject to the following provisions:

(a) For high-value farmland soils described at ORS 195.300(10), the governing body or its designate must find that all of the following are satisfied:

(A) Reasonable alternatives have been considered to show that siting the wind power generation facility or component thereof on high-value farmland soils is necessary for the facility or component to function properly or if a road system or turbine string must be placed on such soils to achieve a reasonably direct route considering the following factors:

(i) Technical and engineering feasibility;

(ii) Availability of existing rights of way; and

(iii) The long term environmental, economic, social and energy consequences of siting the facility or component on alternative sites, as determined under paragraph (B);

(B) The long-term environmental, economic, social and energy consequences resulting from the wind power generation facility or any components thereof at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located on other agricultural lands that do not include high-value farmland soils;

(C) Costs associated with any of the factors listed in paragraph (A) may be considered, but costs alone may not be the only consideration in determining that siting any component of a wind power generation facility on high-value farmland soils is necessary;

(D) The owner of a wind power generation facility approved under subsection (a) shall be responsible for restoring, as nearly as possible, to its former condition any agricultural land and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the facility. Nothing in this subsection shall prevent the owner of the facility from requiring a bond or other security from a contractor or otherwise imposing on a contractor the responsibility for restoration; and

(E) The criteria of subsection (b) are satisfied.

(b) For arable lands, meaning lands that are cultivated or suitable for cultivation, including high-value farmland soils described at ORS 195.300(10), the governing body or its designate must find that:

(A) The proposed wind power facility will not create unnecessary negative impacts on agricultural operations conducted on the subject property. Negative impacts could include, but are not limited to, the unnecessary construction of roads, dividing a field or multiple fields in such a way that

creates small or isolated pieces of property that are more difficult to farm, and placing wind farm components such as meteorological towers on lands in a manner that could disrupt common and accepted farming practices;

(B) The presence of a proposed wind power facility will not result in unnecessary soil erosion or loss that could limit agricultural productivity on the subject property. This provision may be satisfied by the submittal and county approval of a soil and erosion control plan prepared by an adequately qualified individual, showing how unnecessary soil erosion will be avoided or remedied and how topsoil will be stripped, stockpiled and clearly marked. The approved plan shall be attached to the decision as a condition of approval;

(C) Construction or maintenance activities will not result in unnecessary soil compaction that reduces the productivity of soil for crop production. This provision may be satisfied by the submittal and county approval of a plan prepared by an adequately qualified individual, showing how unnecessary soil compaction will be avoided or remedied in a timely manner through deep soil decompaction or other appropriate practices. The approved plan shall be attached to the decision as a condition of approval; and

(D) Construction or maintenance activities will not result in the unabated introduction or spread of noxious weeds and other undesirable weeds species. This provision may be satisfied by the submittal and county approval of a weed control plan prepared by an adequately qualified individual that includes a long-term maintenance agreement. The approved plan shall be attached to the decision as a condition of approval.

(c) For nonarable lands, meaning lands that are not suitable for cultivation, the governing body or its designate must find that the requirements of OAR 660-033-0130(37)(b)(D) are satisfied.

(d) In the event that a wind power generation facility is proposed on a combination of arable and nonarable lands as described in OAR 660-033-0130(37)(b) and (c) the approval criteria of 660-033-0130(37)(b) shall apply to the entire project.

(38) A proposal to site a photovoltaic solar power generation facility shall be subject to the following definitions and provisions:

(a) "Arable land" means land in a tract that is predominantly cultivated or, if not currently cultivated, predominantly comprised of arable soils.

(b) "Arable soils" means soils that are suitable for cultivation as determined by the governing body or its designate based on substantial evidence in the record of a local land use application, but "arable soils" does not include high-value farmland soils described at ORS 195.300(10) unless otherwise stated.

(c) "Nonarable land" means land in a tract that is predominantly not cultivated and predominantly comprised of nonarable soils.

(d) "Nonarable soils" means soils that are not suitable for cultivation. Soils with an NRCS agricultural capability class V-VIII and no history of irrigation shall be considered nonarable in all cases. The governing body or its designate may determine other soils, including soils with a past history of irrigation, to be nonarable based on substantial evidence in the record of a local land use application.

(e) "Photovoltaic solar power generation facility" includes, but is not limited to, an assembly of equipment that converts sunlight into electricity and then stores, transfers, or both, that electricity. This includes photovoltaic modules, mounting and solar tracking equipment, foundations, inverters, wiring, storage devices and other components. Photovoltaic solar power generation facilities also include electrical cable collection systems connecting the photovoltaic solar generation facility to a transmission line, all necessary grid integration equipment, new or expanded private roads constructed to serve the photovoltaic solar power generation facility, office, operation and maintenance buildings, staging areas and all other necessary appurtenances. For purposes of applying the acreage standards of this section, a photovoltaic solar power generation facility includes all existing and proposed facilities on a single tract, as well as any existing and proposed facilities determined to be under common ownership on lands with fewer than 1320 feet of separation from the tract on which the new facility is proposed to be sited. Projects connected to the same parent company or individuals shall be considered to be in common ownership, regardless of the operating business structure. A photovoltaic solar power generation facility does not include a net metering project established consistent with ORS 757.300 and OAR chapter 860, division 39 or a Feed-in-Tariff project established consistent with ORS 757.365 and OAR chapter 860, division 84.

(f) For high-value farmland described at ORS 195.300(10), a photovoltaic solar power generation facility shall not preclude more than 12 acres from use as a commercial agricultural enterprise unless an exception is

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taken pursuant to ORS 197.732 and OAR chapter 660, division 4. The governing body or its designate must find that:

(A) The proposed photovoltaic solar power generation facility will not create unnecessary negative impacts on agricultural operations conducted on any portion of the subject property not occupied by project components. Negative impacts could include, but are not limited to, the unnecessary construction of roads dividing a field or multiple fields in such a way that creates small or isolated pieces of property that are more difficult to farm, and placing photovoltaic solar power generation facility project components on lands in a manner that could disrupt common and accepted farming practices;

(B) The presence of a photovoltaic solar power generation facility will not result in unnecessary soil erosion or loss that could limit agricultural productivity on the subject property. This provision may be satisfied by the submittal and county approval of a soil and erosion control plan prepared by an adequately qualified individual, showing how unnecessary soil erosion will be avoided or remedied and how topsoil will be stripped, stockpiled and clearly marked. The approved plan shall be attached to the decision as a condition of approval;

(C) Construction or maintenance activities will not result in unnecessary soil compaction that reduces the productivity of soil for crop production. This provision may be satisfied by the submittal and county approval of a plan prepared by an adequately qualified individual, showing how unnecessary soil compaction will be avoided or remedied in a timely manner through deep soil decompaction or other appropriate practices. The approved plan shall be attached to the decision as a condition of approval;

(D) Construction or maintenance activities will not result in the unabated introduction or spread of noxious weeds and other undesirable weed species. This provision may be satisfied by the submittal and county approval of a weed control plan prepared by an adequately qualified individual that includes a long-term maintenance agreement. The approved plan shall be attached to the decision as a condition of approval;

(E) The project is not located on high-value farmland soils unless it can be demonstrated that:

(i) Non high-value farmland soils are not available on the subject tract;

(ii) Siting the project on non high-value farmland soils present on the subject tract would significantly reduce the project's ability to operate successfully; or

(iii) The proposed site is better suited to allow continuation of an existing commercial farm or ranching operation on the subject tract than other possible sites also located on the subject tract, including those comprised of non high-value farmland soils; and

(F) A study area consisting of lands zoned for exclusive farm use located within one mile measured from the center of the proposed project shall be established and:

(i) If fewer than 48 acres of photovoltaic solar power generation facilities have been constructed or received land use approvals and obtained building permits within the study area, no further action is necessary.

(ii) When at least 48 acres of photovoltaic solar power generation have been constructed or received land use approvals and obtained building permits, either as a single project or as multiple facilities within the study area, the local government or its designate must find that the photovoltaic solar energy generation facility will not materially alter the stability of the overall land use pattern of the area. The stability of the land use pattern will be materially altered if the overall effect of existing and potential photovoltaic solar energy generation facilities will make it more difficult for the existing farms and ranches in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland or acquire water rights, or will reduce the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area.

(g) For arable lands, a photovoltaic solar power generation facility shall not preclude more than 20 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4. The governing body or its designate must find that:

(A) The project is not located on high-value farmland soils or arable soils unless it can be demonstrated that:

(i) Nonarable soils are not available on the subject tract;

(ii) Siting the project on nonarable soils present on the subject tract would significantly reduce the project's ability to operate successfully; or

(iii) The proposed site is better suited to allow continuation of an existing commercial farm or ranching operation on the subject tract than other possible sites also located on the subject tract, including those comprised of nonarable soils;

(B) No more than 12 acres of the project will be sited on high-value farmland soils described at ORS 195.300(10) unless an exception is taken pursuant to 197.732 and OAR chapter 660, division 4;

(C) A study area consisting of lands zoned for exclusive farm use located within one mile measured from the center of the proposed project shall be established and:

(i) If fewer than 80 acres of photovoltaic solar power generation facilities have been constructed or received land use approvals and obtained building permits within the study area no further action is necessary.

(ii) When at least 80 acres of photovoltaic solar power generation have been constructed or received land use approvals and obtained building permits, either as a single project or as multiple facilities, within the study area the local government or its designate must find that the photovoltaic solar energy generation facility will not materially alter the stability of the overall land use pattern of the area. The stability of the land use pattern will be materially altered if the overall effect of existing and potential photovoltaic solar energy generation facilities will make it more difficult for the existing farms and ranches in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area; and

(D) The requirements of OAR 660-033-0130(38)(f)(A), (B), (C) and (D) are satisfied.

(h) For nonarable lands, a photovoltaic solar power generation facility shall not preclude more than 320 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4. The governing body or its designate must find that:

(A) The project is not located on high-value farmland soils or arable soils unless it can be demonstrated that:

(i) Siting the project on nonarable soils present on the subject tract would significantly reduce the project's ability to operate successfully; or

(ii) The proposed site is better suited to allow continuation of an existing commercial farm or ranching operation on the subject tract as compared to other possible sites also located on the subject tract, including sites that are comprised of nonarable soils;

(B) No more than 12 acres of the project will be sited on high-value farmland soils described at ORS 195.300(10);

(C) No more than 20 acres of the project will be sited on arable soils unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4;

(D) The requirements of OAR 660-033-0130(38)(f)(D) are satisfied;

(E) If a photovoltaic solar power generation facility is proposed to be developed on lands that contain a Goal 5 resource protected under the county's comprehensive plan, and the plan does not address conflicts between energy facility development and the resource, the applicant and the county, together with any state or federal agency responsible for protecting the resource or habitat supporting the resource, will cooperatively develop a specific resource management plan to mitigate potential development conflicts. If there is no program present to protect the listed Goal 5 resource(s) present in the local comprehensive plan or implementing ordinances and the applicant and the appropriate resource management agency(ies) cannot successfully agree on a cooperative resource management plan, the county is responsible for determining appropriate mitigation measures; and

(F) If a proposed photovoltaic solar power generation facility is located on lands where, after site specific consultation with an Oregon Department of Fish and Wildlife biologist, it is determined that the potential exists for adverse effects to state or federal special status species (threatened, endangered, candidate, or sensitive) or habitat or to big game winter range or migration corridors, golden eagle or prairie falcon nest sites or pigeon springs, the applicant shall conduct a site-specific assessment of the subject property in consultation with all appropriate state, federal, and tribal wildlife management agencies. A professional biologist shall conduct the site-specific assessment by using methodologies accepted by the appropriate wildlife management agency and shall determine whether adverse effects to special status species or wildlife habitats are anticipated. Based on the results of the biologist's report, the site shall be designed to avoid adverse effects to state or federal special status species or to wildlife habitats as described above. If the applicant's site-specific assessment shows that adverse effects cannot be avoided, the applicant and the appropriate wildlife management agency will cooperatively develop an agreement for project-specific mitigation to offset the potential adverse effects of the facility. Where the applicant and the resource management agency cannot agree on what mitigation will be carried out, the county is responsible for determining appropriate mitigation, if any, required for the facility.

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(G) The provisions of paragraph (F) are repealed on January 1, 2022.

(i) The county governing body or its designate shall require as a condition of approval for a photovoltaic solar power generation facility, that the project owner sign and record in the deed records for the county a document binding the project owner and the project owner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices as defined in ORS 30.930(2) and (4).

(j) Nothing in this section shall prevent a county from requiring a bond or other security from a developer or otherwise imposing on a developer the responsibility for retiring the photovoltaic solar power generation facility.

(k) If ORS 469.300(11)(a)(D) is amended, the commission may re-evaluate the acreage thresholds identified in subsections (f), (g) and (h) of this section.

(39) Dog training classes or testing trials conducted outdoors or in farm buildings that existed on January 1, 2013, when:

(a) The number of dogs participating in training does not exceed 10 per training class and the number of training classes to be held on-site does not exceed six per day; and

(b) The number of dogs participating in a testing trial does not exceed 60 and the number of testing trials to be conducted on-site does not exceed four per calendar year.

Stat. Auth.: ORS 197.040

Stats. Implemented: ORS 197.040, 215.213, 215.275, 215.282, 215.283, 215.301, 215.448, 215.459 & 215.705

Hist.: LCDC 6-1992, f. 12-10-92, cert. ef. 8-7-93; LCDC 3-1994, f. & cert. ef. 3-1-94; LCDC 6-1994, f. & cert. ef. 6-3-94; LCDC 8-1995, f. & cert. ef. 6-29-95; LCDC 5-1996, f. & cert. ef. 12-23-96; LCDD 5-1997, f. & cert. ef. 12-23-97; LCDD 2-1998, f. & cert. ef. 6-1-98; LCDD 5-2000, f. & cert. ef. 4-24-00; LCDD 9-2000, f. & cert. ef. 11-3-00; LCDD 1-2002, f. & cert. ef. 5-22-02; LCDD 1-2004, f. & cert. ef. 4-30-04; LCDD 2-2006, f. & cert. ef. 2-15-06; LCDD 3-2008, f. & cert. ef. 4-18-08; LCDD 5-2008, f. 12-31-08, cert. ef. 1-2-09; LCDD 5-2009, f. & cert. ef. 12-7-09; LCDD 6-2010, f. & cert. ef. 6-17-10; LCDD 7-2010(Temp), f. & cert. ef. 6-17-10 thru 11-30-10; LCDD 9-2010, f. & cert. ef. 9-24-10; LCDD 11-2010, f. & cert. ef. 11-23-10; LCDD 4-2011, f. & cert. ef. 3-16-11; LCDD 9-2011, f. & cert. ef. 11-23-11; LCDD 7-2012, f. & cert. ef. 2-14-12; LCDD 2-2013, f. & cert. ef. 1-29-13; LCDD 6-2013, f. 12-20-13, cert. ef. 1-1-14; LCDD 2-2014, f. & cert. ef. 10-14-14

Landscape Contractors Board Chapter 808

Rule Caption: Clarifies specific plantings that are agricultural services and are exempt from licensing.

Adm. Order No.: LCB 7-2014

Filed with Sec. of State: 9-25-2014

Certified to be Effective: 10-1-14

Notice Publication Date: 7-1-2014

Rules Adopted: 808-002-0145

Subject: Clarifies specific plantings that are agricultural services and are exempt from licensing

Rules Coordinator: Kim Gladwill-Rowley—(503) 967-6291, ext. 223

808-002-0145

Agriculture Exemption

The following are exempt from ORS 671.510 to 671.760:

(1) All plants, including, but not limited to, trees, shrubs, vines or trees which have their situs of production on a farm or vineyard and are used by humans or animals as food and grown for commercial sale.

(2) Drainage systems used to drain agricultural products including nursery stock grown for sale or for pastures used for the grazing or raising of animals unless done in conjunction with a landscape job.

(3) Irrigation systems used to irrigate agricultural products including nursery stock grown for sale or for pastures used for the grazing or raising of animals unless done in conjunction with a landscape job.

Stat. Auth.: ORS 670.310 & 671.670

Stats. Implemented: ORS 671.520

Hist.: LCB 7-2014, f. 9-25-14, cert. ef. 10-1-14

Rule Caption: Providing false information is dishonest and amends items the board charges for.

Adm. Order No.: LCB 8-2014

Filed with Sec. of State: 9-25-2014

Certified to be Effective: 10-1-14

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Rules Amended: 808-001-0020, 808-002-0330

Rules Repealed: 808-001-0020(T), 808-002-0330(T)

Subject: Providing false information is dishonest & amends items the board charges for.

Rules Coordinator: Kim Gladwill-Rowley—(503) 967-6291, ext. 223

808-001-0020

Charges for Documents; Refunds

(1) All requests for copies of public records pertaining to the State Landscape Contractors Board and available at the Board's office shall be in writing and may be delivered in person, by mail, by fax or by email. The request must include:

(a) The name and address of the person requesting the public record;

(b) The telephone number or other contact information for the person requesting the public record;

(c) A sufficiently detailed description of the record(s) requested to allow the agency to search for and identify responsive records;

(d) Date of request; and

(e) Signature of the person requesting the public record.

(2) Charges to the general public and to state agencies shall be payable in cash, check, money order, or any credit card accepted by the board office. Billing to such state agencies must be authorized by the Administrator. Checks or money orders shall be made payable to the Landscape Contractors Board.

(3) The Board accepts credit card payment submitted in person or by mail, e-mail or fax. Any credit card payment that is rejected by the bank and requested to be confiscated will be retained and returned to the bank. All payments by credit card that are rejected must be paid in full by a check or money order within ten days from notification of rejection.

(4) Charges for copies, documents, and services shall be as follows:

(a) Twenty-five cents per page for photocopies.

(b) The cost of records transmitted by fax is \$.75 for the first page and \$.60 for each additional page, limited to a 20-page maximum, not including the cover page.

(c) The cost of records transmitted by email is \$5 per email.

(d) Upon request, copies of public records may be provided electronically if the document(s) are stored in the agency's computer system. Disks will be provided at a cost of \$5.00 per disk and may contain as much information as the disk will hold. Due to the threat of computer viruses, the agency will not permit requestors to provide disks for electronic reproduction of computer records.

(e) Actual cost for delivery of records such as postage and courier fees.

(f) Actual attorney fees charged to the agency for the cost of time spent by an attorney in reviewing the public records, redacting materials from the public records or segregating the public records into exempt and nonexempt records.

(g) The agency may require pre-payment of estimated fees before taking further action on a request.

(h) \$20 for each certification that an entity has or has not been licensed with the Landscape Contractors Board.

(i) \$20 for certified copies of documents.

(j) \$100 for listing of individual landscape construction professional contractors and landscape contracting businesses on CD, or provided electronically through e-mail. Requests for searching or formatting the data will be billed as per subsection (k) of this rule. The Administrator may waive this charge for other public agencies.

(k) Labor charges that include researching, locating, compiling, editing or otherwise processing information and records:

(A) No charge for the first 30 minutes of staff time;

(B) Beginning with the 31st minute, the charge per total request is \$30 per hour or \$7.50 per quarter-hour. A prorated fee is not available for less than a quarter-hour;

(l) For both machine copies and documents, an additional amount set at the discretion of the Administrator for staff time required for search, handling, and copying.

(m) \$20 for duplicate recording of Board meetings.

(n) \$20 for duplicate recordings of a three hour agency hearing or arbitration and \$10 for each additional 90 minute or fraction thereof of the hearing or arbitration.

(o) Plant CD:

The cost of the item, the cost of shipping and a fee for the cost of processing the order. Contact the State Landscape Contractors Board for the current charges.

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(p) Landscape Construction book by David Sauter is the cost of the item, the cost of shipping and a fee for the cost of processing the order. Contact the State Landscape Contractors Board for the current charges.

(q) Owner/Managing Employee Study Guide & Manual is the cost of the item, the cost of shipping and a fee for the cost of processing the order. Contact the State Landscape Contractors Board for the current charges.

(5) Refunds: All requests for refunds must be in writing.

(a) Except as set forth in subsection (b) of this section, applicant and licensing fees are non-refundable and nontransferable.

(b) When an applicant for a landscape construction professional license withdraws their renewal or fails to complete the renewal process the agency may retain a-processing fee of \$20. When an applicant withdraws their application for a landscape contracting business license or renewal or fails to complete the renewal process, the agency may retain a-processing fee of \$50.

(6) If the agency receives payment of any fees or penalty by check and the check is returned to the agency by the bank, the payer of the fees may be assessed a charge of \$25 in addition to the required payment of the fees or penalty.

(7) The agency shall not refund fees or civil penalties overpaid by an amount of \$20 or less unless requested by the payer in writing within three years after the date payment is received by the agency, as provided by ORS 293.445.

Stat. Auth.: ORS 183, 293.445, 671 & 2007 OL Ch. 541
Stats. Implemented: ORS 183, 192.430, 293.445 & 671
Hist.: LC 1-1984, f. & ef. 7-17-84; LCB 1-1988, f. 1-26-88, cert. ef. 2-1-88; LCB 2-1988(Temp), f. 3-17-88, cert. ef. 4-1-88; LCB 4-1988, f. 11-23-88, cert. ef. 12-1-88; LSCB 2-1997, f. & cert. ef. 11-3-97; LCB 2-1999, f. & cert. ef. 5-4-99; LCB 4-2002, f. & cert. ef. 12-4-02; LCB 1-2003, f. 1-31-03, cert. ef. 2-1-03; LCB 4-2004(Temp), f. & cert. ef. 6-11-04 thru 12-6-04; LCB 5-2004, f. & cert. ef. 10-4-04; LCB 4-2007, f. 12-19-07, cert. ef. 1-1-08; LCB 7-2007, f. 12-24-07, cert. ef. 1-1-08; LCB 3-2008, f. & cert. ef. 4-11-08; LCB 4-2008(Temp), f. & cert. ef. 4-23-08 thru 9-22-08; LCB 9-2008, f. 9-29-08, cert. ef. 10-1-08; LCB 3-2011, f. & cert. ef. 5-25-11; LCB 4-2014(Temp), f. 3-31-14, cert. ef. 4-1-14 thru 9-27-14; LCB 8-2014, f. 9-25-14, cert. ef. 10-1-14

808-002-0330

Dishonest or Fraudulent Conduct

“Dishonest or fraudulent conduct,” as used in ORS 671.610(1)(q), includes, but is not limited to, the following:

(1) Failing to pay monies when due for materials or services rendered in connection with the applicant’s or licensee’s operations as a landscape contracting business when the applicant or licensee has received sufficient funds as payment for the particular landscaping project or operation for which the services or materials were rendered or purchased; or

(2) Accepting payment in advance on a contract or agreement and failing to perform the work or provide the services required by the contract or agreement in a diligent manner and failing to return payment for unperformed work, upon reasonable and proper demand, within ten days of demand; or

(3) Displaying to the public false, misleading, or deceptive advertising whereby a reasonable person could be misled or injured; or

(4) Failing to pay minimum wages or overtime wages as required under state or federal law; or

(5) Failing to comply with the state Prevailing Wage Rate Law, ORS 279.348 to 279.380; or

(6) Failing to comply with the federal Davis-Bacon and related acts when the terms of the contract require such compliance; or

(7) Failing to pay wages as determined by the Bureau of Labor and Industries, Wage and Hour Division; or

(8) Presenting for payment to the board a check that subsequently is returned to the agency due to non-sufficient funds or closure of the account; or

(9) Misrepresenting the employment relationship between a landscape contracting business and a landscape construction professional.

(10) Providing false information to the board.
Stat. Auth.: ORS 670.310 & 671.670
Stats. Implemented: ORS 671.610(1)(q)
Hist.: LCB 6-2005, f. 12-30-05, cert. ef. 1-1-06; LCB 4-2007, f. 12-19-07, cert. ef. 1-1-08; LCB 4-2013, f. 9-30-13 cert. ef. 10-1-13; LCB 5-2014(Temp), f. 3-31-14, cert. ef. 4-1-14 thru 9-27-14; LCB 8-2014, f. 9-25-14, cert. ef. 10-1-14

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Rule Caption: Clarifies scope of work, exam sections to pass to upgrade, and exam score transfer.

Adm. Order No.: LCB 9-2014(Temp)

Filed with Sec. of State: 9-25-2014

Certified to be Effective: 9-25-14 thru 3-24-15

Notice Publication Date:

Rules Amended: 808-003-0040, 808-003-0045, 808-003-0065

Subject: Clarifies scope of work, exam sections to pass to upgrade, and exam score transfer.

Rules Coordinator: Kim Gladwill-Rowley—(503) 967-6291, ext. 223

808-003-0040

Scope of License; Sanctions for Claims Filed against Probationary License

(1) A licensed landscape contracting business may only advertise for or perform those phases of landscaping work for which its owners or employees hold a valid landscape construction professional license.

(2) The landscaping work a licensed landscape contracting business advertises for or performs shall be limited to the following:

(a) For an all phase license holder, all areas of landscaping work, plus the installation of backflow prevention assemblies unless, in lieu of Backflow Prevention, the landscape construction professional contractor has signed an agreement with the Board prior to April 30, 1996 stating that the landscape construction professional will not perform Backflow Prevention work;

(b) For an irrigation, no backflow limited license holder, irrigation functions, including the maintenance of irrigation systems with the use of compressed air;

(c) For a sod and seed limited license holder, grass seed planting or sod laying;

(d) For a tree limited license holder, install new or transplant trees;

(e) For a planting limited license holder, plan or install lawns, shrubs, vines, trees or nursery stock and perform grading and drainage services for the installation of lawns, shrubs, vines, trees or nursery stock. This also includes the preparation of the property on which the vegetation is to be installed as defined in OAR 808-002-0500. A planting limited licensing holder cannot perform low voltage work.

(f) For a standard limited license holder, all areas of landscaping work except irrigation functions and the installation of backflow assemblies;

(g) For an irrigation plus backflow license holder, irrigation functions, including the maintenance of irrigation systems with the use of compressed air and the installation of backflow assemblies.

(h) For a probationary All Phase Plus Backflow license holder, all areas of landscaping work, provided all landscaping work on any given landscape job as defined in OAR 808-002-0495 must not exceed a total contract amount of \$15,000.

(3) A landscape contracting business may bid on a job or enter into a contract that includes the phase of landscaping work for which it is not licensed if that landscape contracting business:

(a) Upgrades the landscape contracting business license phase by employing a landscape construction professional licensed for that phase of landscaping work and notifies the board of this change in license prior to performing this landscaping work, or

(b) Subcontracts the landscaping work that is outside the phase of the license to another licensed landscape contracting business licensed for that phase of landscaping work and comply with the minimum standards for written contracts as required in OAR 808-002-0020(1)(k).

(4) If a landscape contracting business holds a probationary license and two or more claims are filed against the landscape contracting business within a 12 month period the owner or employee who holds the probationary landscape construction professional license and is providing supervision as described in ORS 671.540(1)(q) & (r) or 671.565(1)(b) may be required to take specific continuing education hours (CEH) or approved courses as required by the board that are related to the claim issues. Failure to complete the required CEH or courses within the specified time frame may result, in addition to any civil penalties, revocation, refusal to renew or suspension of the probationary license of the landscape construction professional.

Stat. Auth.: ORS 670.310 & 671.670
Stats. Implemented: ORS 447.060 & 671.560
Hist.: LC 1-1984, f. & ef. 7-17-84; LCB 1-1988, f. 1-26-88, cert. ef. 2-1-88; Renumbered from 808-010-0021; LCB 2-1990, f. 7-27-90, cert. ef. 8-1-90; LCB 2-1992, f. 7-14-92, cert. ef. 7-15-92; LCB 2-1993, f. & cert. ef. 2-1-93; LSCB 2-1994, f. 11-8-94, cert. ef. 11-15-94; LSCB 2-1997, f. & cert. ef. 11-3-97; LCB 1-2001, f. 12-4-01, cert. ef. 1-1-02; LCB 1-2003, f. 1-31-03, cert. ef. 2-1-03; LCB 7-2003(Temp), f. 11-28-03, cert. ef. 12-1-03 thru 5-29-04; LCB 1-2004, f. 1-27-04, cert. ef. 2-1-04; LCB 6-2005, f. 12-30-05, cert. ef. 1-1-06; LCB 3-2007, f. & cert. ef. 8-1-07; LCB 4-2007, f. 12-19-07, cert. ef. 1-1-08; LCB 9-2007, f. 12-24-07, cert. ef. 1-1-08; LCB 3-2008, f. & cert. ef. 4-11-08; LCB 10-2008, f. & cert. ef. 11-6-08; LCB 13-2009, f. 12-23-09, cert. ef. 1-1-10; LCB 7-2010, f. & cert. ef. 10-25-10; LCB 2-2011, f. 12-29-11, cert. ef. 1-1-12; LCB 2-2014, f. 2-20-14, cert. ef. 3-1-14; LCB 3-2014(Temp), f. 2-21-14, cert. ef. 3-1-14 thru 8-28-14; Administrative correction, 9-17-14; LCB 9-2014(Temp), f. & cert. ef. 9-25-14 thru 3-24-15

ADMINISTRATIVE RULES

808-003-0045

Change to Limited Licenses; Removal from Probationary Status

(1) Landscape construction professionals holding limited licenses may upgrade that phase of license by passing additional sections of the exam. Licensees shall submit the required fees and a written request to take the additional sections of the exam.

(2) The following sections must be passed to upgrade to a standard landscape license:

(a) Sod & Seed license holders must pass

(A) Plants and Turf,

(B) Design, Grading and Drainage, and

(C) Hardscaping.

(b) Tree license holders must pass

(A) Plants and Turf,

(B) Design, Grading and Drainage, and

(C) Hardscaping.

(c) Irrigation license holders must pass

(A) Plants and Turf,

(B) Design, Grading and Drainage, and

(C) Hardscaping.

(d) Planting license holders must pass Hardscaping.

(3) Holders of a Sod & Seed license or a Tree license must pass the Plants and Turf and Design, Grading and Drainage sections of the landscape examination to upgrade to a Planting license.

(4) Holders of a Standard license, Sod & Seed license, Planting license or a Tree license must pass the irrigation and Backflow Prevention sections of the landscape examination to upgrade that phase of license to include irrigation plus backflow

(5) If the phase of license for a landscape contracting business license changes, the landscape contracting business must immediately stop advertising for or performing those phases of landscaping work for which the business no longer holds a license.

(6) Probationary license holders may obtain removal from probationary status by:

(a) Demonstrating one or more of the following after the date of obtaining the probationary license:

(A) Completion of 24 months or more of employment with an actively licensed landscape contracting business under the direct supervision of a non-probationary licensed landscape construction professional,

(B) Completion of 24 months or more as an owner or employee of an actively licensed landscape contracting business providing supervision as described in ORS 671.540(1)(q) or 671.565(1)(b) for a period of 24 months where the landscaping work performed on any landscape job by the landscape contracting business did not exceed \$15,000 and where the landscape contracting business filed and maintained with the board a bond, letter of credit or deposit in the amount of \$15,000, or

(C) Completion of 24 months or more as an actively licensed construction contractor under ORS Chapter 701.

(b) Submitting a written request to the board for removal of the probationary status.

Stat. Auth.: ORS 183 & 671

Stats. Implemented: ORS 671.560

Hist.: LC 1-1984, f. & ef. 7-17-84; LCB 1-1988, f. 1-26-88, cert. & ef. 2-1-88; Renumbered from 808-010-0022; LCB 1-2003, f. 1-31-03, cert. ef. 2-1-03; LCB 4-2003, f. 5-27-03, cert. ef. 6-1-03; LCB 1-2004, f. 1-27-04, cert. ef. 2-1-04; LCB 6-2005, f. 12-30-05, cert. ef. 1-1-06; LCB 4-2007, f. 12-19-07, cert. ef. 1-1-08; LCB 9-2007, f. 12-24-07, cert. ef. 1-1-08; LCB 8-2008, f. & cert. ef. 9-5-08; LCB 9-2008, f. 9-29-08, cert. ef. 10-1-08; LCB 10-2008, f. & cert. ef. 11-6-08; LCB 4-2009, f. 6-1-09 cert. ef. 7-1-09; LCB 7-2010, f. & cert. ef. 10-25-10; LCB 2-2013, f. 5-31-13, cert. ef. 6-1-13; LCB 2-2014, f. 2-20-14, cert. ef. 3-1-14; LCB 3-2014(Temp), f. 2-21-14, cert. ef. 3-1-14 thru 8-28-14; Administrative correction, 9-17-14; LCB 9-2014(Temp), f. & cert. ef. 9-25-14 thru 3-24-15

808-003-0065

Scoring; Exam Section Transfer March 1, 2014

(1) Each exam section shall be scored separately.

(2) Based on 100 percent, the passing score shall be 75 percent or higher for each section.

(3) Except as provided in subsection (4), a passing score shall be valid for one year from the date the exam section was taken. An applicant who fails to pass all the sections required for a particular license within one year of passing a section shall retake that section.

(4) A passing score for an applicant for a Probationary All Phase Plus Backflow license will expire upon expiration of the application as stated in OAR 808-003-0030(3).

(5) Effective March 1, 2014 the following sections will transfer to the new exam sections as follows:

(a) Laws, Rules and Business Practice transfers into Laws, Rules and Business Practice;

(b) Plants and Turf transfers into the Plants and Turf Section;

(c) Grading and Drainage transfer into the Design, Grading and Drainage section;

(d) General Safety, estimating, soil science, chemicals and landscape design does not transfer into another exam section;

(e) Irrigation transfers into the Irrigation section; and

(f) Backflow Prevention transfers into Backflow Prevention.

Stat. Auth.: ORS 183.325 - 183.500, 670.310 & 671.670

Stats. Implemented: ORS 671.570

Hist.: LC 1-1984, f. & ef. 7-17-84; LCB 1-1988, f. 1-26-88, cert. ef. 2-1-88; Renumbered from 808-010-0026; LSCB 2-1994, f. 11-8-94, cert. ef. 11-15-94; LCB 3-1998(Temp), f. & cert. ef. 11-16-98 thru 5-15-99; LCB 1-1999, f. & cert. ef. 2-11-99; LCB 1-2003, f. 1-31-03, cert. ef. 2-1-03; LCB 1-2004, f. 1-27-04, cert. ef. 2-1-04; LCB 15-2011, f. 12-29-11, cert. ef. 1-1-12; LCB 3-2014(Temp), f. 2-21-14, cert. ef. 3-1-14 thru 8-28-14; Administrative correction, 9-17-14; LCB 9-2014(Temp), f. & cert. ef. 9-25-14 thru 3-24-15

Occupational Therapy Licensing Board Chapter 339

Rule Caption: OT's in Mental Health and Behavioral Health Practice; Cultural Competency Education

Adm. Order No.: OTLB 1-2014

Filed with Sec. of State: 10-9-2014

Certified to be Effective: 10-9-14

Notice Publication Date: 5-1-2014

Rules Adopted: 339-010-0007, 339-020-0025

Subject: The rules on mental health will clarify OT and OTA's rule in treating mental and behavioral health issues. Approved CE will be expanded to include cultural competency and promoting awareness.

Rules Coordinator: Felicia Holgate—(971) 673-0198

339-010-0007

Occupational Therapy in Mental Health and Behavioral Health Practice

Pursuant to ORS 675.210 defining the practice of Occupational Therapy, occupational therapists and occupational therapy assistants, use analysis and purposeful activity with individuals across their lifespan who are limited by psycho-social dysfunctions, or mental or behavioral disabilities.

(1) Occupational therapists address barriers to optimal functioning at the all levels with:

(a) Individuals (body functions, cognitive functions, values, beliefs, spirituality, motor skills, cognitive skills, and social skills);

(b) Groups (collective individuals, e.g. families, workers, students, or community); and

(c) Populations (collective groups of individuals living in a similar locale, e.g., city, state, or country residents, people sharing same or like concerns).

(2) Occupational therapy practitioners perform evaluations and interventions that focus on enhancing existing skills, creating opportunities, promoting wellness, remediating or restoring skills, modifying or adapting the environment or activity, and preventing relapse.

(3) Occupational therapists and Occupational therapy assistants use a recovery model to increase the ability of individuals, groups, and populations to be engaged with daily life activities that are meaningful; lead to productive daily roles, habits, and routines; and promote living as independently as possible.

(4) Services for individuals with mental illness are client centered and may be provided to individuals in the community, hospitals, correctional institutions, homes, schools or other educational programs, workplace, or any other setting.

(5) Occupational therapists may provide behavioral and mental health preliminary "diagnosis" using standard terminology and taxonomy such as DSM or ICD, through observation of symptoms and mental health assessment, confirmed by prescribing physician and health care team.

Stat. Auth.: ORS 675.320(8)

Stats. Implemented: ORS 675.320

Hist.: OTLB 1-2014, f. & cert. ef. 10-9-14

339-020-0025

Continuing Education in Cultural Competency

Continuing Education in cultural competency is considered relevant for the current practice of all licensees and may be used toward satisfying the required Continuing Education hours.

Stat. Auth.: ORS 675.320(8)

Stats. Implemented: ORS 675.320

Hist.: OTLB 1-2014, f. & cert. ef. 10-9-14

ADMINISTRATIVE RULES

**Oregon Health Authority,
Addictions and Mental Health Division:
Mental Health Services
Chapter 309**

Rule Caption: Permanent amendments to OAR 309-033 regarding seclusions and restraints to persons in custody or diversion.

Adm. Order No.: MHS 13-2014

Filed with Sec. of State: 9-29-2014

Certified to be Effective: 9-29-14

Notice Publication Date: 8-1-2014

Rules Adopted: 309-033-0725, 309-033-0727, 309-033-0732, 309-033-0733

Rules Amended: 309-033-0700, 309-033-0710, 309-033-0720, 309-033-0730, 309-033-0735, 309-033-0740

Subject: These rules are pursuant to ORS 426.072, 426.236, 426.228, 426.232, 426.233 and 426.234, 426.385 for certification of hospitals and facilities which provide care, custody, and treatment to committed persons and to persons in custody or on diversion.

Rules Coordinator: Nola Russell—(503) 945-7652

309-033-0700

Purpose and Scope

(1) This section establishes rules pursuant to ORS 426.072, 426.236, 426.228, 426.232, 426.233 and 426.234, 426.385 for certification of hospitals and facilities which provide care, custody, and treatment to committed persons and to persons in custody or on diversion.

(2) Seclusion or restraint may be used only for the management of violent or self-destructive behavior that jeopardizes the immediate physical safety of the patient, a staff member, or other individuals.

Stat. Auth.: ORS 413.042, 426.236, 426.385 & 430.021

Stats. Implemented: ORS 426.005 - 426.395

Hist.: MHD 10-1998, f. 6-26-98, cert. ef. 7-1-98, Renumbered from 309-220-0000; MHS 13-2014, f. & cert. ef. 9-29-14

309-033-0710

Definitions

(1) "Administrator" means the chief of psychiatric services in a community hospital or the person in charge of treatment and rehabilitation programs in a nonhospital facility. "Administrator" has the same meaning as "director of the facility" as that term is defined in ORS 426.005(1)(a). Whenever "administrator" appears it means the administrator or his or her designee.

(2) "Authority" means the Oregon Health Authority (OHA).

(3) "Clinical Record" means the record required by OAR 309-014-0035, General Standards for Delivery of Community Mental Health Service Elements, documenting the mental health services delivered to clients by a CMHP or subcontractor.

(4) "CMHP" means the community mental health program which organizes all services for persons with mental disorders or substance use disorders, operated by or contractually affiliated with a local mental health authority operating in a specific geographic area of the state under an inter-governmental agreement or direct contract with the Division.

(5) "Community Hospital" means any hospital that is not a state hospital.

(6) "Council" means a regional acute care psychiatric facility organization with a mission statement and bylaws, comprised of facility representatives, consumers and family members. The council is advisory to the facility.

(7) "Court" means the circuit court acting pursuant to ORS Chapter 426.

(8) "Custody" means the prehearing physical retaining of a person taken into custody by:

(a) A peace officer pursuant to ORS 426.070, 426.228, 426.233(1);

(b) A health care facility licensed under ORS Chapter 431 and certified by the Division, pursuant to 426.231;

(c) A state hospital pursuant to ORS 426.232;

(d) A community hospital pursuant to ORS 426.072 or 426.232; or

(e) A regional acute care psychiatric or non-hospital facility pursuant to ORS 426.072 or 426.233.

(9) "Director" means the community mental health program director who has been authorized by the local mental health authority to direct the CMHP.

(10) "Diversion" means the 14 day period of intensive treatment when a director and a psychiatrist certify a person as a mentally ill person pursuant to the provision of ORS 426.237(1)(b).

(11) "Division" means the Addictions and Mental Health (AMH) Division of the Oregon Health Authority (OHA).

(12) "Emergency" means, in the opinion of the treating physician, immediate action is required to preserve the life or physical health of a person, or because the behaviors of that person creates a substantial likelihood of immediate physical harm to self, or to others in the facility. The fact that a person is in custody under the provisions or ORS 426.072, 426.232 or 426.233 must not be the sole justification that an emergency exists.

(13) "Hospital or Facility" means the community hospital, regional acute care psychiatric facility, or non-hospital facility eligible for, or presently certified for, the use of seclusion or restraints to committed persons and persons in custody or on diversion.

(14) "NMI" means "Notice of Mental Illness" required, pursuant to ORS 426.070, to be submitted by any two persons, a county health officer or a magistrate to the director and thereafter submitted by the director to the court or, pursuant to 426.234, to be submitted by the physician or the director to the court. Pursuant to 426.070 and 426.234, the court commences proceedings pursuant to 426.070 to 426.130 upon receipt of the NMI.

(15) "Non-Hospital Facility" means any facility, other than a hospital, that is certified by the Authority to provide adequate security, psychiatric, nursing and other services to persons under ORS 426.232 or 426.233.

(16) "Nurse" means a registered nurse or a psychiatric nurse practitioner licensed by the Oregon Board of Nursing, but does not include a licensed practical nurse or a certified nurse assistant.

(17) "P.R.N." (pro re nata) means that a medication or medical treatment has been ordered to be given as needed.

(18) "Patient Days" means the day of admission plus each additional day of stay, but not the day of discharge, unless it is also the day of admission.

(19) "Peace officer" means a sheriff, constable, marshal, municipal policeman, member of the Oregon State Police or investigator of the Criminal Justice Division of the Department of Justice and such other persons as may be designated by law.

(20) "Physician" means a person who holds a degree of Doctor of Medicine, Doctor of Osteopathy, or Doctor of Podiatric Medicine, if the context in which the term "physician" is used does not authorize or require the person to practice outside the scope of a license issued under ORS 677.805 through 677.840.

(21) "Physician Assistant" means a person who is licensed as such in accordance with ORS 677.265, 677.495, 677.505, 677.510, 677.515, 677.520, and 677.525.

(22) "Psychiatrist" means a physician licensed as provided pursuant to ORS 677.010 to 677.450 by the Board of Medical Examiners for the State of Oregon and who has completed an approved residency training program in psychiatry.

(23) "Regional Acute Care Psychiatric Facility" means a facility certified by the Division to provide services for adults as described in OAR 309-033-0850 through 309-033-0890, and is operated in cooperation with a regional or local council. A regional acute care psychiatric facility must include 24 hour per day psychiatric, multi-disciplinary, inpatient or residential stabilization, care and treatment, for adults aged 18 or older with severe psychiatric disabilities in a designated region of the state. For the purpose of these rules, a state hospital is not a regional acute care psychiatric service. The goal of a regional acute care service is the stabilization, control and/or amelioration of acute dysfunctional symptoms or behaviors that result in the earliest possible return of the person to a less restrictive environment.

(24) "Restraint" means any manual method, physical or mechanical device, material, or equipment that immobilizes or reduces the ability of a patient to move his or her arms, legs, body, or head freely. Restraint may be used only for the management of violent or self-destructive behavior that jeopardizes the immediate physical safety of the patient, a staff member, or others.

(25) "Seclusion" is the involuntary confinement of a patient alone in a room or area, from which the patient is physically prevented leaving. Seclusion may be used only for the management of violent or self-destructive behavior that jeopardizes the immediate physical safety of the patient, a staff member, or others.

(26) "State Hospital" means each campus of the Oregon State Hospital.

Stat. Auth.: ORS 413.042, 426.005, 426.060, 426.110, 426.232, 426.236 & 430.041

Stats. Implemented: ORS 426.005 - 426.395

ADMINISTRATIVE RULES

Hist.: MHD 10-1998, f. 6-26-98, cert. ef. 7-1-98, Renumbered from 309-220-0010; MHS 5-2008, f. & cert. ef. 6-27-08; MHS 13-2014, f. & cert. ef. 9-29-14

309-033-0720

Application, Training and Minimum Staffing Requirements

(1) Only the following facilities shall be certified to use seclusion or restraint:

- (a) Community hospitals licensed by the Public Health Division;
- (b) Regional acute care facilities for adults certified by the Division pursuant to OAR 309-032-0850 through 309-032-0890; and
- (c) Non-hospital facilities certified by the Division pursuant to OAR 309-033-0500 through 309-033-0550.

(2) Applications. Certification for the use of seclusion and restraints must be accomplished by submission of an application, and by the application process described in OAR 309-016. Continued certification is subject to hospital or facility reviews at frequencies determined by the Division.

(3) Requirements for Certification. In order to be certified for the use of seclusion and restraint, the Division must be satisfied that the hospital or facility meets the following requirements:

(a) Medical staffing. An adequate number of nurses, direct care staff, physicians, nurse practitioners or physician assistants shall be available at the hospital or facility, to provide emergency medical services which may be required. For hospitals, a letter from the chief of the medical staff or medical director of the hospital or facility, ensuring such availability, shall constitute satisfaction of this requirement.

For non-hospital facilities, a written agreement with a local hospital, to provide such medical services may fulfill this requirement. When such an agreement is not possible, a written agreement with a local physician to provide such medical services may fulfill this requirement.

(b) Direct Care Staff Training. A staff person must be trained and able to demonstrate competency in the application of restraints and implementation of seclusion during the following intervals:

(A) A new staff person must be trained within the six months prior to providing direct patient care or as part of orientation; and

(B) Subsequently on a periodic basis consistent with the hospital or facility policy.

(c) Documentation in the staff personnel records must indicate the training and demonstration of competency were successfully completed.

(d) Trainer Qualifications. Individuals providing staff training must be qualified as evidenced by education, training, and experience in techniques used to address a person's behaviors.

(e) Training Curriculum. The training required for direct care staff must include:

(A) Standards for the proper use of seclusion and restraints as described in OAR 309-033-0730;

(B) Identification of medication side effects;

(C) Indicators of medical problems and medical crisis;

(D) Techniques to identify staff and patient behaviors, events, and environmental factors that may trigger circumstances that require the use of a restraint or seclusion;

(E) The use of non-physical intervention skills;

(F) Choosing the least restrictive intervention based on an individualized assessment of the person's medical, or behavioral status or condition;

(G) The safe application and use of all types of restraint or seclusion used in the hospital or facility, including training in how to recognize and respond to sign of physical or psychological distress;

(H) Clinical identification of specific behavioral changes that indicate that restraint or seclusion is no longer necessary;

(I) Monitoring the physical and psychological well-being of the patient who is restrained or secluded, including but not limited to respiratory and circulatory status, skin integrity, vital signs, and any special requirements specified by the hospital or facility policies and procedures; and

(J) The use of first aid techniques and certification in the use of cardio-pulmonary resuscitation, including periodic recertification.

Stat. Auth.: ORS 426.005, 426.060, 426.110(2), 426.232, 426.236 & 430.041

Stats. Implemented: ORS 426.005 - 426.395

Hist.: MHD 10-1998, f. 6-26-98, cert. ef. 7-1-98, Renumbered from 309-220-0030; MHS 13-2014, f. & cert. ef. 9-29-14

309-033-0725

Medical Services

(1) A physician must be available 24 hours per day, seven days per week to provide medical supervision of the services provided.

(a) In accordance with state law, those physicians authorized to order seclusion or restraint pursuant to the facility policy, must at minimum have a working knowledge of the hospital policy regarding the use of seclusion and restraint.

(b) A physician must examine a person admitted to the facility within 24 hours of the person's admission.

(2) At least one registered nurse must be on duty at all times.

(3) The facility must maintain a personnel file for each patient care staff which includes a written job description; the minimum level of education or training required for the position; copies of applicable licenses, certifications, or degrees granted; annual performance appraisals; a biennial, individualized staff development plan signed by the staff; documentation of CPR training; documentation of annual training and certification in managing aggressive behavior, including seclusion and restraint; and other staff development and/or skill training received.

(4) Health Care Supervisor. The facility must appoint as Health Care Supervisor a physician, a psychiatric nurse practitioner, a master's level registered nurse or a registered nurse certified by the American Nursing Association. The health care supervisor shall review and approve policies and procedures relating to:

(a) The reporting of indicators of medical problems to a physician; and

(b) Curriculum for the staff training, as identified in these rules.

Stat. Auth.: ORS 426.005, 426.060, 426.110(2), 426.232, 426.236 & 430.041

Stats. Implemented: ORS 426.005 - 426.395

Hist.: MHS 13-2014, f. & cert. ef. 9-29-14

309-033-0727

Structural and Physical Requirements

(1) The hospital or other facility which provides care, custody and treatment for persons who are considered dangerous to themselves or others shall have available at least one room which meets the following requirements:

(a) The room must be of adequate size, not isolated from regular staff of the facility, and provided with an adequate locking device on all doors and windows.

(b) The door must open outward and contain a port of shatterproof glass or plastic through which the entire room may be viewed from outside and before entering.

(c) The room shall contain no protruding objects, such as doorknobs, towel or clothes bars, hooks, or racks. There shall be no exposed curtains, drapes, rods, or furniture, except a portable bed which can be removed, if necessary. In case of the removal of the bed frame, a fireproof mattress shall be placed on the floor. Beds which are securely fastened to the floor must have no protrusions such as bed posts or sharp corners.

(d) Any windows shall be made of unbreakable or shatterproof glass, or plastic. Non-shatterproof glass shall be protected by adequate detention type screening, such as Chamberlain Detention Screen.

(e) There shall be no exposed pipes or electrical wiring in the room. Electric outlets shall be permanently capped or covered with a metal shield which opens with a key. Ceiling and wall lights shall be recessed and covered with safety-type glass or unbreakable plastic. Any cover, cap or shield shall be secured by tamper-proof screws or other means approved by the Division.

(f) The room shall contain no combustible material, such as matches, lighters, cigarettes, etc. Smoking shall not be allowed in the room, except under direct supervision of staff.

(g) The room shall meet fire, safety, and health standards. If sprinklers are installed, they shall be recessed and covered with a fine mesh metal screening. If pop-down type, sprinklers must have breakaway strength of under 80 pounds. In lieu of sprinklers, a combined smoke and heat detector shall be used. Documentation of the breakaway strength of sprinklers must be on file at the facility.

(2) Bathroom requirements include:

(a) Adequate toilet and sanitary facilities shall be available.

(b) The bathroom shall contain no shower rods, shower curtains, window curtain rods, curtains, or towel rods, unless used only with direct staff supervision.

(c) The bathroom shall not lock from the inside and, if connected to the room, shall be locked when not in use.

(3) No sharp objects, such as razor blades, scissors, knives, nail files, etc., shall be available to the patient, except under direct staff supervision. No poisons or cleaning materials shall be kept in the room or in the bathroom available for the room.

Stat. Auth.: ORS 426.236, 426.385 & 430.041

Stats. Implemented: ORS 426.005 - 426.395

Hist.: MHS 13-2014, f. & cert. ef. 9-29-14

ADMINISTRATIVE RULES

309-033-0730

Seclusion and Restraint Procedures

(1) Certified facilities shall not use seclusion and restraint except in an emergency and only then subject to the conditions and limitations of these rules.

(2) General procedures.

(a) Only a physician, nurse practitioner, physician assistant or nurse may initiate seclusion or restraint procedures.

(b) Each use of seclusion or restraint shall be monitored and supervised by a physician or a nurse.

(c) A physician responsible for the patient's care must order the use of seclusion or restraint within one hour of the administration of the procedure. This approval must be documented in the person's medical record. The physician's order may occur by the following methods:

(A) Verbally, in person or via telephone;

(B) By Computerized Medical Record; or

(C) By a written order.

(d) Within one hour after the initiation of the seclusion or restraint intervention, the patient must be seen face-to-face by a physician, a registered nurse or physician assistant who has been trained in accordance with these rules.

(e) If the face-to-face evaluation is performed by a registered nurse or physician assistant, the evaluator must consult with the attending physician as soon as possible following the face-to-face evaluation.

(f) The face-to-face evaluation must include the following:

(A) An evaluation of the patient's immediate situation;

(B) The patient's reaction to the intervention;

(C) The patient's medical and behavioral condition; and

(D) The need to continue or terminate the restraint or seclusion

Stat. Auth.: ORS 426.005, 426.060, 426.110(2), 426.232, 426.236 & 430.041

Stats. Implemented: ORS 426.005 - 426.395

Hist.: MHD 10-1998, f. 6-26-98, cert. ef. 7-1-98, Renumbered from 309-220-0040; MHS 13-2014, f. & cert. ef. 9-29-14

309-033-0732

Time Limits

(1) The maximum time limit for each restraint or seclusion order — before consideration of a renewal, and up to a maximum of 24 hours — is as follows:

(a) 4 hours for adults 18 years of age or older;

(b) 2 hours for children and adolescents 9 to 17 years of age; or

(c) 1 hour for children under 9 years of age.

(2) Orders may be renewed according to time limits for a maximum 24 hours verbally, by telephone, facsimile, or thru a computerized medical record. After each 24 hours of continuous restraint or seclusion, and prior to further extension of the restraint or seclusion, an examination and second opinion must occur by a second physician.

(3) The physician responsible for the care of the patient shall examine a person within 24 hours of the administration of seclusion or restraint and the person must be examined by a nurse every two hours until such time as the physician examines the person and either makes new orders for seclusion nor restraint or for releasing the patient from seclusion or restraint. The physician must document reasons for the use of the seclusion or restraint over the physician's signature.

(4) A physician shall not order physical restraint on an as required basis, i.e. a physician shall not make "p.r.n." orders for physical restraint.

(5) No form of restraint shall be used as punishment, for the convenience of staff, or as a substitute for activities, treatment or training.

(6) Medication will not be used as a restraint, but will be prescribed and administered according to acceptable medical, nursing and pharmaceutical practices.

(7) Patients shall not be permitted to use restraint on other patients.

(8) Physical restraint must be used in accordance with sound medical practice to assure the least risk of physical injury and discomfort. Any patient placed in physical restraint shall be protected from self-injury and from injury by others.

(9) 15 Minute Checks:

(a) A patient in restraint or seclusion must be checked at least every 15 minutes.

(b) 15 minute checks include circulation checks, during waking hours adequate range of motion, and partial release of restraint to permit motion and exercise without endangering the patient or staff.

(c) Attention must be paid to the patient's basic personal needs (such as regular meals, personal hygiene and sleep) as well as the person's need for good body alignment and circulation.

(d) Staff must document that the patient was checked and appropriate attention paid to the person's needs.

(e) The patient must be released as soon as the patient is assessed by a nurse, physician, or nurse practitioner to not present imminent dangerousness to themselves or others.

Stat. Auth.: ORS 426.005, 426.060, 426.110(2), 426.232, 426.236 & 430.041

Stats. Implemented: ORS 426.005 - 426.395

Hist.: MHS 13-2014, f. & cert. ef. 9-29-14

309-033-0733

Documentation

(1) No later than the end of their work shifts, the persons who obtained authorization and carried out the use of restraint shall document in the person's chart including but not necessarily limited to the following:

(a) The specific behavior(s) which required the intervention of seclusion or restraint;

(b) Less restrictive alternatives used before deciding seclusion or restraint was necessary;

(c) The methods of intervention used and the patient's responses to the interventions; and

(d) Findings and recommendations from the face-to-face evaluation discussed in OAR 309-033-0730(d) through (f) above.

(2) Within 24 hours after the incident resulting in the use of restraint, the treating physician who ordered the intervention must review and sign the order.

(3) Each use of restraint must be reported daily to the health care supervisor.

(4) Any death that occurs while a patient is in seclusion or restraint must be reported to AMH within 24 hours of the death.

(5) Restraint/Seclusion Review Committee. Each facility must have a Restraint/Seclusion Review Committee. The committee may be one formed specifically for the purposes set forth in this rule, or the duties prescribed in this rule may be assigned to an existing committee. The purpose and duty of the Restraint/Seclusion Review Committee is to review and evaluate, at least quarterly, the appropriateness of all such interventions and report its findings to the health care supervisor.

Stat. Auth.: ORS 426.236, 426.385 & 430.021

Stats. Implemented: ORS 426.005 - 426.395

Hist.: MHS 13-2014, f. & cert. ef. 9-29-14

309-033-0735

Quarterly Reports

(1) Every facility certified under these rules must report to the Division and to the Council within 30 days of each quarter's end, the following information:

(a) The number of seclusion and the number of restraint incidents; and
(b) The number of patient days in the quarter.

(2) The Division must compile the information from all facilities approved under this rule and make available to the public statewide aggregate data. The information may be divided according to facility types.

Stat. Auth.: ORS 426.236, 426.385 & 430.021

Stats. Implemented: ORS 426.005 - 426.309

Hist.: MHS 17-2007(Temp), f. 12-28-07, cert. ef. 1-1-08 thru 6-29-08; MHS 5-2008, f. & cert. ef. 6-27-08; MHS 13-2014, f. & cert. ef. 9-29-14

309-033-0740

Variances

(1) Variances may be granted to a facility if there is a lack of resources to implement the standards required in this rule or if implementation of the proposed alternative services, methods, concepts or procedures would result in services or systems that meet or exceed the standards in these rules.

(2) Variance application. The facility requesting a variance shall submit, in writing, an application to the Division which contains the following:

(a) The section of the rule from which the variance is sought;

(b) The reason for the proposed variance;

(c) The alternative practice, service, method, concept or procedure proposed;

(d) A plan and timetable for compliance with the section of the rule from which the variance is sought; and

(e) Signed documentation from the Council indicating its position on the proposed variance.

(3) The AMH Director, or his or her designee, will approve or deny the request for a variance.

(4) Appeal application. Appeal of the denial of a variance request shall be made in writing to the AMH Director, whose decision shall be final.

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(5) Written approval. The facility may implement a variance only after written approval from the Division. The Intergovernmental Agreement shall be amended to the extent that the variance changes a term in that agreement.

(6) Duration of variance. A variance shall be reviewed by the Division at least every 2 years.

Stat. Auth.: ORS 426.236, 426.385 & 430.041

Stats. Implemented: ORS 426.005 - 426.395

Hist.: MHD 10-1998, f. 6-26-98, cert. ef. 7-1-98, Renumbered from 309-220-0050; MHS 13-2014, f. & cert. ef. 9-29-14

**Oregon Health Authority,
Division of Medical Assistance Programs
Chapter 410**

Rule Caption: Amending PDL — March 27, May 29, 2014
DUR/P&T Action

Adm. Order No.: DMAP 52-2014(Temp)

Filed with Sec. of State: 9-16-2014

Certified to be Effective: 9-16-14 thru 1-11-15

Notice Publication Date:

Rules Amended: 410-121-0030

Subject: The Pharmaceutical Services Program administrative rules (Division 121) govern Division payments for services provided to certain clients. The Division needs to amend rules as follows:

410-121-0030:

Preferred:

Testosterone (Androgel®) Pump

Calcitriol

Calcium Carbonate

Calcium Carbonate / Vitamin D3

Cholecalciferol (Vitamin D3)

Cyanocobalamin (Vitamin B-12)

Ergocalciferol (Vitamin D2)

Ferrous Gluconate

Ferrous Sulfate

Folic Acid

Pyridoxine HCL

Thiamine HCL

Immune Glob, Gam Caprylate (IGG) Injection (Gamunex-C®)

Imitrex® — Brand only

Tobramycin (Bethkis)

Calcium Acetate

Anafranil — Brand only

Escitalopram Oxalate

Imipramine HCL

Non-Preferred:

Pirbuterol Acetate

Doxepin HCL

Tazarotene (Tazorac®)

Clomipramine HCL

Rules Coordinator: Sandy Cafourek—(503) 945-6430

410-121-0030

Practitioner-Managed Prescription Drug Plan

(1) The Practitioner-Managed Prescription Drug Plan (PMPDP) is a plan that ensures fee-for-service clients of the Oregon Health Plan shall have access to the most effective prescription drugs appropriate for their clinical conditions at the best possible price:

(a) Licensed health care practitioners (informed by the latest peer reviewed research) make decisions concerning the clinical effectiveness of the prescription drugs;

(b) The licensed health care practitioners also consider the health condition of a client or characteristics of a client, including the client's gender, race, or ethnicity.

(2) PMPDP Preferred Drug List (PDL):

(a) The PDL is the primary tool the Division developed to inform licensed health care practitioners about the results of the latest peer-reviewed research and cost effectiveness of prescription drugs;

(b) The PDL (as defined in 410-121-0000(cc) consists of prescription drugs that the Division, in consultation with the Drug Use Review

(DUR)/Pharmacy & Therapeutics Committee (P&T), has determined represent the most effective drugs available at the best possible price;

(c) The PDL shall include drugs that are Medicaid reimbursable and the Food and Drug Administration (FDA) has determined to be safe and effective.

(3) PMPDP PDL Selection Process:

(a) The Division shall utilize the recommendations made by the P&T that result from an evidence-based evaluation process as the basis for selecting the most effective drugs;

(b) The Division shall determine the drugs selected in (3)(a) that are available for the best possible price and shall consider any input from the P&T about other FDA-approved drugs in the same class that are available for a lesser relative price. The Division shall determine relative price using the methodology described in subsection (4);

(c) The Division shall evaluate selected drugs for the drug classes periodically:

(A) Evaluation shall occur more frequently at the discretion of the Division if new safety information or the release of new drugs in a class or other information that makes an evaluation advisable;

(B) New drugs in classes already evaluated for the PDL shall be non-preferred until the new drug has been reviewed by the P&T;

(C) The Division shall make all changes or revisions to the PDL using the rulemaking process and shall publish the changes on the Division's Pharmaceutical Services provider rules website.

(4) Relative cost and best possible price determination:

(a) The Division shall determine the relative cost of all drugs in each selected class that are Medicaid reimbursable and that the FDA has determined to be safe and effective;

(b) The Division may also consider dosing issues, patterns of use, and compliance issues. The Division shall weigh these factors with any advice provided by the P&T in reaching a final decision;

(5) Pharmacy providers shall dispense prescriptions in the generic form unless:

(a) The practitioner requests otherwise subject to the regulations outlined in OAR 410-121-0155;

(b) The brand name medication is listed as preferred on the PDL.

(6) The exception process for obtaining non-preferred physical health drugs that are not on the PDL shall be as follows:

(a) If the prescribing practitioner in their professional judgment wishes to prescribe a physical health drug not on the PDL, they may request an exception subject to the requirements of OAR 410-121-0040;

(b) The prescribing practitioner must request an exception for physical health drugs not listed in the PDL subject to the requirements of OAR 410-121-0060;

(c) Exceptions shall be granted in instances:

(A) Where the prescriber in their professional judgment determines the non-preferred drug is medically appropriate after consulting with the Division or the Oregon Pharmacy Help Desk; or

(B) Where the prescriber requests an exception subject to the requirement of (6)(b) and fails to receive a report of PA status within 24 hours, subject to OAR 410-121-0060.

(7) **Table 121-0030-1**, PMPDP PDL dated September 16, 2014 is incorporated in rule by reference and is found on our website at: www.orpdl.org.

Stat. Auth.: ORS 409.025, 409.040, 409.110, 414.065, 413.042 & 414.325

Stats. Implemented: ORS 414.065

Hist.: OMAP 25-2002, f. 6-14-02 cert. ef. 7-1-02; OMAP 31-2002, f. & cert. ef. 8-1-02; OMAP 36-2002, f. 8-30-02, cert. ef. 9-1-02; OMAP 29-2003, f. 3-31-03 cert. ef. 4-1-03; OMAP 35-2003, f. & cert. ef. 5-1-03; OMAP 47-2003, f. & cert. ef. 7-1-03; OMAP 57-2003, f. 9-5-03, cert. ef. 10-1-03; OMAP 70-2003(Temp), f. 9-15-03, cert. ef. 10-1-03 thru 3-15-04; OMAP 82-2003, f. 10-31-03, cert. ef. 11-1-03; OMAP 9-2004, f. 2-27-04, cert. ef. 3-1-04; OMAP 29-2004, f. 4-23-04 cert. ef. 5-1-04; OMAP 34-2004, f. 5-26-04 cert. ef. 6-1-04; OMAP 45-2004, f. 7-22-04 cert. ef. 8-1-04; OMAP 81-2004, f. 10-29-04 cert. ef. 11-1-04; OMAP 89-2004, f. 11-24-04 cert. ef. 12-1-04; OMAP 19-2005, f. 3-21-05, cert. ef. 4-1-05; OMAP 32-2005, f. 6-21-05, cert. ef. 7-1-05; OMAP 58-2005, f. 10-27-05, cert. ef. 11-1-05; OMAP 16-2006, f. 6-12-06, cert. ef. 7-1-06; OMAP 32-2006, f. 8-31-06, cert. ef. 9-1-06; OMAP 48-2006, f. 12-28-06, cert. ef. 1-1-07; DMAP 4-2007, f. 6-14-07, cert. ef. 7-1-07; DMAP 16-2008, f. 6-13-08, cert. ef. 7-1-08; DMAP 36-2008, f. 12-11-08, cert. ef. 1-1-09; DMAP 39-2009, f. 12-15-09, cert. ef. 1-1-10; DMAP 17-2010, f. 6-15-10, cert. ef. 7-1-10; DMAP 40-2010, f. 12-28-10, cert. ef. 1-1-11; DMAP 2-2011(Temp), f. & cert. ef. 3-1-11 thru 8-20-11; DMAP 19-2011, f. 7-15-11, cert. ef. 7-17-11; DMAP 44-2011, f. 12-21-11, cert. ef. 1-1-12; DMAP 12-2012(Temp), f. & cert. ef. 3-16-12 thru 9-11-12; DMAP 18-2012, f. 3-30-12, cert. ef. 4-9-12; DMAP 26-2012, f. & cert. ef. 5-14-12; DMAP 29-2012, f. & cert. ef. 6-21-12; DMAP 33-2012(Temp), f. 7-18-12, cert. ef. 7-23-12 thru 1-18-13; DMAP 40-2012(Temp), f. & cert. ef. 8-20-12 thru 1-18-13; DMAP 44-2012(Temp), f. & cert. ef. 9-26-12 thru 1-18-13; DMAP 61-2012, f. 12-27-12, cert. ef. 1-1-13; DMAP 6-2013(Temp), f. & cert. ef. 2-21-13 thru 8-19-13; DMAP 23-2013(Temp), f. 4-30-13, cert. ef. 5-1-13 thru 8-19-13; Administrative correction, 7-18-13; DMAP 43-2013, f. & cert. ef. 8-16-13; DMAP 76-2013(Temp), f. 12-31-13, cert. ef. 1-1-14 thru 6-30-14; DMAP 1-2014(Temp), f. & cert. ef. 1-10-14 thru 7-9-14; DMAP 15-2014, f. & cert. ef. 3-21-14 thru 9-17-14; DMAP 28-2014(Temp), f. & cert. ef. 5-2-14 thru 6-30-14; DMAP 37-2014, f. & cert. ef. 6-30-14;

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DMAF 47-2014(Temp), f. & cert. ef. 7-15-14 thru 1-11-15; DMAF 52-2014(Temp), f. & cert. ef. 9-16-14 thru 1-11-15

Rule Caption: Income Eligibility Guidelines for OCCS Medical Programs

Adm. Order No.: DMAF 53-2014

Filed with Sec. of State: 9-23-2014

Certified to be Effective: 9-23-14

Notice Publication Date: 6-1-2014

Rules Amended: 410-200-0315

Rules Repealed: 410-200-0315(T)

Subject: Every year the Federal Poverty Levels (FPL) are adjusted and published to the Federal Register. A number of OCCS medical programs and income disregards are based on percentages of the FPL and must be updated now that the FPLs have been published and must be aligned with Cover Oregon's implementation timeline.

Rules Coordinator: Sandy Cafourek—(503) 945-6430

410-200-0315

Standards and Determining Income Eligibility

(1) MAGI-based income not specifically excluded is countable, and its value is used in determining the eligibility and benefit level of an applicant or beneficiary.

(2) MAGI-based income is considered available on the date it is received or the date a member of the household group has a legal right to the payment and the legal ability to make it available, whichever is earlier, except as follows:

(a) Income usually paid monthly or on some other regular payment schedule is considered available on the regular payment date if the date of payment is changed because of a holiday or weekend.

(b) Income withheld or diverted at the request of an individual is considered available on the date the income would have been paid without the withholding or diversion.

(c) An advance or draw of earned income is considered available on the date it is received.

(3) In determining financial eligibility for each applicant, the sum of the budget month MAGI-based income of all household group members is combined and compared to the applicable income standard for the family size. If the income is at or below the MAGI income standard, the individual meets the financial eligibility requirements. Except as provided in section (4)(a), if income exceeds the MAGI income standard, the individual is ineligible.

(4) This section applies to MAGI Medicaid/CHIP programs that became effective January 1, 2014:

(a) If an individual is ineligible for MAGI Medicaid based solely on income and would otherwise be eligible for MAGI CHIP or be referred to the Exchange for APTC, a disregard equivalent to five percentage points of the federal poverty level for the applicable family size shall be applied to the household group's income. If the resulting amount is below the income standard for the applicable program and family size, the individual meets the financial eligibility requirements in the following programs:

(A) The MAGI Parent or Other Caretaker Relative Program;

(B) The MAGI Child Program;

(C) The MAGI Adult Program; and

(D) The MAGI Pregnant Woman Program.

(b) If an individual is ineligible for MAGI CHIP based solely on income and would otherwise be referred to the Exchange for APTC, a disregard equivalent to five percentage points of the federal poverty level for the applicable family size shall be applied to the household group's income. If the resulting amount is below the income standard for the applicable program and family size, the individual meets the financial eligibility requirements in the MAGI CHIP.

(c) Effective April 12, 2014, the MAGI income standard for the MAGI Parent or Other Caretaker-Relative program is set as follows: [Table not included. See ED. NOTE.]

(d) Effective April 12, 2014, the MAGI income standard for the MAGI Child Program and the MAGI Adult Program is set at 133 percent of the FPL as follows. If an individual's household group income exceeds the income standard for their family size, the appropriate disregard for their family size described in section (4)(a) shall be applied: [Table not included. See ED. NOTE.]

(e) Effective April 12, 2014, the MAGI income standard for the MAGI Pregnant Woman Program and for MAGI Child Program recipients under age one is set at 185 percent FPL. If an individual's household group

income exceeds the income standard for their family size, the appropriate disregard for their family size described in section (4)(a) shall be applied: [Table not included. See ED. NOTE.]

(f) Effective April 12, 2014, the MAGI income standard for the MAGI CHIP program is set through 300 percent of FPL as follows. If a child's household group income exceeds the income standard for their family size, and the child would be otherwise ineligible for MAGI CHIP, the appropriate disregard for their family size described in section (5)(a)(B) shall be applied: [Table not included. See ED. NOTE.]

(g) When the Department makes an ELE determination and the child meets all MAGI CHIP or MAGI Child Program nonfinancial eligibility requirements, the household size determined by the Department is used to determine eligibility regardless of the family size. The countable income of the household is determined by the ELA. A child is deemed eligible for MAGI CHIP or MAGI Child Program as follows:

(A) Effective April 12, 2014, if the MAGI-based income of the household group is below 163 percent of the 2014 federal poverty level as listed below, the Department deems the child eligible for the MAGI Child Program. [Table not included. See ED. NOTE.]

(B) If the MAGI-based income of the household group is at or above 163 percent of the FPL through 300 percent of the FPL as listed in section (4)(f) of this rule, the Agency deems the child eligible for MAGI CHIP.

(5) For eligibility decisions effective October 1, 2013 through December 31, 2013, the MAGI income standards listed in this section are used.

(a) Individuals who apply from October 1, 2013 through December 31, 2013 shall first be considered for the programs described in OAR 410-200-0510. Individuals found ineligible based on information from all budget months of October, November, or December 2013 shall have their eligibility determined as follows:

(A) For individuals who would be eligible for programs based on eligibility and income standards found in section (4)(c) through (e) as of January 1, 2014, eligibility for the applicable program shall begin as of that date.

(B) For individuals who are ineligible for programs which begin on January 1, 2014 who would otherwise be eligible for MAGI CHIP or be referred to the Exchange for APTC as of January 1, 2014, a disregard equivalent to five percentage points of the federal poverty level for the applicable family size will be applied to the household group's income. If the resulting amount is below the January 1, 2014 income standard found in section (4)(c) through (e) for the applicable program and family size, the individual meets the financial eligibility requirements for MAGI Medicaid/CHIP.

(b) The 2013 MAGI-based income standard for the MAA and SAC programs is as follows. If a child's household group income exceeds the income standard for their family size, and the child would be otherwise ineligible for Medicaid, the appropriate disregard for their family size described in section (5)(a)(B) shall be applied: [Table not included. See ED. NOTE.]

(c) The 2013 MAGI-based income standard for the OHP-OPU program is set at 100 percent of the 2013 federal poverty level: [Table not included. See ED. NOTE.]

(d) The MAGI-based income standard for the OHP-OPC program is set at 100 percent of the 2013 federal poverty level. If a child's household group income exceeds the income standard for their family size, and the child would be otherwise ineligible for Medicaid, the appropriate disregard for their family size described in section (5)(a)(B) shall be applied: [Table not included. See ED. NOTE.]

(e) The 2013 MAGI-based income standard for the OHP-OP6 program is set at 133 percent of the 2013 federal poverty level. If a child's household group income exceeds the income standard for their family size, and the child would be otherwise ineligible for Medicaid, the appropriate disregard for their family size described in section (5)(a)(B) shall be applied: [Table not included. See ED. NOTE.]

(f) The 2013 MAGI-based income standard for the OHP-OPP program is set at 185 percent of the 2013 federal poverty level. If a child's household group income exceeds the income standard for their family size, and the child would be otherwise ineligible for Medicaid, the appropriate disregard for their family size described in section (5)(a)(B) shall be applied: [Table not included. See ED. NOTE.]

(g) The 2013 MAGI income standard for the MAGI CHIP program is set through 300 percent of the 2013 FPL as follows: [Table not included. See ED. NOTE.]

(h) When the Department makes an ELE determination and the child meets all MAGI CHIP or MAGI Child Program nonfinancial eligibility

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requirements, the household size determined by the Department is used to determine eligibility regardless of the family size. The countable income of the household is determined by the ELA. A child is deemed eligible for MAGI CHIP or MAGI Child Program as follows:

(A) If the MAGI-based income of the household group is below 163 percent of the 2013 federal poverty level as listed below, the Department deems the child eligible for the MAGI Child Program. [Table not included. See ED. NOTE.]

(B) If the MAGI-based income of the household group is at or above 163 percent of the 2013 FPL through 300 percent of the FPL as listed in section (5)(g) of this rule, the Agency deems the child eligible for MAGI CHIP.

[ED. NOTE: Tables referenced are available from the agency.]
Stat. Auth.: ORS 411.402, 411.404 & 413.042
Stats. Implemented: ORS 411.400, 411.402, 411.404, 411.406, 411.439, 411.443, 413.032, 414.025, 414.231, 414.440, 414.706
Hist.: DMAP 54-2013(Temp), f. & cert. ef. 10-1-13 thru 3-30-14; DMAP 4-2014(Temp), f. & cert. ef. 1-15-14 thru 3-30-14; DMAP 20-2014, f. & cert. ef. 3-28-14; DMAP 25-2014(Temp), f. & cert. ef. 4-14-14 thru 10-11-14; DMAP 53-2014, f. & cert. ef. 9-23-14

Rule Caption: Align with Department of Human Services OAR Chapter 461 Rules

Adm. Order No.: DMAP 54-2014

Filed with Sec. of State: 9-23-2014

Certified to be Effective: 9-23-14

Notice Publication Date: 3-1-2014

Rules Amended: 410-120-0006

Subject: In coordination with the Department of Human Services' (Department) revision of rules established in OAR Chapter 461 for all overpayment, personal injury liens and estate administration, the Division is amending 410-120-0006 to assure that the Division's rule aligns with and reflects information found in the Department's amended rules. In 410-120-0006, the Division adopts and incorporates Department rules and must update 410-120-0006 accordingly. The Division is amending this rule which incorporates rules established in OAR Chapter 461 for all overpayment, personal injury liens and estate administration for Authority programs covered under OAR 410-200. References to OAR Chapter 461 in contracts of the Authority are deemed to be references to the requirements of this rule.

Rules Coordinator: Sandy Cafourek—(503) 945-6430

410-120-0006

Medical Eligibility Standards

As the state Medicaid and CHIP agency, the Oregon Health Authority (Authority) is responsible for establishing and implementing eligibility policies and procedures consistent with applicable law. As outlined in OAR 943-001-0020, the Authority and the Department of Human Services (Department) work together to adopt rules to assure that medical assistance eligibility procedures and determinations are consistent across both agencies.

(1) The Authority adopts and incorporates by reference the rules established in OAR Chapter 461 for all overpayment, personal injury liens and estates administration for Authority programs covered under OAR chapter 410, division 200.

(2) Any reference to OAR chapter 461 in contracts of the Authority are deemed to be references to the requirements of this rule and shall be construed to apply to all eligibility policies, procedures and determinations by or through the Authority.

(3) For purposes of this rule, references in OAR chapter 461 to the Department or to the Authority shall be construed to be references to both agencies.

Stat. Auth.: ORS 413.042
Stats. Implemented: ORS 413.042 & 414.065
Hist.: DMAP 10-2011, f. 6-29-11, cert. ef. 7-1-11; DMAP 18-2011(Temp), f. & cert. ef. 7-15-11 thru 1-11-12; DMAP 21-2011(Temp), f. 7-29-11, cert. ef. 8-1-11 thru 1-11-12; DMAP 25-2011(Temp), f. 9-28-11, cert. ef. 10-1-11 thru 1-11-12; DMAP 36-2011, f. 12-13-11, cert. ef. 1-1-12; DMAP 1-2012(Temp), f. & cert. ef. 1-13-12 thru 7-10-12; DMAP 2-2012(Temp), f. & cert. ef. 1-26-12 thru 7-10-12; DMAP 3-2012(Temp), f. & cert. ef. 1-31-12 thru 2-1-12; DMAP 4-2012(Temp), f. 1-31-12, cert. ef. 2-1-12 thru 7-10-12; DMAP 9-2012(Temp), f. & cert. ef. 3-1-12 thru 7-10-12; DMAP 21-2012(Temp), f. 3-30-12, cert. ef. 4-1-12 thru 7-10-12; DMAP 25-2012(Temp), f. & cert. ef. 5-1-12 thru 7-10-12; Administrative correction 8-1-12; DMAP 35-2012(Temp), f. & cert. ef. 7-20-12 thru 1-15-13; DMAP 45-2012(Temp), f. & cert. ef. 10-5-12 thru 1-19-13; DMAP 50-2012, f. 10-31-12, cert. ef. 11-1-12; DMAP 53-2012(Temp), f. & cert. ef. 11-1-12 thru 4-29-13; DMAP 56-2012(Temp), f. 11-30-12, cert. ef. 12-1-12 thru 4-1-13; DMAP 60-2012, f. 12-27-12, cert. ef. 1-1-13; DMAP 65-2012(Temp), f. 12-28-12, cert. ef. 1-1-13 thru 6-29-13; DMAP 2-2013(Temp), f. & cert. ef. 1-8-13 thru 6-29-13; DMAP 3-2013(Temp), f. & cert. ef. 1-30-13 thru 6-29-13; DMAP 5-2013(Temp), f. & cert. ef. 2-20-13 thru 6-29-13; DMAP 7-2013(Temp), f. & cert. ef. 3-1-13 thru 6-29-13; DMAP 12-2013, f. 3-27-13, cert. ef. 4-1-13; DMAP 17-2013, f. & cert. ef. 4-10-13; DMAP

24-2013, f. & cert. ef. 5-29-13; DMAP 32-2013, f. & cert. ef. 6-27-13; DMAP 39-2013(Temp), f. 7-26-13, cert. ef. 8-1-13 thru 1-28-14; DMAP 44-2013(Temp), f. 8-21-13, cert. ef. 8-23-13 thru 1-28-14; DMAP 51-2013, f. & cert. ef. 10-1-13; DMAP 52-2013(Temp), f. & cert. ef. 10-1-13 thru 3-30-14; DMAP 55-2013(Temp), f. & cert. ef. 10-2-13 thru 3-31-14; DMAP 59-2013(Temp), f. 10-31-13, cert. ef. 11-1-13 thru 3-31-14; DMAP 9-2014(Temp), f. 1-31-14, cert. ef. 2-1-14 thru 3-31-14; DMAP 18-2014, f. 3-28-14, cert. ef. 3-31-14; DMAP 41-2014, f. & cert. ef. 7-1-14; DMAP 54-2014, f. & cert. ef. 9-23-14

Rule Caption: Remove Not Covered Status from Billing Codes for Sex Reassignment Surgery, Add Prior Authorization Requirement
Adm. Order No.: DMAP 55-2014(Temp)

Filed with Sec. of State: 9-26-2014

Certified to be Effective: 10-1-14 thru 3-30-15

Notice Publication Date:

Rules Amended: 410-130-0200, 410-130-0220

Subject: The two billing codes for intersex surgeries will be covered for payment. Payment consideration will be subject to prior authorization.

Rules Coordinator: Sandy Cafourek—(503) 945-6430

410-130-0200

Prior Authorization

(1) For fee-for-service (FFS) clients, prior authorization (PA) is required for all procedure codes listed in Table 130-0200-1 regardless of the setting in which they are performed. For details on where to obtain PA, download a copy of the Medical-Surgical Services Supplemental Information booklet at: <http://www.dhs.state.or.us/policy/healthplan/guides/medsur/med-surgsupp0912.pdf>

(2) For clients enrolled in a prepaid health plan (PHP), providers must obtain PA from the client's PHP.

(3) The Division shall authorize for the level of care or type of service that meets the client's medical need consistent with the Health Evidence Review Commission's (HERC) Prioritized List of Health Services (Prioritized List) and guideline notes, as referenced in OAR 410-141-0520.

(4) Codes for which medical need has not been specified by the HERC shall be authorized based on medical appropriateness as the term is defined in OAR 410-120-0000.

(5) For bariatric surgery, PA is required in two steps from:

(a) The OHP primary care provider prior to referral to a bariatric surgery center, and

(b) The bariatric surgery center prior to surgery.

(6) PA is not required:

(a) For clients with both Medicare and Medical Assistance Program coverage, and the service is covered by Medicare. However, PA is still required for bariatric surgeries and evaluations and most transplants, even if they are covered by Medicare;

(b) For kidney and cornea transplants unless they are performed out-of-state;

(c) For emergent or urgent procedures or services;

(d) For hospital admissions unless the procedure requires PA.

(7) A second opinion may be requested by the Division or the contractor before PA is given for a surgery.

(8) Treating and performing practitioners are responsible for obtaining PA.

(9) Refer to Table 130-0200-1 for all services and procedures requiring PA.

(10) Table 130-0200-1

[ED. NOTE: Tables referenced are available from the agency.]

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 414.025 & 414.065

Hist.: AFS 868, f. 12-30-77, ef. 2-1-78; AFS 65-1980, f. 9-23-80, ef. 10-1-80; AFS 27-1982, f. 4-22-82 & AFS 51-1982, f. 5-28-82, ef. 5-1-82 for providers located in the geographical areas covered by the AFS branch offices located in North Salem, South Salem, Dallas, Woodburn, McMinnville, Lebanon, Albany and Corvallis, ef. 6-30-82 for remaining AFS branch offices; AFS 23-1986, f. 3-19-86, ef. 5-1-86; AFS 38-1986, f. 4-29-86, ef. 6-1-86; AFS 50-1986, f. 6-30-86, ef. 8-1-86; AFS 5-1989(Temp), f. 2-9-89, cert. ef. 3-1-89; AFS 48-1989, f. & cert. ef. 8-24-89, Renumbered from 461-014-0045; HR 10-1990, f. 3-30-90, cert. ef. 4-1-90, Renumbered from 461-014-0630; HR 25-1990(Temp), f. 8-31-90, cert. ef. 9-1-90; HR 44-1990, f. & cert. ef. 11-30-90; HR 17-1991(Temp), f. 4-12-91, cert. ef. 5-1-91; HR 24-1991, f. & cert. ef. 6-18-91; HR 40-1992, f. 12-31-92, cert. ef. 2-1-93; HR 6-1994, f. & cert. ef. 2-1-94; HR 42-1994, f. 12-30-94, cert. ef. 1-1-95; HR 4-1997, f. 1-31-97, cert. ef. 2-1-97; OMAP 3-1998, f. 1-30-98, cert. ef. 2-1-98; OMAP 17-1999, f. & cert. ef. 4-1-99; OMAP 31-2000, f. 9-29-00, cert. ef. 10-1-00; OMAP 23-2003, f. 3-26-03 cert. ef. 4-1-03; OMAP 69-2003, f. 9-12-03, cert. ef. 10-1-03; OMAP 13-2004, f. 3-11-04, cert. ef. 4-1-04; OMAP 58-2004, f. 9-10-04, cert. ef. 10-1-04; OMAP 8-2005, f. 3-9-05, cert. ef. 4-1-05; OMAP 50-2005, f. 9-30-05, cert. ef. 10-1-05; OMAP 26-2006, f. 6-14-06, cert. ef. 7-1-06; DMAP 5-2007, f. 6-14-07, cert. ef. 7-1-07; DMAP 27-2007(Temp), f. & cert. ef. 12-20-07 thru 5-15-08; DMAP 12-2008, f. 4-29-08, cert. ef. 5-1-08; DMAP 20-2008, f. 6-13-08, cert. ef. 7-1-08; DMAP 18-2009, f. 6-12-09, cert. ef. 7-1-09; DMAP 15-2010, f. 6-10-10, cert. ef. 7-1-10; DMAP 34-2010, f. 12-15-10, cert. ef. 1-1-11; DMAP 43-2011, f. 12-21-11, cert. ef. 1-1-12; DMAP 43-2014, f. & cert. ef. 7-8-14; DMAP 55-2014(Temp), f. 9-26-14, cert. ef. 10-1-14 thru 3-30-15

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410-130-0220

Not Covered/Bundled Services

(1) Refer to the Oregon Health Plan administrative rules (chapter 410, division 141) and General Rules (chapter 410, division 120) for coverage of services. Refer to Table 130-0220-1 in this rule for additional information regarding not covered services or for services that the Division of Medical Assistance Programs (Division) considers to be bundled in other services.

(2) The following are examples of not covered services. This is not an all-inclusive list:

(a) Psychotherapy services (covered only through local mental health clinics and Mental Health Organizations);

(b) Routine postoperative visits (included in the payment for the surgery) during 90 days following major surgery (global period) or 10 days following minor surgery.

(c) Services that are normally provided in the practitioner's office but at the client's request are provided in a location other than the practitioner's office.

(d) Telephone calls for purposes other than tobacco cessation, maternity case management and telemedicine.

(3) For specific information, see General Rules OAR 410-120-1200, Medical Assistance Benefits: Excluded Services and Limitations.

(4) Table 130-0220-1

[ED. NOTE: Tables referenced are available from the agency.]
Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 414.025 & 414.065

Hist.: AFS 5-1989(Temp), f. 2-9-89, cert. ef. 3-1-89; AFS 48-1989, f. & cert. ef. 8-24-89; HR 10-1990, f. 3-30-90, cert. ef. 4-1-90, Renumbered from 461-014-0640; HR 14-1991(Temp), f. & cert. ef. 3-7-91; HR 21-1991, f. 4-16-91, cert. ef. 5-1-91; HR 42-1994, f. 12-30-94, cert. ef. 1-1-95; HR 4-1997, f. 1-31-97, cert. ef. 2-1-97; OMAP 3-1998, f. 1-30-98, cert. ef. 2-1-98; OMAP 16-1998(Temp), f. & cert. ef. 5-1-98 thru 9-1-98; OMAP 30-1998, f. & cert. ef. 9-1-98; OMAP 17-1999, f. & cert. ef. 4-1-99; OMAP 37-1999, f. & cert. ef. 10-1-99; OMAP 31-2000, f. 9-29-00, cert. ef. 10-1-00; OMAP 40-2001, f. 9-24-01, cert. ef. 10-1-01; OMAP 69-2003, f. 9-12-03, cert. ef. 10-1-03; OMAP 13-2004, f. 3-11-04, cert. ef. 4-1-04; OMAP 58-2004, f. 9-10-04, cert. ef. 10-1-04; OMAP 8-2005, f. 3-9-05, cert. ef. 4-1-05; OMAP 45-2005, f. 9-9-05, cert. ef. 10-1-05; OMAP 26-2006, f. 6-14-06, cert. ef. 7-1-06; DMAP 5-2007, f. 6-14-07, cert. ef. 7-1-07; DMAP 20-2008, f. 6-13-08, cert. ef. 7-1-08; DMAP 18-2009, f. 6-12-09, cert. ef. 7-1-09; DMAP 15-2010, f. 6-10-10, cert. ef. 7-1-10; DMAP 43-2011, f. 12-21-11, cert. ef. 1-1-12; DMAP 55-2014(Temp), f. 9-26-14, cert. ef. 10-1-14 thru 3-30-15

Rule Caption: Expand Oral Health Services in Medical Settings by Opening D0191 for Children under Age Six

Adm. Order No.: DMAP 56-2014

Filed with Sec. of State: 9-26-2014

Certified to be Effective: 10-1-14

Notice Publication Date: 9-1-2014

Rules Amended: 410-123-1260

Subject: With this Notice of Proposed Rulemaking Hearing, the Division of Medical Assistance Programs (Division) proposes to amend OAR 410-123-1260 to improve access to oral health services for children under age six. The amendment accomplishes this by adding limited coverage of dental CDT code D0191 (Assessment of a Patient) for children under age six when:

1. The service includes a caries risk assessment using a standardized tool endorsed by First Tooth, the American Dental Association, the American Academy of Pediatric Dentistry, or the American Academy of Pediatrics;

2. Performed by a physician, licensed physician assistant, or advance practice nurse; and

3. The provider holds a certificate of completion within the previous three years from "Smiles for Life: A National Oral Health Curriculum" or the Oregon Oral Health Coalition's "First Tooth" training.

This rule also proposes to limit reimbursement under the new coverage to once every 12 months.

The Division revised the remainder of the rule as necessary "housekeeping" to reflect current practices or for textual consistency and accuracy.

Rules Coordinator: Sandy Cafourek—(503) 945-6430

410-123-1260

OHP Plus Dental Benefits

(1) GENERAL:

(a) Early and Periodic Screening, Diagnosis and Treatment (EPSDT):

(A) Refer to Code of Federal Regulations (42 CFR 441, Subpart B) and OAR chapter 410, division 120 for definitions of the EPSDT program,

eligible clients, and related services. EPSDT dental services include, but are not limited to:

(i) Dental screening services for eligible EPSDT individuals; and

(ii) Dental diagnosis and treatment that is indicated by screening at as early an age as necessary, needed for relief of pain and infections, restoration of teeth, and maintenance of dental health;

(B) Providers shall provide EPSDT services for eligible Division of Medical Assistance Programs (Division) clients according to the following documents:

(i) The Dental Services Program administrative rules (OAR chapter 410, division 123), for dentally appropriate services funded on the Oregon Health Evidence Review Commission's Prioritized List of Health Services (Prioritized List); and

(ii) The "Oregon Health Plan (OHP) — Recommended Dental Periodicity Schedule," dated January 1, 2010, incorporated in rule by reference and posted on the Division website in the Dental Services Provider Guide document at www.oha.state.or.us/policy/healthplan/guides/dental/main.html;

(b) Restorative, periodontal, and prosthetic treatments:

(A) Documentation shall be included in the client's charts to support the treatment. Treatments shall be consistent with the prevailing standard of care and may be limited as follows:

(i) When prognosis is unfavorable;

(ii) When treatment is impractical;

(iii) A lesser-cost procedure would achieve the same ultimate result;

or

(iv) The treatment has specific limitations outlined in this rule;

(B) Prosthetic treatment, including porcelain fused to metal crowns, are limited until rampant progression of caries is arrested and a period of adequate oral hygiene and periodontal stability is demonstrated; periodontal health needs to be stable and supportive of a prosthetic.

(2) ENHANCED ORAL HEALTH SERVICES IN PRIMARY CARE SETTINGS:

(a) Topical fluoride treatment:

(A) For children under 19 years of age, topical fluoride varnish may be applied by a licensed medical practitioner during a medical visit. Providers must bill:

(i) The Division directly when the client is fee-for-service (FFS), is enrolled in a Coordinated Care Organization (CCO) that does not include integrated medical and dental services, or is enrolled in a PHP that does not include integrated medical and dental services;

(ii) The client's CCO if the client is enrolled in a CCO that includes integrated medical and dental services;

(iii) Using a professional claim format with the appropriate Current Dental Terminology (CDT) code D1206-Topical Fluoride Varnish;

(B) Topical fluoride treatment from a medical practitioner counts toward the overall maximum number of fluoride treatments, as described in subsection (4) of this rule;

(b) Assessment of a patient:

(A) For children under six years of age, CDT code D0191-Assessment of a Patient is covered as an enhanced oral health service in medical settings;

(B) For reimbursement in a medical setting, D0191-Assessment of a patient must include all of the following components:

(i) Caries risk assessment using a standardized tool endorsed by Oregon Oral Health Coalition, the American Dental Association, the American Academy of Pediatric Dentistry, or the American Academy of Pediatrics;

(ii) Anticipatory guidance and counseling with the client's caregiver on good oral hygiene practices and nutrition;

(iii) Referral to a dentist in order to establish a dental home;

(iv) Documentation in medical chart of risk assessment findings and service components provided;

(C) For reimbursement, the performing provider must meet all of the following criteria:

(i) Be a physician (MD or DO), an advance practice nurse, or a licensed physician assistant; and

(ii) Hold a certificate of completion from one of the following approved training programs within the previous three years:

(I) Smiles for Life; or

(II) First Tooth through the Oregon Oral Health Coalition;

(D) For reimbursement, the medical practitioners must bill:

(i) The Division directly when the client is fee-for-service (FFS), is enrolled in a Coordinated Care Organization (CCO) that does not include

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integrated medical and dental services, or is enrolled in a PHP that does not include integrated medical and dental services;

(ii) The client's CCO if the client is enrolled in a CCO that includes integrated medical and dental services;

(iii) Using a professional claim format with the appropriate CDT code (D0191-Assessment of a Patient);

(E) D0191 Assessment of a Patient may be reimbursed under this subsection up to a maximum of once every 12 months;

(F) D0191 Assessment of a Patient from a medical practitioner does not count toward the maximum number of CDT code D0191-Assessment of a Patient services performed by a dental practitioner described in subsection three (3) of this rule;

(c) For tobacco cessation services provided during a medical visit, follow criteria outlined in OAR 410-130-0190;

(3) DIAGNOSTIC SERVICES:

(a) Exams:

(A) For children under 19 years of age:

(i) The Division shall reimburse exams (billed as CDT codes D0120, D0145, D0150, or D0180) a maximum of twice every 12 months with the following limitations:

(I) D0150: once every 12 months when performed by the same practitioner;

(II) D0150: twice every 12 months only when performed by different practitioners;

(III) D0180: once every 12 months;

(ii) The Division shall reimburse D0160 only once every 12 months when performed by the same practitioner;

(B) For adults 19 years of age and older, the Division shall reimburse exams (billed as CDT codes D0120, D0150, D0160, or D0180) once every 12 months;

(C) For problem focused exams (urgent or emergent problems), the Division shall reimburse D0140 for the initial exam. The Division shall reimburse D0170 for related problem-focused follow-up exams. Providers must not bill D0140 and D0170 for routine dental visits;

(D) The Division only covers oral exams performed by medical practitioners when the medical practitioner is an oral surgeon;

(E) As the American Dental Association's Current Dental Terminology (CDT) codebook specifies, the evaluation, diagnosis, and treatment planning components of the exam are the responsibility of the dentist. The Division may not reimburse dental exams when performed by a dental hygienist (with or without an expanded practice permit);

(b) Assessment of a patient (D0191):

(A) When performed by a dental practitioner, the Division shall reimburse:

(i) If performed by a dentist outside of a dental office;

(ii) If performed by a dental hygienist with an expanded practice dental hygiene permit;

(iii) Only if an exam (D0120-D0180) is not performed on the same date of service. Assessment of a patient (D0191) is included as part of an exam (D0120-D0180);

(iv) For children under 19 years of age, a maximum of twice every 12 months; and

(v) For adults age 19 and older, a maximum of once every 12 months;

(B) An assessment does not take the place of the need for oral evaluations/exams;

(c) Radiographs:

(A) The Division shall reimburse for routine radiographs once every 12 months;

(B) The Division shall reimburse bitewing radiographs for routine screening once every 12 months;

(C) The Division shall reimburse a maximum of six radiographs for any one emergency;

(D) For clients under age six, radiographs may be billed separately every 12 months as follows:

(i) D0220 — once;

(ii) D0230 — a maximum of five times;

(iii) D0270 — a maximum of twice, or D0272 once;

(E) The Division shall reimburse for panoramic (D0330) or intra-oral complete series (D0210) once every five years, but both cannot be done within the five-year period;

(F) Clients shall be a minimum of six years old for billing intra-oral complete series (D0210). The minimum standards for reimbursement of intra-oral complete series are:

(i) For clients age six through 11- a minimum of ten periapicals and two bitewings for a total of 12 films;

(ii) For clients ages 12 and older - a minimum of ten periapicals and four bitewings for a total of 14 films;

(G) If fees for multiple single radiographs exceed the allowable reimbursement for a full mouth complete series (D0210), the Division shall reimburse for the complete series;

(H) Additional films may be covered if dentally or medically appropriate, e.g., fractures (Refer to OAR 410-123-1060 and 410-120-0000);

(I) If the Division determines the number of radiographs to be excessive, payment for some or all radiographs of the same tooth or area may be denied;

(J) The exception to these limitations is if the client is new to the office or clinic and the office or clinic is unsuccessful in obtaining radiographs from the previous dental office or clinic. Supporting documentation outlining the provider's attempts to receive previous records shall be included in the client's records;

(K) Digital radiographs, if printed, shall be on photo paper to assure sufficient quality of images.

(4) PREVENTIVE SERVICES:

(a) Prophylaxis:

(A) For children under 19 years of age — Limited to twice per 12 months;

(B) For adults 19 years of age and older — Limited to once per 12 months;

(C) Additional prophylaxis benefit provisions may be available for persons with high risk oral conditions due to disease process, pregnancy, medications, or other medical treatments or conditions, severe periodontal disease, rampant caries and for persons with disabilities who cannot perform adequate daily oral health care;

(D) Are coded using the appropriate Current Dental Terminology (CDT) coding:

(i) D1110 (Prophylaxis — Adult) — Use for clients 14 years of age and older; and

(ii) D1120 (Prophylaxis — Child) — Use for clients under 14 years of age;

(b) Topical fluoride treatment:

(A) For adults 19 years of age and older — Limited to once every 12 months;

(B) For children under 19 years of age — Limited to twice every 12 months;

(C) Additional topical fluoride treatments may be available, up to a total of four treatments per client within a 12-month period, when high-risk conditions or oral health factors are clearly documented in chart notes for clients who:

(i) Have high-risk oral conditions due to disease process, medications, other medical treatments or conditions, or rampant caries;

(ii) Are pregnant;

(iii) Have physical disabilities and cannot perform adequate, daily oral health care;

(iv) Have a developmental disability or other severe cognitive impairment that cannot perform adequate, daily oral health care; or

(v) Are under seven years old with high-risk oral health factors, such as poor oral hygiene, deep pits and fissures (grooves) in teeth, severely crowded teeth, poor diet, etc.;

(D) Fluoride limits include any combination of fluoride varnish (D1206) or other topical fluoride (D1208);

(c) Sealants (D1351):

(A) Are covered only for children under 16 years of age;

(B) The Division limits coverage to:

(i) Permanent molars; and

(ii) Only one sealant treatment per molar every five years, except for visible evidence of clinical failure;

(d) Tobacco cessation:

(A) For services provided during a dental visit, bill as a dental service using CDT code D1320 when the following brief counseling is provided:

(i) Ask patients about their tobacco-use status at each visit and record information in the chart;

(ii) Advise patients on their oral health conditions related to tobacco use and give direct advice to quit using tobacco and a strong personalized message to seek help; and

(iii) Refer patients who are ready to quit, utilizing internal and external resources, to complete the remaining three A's (assess, assist, arrange) of the standard intervention protocol for tobacco;

(B) The Division allows a maximum of ten services within a three-month period;

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- (e) Space management:
 - (A) The Division shall cover fixed and removable space maintainers (D1510, D1515, D1520, and D1525) only for clients under 19 years of age;
 - (B) The Division may not reimburse for replacement of lost or damaged removable space maintainers.
 - (5) RESTORATIVE SERVICES:
 - (a) Amalgam and resin-based composite restorations, direct:
 - (A) Resin-based composite crowns on anterior teeth (D2390) are only covered for clients under 21 years of age or who are pregnant;
 - (B) The Division reimburses posterior composite restorations at the same rate as amalgam restorations;
 - (C) The Division limits payment for replacement of posterior composite restorations to once every five years;
 - (D) The Division limits payment of covered restorations to the maximum restoration fee of four surfaces per tooth. Refer to the American Dental Association (ADA) CDT codebook for definitions of restorative procedures;
 - (E) Providers shall combine and bill multiple surface restorations as one line per tooth using the appropriate code. Providers may not bill multiple surface restorations performed on a single tooth on the same day on separate lines. For example, if tooth #30 has a buccal amalgam and a mesial-occlusal-distal (MOD) amalgam, then bill MOD, B, using code D2161 (four or more surfaces);
 - (F) The Division may not reimburse for an amalgam or composite restoration and a crown on the same tooth;
 - (G) Interim therapeutic restoration on primary dentition (D2941) is covered to restore and prevent progression of dental caries. Interim therapeutic restoration is not a definitive restoration.
 - (H) Reattachment of tooth fragment (D2921) is covered once in the lifetime of a tooth when there is no pulp exposure and no need for endodontic treatment.
 - (I) The Division reimburses for a surface not more than once in each treatment episode regardless of the number or combination of restorations;
 - (J) The restoration fee includes payment for occlusal adjustment and polishing of the restoration;
 - (b) Indirect crowns and related services:
 - (A) General payment policies:
 - (i) The fee for the crown includes payment for preparation of the gingival tissue;
 - (ii) The Division shall cover crowns only when:
 - (I) There is significant loss of clinical crown and no other restoration will restore function; and
 - (II) The crown-to-root ratio is 50:50 or better, and the tooth is restorable without other surgical procedures;
 - (iii) The Division shall cover core buildup (D2950) only when necessary to retain a cast restoration due to extensive loss of tooth structure from caries or a fracture and only when done in conjunction with a crown. Less than 50 percent of the tooth structure must be remaining for coverage of the core buildup.
 - (iv) Reimbursement of retention pins (D2951) is per tooth, not per pin;
 - (B) The Division shall not cover the following services:
 - (i) Endodontic therapy alone (with or without a post);
 - (ii) Aesthetics (cosmetics);
 - (iii) Crowns in cases of advanced periodontal disease or when a poor crown/root ratio exists for any reason;
 - (C) The Division shall cover acrylic heat or light cured crowns (D2970 temporary crown, fractured tooth) — allowed only for anterior permanent teeth;
 - (D) The Division shall cover the following only for clients under 21 years of age or who are pregnant:
 - (i) Prefabricated plastic crowns (D2932) are allowed only for anterior teeth, permanent or primary;
 - (ii) Stainless steel crowns (D2930/D2931) are allowed only for anterior primary teeth and posterior permanent or primary teeth;
 - (iii) Prefabricated stainless steel crowns with resin window (D2933) are allowed only for anterior teeth, permanent or primary;
 - (iv) Prefabricated post and core in addition to crowns (D2954/D2957);
 - (v) Permanent crowns (resin-based composite — D2710 and D2712, and porcelain fused to metal (PFM) — D2751 and D2752) as follows:
 - (I) Limited to teeth numbers 6–11, 22 and 27 only, if dentally appropriate;
 - (II) Limited to four in a seven-year period. This limitation includes any replacement crowns allowed according to (E)(i) of this rule;
 - (III) Only for clients at least 16 years of age; and
 - (IV) Rampant caries are arrested, and the client demonstrates a period of oral hygiene before prosthetics are proposed;
 - (vi) PFM crowns (D2751 and D2752) shall also meet the following additional criteria:
 - (I) The dental practitioner has attempted all other dentally appropriate restoration options and documented failure of those options;
 - (II) Written documentation in the client's chart indicates that PFM is the only restoration option that will restore function;
 - (III) The dental practitioner submits radiographs to the Division for review; history, diagnosis, and treatment plan may be requested. (See OAR 410-123-1100 Services Reviewed by the Division);
 - (IV) The client has documented stable periodontal status with pocket depths within 1–3 millimeters. If PFM crowns are placed with pocket depths of 4 millimeters and over, documentation shall be maintained in the client's chart of the dentist's findings supporting stability and why the increased pocket depths will not adversely affect expected long-term prognosis;
 - (V) The crown has a favorable long-term prognosis; and
 - (VI) If the tooth to be crowned is a clasp/abutment tooth in partial denture, both prognosis for the crown itself and the tooth's contribution to partial denture shall have favorable expected long-term prognosis;
 - (E) Crown replacement:
 - (i) Permanent crown replacement limited to once every seven years;
 - (ii) All other crown replacement limited to once every five years; and
 - (iii) The Division may make exceptions to crown replacement limitations due to acute trauma, based on the following factors:
 - (I) Extent of crown damage;
 - (II) Extent of damage to other teeth or crowns;
 - (III) Extent of impaired mastication;
 - (IV) Tooth is restorable without other surgical procedures; and
 - (V) If loss of tooth would result in coverage of removable prosthetic;
 - (F) Crown repair (D2980) is limited to only anterior teeth.
- (6) ENDODONTIC SERVICES:
 - (a) Endodontic therapy:
 - (A) Pulpal therapy on primary teeth (D3230 and D3240) is covered only for clients under 21 years of age;
 - (B) For permanent teeth:
 - (i) Anterior and bicuspid endodontic therapy (D3310 and D3320) is covered for all OHP Plus clients; and
 - (ii) Molar endodontic therapy (D3330):
 - (I) For clients through age 20, is covered only for first and second molars; and
 - (II) For clients age 21 and older who are pregnant, is covered only for first molars;
 - (C) The Division covers endodontics only if the crown-to-root ratio is 50:50 or better and the tooth is restorable without other surgical procedures;
 - (b) Endodontic retreatment and apicoectomy:
 - (A) The Division does not cover retreatment of a previous root canal or apicoectomy for bicuspid or molars;
 - (B) The Division limits either a retreatment or an apicoectomy (but not both procedures for the same tooth) to symptomatic anterior teeth when:
 - (i) Crown-to-root ratio is 50:50 or better;
 - (ii) The tooth is restorable without other surgical procedures; or
 - (iii) If loss of tooth would result in the need for removable prosthodontics;
 - (C) Retrograde filling (D3430) is covered only when done in conjunction with a covered apicoectomy of an anterior tooth;
 - (c) The Division does not allow separate reimbursement for open-and-drain as a palliative procedure when the root canal is completed on the same date of service or if the same practitioner or dental practitioner in the same group practice completed the procedure;
 - (d) The Division covers endodontics if the tooth is restorable within the OHP benefit coverage package;
 - (e) Apexification/recalcification procedures:
 - (A) The Division limits payment for apexification to a maximum of five treatments on permanent teeth only;
 - (B) Apexification/recalcification procedures are covered only for clients under 21 years of age or who are pregnant.
 - (7) PERIODONTIC SERVICES:
 - (a) Surgical periodontal services:
 - (A) Gingivectomy/Gingivoplasty (D4210 and D4211) — limited to coverage for severe gingival hyperplasia where enlargement of gum tissue

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occurs that prevents access to oral hygiene procedures, e.g., Dilantin hyperplasia; and

(B) Includes six months routine postoperative care;

(C) The Division shall consider gingivectomy or gingivoplasty to allow for access for restorative procedure, per tooth (D4212) as part of the restoration and will not provide a separate reimbursement for this procedure;

(b) Non-surgical periodontal services:

(A) Periodontal scaling and root planing (D4341 and D4342):

(i) For clients through age 20, allowed once every two years;

(ii) For clients age 21 and over, allowed once every three years;

(iii) A maximum of two quadrants on one date of service is payable, except in extraordinary circumstances;

(iv) Quadrants are not limited to physical area, but are further defined by the number of teeth with pockets 5 mm or greater:

(I) D4341 is allowed for quadrants with at least four or more teeth with pockets 5 mm or greater;

(II) D4342 is allowed for quadrants with at least two teeth with pocket depths of 5 mm or greater;

(v) Prior authorization for more frequent scaling and root planing may be requested when:

(I) Medically/dentally necessary due to periodontal disease as defined above is found during pregnancy; and

(II) Client's medical record is submitted that supports the need for increased scaling and root planing;

(B) Full mouth debridement (D4355):

(i) For clients through age 20, allowed only once every two years;

(ii) For clients age 21 and older, allowed once every three years;

(c) Periodontal maintenance (D4910):

(A) For clients through age 20, allowed once every six months;

(B) For clients age 21 and older:

(i) Limited to following periodontal therapy (surgical or non-surgical) that is documented to have occurred within the past three years;

(ii) Allowed once every twelve months;

(iii) Prior authorization for more frequent periodontal maintenance may be requested when:

(I) Medically/dentally necessary, such as due to presence of periodontal disease during pregnancy; and

(II) Client's medical record is submitted that supports the need for increased periodontal maintenance (chart notes, pocket depths and radiographs);

(d) Records shall clearly document the clinical indications for all periodontal procedures, including current pocket depth charting and/or radiographs;

(e) The Division may not reimburse for procedures identified by the following codes if performed on the same date of service:

(A) D1110 (Prophylaxis — adult);

(B) D1120 (Prophylaxis — child);

(C) D4210 (Gingivectomy or gingivoplasty — four or more contiguous teeth or bounded teeth spaces per quadrant);

(D) D4211 (Gingivectomy or gingivoplasty — one to three contiguous teeth or bounded teeth spaces per quadrant);

(E) D4341 (Periodontal scaling and root planning — four or more teeth per quadrant);

(F) D4342 (Periodontal scaling and root planning — one to three teeth per quadrant);

(G) D4355 (Full mouth debridement to enable comprehensive evaluation and diagnosis); and

(H) D4910 (Periodontal maintenance).

(8) REMOVABLE PROSTHODONTIC SERVICES:

(a) Clients age 16 years and older are eligible for removable resin base partial dentures (D5211-D5212) and full dentures (complete or immediate, D5110-D5140);

(b) The Division limits full dentures for clients age 21 and older to only those clients who are recently edentulous:

(A) For the purposes of this rule:

(i) "Edentulous" means all teeth removed from the jaw for which the denture is being provided; and

(ii) "Recently edentulous" means the most recent extractions from that jaw occurred within six months of the delivery of the final denture (or, for fabricated prosthetics, the final impression) for that jaw;

(B) See OAR 410-123-1000 for detail regarding billing fabricated prosthetics;

(c) The fee for the partial and full dentures includes payment for adjustments during the six-month period following delivery to clients;

(d) Resin partial dentures (D5211-D5212):

(A) The Division may not approve resin partial dentures if stainless steel crowns are used as abutments;

(B) For clients through age 20, the client shall have one or more anterior teeth missing or four or more missing posterior teeth per arch with resulting space equivalent to that loss demonstrating inability to masticate. Third molars are not a consideration when counting missing teeth;

(C) For clients age 21 and older, the client shall have one or more missing anterior teeth or six or more missing posterior teeth per arch with documentation by the provider of resulting space causing serious impairment to mastication. Third molars are not a consideration when counting missing teeth;

(D) The dental practitioner shall note the teeth to be replaced and teeth to be clasped when requesting prior authorization (PA);

(e) Replacement of removable partial or full dentures, when it cannot be made clinically serviceable by a less costly procedure (e.g., reline, rebase, repair, tooth replacement), is limited to the following:

(A) For clients at least 16 years and under 21 years of age, the Division shall replace full or partial dentures once every ten years, only if dentally appropriate. This does not imply that replacement of dentures or partials shall be done once every ten years, but only when dentally appropriate;

(B) For clients 21 years of age and older, the Division may not cover replacement of full dentures but shall cover replacement of partial dentures once every ten (10) years only if dentally appropriate;

(C) The ten year limitations apply to the client regardless of the client's OHP or Dental Care Organization (DCO)/Coordinated Care Organization (CCO) enrollment status at the time the client's last denture or partial was received. For example: A client receives a partial on February 1, 2002, and becomes a FFS OHP client in 2005. The client is not eligible for a replacement partial until February 1, 2012. The client gets a replacement partial on February 3, 2012 while FFS and a year later enrolls in a DCO or CCO. The client would not be eligible for another partial until February 3, 2022, regardless of DCO, CCO, or FFS enrollment;

(D) Replacement of partial dentures with full dentures is payable ten years after the partial denture placement. Exceptions to this limitation may be made in cases of acute trauma or catastrophic illness that directly or indirectly affects the oral condition and results in additional tooth loss. This pertains to, but is not limited to, cancer and periodontal disease resulting from pharmacological, surgical, and medical treatment for aforementioned conditions. Severe periodontal disease due to neglect of daily oral hygiene may not warrant replacement;

(f) The Division limits reimbursement of adjustments and repairs of dentures that are needed beyond six months after delivery of the denture as follows for clients 21 years of age and older:

(A) A maximum of four times per year for:

(i) Adjusting complete and partial dentures, per arch (D5410-D5422);

(ii) Replacing missing or broken teeth on a complete denture, each tooth (D5520);

(iii) Replacing broken tooth on a partial denture, each tooth (D5640);

(iv) Adding tooth to existing partial denture (D5650);

(B) A maximum of two times per year for:

(i) Repairing broken complete denture base (D5510);

(ii) Repairing partial resin denture base (D5610);

(iii) Repairing partial cast framework (D5620);

(iv) Repairing or replacing broken clasp (D5630);

(v) Adding clasp to existing partial denture (D5660);

(g) Replacement of all teeth and acrylic on cast metal framework (D5670, D5671):

(A) Is covered for clients age 16 and older a maximum of once every ten (10) years, per arch;

(B) Ten years or more shall have passed since the original partial denture was delivered;

(C) Is considered replacement of the partial so a new partial denture may not be reimbursed for another ten years; and

(D) Requires prior authorization as it is considered a replacement partial denture;

(h) Denture rebase procedures:

(A) The Division shall cover rebases only if a reline may not adequately solve the problem;

(B) For clients through age 20, the Division limits payment for rebase to once every three years;

(C) For clients age 21 and older:

(i) There shall be documentation of a current reline that has been done and failed; and

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- (ii) The Division limits payment for rebase to once every five years;
- (D) The Division may make exceptions to this limitation in cases of acute trauma or catastrophic illness that directly or indirectly affects the oral condition and results in additional tooth loss. This pertains to, but is not limited to, cancer and periodontal disease resulting from pharmacological, surgical, and medical treatment for aforementioned conditions. Severe periodontal disease due to neglect of daily oral hygiene may not warrant rebase-ing:
 - (i) Denture relines procedures:
 - (A) For clients through age 20, the Division limits payment for relines of complete or partial dentures to once every three years;
 - (B) For clients age 21 and older, the Division limits payment for relines of complete or partial dentures to once every five years;
 - (C) The Division may make exceptions to this limitation under the same conditions warranting replacement;
 - (D) Laboratory relines:
 - (i) Are not payable prior to six months after placement of an immediate denture; and
 - (ii) For clients through age 20, are limited to once every three years;
 - (iii) For clients age 21 and older, are limited to once every five years;
 - (j) Interim partial dentures (D5820-D5821, also referred to as “flip-pers”):
 - (A) Are allowed if the client has one or more anterior teeth missing; and
 - (B) The Division shall reimburse for replacement of interim partial dentures once every five years but only when dentally appropriate;
 - (k) Tissue conditioning:
 - (A) Is allowed once per denture unit in conjunction with immediate dentures; and
 - (B) Is allowed once prior to new prosthetic placement.
 - (9) MAXILLOFACIAL PROSTHETIC SERVICES:
 - (a) Fluoride gel carrier (D5986) is limited to those patients whose severity of oral disease causes the increased cleaning and fluoride treatments allowed in rule to be insufficient. The dental practitioner shall document failure of those options prior to use of the fluoride gel carrier;
 - (b) All other maxillofacial prosthetics (D5900-D5999) are medical services. Refer to the “Covered and Non-Covered Dental Services” document and OAR 410-123-1220:
 - (A) Bill for medical maxillofacial prosthetics using the professional (CMS1500, DMAP 505 or 837P) claim format;
 - (B) For clients receiving services through a CCO or PHP, bill medical maxillofacial prosthetics to the CCO or PHP;
 - (C) For clients receiving medical services through FFS, bill the Division.
 - (10) ORAL SURGERY SERVICES:
 - (a) Bill the following procedures in an accepted dental claim format using CDT codes:
 - (A) Procedures that are directly related to the teeth and supporting structures that are not due to a medical condition or diagnosis, including such procedures performed in an ambulatory surgical center (ASC) or an inpatient or outpatient hospital setting;
 - (B) Services performed in a dental office setting or an oral surgeon’s office:
 - (i) Such services include, but are not limited to, all dental procedures, local anesthesia, surgical postoperative care, radiographs, and follow-up visits;
 - (ii) Refer to OAR 410-123-1160 for any PA requirements for specific procedures;
 - (b) Bill the following procedures using the professional claim format and the appropriate American Medical Association (AMA) CPT procedure and ICD9 diagnosis codes:
 - (A) Procedures that are a result of a medical condition (i.e., fractures, cancer);
 - (B) Services requiring hospital dentistry that are the result of a medical condition/diagnosis (i.e., fracture, cancer);
 - (c) Refer to the “Covered and Non-Covered Dental Services” document to see a list of CDT procedure codes on the Prioritized List that may also have CPT medical codes. See OAR 410-123-1220. The procedures listed as “medical” on the table may be covered as medical procedures, and the table may not be all-inclusive of every dental code that has a corresponding medical code;
 - (d) For clients enrolled in a DCO or CCO responsible for dental services, the DCO or CCO shall pay for those services in the dental plan package;
 - (e) Oral surgical services performed in an ASC or an inpatient or outpatient hospital setting:
 - (A) Require PA;
 - (B) For clients enrolled in a CCO or FCHP, the CCO or FCHP shall pay for the facility charge and anesthesia services. For clients enrolled in a Physician Care Organization (PCO), the PCO shall pay for the outpatient facility charge (including ASCs) and anesthesia. Refer to the current Medical Surgical Services administrative rules in OAR chapter 410, division 130 for more information;
 - (C) If a client is enrolled in a CCO or PHP, the provider shall contact the CCO or PHP for any required authorization before the service is rendered;
 - (f) All codes listed as “by report” require an operative report;
 - (g) The Division covers payment for tooth re-implantation only in cases of traumatic avulsion where there are good indications of success;
 - (h) Biopsies collected are reimbursed as a dental service. Laboratory services of biopsies are reimbursed as a medical service;
 - (i) The Division does not cover surgical excisions of soft tissue lesions (D7410-D7415);
 - (j) Extractions — Includes local anesthesia and routine postoperative care, including treatment of a dry socket if done by the provider of the extraction. Dry socket is not considered a separate service;
 - (k) Surgical extractions:
 - (A) Include local anesthesia and routine post-operative care;
 - (B) The Division limits payment for surgical removal of impacted teeth or removal of residual tooth roots to treatment for only those teeth that have acute infection or abscess, severe tooth pain, and unusual swelling of the face or gums;
 - (C) The Division does not cover alveoplasty in conjunction with extractions (D7310 and D7311) separately from the extraction;
 - (D) The Division covers alveoplasty not in conjunction with extractions (D7320-D7321) only for clients under 21 years of age or who are pregnant;
 - (1) Frenulectomy/frenulotomy (D7960) and frenuloplasty (D7963):
 - (A) The Division covers either frenulectomy or frenuloplasty once per lifetime per arch only for clients under age 21;
 - (B) The Division covers maxillary labial frenulectomy only for clients age 12 through 20;
 - (C) The Division shall cover frenulectomy/frenuloplasty in the following situations:
 - (i) When the client has ankyloglossia;
 - (ii) When the condition is deemed to cause gingival recession; or
 - (iii) When the condition is deemed to cause movement of the gingival margin when the frenum is placed under tension;
 - (m) The Division covers excision of pericoronal gingival (D7971) only for clients under age 21 or who are pregnant.
 - (11) ORTHODONTIA SERVICES:
 - (a) The Division limits orthodontia services and extractions to eligible clients:
 - (A) With the ICD-9-CM diagnosis of:
 - (i) Cleft palate; or
 - (ii) Cleft palate with cleft lip; and
 - (B) Whose orthodontia treatment began prior to 21 years of age; or
 - (C) Whose surgical corrections of cleft palate or cleft lip were not completed prior to age 21;
 - (b) PA is required for orthodontia exams and records. A referral letter from a physician or dentist indicating diagnosis of cleft palate or cleft lip shall be included in the client’s record and a copy sent with the PA request;
 - (c) Documentation in the client’s record shall include diagnosis, length, and type of treatment;
 - (d) Payment for appliance therapy includes the appliance and all follow-up visits;
 - (e) Orthodontists evaluate orthodontia treatment for cleft palate/cleft lip as two phases. Stage one is generally the use of an activator (palatal expander), and stage two is generally the placement of fixed appliances (banding). The Division shall reimburse each phase separately;
 - (f) The Division shall pay for orthodontia in one lump sum at the beginning of each phase of treatment. Payment for each phase is for all orthodontia-related services. If the client transfers to another orthodontist during treatment, or treatment is terminated for any reason, the orthodontist shall refund to the Division any unused amount of payment after applying the following formula: Total payment minus \$300.00 (for banding) multiplied by the percentage of treatment remaining;

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(g) The Division shall use the length of the treatment plan from the original request for authorization to determine the number of treatment months remaining;

(h) As long as the orthodontist continues treatment, the Division may not require a refund even though the client may become ineligible for medical assistance sometime during the treatment period;

(i) Code:

(A) D8660 — PA required (reimbursement for required orthodontia records is included);

(B) Codes D8010-D8690 — PA required.

(12) ADJUNCTIVE GENERAL AND OTHER SERVICES:

(a) Fixed partial denture sectioning (D9120) is covered only when extracting a tooth connected to a fixed prosthesis and a portion of the fixed prosthesis is to remain intact and serviceable, preventing the need for more costly treatment;

(b) Anesthesia:

(A) Only use general anesthesia or IV sedation for those clients with concurrent needs: age; physical, medical or mental status; or degree of difficulty of the procedure (D9220, D9221, D9241 and D9242);

(B) The Division reimburses providers for general anesthesia or IV sedation as follows:

(i) D9220 or D9241: For the first 30 minutes;

(ii) D9221 or D9242: For each additional 15-minute period, up to three hours on the same day of service. Each 15-minute period represents a quantity of one. Enter this number in the quantity column;

(C) The Division reimburses administration of Nitrous Oxide (D9230) per date of service, not by time;

(D) Oral pre-medication anesthesia for conscious sedation (D9248):

(i) Limited to clients under 13 years of age;

(ii) Limited to four times per year;

(iii) Includes payment for monitoring and Nitrous Oxide; and

(iv) Requires use of multiple agents to receive payment;

(E) Upon request, providers shall submit a copy of their permit to administer anesthesia, analgesia, and sedation to the Division;

(F) For the purpose of Title XIX and Title XXI, the Division limits payment for code D9630 to those oral medications used during a procedure and is not intended for “take home” medication;

(c) The Division limits reimbursement of house/extended care facility call (D9410) only for urgent or emergent dental visits that occur outside of a dental office. This code is not reimbursable for provision of preventive services or for services provided outside of the office for the provider or facilities’ convenience;

(d) Oral devices/appliances (E0485, E0486):

(A) These may be placed or fabricated by a dentist or oral surgeon but are considered a medical service;

(B) Bill the Division, CCO, or the PHP for these codes using the professional claim format.

Stat. Auth.: ORS 413.042, 414.065 & 414.707

Stats. Implemented: ORS 414.065 & 414.707

Hist.: HR 3-1994, f. & cert. ef. 2-1-94; HR 20-1995, f. 9-29-95, cert. ef. 10-1-95; OMAP 13-1998(Temp), f. & cert. ef. 5-1-98 thru 9-1-98; OMAP 28-1998, f. & cert. ef. 9-1-98; OMAP 23-1999, f. & cert. ef. 4-30-99; OMAP 8-2000, f. 3-31-00, cert. ef. 4-1-00; OMAP 17-2000, f. 9-28-00, cert. ef. 10-1-00; OMAP 48-2002, f. & cert. ef. 10-1-02; OMAP 3-2003, f. 1-31-03, cert. ef. 2-1-03; OMAP 65-2003, f. 9-10-03 cert. ef. 10-1-03; OMAP 55-2004, f. 9-10-04, cert. ef. 10-1-04; OMAP 12-2005, f. 3-11-05, cert. ef. 4-1-05; DMAP 25-2007, f. 12-11-07, cert. ef. 1-1-08; DMAP 18-2008, f. 6-13-08, cert. ef. 7-1-08; DMAP 38-2008, f. 12-11-08, cert. ef. 1-1-09; DMAP 16-2009 f. 6-12-09, cert. ef. 7-1-09; DMAP 41-2009, f. 12-15-09, cert. ef. 1-1-10; DMAP 14-2010, f. 6-10-10, cert. ef. 7-1-10; DMAP 31-2010, f. 12-15-10, cert. ef. 1-1-11; DMAP 17-2011, f. & cert. ef. 7-12-11; DMAP 41-2011, f. 12-21-11, cert. ef. 1-1-12; DMAP 46-2011, f. 12-23-11, cert. ef. 1-1-12; DMAP 13-2013, f. 3-27-13, cert. ef. 4-1-13; DMAP 28-2013(Temp), f. 6-26-13, cert. ef. 7-1-13 thru 12-28-13; DMAP 68-2013, f. 12-5-13, cert. ef. 12-23-13; DMAP 75-2013(Temp), f. 12-31-13, cert. ef. 1-1-14 thru 6-30-14; DMAP 10-2014(Temp), f. & cert. ef. 2-28-14 thru 8-27-14; DMAP 19-2014(Temp), f. 3-28-14, cert. ef. 4-1-14 thru 6-30-14; DMAP 36-2014, f. & cert. ef. 6-27-14; DMAP 56-2014, f. 9-26-14, cert. ef. 10-1-14

Rule Caption: Revise OHP Exclusions, Definitions, Copayment Table, and Codification Corrections

Adm. Order No.: DMAP 57-2014

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Rules Amended: 410-120-0000, 410-120-1160, 410-120-1200, 410-120-1230, 410-120-1260

Subject: Revising the General Rules and correcting rule citations, acronyms, and codifications. Revising the exclusion and limitations rules to clarify that limitations are subject to the HERC prioritized

list, or removing limits that are included already within the HERC list, and correcting the copayment table to align with the policy.

Rules Coordinator: Sandy Cafourek — (503) 945-6430

410-120-0000

Acronyms and Definitions

Identification of acronyms and definitions within this rule specifically pertain to their use within the Oregon Health Authority (Authority), Division of Medical Assistance Programs (Division), or the Addictions and Mental Health Division (AMH) administrative rules, applicable to the medical assistance program. This rule does not include an exhaustive list of Division acronyms and definitions. For more information, see Oregon Health Plan (OHP) program OAR 410-141-0000, Acronyms and Definitions; 410-200-0015, General Definitions; and any appropriate governing acronyms and definitions in the Department of Human Services (Department) chapter 411 or 413 administrative rules; or contact the Division.

(1) “Abuse” means provider practices that are inconsistent with sound fiscal, business, or medical practices and result in an unnecessary cost to the Authority or in reimbursement for services that are not medically necessary or that fail to meet professionally recognized standards for health care. It also includes recipient practices that result in unnecessary cost to the Authority.

(2) “Acupuncturist” means a person licensed to practice acupuncture by the relevant state licensing board.

(3) “Acupuncture Services” means services provided by a licensed acupuncturist within the scope of practice as defined under state law.

(4) “Acute” means a condition, diagnosis, or illness with a sudden onset and that is of short duration.

(5) “Acquisition Cost” means, unless specified otherwise in individual program administrative rules, the net invoice price of the item, supply, or equipment plus any shipping or postage for the item.

(6) “Addiction and Mental Health Division (AMH)” means a division within the Authority that administers mental health and addiction programs and services.

(7) “Adequate Record Keeping” means documentation that supports the level of service billed. See 410-120-1360, Requirements for Financial, Clinical, and Other Records, and the individual provider rules.

(8) “Administrative Medical Examinations and Reports” means examinations, evaluations, and reports, including copies of medical records, requested on the DMAP 729 form through the local Department branch office or requested or approved by the Authority to establish client eligibility for a medical assistance program or for casework planning.

(9) “Advance Directive” means an individual’s instructions to an appointed person specifying actions to take in the event that the individual is no longer able to make decisions due to illness or incapacity.

(10) “Adverse Event” means an undesirable and unintentional, though not necessarily unexpected, result of medical treatment.

(11) “Aging and People with Disabilities (APD)” means the division in the Department of Human Services (Department) that administers programs for seniors and people with disabilities. This division was formerly named “Seniors and People with Disabilities (SPD).”

(12) “All-Inclusive Rate” or “Bundled Rate” means the nursing facility rate established for a facility. This rate includes all services, supplies, drugs, and equipment as described in OAR 411-070-0085 and in the Division’s Pharmaceutical Services program administrative rules and the Home Enteral/Parenteral Nutrition and IV Services program administrative rules, except as specified in OAR 410-120-1340, Payment.

(13) “Allied Agency” means local and regional governmental agency and regional authority that contracts with the Authority or Department to provide the delivery of services to covered individuals (e.g., local mental health authority, community mental health program, Oregon Youth Authority, Department of Corrections, local health departments, schools, education service districts, developmental disability service programs, area agencies on aging (AAAs), federally recognized American Indian tribes).

(14) “Alternative Care Settings” means sites or groups of practitioners that provide care to members under contract with a PHP or CCO, including urgent care centers, hospice, birthing centers, out-placed medical teams in community or mobile health care facilities, long-term care facilities, and outpatient surgical centers.

(15) “Ambulance” means a specially equipped and licensed vehicle for transporting sick or injured persons that meets the licensing standards of the Authority or the licensing standards of the state in which the ambulance provider is located.

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(16) “Ambulatory Payment Classification” means a reimbursement method that categorizes outpatient visits into groups according to the clinical characteristics, the typical resource use, and the costs associated with the diagnoses and the procedures performed. The groups are called Ambulatory Payment Classifications (APCs).

(17) “Ambulatory Surgical Center (ASC)” means a facility licensed as an ASC by the Authority.

(18) “American Indian/Alaska Native (AI/AN)” means a member of a federally recognized Indian tribe, band, or group, and an Eskimo or Aleut or other Alaska native enrolled by the Secretary of the Interior pursuant to the Alaska Native Claims Settlement Act, 43 U.S.C. 1601, or a person who is considered by the Secretary of the Interior to be an Indian for any purpose.

(19) “American Indian/Alaska Native (AI/AN) Clinic” means a clinic recognized under Indian Health Services (IHS) law or by the Memorandum of Agreement between IHS and the Centers for Medicare and Medicaid Services (CMS).

(20) “Ancillary Services” means services supportive of or necessary for providing a primary service, such as anesthesiology, which is an ancillary service necessary for a surgical procedure.

(21) “Anesthesia Services” means administration of anesthetic agents to cause loss of sensation to the body or body part.

(22) “Area Agency on Aging (AAA)” means the designated entity with which the Department contracts to meet the requirements of the Older Americans Act and ORS Chapter 410 in planning and providing services to the elderly or elderly and disabled population.

(23) “Atypical Provider” means an entity able to enroll as a billing provider (BP) or rendering provider for medical assistance programs related non-health care services but that does not meet the definition of health care provider for National Provider Identification (NPI) purposes.

(24) “Audiologist” means a person licensed to practice audiology by the State Board of Examiners for Speech Pathology and Audiology.

(25) “Audiology” means the application of principles, methods, and procedures of measurement, testing, appraisal, prediction, consultation, counseling, and instruction related to hearing and hearing impairment for the purpose of modifying communicative disorders involving speech, language, auditory function, including auditory training, speech reading and hearing aid evaluation, or other behavior related to hearing impairment.

(26) “Automated Voice Response (AVR)” means a computer system that provides information on clients’ current eligibility status from the Division by computerized phone or web-based response.

(27) “Benefit Package” means the package of covered health care services for which the client is eligible.

(28) “Billing Agent or Billing Service” means third party or organization that contracts with a provider to perform designated services in order to facilitate an Electronic Data Interchange (EDI) transaction on behalf of the provider.

(29) “Billing Provider (BP)” means a person, agent, business, corporation, clinic, group, institution, or other entity who submits claims to or receives payment from the Division on behalf of a rendering provider and has been delegated the authority to obligate or act on behalf of the rendering provider.

(30) “Buying Up” means the practice of obtaining client payment in addition to the Division or managed care plan payment to obtain a non-covered service or item. (See 410-120-1350 Buying Up.)

(31) “By Report (BR)” means services designated, as BR requires operative or clinical and other pertinent information to be submitted with the billing as a basis for payment determination. This information must include an adequate description of the nature and extent of need for the procedure. Information such as complexity of symptoms, final diagnosis, pertinent physical findings, diagnostic and therapeutic procedures, concurrent problems, and follow-up care will facilitate evaluation.

(32) “Case Management Services” means services provided to ensure that CCO members obtain health services necessary to maintain physical, mental, and emotional development and oral health. Case management services include a comprehensive, ongoing assessment of medical, mental health, substance use disorder or dental needs plus the development and implementation of a plan to obtain or make referrals for needed medical, mental, chemical dependency, or dental services, referring members to community services and supports that may include referrals to Allied Agencies.

(33) “Child Welfare (CW)” means a division within the Department responsible for administering child welfare programs, including child abuse investigations and intervention, foster care, adoptions, and child safety.

(34) “Children’s Health Insurance Program (CHIP)” means a federal and state funded portion of the Oregon Health Plan (OHP) established by Title XXI of the Social Security Act and administered by the Authority.

(35) “Chiropractor” means a person licensed to practice chiropractic by the relevant state licensing board.

(36) “Chiropractic Services” means services provided by a licensed chiropractor within the scope of practice as defined under state law and federal regulation.

(37) “Citizen/Alien-Waived Emergency Medical (CAWEM)” means aliens granted lawful temporary resident status or lawful permanent resident status under the Immigration and Nationality Act are eligible only for emergency services and limited service for pregnant women. Emergency services for CAWEM are defined in OAR 410-120-1210(3)(f).

(38) “Claimant” means a person who has requested a hearing.

(39) “Client” means an individual found eligible to receive OHP health services. “Client” is inclusive of members enrolled in PHPs, PCMs, and CCOs.

(40) “Clinical Nurse Specialist” means a registered nurse who has been approved and certified by the Board of Nursing to provide health care in an expanded specialty role.

(41) “Clinical Social Worker” means a person licensed to practice clinical social work pursuant to state law.

(42) “Clinical Record” means the medical, dental, or mental health records of a client or member.

(43) “Comfort Care” means medical services or items that give comfort or pain relief to an individual who has a terminal illness, including the combination of medical and related services designed to make it possible for an individual with terminal illness to die with dignity and respect and with as much comfort as is possible given the nature of the illness.

(44) “Contested Case Hearing” means a proceeding before the Authority under the Administrative Procedures Act when any of the following contests an action:

- (a) A client or member or their representative;
- (b) A PHP or CCO member’s provider; or
- (c) A PHP or CCO.

(45) “Contiguous Area” means the area up to 75 miles outside the border of the State of Oregon.

(46) “Contiguous Area Provider” means a provider practicing in a contiguous area.

(47) “Continuing Treatment Benefit” means a benefit for clients who meet criteria for having services covered that were either in a course of treatment or scheduled for treatment the day immediately before the date the client’s benefit package changed to one that does not cover the treatment.

(48) “Coordinated Care Organization (CCO)” as defined in OAR 410-141-0000.

(49) “Co-Payments” means the portion of a claim or medical, dental, or pharmaceutical expense that a client must pay out of their own pocket to a provider or a facility for each service. It is usually a fixed amount that is paid at the time service is rendered. (See 410-120-1230 Client Copayment.)

(50) “Cost Effective” means the lowest cost health service or item that, in the judgment of Authority staff or its contracted agencies, meets the medical needs of the client.

(51) “Cover Oregon” means the state’s health insurance exchange that will help individuals find out if they qualify for Medicaid, CHIP, or health insurance coverage for themselves, their families, and their employees.

(52) “Covered Services” means medically appropriate health services described in ORS Chapter 414 and applicable administrative rules that the legislature funds, based on the Prioritized List of Health Services.

(53) “Current Dental Terminology (CDT)” means a listing of descriptive terms identifying dental procedure codes used by the American Dental Association.

(54) “Current Procedural Terminology (CPT)” means the physicians’ CPT is a listing of descriptive terms and identifying codes for reporting medical services and procedures performed by physicians and other health care providers.

(55) “Date of Receipt of a Claim” means the date on which the Authority receives a claim as indicated by the Internal Control Number (ICN) assigned to a claim. Date of receipt is shown as the Julian date in the 5th through 7th position of the ICN.

(56) “Date of Service” means the date on which the client receives medical services or items, unless otherwise specified in the appropriate provider rules. For items that are mailed or shipped by the provider, the date of service is the date on which the order was received, the date on which

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the item was fabricated, or the date on which the item was mailed or shipped.

(57) "Dental Emergency Services" means dental services provided for severe tooth pain, unusual swelling of the face or gums, or an avulsed tooth.

(58) "Dental Services" means services provided within the scope of practice as defined under state law by or under the supervision of a dentist or dental hygienist.

(59) "Dentist" means a person licensed to practice dentistry pursuant to state law of the state in which he or she practices dentistry or a person licensed to practice dentistry pursuant to federal law for the purpose of practicing dentistry as an employee of the federal government.

(60) "Denturist" means a person licensed to practice denture technology pursuant to state law.

(61) "Denturist Services" means services provided within the scope of practice as defined under state law by or under the personal supervision of a denturist.

(62) "Dental Hygienist" means a person licensed to practice hygiene under the direction of a licensed professional within the scope of practice pursuant to state law.

(63) "Dental Hygienist with an Expanded Practice Permit" means a person licensed to practice dental hygiene services as authorized by the Board of Dentistry with an Expanded Practice Dental Hygienist Permit (EPDHP) pursuant to state law.

(64) "Dentally Appropriate" means services that are required for prevention, diagnosis, or treatment of a dental condition and that are:

(a) Consistent with the symptoms of a dental condition or treatment of a dental condition;

(b) Appropriate with regard to standards of good dental practice and generally recognized by the relevant scientific community and professional standards of care as effective;

(c) Not solely for the convenience of the client or a provider of the service;

(d) The most cost effective of the alternative levels of dental services that can be safely provided to a client.

(65) "Department of Human Services (Department or DHS)" means the agency established in ORS Chapter 409, including such divisions, programs and offices as may be established therein.

(66) "Department Representative" means a person who represents the Department and presents the position of the Department in a hearing.

(67) "Diagnosis Code" means as identified in the International Classification of Diseases, 9th revision, Clinical Modification (ICD-9-CM). The primary diagnosis code is shown in all billing claims, unless specifically excluded in individual provider rules. Where they exist, diagnosis codes shall be shown to the degree of specificity outlined in OAR 410-120-1280, Billing.

(68) "Diagnosis Related Group (DRG)" means a system of classification of diagnoses and procedures based on the ICD-9-CM.

(69) "Division of Medical Assistance Programs (Division)" means a division within the Authority. The Division is responsible for coordinating the medical assistance programs within the State of Oregon including the Oregon Health Plan (OHP) Medicaid demonstration, the State Children's Health Insurance Program (SCHIP-Title XXI), and several other programs.

(70) "Durable Medical Equipment, Prosthetics, Orthotics and Medical Supplies (DMEPOS)" means equipment that can stand repeated use and is primarily and customarily used to serve a medical purpose. Examples include wheelchairs, respirators, crutches, and custom built orthopedic braces. Medical supplies are non-reusable items used in the treatment of illness or injury. Examples of medical supplies include diapers, syringes, gauze bandages, and tubing.

(71) "Early and Periodic Screening, Diagnosis and Treatment (EPSDT) Services (aka, Medichex)" mean the Title XIX program of EPSDT services for eligible clients under age 21. It is a comprehensive child health program to assure the availability and accessibility of required medically appropriate health care services and to help Authority clients and their parents or guardians effectively use them.

(72) "Electronic Data Interchange (EDI)" means the exchange of business documents from application to application in a federally mandated format or, if no federal standard has been promulgated, using bulk transmission processes and other formats as the Authority designates for EDI transactions. For purposes of rules 407-120-0100 through 407-120-0200, EDI does not include electronic transmission by web portal.

(73) "EDI Submitter" means an individual or an entity authorized to establish an electronic media connection with the Authority to conduct an

EDI transaction. An EDI submitter may be a trading partner or an agent of a trading partner.

(74) "Electronic Verification System (EVS)" means eligibility information that has met the legal and technical specifications of the Authority in order to offer eligibility information to enrolled providers of the Division.

(75) "Emergency Department" means the part of a licensed hospital facility open 24 hours a day to provide care for anyone in need of emergency treatment.

(76) "NEMT Medical Condition" means a medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) such that a prudent layperson who possesses an average knowledge of health and medicine could reasonably expect the absence of immediate medical attention to result in placing the health of the individual (or with respect to a pregnant woman, the health of the woman or her unborn child) in serious jeopardy, serious impairment to bodily functions, or serious dysfunction of any bodily organ or part. An emergency medical condition is determined based on the presenting symptoms (not the final diagnosis) as perceived by a prudent layperson (rather than a health care professional) and includes cases in which the absence of immediate medical attention would not in fact have had the adverse results described in the previous sentence. (This definition does not apply to clients with CAWEM benefit package. CAWEM emergency services are governed by OAR 410-120-1210(3)(f)(B)).

(77) "Emergency Medical Transportation" means transportation necessary for a client with an emergency medical condition as defined in this rule and requires a skilled medical professional such as an Emergency Medical Technician (EMT) and immediate transport to a site, usually a hospital, where appropriate emergency medical service is available.

(78) "Emergency Services" means health services from a qualified provider necessary to evaluate or stabilize an emergency medical condition, including inpatient and outpatient treatment that may be necessary to assure within reasonable medical probability that the patient's condition is not likely to materially deteriorate from or during a client's discharge from a facility or transfer to another facility.

(79) "Evidence-Based Medicine" means the conscientious, explicit, and judicious use of current best evidence in making decisions about the care of individual patients. The practice of evidence-based medicine means integrating individual clinical expertise with the best available external clinical evidence from systematic research. By individual clinical expertise we mean the proficiency and judgment that individual clinicians acquire through clinical experience and clinical practice. Increased expertise is reflected in many ways, but especially in more effective and efficient diagnosis and in the more thoughtful identification and compassionate use of individual patients' predicaments, rights, and preferences in making clinical decisions about their care. By best available external clinical evidence we mean clinically relevant research, often from the basic sciences of medicine, but especially from patient-centered clinical research into the accuracy and precision of diagnostic tests (including the clinical examination), the power of prognostic markers, and the efficacy and safety of therapeutic, rehabilitative, and preventive regimens. External clinical evidence both invalidates previously accepted diagnostic tests and treatments and replaces them with new ones that are more powerful, more accurate, more efficacious, and safer. (Source: BMJ 1996; 312:71-72 (13 January)).

(80) "False Claim" means a claim that a provider knowingly submits or causes to be submitted that contains inaccurate, misleading, or omitted information and such inaccurate, misleading, or omitted information would result, or has resulted, in an overpayment.

(81) "Family Planning Services" means services for clients of child bearing age (including minors who can be considered to be sexually active) who desire such services and that are intended to prevent pregnancy or otherwise limit family size.

(82) "Federally Qualified Health Center (FQHC)" means a federal designation for a medical entity that receives grants under Section 329, 330, or 340 of the Public Health Service Act or a facility designated as an FQHC by Centers for Medicare and Medicaid (CMS) upon recommendation of the U.S. Public Health Service.

(83) "Fee-for-Service Provider" means a health care provider who is not reimbursed under the terms of an Authority contract with a Coordinated Care Organization or Prepaid Health Plan (PHP). A medical provider participating in a PHP or a CCO may be considered a fee-for-service provider when treating clients who are not enrolled in a PHP or a CCO.

(84) "Flexible Service" means a service that is an alternative or addition to a service that is as likely or more likely to effectively treat the mental condition, substance use disorder condition, or physical condition as

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documented in the member's clinical record. Flexible Services may include, but are not limited to: Respite care, partial hospitalization, subacute psychiatric care, family support services, parent psychosocial skills development, peer services, and other non-traditional services identified.

(85) "Flexible Service Approach" means the delivery of any coordinated care service in a manner or place different from the traditional manner or place of service delivery. A flexible service approach may include delivering coordinated care services at alternative sites such as schools, residential facilities, nursing facilities, members' homes, emergency rooms, offices of the Department and the Authority, and other community settings offering flexible clinic hours, coordinated care services through outreach or a home-based approach, and using peers, paraprofessionals, community health workers, peer wellness specialists, or personal health navigators who are culturally competent to engage difficult-to-reach members.

(86) "Fraud" means an intentional deception or misrepresentation made by a person with the knowledge that the deception could result in some unauthorized benefit to him or some other person. It includes any act that constitutes fraud under applicable federal or state law.

(87) "Fully Dual Eligible" means for the purposes of Medicare Part D coverage (42 CFR 423.772), Medicare clients who are also eligible for Medicaid, meeting the income and other eligibility criteria adopted by the Department for full medical assistance coverage.

(88) "General Assistance (GA)" means medical assistance administered and funded 100 percent with State of Oregon funds through OHP.

(89) "Healthcare Common Procedure Coding System (HCPCS)" means a method for reporting health care professional services, procedures, and supplies. HCPCS consists of the Level I — American Medical Association's Physician's Current Procedural Terminology (CPT), Level II — National codes, and Level III — Local codes. The Division uses HCPCS codes; however, the Division uses Current Dental Terminology (CDT) codes for the reporting of dental care services and procedures.

(90) "Health Care Professionals" means individuals with current and appropriate licensure, certification, or accreditation in a medical, mental health, or dental profession who provide health services, assessments, and screenings for clients within their scope of practice, licensure, or certification.

(91) "Health Evidence Review Commission" means a commission that, among other duties, develops and maintains a list of health services ranked by priority from the most to the least important representing the comparative benefits of each service to the population served.

(92) "Health Insurance Portability and Accountability Act (HIPAA) of 1996 (HIPAA)" means the federal law (Public Law 104-191, August 21, 1996) with the legislative objective to assure health insurance portability, reduce health care fraud and abuse, enforce standards for health information, and guarantee security and privacy of health information.

(93) "Health Maintenance Organization (HMO)" means a public or private health care organization that is a federally qualified HMO under Section 1310 of the U.S. Public Health Services Act. HMOs provide health care services on a capitated, contractual basis.

(94) "Health Plan New/non-categorical client (HPN)" means an individual who is 19 years of age or older, is not pregnant, is not receiving Medicaid through another program, and who must meet all eligibility requirements to become an OHP client.

(95) "Hearing Aid Dealer" means a person licensed by the Board of Hearing Aid Dealers to sell, lease, or rent hearing aids in conjunction with the evaluation or measurement of human hearing and the recommendation, selection, or adaptation of hearing aids.

(96) "Home Enteral Nutrition" means services provided in the client's place of residence to an individual who requires nutrition supplied by tube into the gastrointestinal tract as described in the Home Enteral/Parenteral Nutrition and IV Services program provider rules.

(97) "Home Health Agency" means a public or private agency or organization that has been certified by Medicare as a Medicare home health agency and that is licensed by the Authority as a home health agency in Oregon and meets the capitalization requirements as outlined in the Balanced Budget Act (BBA) of 1997.

(98) "Home Health Services" means part-time or intermittent skilled nursing services, other therapeutic services (physical therapy, occupational therapy, speech therapy), and home health aide services made available on a visiting basis in a place of residence used as the client's home.

(99) "Home Intravenous Services" means services provided in the client's place of residence to an individual who requires that medication (antibiotics, analgesics, chemotherapy, hydrational fluids, or other intravenous medications) be administered intravenously as described in the

Home Enteral/Parenteral Nutrition and IV Services program administrative rules.

(100) "Home Parenteral Nutrition" means services provided in the client's residence to an individual who is unable to absorb nutrients via the gastrointestinal tract, or for other medical reasons, requires nutrition be supplied parenterally as described in the Home Enteral/Parenteral Nutrition and IV Services program administrative rules.

(101) "Hospice" means a public agency or private organization or subdivision of either that is primarily engaged in providing care to terminally ill individuals and is certified by the federal Centers for Medicare and Medicaid Services as a program of hospice services meeting current standards for Medicare and Medicaid reimbursement and Medicare Conditions of Participation and is currently licensed by the Oregon Health Authority (Authority), Public Health Division.

(102) "Hospital" means a facility licensed by the Office of Public Health Systems as a general hospital that meets requirements for participation in OHP under Title XVIII of the Social Security Act. The Division does not consider facilities certified by CMS as long-term care hospitals, long-term acute care hospitals, or religious non-medical facilities as hospitals for reimbursement purposes. Out-of-state hospitals will be considered hospitals for reimbursement purposes if they are licensed as a short term acute care or general hospital by the appropriate licensing authority within that state and if they are enrolled as a provider of hospital services with the Medicaid agency within that state.

(103) "Hospital-Based Professional Services" means professional services provided by licensed practitioners or staff based on a contractual or employee/employer relationship and reported as a cost on the Hospital Statement of Reasonable Cost report for Medicare and the Calculation of Reasonable Cost (division 42) report for the Division.

(104) "Hospital Dentistry" means dental services normally done in a dental office setting, but due to specific client need (as detailed in OAR chapter 410 division 123) are provided in an ambulatory surgical center or inpatient or outpatient hospital setting under general anesthesia (or IV conscious sedation, if appropriate).

(105) "Hospital Laboratory" means a laboratory providing professional technical laboratory services as outlined under laboratory services in a hospital setting as either an inpatient or outpatient hospital service whose costs are reported on the hospital's cost report to Medicare and to the Division.

(106) "Indian Health Care Provider" means an Indian health program or an urban Indian organization.

(107) "Indian Health Program" means any Indian Health Service (IHS) facility, any federally recognized tribe or tribal organization, or any FQHC with a 638 designation.

(108) "Indian Health Service (IHS)" means an operating division (OPDIV) within the U.S. Department of Health and Human Services (HHS) responsible for providing medical and public health services to members of federally recognized tribes and Alaska Natives.

(109) "Indigent" means for the purposes of access to the Intoxicated Driver Program Fund (ORS 813.602), individuals with-out health insurance coverage, public or private, who meet standards for indigence adopted by the federal government as defined in 813.602(5).

(110) "Individual Adjustment Request Form (DMAP 1036)" means a form used to resolve an incorrect payment on a previously paid claim, including underpayments or overpayments.

(111) "Inpatient Hospital Services" means services that are furnished in a hospital for the care and treatment of an inpatient. (See Division Hospital Services program administrative rules in chapter 410, division 125 for inpatient covered services.)

(112) "Institutional Level of Income Standards (ILIS)" means three times the amount SSI pays monthly to a person who has no other income and who is living alone in the community. This is the standard used for Medicaid eligible individuals to calculate eligibility for long-term nursing care in a nursing facility, Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICF/IID), and individuals on ICF/IID waivers or eligibility for services under Aging and People with Disabilities (APD) Home and Community Based Services program.

(113) "Institutionalized" means a patient admitted to a nursing facility or hospital for the purpose of receiving nursing or hospital care for a period of 30 days or more.

(114) "International Classification of Diseases, 9th Revision, Clinical Modification (ICD-9-CM) (including volumes 1, 2, and 3, as revised annually)" means a book of diagnosis codes used for billing purposes when treating and requesting reimbursement for treatment of diseases.

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(115) "Laboratory" means a facility licensed under ORS 438 and certified by CMS, Department of Health and Human Services (DHHS), as qualified to participate under Medicare and to provide laboratory services (as defined in this rule) within or apart from a hospital. An entity is considered to be a laboratory if the entity derives materials from the human body for the purpose of providing information for the diagnosis, prevention, or treatment of any disease or impairment of or the assessment of the health of human beings. If an entity performs even one laboratory test, including waived tests for these purposes, it is considered to be a laboratory under the Clinical Laboratory Improvement Act (CLIA).

(116) "Laboratory Services" means those professional and technical diagnostic analyses of blood, urine, and tissue ordered by a physician or other licensed practitioner of the healing arts within his or her scope of practice as defined under state law and provided to a patient by or under the direction of a physician or appropriate licensed practitioner in an office or similar facility, hospital, or independent laboratory.

(117) "Licensed Direct Entry Midwife" means a practitioner who has acquired the requisite qualifications to be registered or legally licensed to practice midwifery by the Public Health Division.

(118) "Liability Insurance" means insurance that provides payment based on legal liability for injuries or illness. It includes, but is not limited to, automobile liability insurance, uninsured and underinsured motorist insurance, homeowner's liability insurance, malpractice insurance, product liability insurance, Worker's Compensation, and general casualty insurance. It also includes payments under state wrongful death statutes that provide payment for medical damages.

(119) "Managed Care Organization (MCO)" means a contracted health delivery system providing capitated or prepaid health services, also known as a Prepaid Health Plan (PHP). An MCO is responsible for providing, arranging, and making reimbursement arrangements for covered services as governed by state and federal law. An MCO may be a Chemical Dependency Organization (CDO), Fully Capitated Health Plan (FCHP), Dental Care Organization (DCO), Mental Health Organization (MHO), or Physician Care Organization (PCO).

(120) "Maternity Case Management" means a program available to pregnant clients. The purpose of maternity case management is to extend prenatal services to include non-medical services that address social, economic, and nutritional factors. For more information refer to the Division's Medical-Surgical Services program administrative rules.

(121) "Medicaid" means a joint federal and state funded program for medical assistance established by Title XIX of the Social Security Act as amended and administered in Oregon by the Authority.

(122) "Medical Assistance Eligibility Confirmation" means verification through the Electronic Verification System (EVS), AVR, Secure Web site or Electronic Data Interchange (EDI), or an authorized Department or Authority representative.

(123) "Medical Assistance Program" means a program for payment of health services provided to eligible Oregonians, including Medicaid and CHIP services under the OHP Medicaid Demonstration Project and Medicaid and CHIP services under the State Plan.

(124) "Medical Care Identification" means the card commonly called the "medical card" or medical ID issued to clients (called the Oregon Health ID starting Aug. 1, 2012).

(125) "Medical Services" means care and treatment provided by a licensed medical provider directed at preventing, diagnosing, treating, or correcting a medical problem.

(126) "Medical Transportation" means transportation to or from covered medical services.

(127) "Medically Appropriate" means services and medical supplies that are required for prevention, diagnosis, or treatment of a health condition that encompasses physical or mental conditions or injuries and that are:

(a) Consistent with the symptoms of a health condition or treatment of a health condition;

(b) Appropriate with regard to standards of good health practice and generally recognized by the relevant scientific community, evidence-based medicine, and professional standards of care as effective;

(c) Not solely for the convenience of an OHP client or a provider of the service or medical supplies; and

(d) The most cost effective of the alternative levels of medical services or medical supplies that can be safely provided to a Division client or Primary Care Manager (PCM) member in the PHP's or PCM's judgment.

(128) "Medicare" means a federally administered program offering health insurance benefits for persons aged 65 or older and certain other aged or disabled persons. This program includes:

(a) Hospital Insurance (Part A) for inpatient services in a hospital or skilled nursing facility, home health care, and hospice care; and

(b) Medical Insurance (Part B) for physicians' services, outpatient hospital services, home health care, end-stage renal dialysis, and other medical services and supplies;

(c) Prescription drug coverage (Part D) means covered Part D drugs that include prescription drugs, biological products, insulin as described in specified paragraphs of section 1927(k) of the Social Security Act, and vaccines licensed under section 351 of the Public Health Service Act. It also includes medical supplies associated with the injection of insulin. Part D covered drugs prohibit Medicaid Title XIX Federal Financial Participation (FFP). For limitations, see the Division's Pharmaceutical Services program administrative rules in chapter 410, division 121.

(129) "Medicare Advantage" means an organization approved by CMS to offer Medicare health benefits plans to Medicare beneficiaries.

(130) "Medicheck for Children and Teens" means services also known as Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) services. The Title XIX program of EPSDT services is for eligible clients under age 21. It is a comprehensive child health program to assure the availability and accessibility of required medically appropriate health care services and to help Authority clients and their parents or guardians effectively use them.

(131) "Member" means an OHP client enrolled with a pre-paid health plan or coordinated care organization.

(132) "Mental Health Case Management" means services provided to CCO members who require assistance to ensure access to mental health benefits and services from local, regional, or state allied agencies or other service providers. Services provided may include: Advocating for the CCO member's treatment needs; providing assistance in obtaining entitlements based on mental or emotional disability; referring CCO members to needed services or supports; accessing housing or residential programs; coordinating services, including educational or vocational activities; and establishing alternatives to inpatient psychiatric services.

(133) "National Correct Coding Initiative (NCCI)" means the Centers for Medicare and Medicaid Services (CMS) developed the National Correct Coding Initiative (NCCI) to promote national correct coding methodologies and to control improper coding leading to inappropriate payment.

(134) "National Drug Code or (NDC)" means a universal number that identifies a drug. The NDC number consists of 11 digits in a 5-4-2 format. The Food and Drug Administration assigns the first five digits to identify the manufacturer of the drug. The manufacturer assigns the remaining digits to identify the specific product and package size. Some packages will display less than 11 digits, but the number assumes leading zeroes.

(135) "National Provider Identification (NPI)" means federally directed provider number mandated for use on HIPAA covered transactions; individuals, provider organizations, and subparts of provider organizations that meet the definition of health care provider (45 CFR 160.103) and who conduct HIPAA covered transactions electronically are eligible to apply for an NPI. Medicare covered entities are required to apply for an NPI.

(136) "Naturopathic physician" means a person licensed to practice naturopathic medicine by the Oregon Board of Naturopathic Medicine.

(137) "Naturopathic Services" means services provided within the scope of practice as defined under state law and by rules of the Oregon Board of Naturopathic Medicine..

(138) "Non-covered Services" means services or items for which the Authority is not responsible for payment or reimbursement. Non-covered services are identified in:

(a) OAR 410-120-1200, Excluded Services and Limitations; and
(b) 410-120-1210, Medical Assistance Benefit Packages and Delivery System;

(c) 410-141-0480, OHP Benefit Package of Covered Services;

(d) 410-141-0520, Prioritized List of Health Services; and

(e) Any other applicable Division administrative rules.

(139) "Non-Emergent Medical Transportation Services (NEMT)" means transportation to or from a source of covered service, that does not involve a sudden, unexpected occurrence which creates a medical crisis requiring emergency medical services as defined in OAR 410-120-0000(76) and requiring immediate transportation to a site, usually a hospital, where appropriate emergency medical care is available.

(140) "Non-Paid Provider" means a provider who is issued a provider number for purposes of data collection or non-claims-use of the Provider Web Portal (e.g., eligibility verification).

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(141) "Nurse Anesthetist, C.R.N.A." means a registered nurse licensed in the State of Oregon as a CRNA who is currently certified by the National Board of Certification and Recertification for Nurse Anesthetists.

(142) "Nurse Practitioner" means a person licensed as a registered nurse and certified by the Board of Nursing to practice as a nurse practitioner pursuant to state law.

(143) "Nurse Practitioner Services" means services provided within the scope of practice of a nurse practitioner as defined under state law and by the rules of the Board of Nursing.

(144) "Nursing Facility" means a facility licensed and certified by the Department and defined in OAR 411-070-0005.

(145) "Nursing Services" means health care services provided to a patient by a registered professional nurse or a licensed practical nurse under the direction of a licensed professional within the scope of practice as defined by state law.

(146) "Nutritional Counseling" means counseling that takes place as part of the treatment of a person with a specific condition, deficiency, or disease such as diabetes, hypercholesterolemia, or phenylketonuria.

(147) "Occupational Therapist" means a person licensed by the State Board of Examiners for Occupational Therapy.

(148) "Occupational Therapy" means the functional evaluation and treatment of individuals whose ability to adapt or cope with the task of living is threatened or impaired by developmental deficiencies, physical injury or illness, the aging process, or psychological disability. The treatment utilizes task-oriented activities to prevent or correct physical and emotional difficulties or minimize the disabling effect of these deficiencies on the life of the individual.

(149) "Ombudsman Services" means advocacy services provided by the Authority to clients whenever the client is reasonably concerned about access to, quality of, or limitations on the health services provided.

(150) "Oregon Health ID" means a card the size of a business card that lists the client name, client ID (prime number), and the date it was issued.

(151) "Oregon Health Plan (OHP)" means the Medicaid and Children's Health Insurance (CHIP) Demonstration Project that expands Medicaid and CHIP eligibility beyond populations traditionally eligible for Medicaid to other low-income populations and Medicaid and CHIP services under the State Plan

(152) "Optometric Services" means services provided within the scope of practice of optometrists as defined under state law.

(153) "Optometrist" means a person licensed to practice optometry pursuant to state law.

(154) "Oregon Health Authority (Authority)" means the agency established in ORS Chapter 413 that administers the funds for Titles XIX and XXI of the Social Security Act. It is the single state agency for the administration of the medical assistance program under ORS chapter 414. For purposes of these rules, the agencies under the authority of the Oregon Health Authority are the Public Health Division, the Addictions and Mental Health Division, and the Division of Medical Assistance Programs.

(155) "Oregon Youth Authority (OYA)" means the state department charged with the management and administration of youth correction facilities, state parole and probation services, and other functions related to state programs for youth corrections.

(156) "Out-of-State Providers" means any provider located outside the borders of the State of Oregon:

(a) Contiguous area providers are those located no more than 75 miles from the border of the State of Oregon;

(b) Non-contiguous area providers are those located more than 75 miles from the borders of the State of Oregon.

(157) "Outpatient Hospital Services" means services that are furnished in a hospital for the care and treatment of an outpatient. For information on outpatient-covered services, see the Division's Hospital Services administrative rules found in chapter 410, division 125.

(158) "Overdue Claim" means a valid claim that is not paid within 45 days of the date it was received.

(159) "Overpayment" means a payment made by the Authority to a provider in excess of the correct Authority payment amount for a service. Overpayments are subject to repayment to the Authority.

(160) "Overuse" means use of medical goods or services at levels determined by Authority medical staff or medical consultants to be medically unnecessary or potentially harmful.

(161) "Paid Provider" means a provider who is issued a provider number for purposes of submitting medical assistance program claims for payment by the Authority.

(162) "Panel" means the Hearing Officer Panel established by section 3, chapter 849, Oregon Laws 1999.

(163) "Payment Authorization" means authorization granted by the responsible agency, office, or organization for payment prior or subsequent to the delivery of services, as described in these General Rules and the appropriate program rules. See the individual program rules for services requiring authorization.

(164) "Peer Review Organization (PRO)" means an entity of health care practitioners of services contracted by the state to review services ordered or furnished by other practitioners in the same professional field.

(165) "Pharmaceutical Services" means services provided by a pharmacist, including medications dispensed in a pharmacy upon an order of a licensed practitioner prescribing within his or her scope of practice.

(166) "Pharmacist" means a person licensed to practice pharmacy pursuant to state law.

(167) "Physical Capacity Evaluation" means an objective, directly observed measurement of a person's ability to perform a variety of physical tasks combined with subjective analysis of abilities of the person.

(168) "Physical Therapist" means a person licensed by the relevant state licensing authority to practice physical therapy.

(169) "Physical Therapy" means treatment comprising exercise, massage, heat or cold, air, light, water, electricity, or sound for the purpose of correcting or alleviating any physical or mental disability, or the performance of tests as an aid to the assessment, diagnosis, or treatment of a human being. Physical therapy may not include radiology or electrosurgery.

(170) "Physician" means a person licensed to practice medicine pursuant to state law of the state in which he or she practices medicine or a person licensed to practice medicine pursuant to federal law for the purpose of practicing medicine under a contract with the federal government. A physician may be an individual licensed under ORS 677 or ORS 685.

(171) "Physician Assistant" means a person licensed as a physician assistant in accordance with ORS 677. Physician assistants provide medical services under the direction and supervision of an Oregon licensed physician according to a practice description approved by the Board of Medical Examiners.

(172) "Physician Services" means services provided within the scope of practice as defined under state law by or under the personal supervision of a physician.

(173) "Podiatric Services" means services provided within the scope of practice of podiatrists as defined under state law.

(174) "Podiatrist" means a person licensed to practice podiatric medicine pursuant to state law.

(175) "Post-Payment Review" means review of billings or other medical information for accuracy, medical appropriateness, level of service, or for other reasons subsequent to payment of the claim.

(176) "Practitioner" means a person licensed pursuant to state law to engage in the provision of health care services within the scope of the practitioner's license or certification.

(177) "Premium Sponsorship" means premium donations made for the benefit of one or more specified Division clients (See 410-120-1390).

(178) "Prepaid Health Plan (PHP)" means a managed health, dental, chemical dependency, or mental health organization that contracts with the Authority on a case managed, prepaid, capitated basis under OHP. PHPs may be a Chemical Dependency Organization (CDO), Dental Care Organization (DCO), Fully Capitated Health Plan (FCHP), Mental Health Organization (MHO), or Physician Care Organization (PCO)

(179) "Primary Care Dentist (PCD)" means a dental practitioner who is responsible for supervising and coordinating initial and primary dental care within their scope of practice for their members.

(180) "Primary Care Provider (PCP)" means any enrolled medical assistance provider who has responsibility for supervising, coordinating, and providing initial and primary care within their scope of practice for identified clients. PCPs initiate referrals for care outside their scope of practice, consultations, and specialist care and assure the continuity of medically appropriate client care. A Federally qualified PCP means a physician with a specialty or subspecialty in family medicine, general internal medicine, or pediatric medicine as defined in OAR 410-130-0005.

(181) "Prior Authorization (PA)" means payment authorization for specified medical services or items given by Authority staff or its contracted agencies prior to provision of the service. A physician referral is not a PA.

(182) "Prioritized List of Health Services" means the listing of conditions and treatment pairs developed by the Health Evidence Review Commission for the purpose of administering OHP.

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(183) "Private Duty Nursing Services" means nursing services provided within the scope of license by a registered nurse or a licensed practical nurse under the general direction of the patient's physician to an individual who is not in a health care facility.

(184) "Provider" means an individual, facility, institution, corporate entity, or other organization that supplies health services or items, also termed a rendering provider, or bills, obligates, and receives reimbursement on behalf of a rendering provider of services, also termed a billing provider (BP). The term provider refers to both rendering providers and BP unless otherwise specified.

(185) "Provider Organization" means a group practice, facility, or organization that is:

(a) An employer of a provider, if the provider is required as a condition of employment to turn over fees to the employer; or

(b) The facility in which the service is provided, if the provider has a contract under which the facility submits claims; or

(c) A foundation, plan, or similar organization operating an organized health care delivery system, if the provider has a contract under which the organization submits the claim; and

(d) Such group practice, facility, or organization is enrolled with the Authority, and payments are made to the group practice, facility, or organization;

(e) An agent if such entity solely submits billings on behalf of providers and payments are made to each provider. (See Subparts of Provider Organization.)

(186) "Public Health Clinic" means a clinic operated by a county government.

(187) "Public Rates" means the charge for services and items that providers, including hospitals and nursing facilities, made to the general public for the same service on the same date as that provided to Authority clients.

(188) "Qualified Medicare Beneficiary (QMB)" means a Medicare beneficiary as defined by the Social Security Act and its amendments.

(189) "Qualified Medicare and Medicaid Beneficiary (QMM)" means a Medicare beneficiary who is also eligible for Division coverage.

(190) "Quality Improvement" means the efforts to improve the level of performance of a key process or processes in health services or health care.

(191) "Quality Improvement Organization (QIO)" means an entity that has a contract with CMS under Part B of Title XI to perform utilization and quality control review of the health care furnished, or to be furnished, to Medicare and Medicaid clients; formerly known as a Peer Review Organization.

(192) "Radiological Services" means those professional and technical radiological and other imaging services for the purpose of diagnosis and treatment ordered by a physician or other licensed practitioner of the healing arts within the scope of practice as defined under state law and provided to a patient by or under the direction of a physician or appropriate licensed practitioner in an office or similar facility, hospital, or independent radiological facility.

(193) "Recipient" means a person who is currently eligible for medical assistance (also known as a client).

(194) "Recreational Therapy" means recreational or other activities that are diversional in nature (includes, but is not limited to, social or recreational activities or outlets).

(195) "Recoupment" means an accounts receivable system that collects money owed by the provider to the Authority by withholding all or a portion of a provider's future payments.

(196) "Referral" means the transfer of total or specified care of a client from one provider to another. As used by the Authority, the term referral also includes a request for a consultation or evaluation or a request or approval of specific services. In the case of clients whose medical care is contracted through a Prepaid Health Plan (PHP), or managed by a Primary Care Physician, a referral is required before non-emergency care is covered by the PHP or the Authority.

(197) "Remittance Advice (RA)" means the automated notice a provider receives explaining payments or other claim actions. It is the only notice sent to providers regarding claim actions.

(198) "Rendering provider" means an individual, facility, institution, corporate entity, or other organization that supplies health services or items, also termed a provider, or bills, obligates, and receives reimbursement on behalf of a provider of services, also termed a billing provider (BP). The term rendering provider refers to both providers and BP unless otherwise specified.

(199) "Request for Hearing" means a clear expression in writing by an individual or representative that the person wishes to appeal a Department or Authority decision or action and wishes to have the decision considered by a higher authority.

(200) "Representative" means an individual who can make OHP-related decisions for a client who is not able to make such decisions themselves.

(201) "Retroactive Medical Eligibility" means eligibility for medical assistance granted to a client retroactive to a date prior to the client's application for medical assistance.

(202) "Ride" means non-emergent medical transportation services for a client either to or from a location where covered services are provided. "Ride" does not include client-reimbursed medical transportation or emergency medical transportation in an ambulance.

(203) "Rural" means a geographic area that is ten or more map miles from a population center of 30,000 people or less.

(204) "Sanction" means an action against providers taken by the Authority in cases of fraud, misuse, or abuse of Division requirements.

(205) "School Based Health Service" means a health service required by an Individualized Education Plan (IEP) during a child's education program that addresses physical or mental disabilities as recommended by a physician or other licensed practitioner.

(206) "Self-Sufficiency" means the division in the Department of Human Services (Department) that administers programs for adults and families.

(207) "Service Agreement" means an agreement between the Authority and a specified provider to provide identified services for a specified rate. Service agreements may be limited to services required for the special needs of an identified client. Service agreements do not preclude the requirement for a provider to enroll as a provider.

(208) "Sliding Fee Schedule" means a fee schedule with varying rates established by a provider of health care to make services available to indigent and low-income individuals. The sliding-fee schedule is based on ability to pay.

(209) "Social Worker" means a person licensed by the Board of Clinical Social Workers to practice clinical social work.

(210) "Speech-Language Pathologist" means a person licensed by the Oregon Board of Examiners for Speech Pathology.

(211) "Speech-Language Pathology Services" means the application of principles, methods, and procedure for the measuring, evaluating, predicting, counseling, or instruction related to the development and disorders of speech, voice, or language for the purpose of preventing, habilitating, rehabilitating, or modifying such disorders in individuals or groups of individuals.

(212) "State Facility" means a hospital or training center operated by the State of Oregon that provides long-term medical or psychiatric care.

(213) "Subparts (of a Provider Organization)" means for NPI application, subparts of a health care provider organization would meet the definition of health care provider (45 CFR 160.103) if it were a separate legal entity and if it conducted HIPAA-covered transactions electronically or has an entity do so on its behalf and could be components of an organization or separate physical locations of an organization.

(214) "Subrogation" means right of the state to stand in place of the client in the collection of third party resources (TPR).

(215) "Supplemental Security Income (SSI)" means a program available to certain aged and disabled persons that is administered by the Social Security Administration through the Social Security office.

(216) "Surgical Assistant" means a person performing required assistance in surgery as permitted by rules of the State Board of Medical Examiners.

(217) "Suspension" means a sanction prohibiting a provider's participation in the medical assistance programs by deactivation of the provider's Authority-assigned billing number for a specified period of time. No payments, Title XIX, or State Funds will be made for services provided during the suspension. The number will be reactivated automatically after the suspension period has elapsed.

(218) "Targeted Case Management (TCM)" means activities that will assist the client in a target group in gaining access to needed medical, social, educational, and other services. This includes locating, coordinating, and monitoring necessary and appropriate services. TCM services are often provided by allied agency providers.

(219) "Termination" means a sanction prohibiting a provider's participation in the Division's programs by canceling the provider's Authority-assigned billing number and agreement. No payments, Title XIX, or state

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funds will be made for services provided after the date of termination. Termination is permanent unless:

- (a) The exceptions cited in 42 CFR 1001.221 are met; or
- (b) Otherwise stated by the Authority at the time of termination.

(220) "Third Party Liability (TPL), Third Party Resource (TPR), or Third party payer" means a medical or financial resource that, under law, is available and applicable to pay for medical services and items for an Authority client.

(221) "Transportation" means medical transportation.

(222) "Type A Hospital" means a hospital identified by the Office of Rural Health as a Type A hospital.

(223) "Type B AAA" means an AAA administered by a unit or combination of units of general purpose local government for overseeing Medicaid, financial and adult protective services, and regulatory programs for the elderly or the elderly and disabled.

(224) "Type B AAA Unit" means a Type B AAA funded by Oregon Project Independence (OPI), Title III—Older Americans Act, and Title XIX of the Social Security Act.

(225) "Type B Hospital" means a hospital identified by the Office of Rural Health as a Type B hospital.

(226) "Urban" means a geographic area that is less than ten map miles from a population center of 30,000 people or more.

(227) "Urgent Care Services" means health services that are medically appropriate and immediately required to prevent serious deterioration of a client's health that are a result of unforeseen illness or injury.

(228) "Usual Charge (UC)" means the lesser of the following unless prohibited from billing by federal statute or regulation:

(a) The provider's charge per unit of service for the majority of non-medical assistance users of the same service based on the preceding month's charges;

(b) The provider's lowest charge per unit of service on the same date that is advertised, quoted, or posted. The lesser of these applies regardless of the payment source or means of payment;

(c) Where the provider has established a written sliding fee scale based upon income for individuals and families with income equal to or less than 200 percent of the federal poverty level, the fees paid by these individuals and families are not considered in determining the usual charge. Any amounts charged to third party resources (TPR) are to be considered.

(229) "Utilization Review (UR)" means the process of reviewing, evaluating, and assuring appropriate use of medical resources and services. The review encompasses quality, quantity, and appropriateness of medical care to achieve the most effective and economic use of health care services.

(230) "Valid Claim" means an invoice received by the Division or the appropriate Authority or Department office for payment of covered health care services rendered to an eligible client that:

(a) Can be processed without obtaining additional information from the provider of the goods or services or from a TPR; and

(b) Has been received within the time limitations prescribed in these General Rules (OAR 410 division 120).

(231) "Vision Services" means provision of corrective eyewear, including ophthalmological or optometric examinations for determination of visual acuity and vision therapy and devices.

(232) "Volunteer" (for the purposes of NEMT) means an individual selected, trained and under the supervision of the Department who is providing services on behalf of the Department in a non-paid capacity except for incidental expense reimbursement under the Department Volunteer Program authorized by ORS 409.360.

Stat. Auth.: ORS 413.042 & 414.065

Stats. Implemented: ORS 414.065

Hist.: AFS 5-1981, f. 1-23-81, ef. 3-1-81; AFS 33-1981, f. 6-23-81, ef. 7-1-81; AFS 47-1982, f. 4-30-82 & AFS 52-1982, f. 5-28-82, ef. 5-1-82, for providers located in the geographical areas covered by the branch offices of North Salem, South Salem, Dallas, Woodburn, McMinnville, Lebanon, Albany and Corvallis, ef. 6-30-82 for remaining AFS branch offices; AFS 57-1982, f. 6-28-82, ef. 7-1-82; AFS 81-1982, f. 8-30-82, ef. 9-1-82; AFS 4-1984, f. & ef. 2-1-84; AFS 12-1984, f. 3-16-84, ef. 4-1-84; AFS 13-1984(Temp), f. & ef. 4-2-84; AFS 37-1984, f. 8-30-84, ef. 9-1-84; AFS 24-1985, f. 4-24-85, ef. 6-1-85; AFS 13-1987, f. 3-31-87, ef. 4-1-87; AFS 7-1988, f. & cert. ef. 2-1-88; AFS 69-1988, f. & cert. ef. 12-5-88; HR 2-1990, f. 2-12-90, cert. ef. 3-1-90, Renumbered from 461-013-0005; HR 25-1991(Temp), f. & cert. ef. 7-1-91; HR 41-1991, f. & cert. ef. 10-1-91; HR 32-1993, f. & cert. ef. 11-1-93; HR 2-1994, f. & cert. ef. 2-1-94; HR 31-1994, f. & cert. ef. 11-1-94; HR 40-1994, f. 12-30-94, cert. ef. 1-1-95; HR 5-1997, f. 1-31-97, cert. ef. 2-1-97; HR 21-1997, f. & cert. ef. 10-1-97; OMAP 20-1998, f. & cert. ef. 7-1-98; OMAP 10-1999, f. & cert. ef. 4-1-99; OMAP 31-1999, f. & cert. ef. 10-1-99; OMAP 11-2000, f. & cert. ef. 6-23-00; OMAP 35-2000, f. 9-29-00, cert. ef. 10-1-00; OMAP 42-2002, f. & cert. ef. 10-1-02; OMAP 3-2003, f. 1-31-03, cert. ef. 2-1-03; OMAP 62-2003, f. 9-8-03, cert. ef. 10-1-03; OMAP 67-2004, f. 9-14-04, cert. ef. 10-1-04; OMAP 10-2005, f. 3-9-05, cert. ef. 4-1-05; OMAP 39-2005, f. 9-2-05, cert. ef. 10-1-05; OMAP 65-2005, f. 11-30-05, cert. ef. 1-1-06; OMAP 15-2006, f. 6-12-06, cert. ef. 7-1-06; OMAP 45-2006, f. 12-15-06, cert. ef. 1-1-07; DMAP 24-2007, f. 12-11-07, cert. ef. 1-1-08; DMAP 34-2008, f. 11-26-08, cert. ef. 12-1-08; DMAP 13-2009, f. 6-12-09, cert. ef. 7-1-

09; DMAP 11-2011, f. 6-29-11, cert. ef. 7-1-11; DMAP 36-2011, f. 12-13-11, cert. ef. 1-1-12; DMAP 11-2012(Temp), f. & cert. ef. 3-16-12 thru 9-11-12; DMAP 28-2012, f. 6-21-12, cert. ef. 7-1-12; DMAP 49-2012, f. 10-31-12, cert. ef. 11-1-12; DMAP 37-2013(Temp), f. 6-27-13, cert. ef. 7-1-13 thru 12-24-13; DMAP 71-2013, f. & cert. ef. 12-27-13; DMAP 57-2014, f. 9-26-14, cert. ef. 10-1-14

410-120-1160

Medical Assistance Benefits and Provider Rules

(1) Providers enrolled with and seeking reimbursement for services through the Division of Medical Assistance Programs (Division) are responsible for compliance with current federal and state laws and regulations governing Medicaid services and reimbursement, including familiarity with periodic law and rule changes. The Division's administrative rules are posted on the Oregon Health Authority (Authority) website for the Division and its medical assistance programs. It is the provider's responsibility to become familiar with and abide by these rules.

(2) The following services are covered to the extent included in the Division client's benefit package of health care services, when medically or dentally appropriate and within the limitations established by the Division and set forth in the Oregon Administrative Rules (OARs) for each category of Medical Services:

(a) Acupuncture services as described in the Medical-Surgical Services program provider rules (OAR chapter 410, division 130);

(b) Administrative examinations as described in the Administrative Examinations and Billing Services program provider rules (OAR chapter 410, division 150);

(c) Substance Use Disorder treatment services:

(A) The Division covers substance use disorder (SUD) inpatient treatment services for medically managed intensive inpatient detoxification when provided in an acute care hospital and when hospitalization is considered medically appropriate. The Division covers medically monitored detoxification and clinically managed detoxification provided in a free standing detoxification center or an appropriately licensed SUDs residential treatment facility when considered medically appropriate;

(B) The Division covers non-hospital SUD treatment and recovery services on a residential or outpatient basis. For information to access these services, contact the client's PHP or CCO if enrolled, the community mental health program (CMHP), an outpatient substance use disorder treatment provider, the residential treatment program, or the Addictions and Mental Health Division (AMH);

(C) The Division does not cover residential level of care provided in an inpatient hospital setting for substance use disorder treatment and recovery;

(d) Ambulatory surgical center services as described in the Medical-Surgical Services program provider rules (OAR 410, division 130);

(e) Anesthesia services as described in the Medical-Surgical Services program provider rules (OAR chapter 410, division 130);

(f) Audiology services as described in the Speech-Language Pathology, Audiology and Hearing Aid Services program provider rules (OAR chapter 410, division 129);

(g) Chiropractic services as described in the Medical-Surgical Services program provider rules (OAR chapter 410, division 130);

(h) Dental services as described in the Dental Services program provider rules (OAR chapter 410, division 123);

(i) Early and periodic screening, diagnosis, and treatment services (EPSDT) are covered for individuals under 21 years of age as set forth in the individual program provider rules. The Division may authorize services in excess of limitations established in the OARs when it is medically appropriate to treat a condition that is identified as the result of an EPSDT screening;

(j) Family planning services as described in the Medical-Surgical Services program provider rules (OAR chapter 410, division 130);

(k) Federally qualified health centers and rural health clinics as described in the Federally Qualified Health Centers and Rural Health Clinics program provider rules (OAR chapter 410, division 147);

(l) Home and community-based waiver services as described in the Authority and the Department's OARs of Child Welfare (CW), Self-Sufficiency Program (SSP), Addictions and Mental Health Division (AMH), and Aging and People with Disabilities Division (APD);

(m) Home enteral/parenteral nutrition and IV services as described in the Home Enteral/Parenteral Nutrition and IV Services program rules (OAR chapter 410, division 148) and related Durable Medical Equipment, Prosthetics, Orthotics and Supplies program rules (OAR chapter 410, division 122) and Pharmaceutical Services program rules (OAR chapter 410, division 121);

(n) Home health services as described in the Home Health Services program rules (OAR chapter 410, division 127);

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- (o) Hospice services as described in the Hospice Services program rules (OAR chapter 410, division 142);
- (p) Indian health services or tribal facility as described in The Indian Health Care Improvement Act and its amendments (Public Law 102-573), and the Division's American Indian/Alaska Native program rules (OAR chapter 410, division 146);
- (q) Inpatient hospital services as described in the Hospital Services program rules (OAR chapter 410, division 125);
- (r) Laboratory services as described in the Hospital Services program rules (OAR chapter 410, division 125) and the Medical-Surgical Services program rules (OAR chapter 410, division 130);
- (s) Licensed direct-entry midwife services as described in the Medical-Surgical Services program rules (OAR chapter 410, division 130);
- (t) Maternity case management as described in the Medical-Surgical Services program rules (OAR chapter 410, division 130);
- (u) Medical equipment and supplies as described in the Hospital Services program, Medical-Surgical Services program, DMEPOS program, Home Health Services program, Home Enteral/Parenteral Nutrition and IV Services program, and other rules;
- (v) When a client's benefit package includes mental health, the mental health services provided will be based on the Health Evidence Review Commission (HERC) Prioritized List of Health Services;
- (w) Naturopathic services as described in the Medical-Surgical Services program rules (OAR chapter 410, division 130);
- (x) Nutritional counseling as described in the Medical-Surgical Services program rules (OAR chapter 410, division 130);
- (y) Occupational therapy as described in the Physical and Occupational Therapy Services program rules (OAR chapter 410, division 131);
- (z) Organ transplant services as described in the Transplant Services program rules (OAR chapter 410, division 124);
- (aa) Outpatient hospital services including clinic services, emergency department services, physical and occupational therapy services, and any other outpatient hospital services provided by and in a hospital as described in the Hospital Services program rules (OAR chapter 410, division 125);
- (bb) Physician, podiatrist, nurse practitioner and licensed physician assistant services as described in the Medical-Surgical Services program rules (OAR chapter 410, division 130);
- (cc) Physical therapy as described in the Physical and Occupational Therapy and the Hospital Services program rules (OAR chapter 410, division 131 and 125);
- (dd) Post-hospital extended care benefit as described in OAR chapter 410, division 120 and 141 and Aging and People with Disabilities (APD) program rules;
- (ee) Prescription drugs including home enteral and parenteral nutritional services and home intravenous services as described in the Pharmaceutical Services program (OAR chapter 410, division 121), the Home Enteral/Parenteral Nutrition and IV Services program (OAR chapter 410, division 148), and the Hospital Services program rules (OAR chapter 410, division 125);
- (ff) Preventive services as described in the Medical-Surgical Services program (OAR chapter 410, division 130), the Dental Services program rules (OAR chapter 410, division 123), and prevention guidelines associated with the Health Evidence Review Commission's Prioritized List of Health Services (OAR 410-141-0520);
- (gg) Private duty nursing as described in the Private Duty Nursing Services program rules (OAR chapter 410, division 132);
- (hh) Radiology and imaging services as described in the Medical-Surgical Services program rules (OAR chapter 410, division 130), the Hospital Services program rules (OAR chapter 410, division 125), and Dental Services program rules (OAR chapter 410, division 123);
- (ii) Rural health clinic services as described in the Federally Qualified Health Center and Rural Health Clinic Program rules (OAR chapter 410, division 147);
- (jj) School-based health services as described in the School-Based Health Services Program rules (OAR chapter 410, division 133);
- (kk) Speech and language therapy as described in the Speech-Language Pathology, Audiology and Hearing Aid Services program rules (OAR chapter 410, division 129) and Hospital Services program rules (OAR chapter 410, division 125);
- (LL) Transportation necessary to access a covered medical service or item as described in the Medical Transportation program rules (OAR chapter 410, division 136);
- (mm) Vision services as described in the Visual Services program rules (OAR chapter 410, division 140).

(3) Other Authority or Department, divisions, units, or offices, including Vocational Rehabilitation, AMH, and APD may offer services to Medicaid eligible clients, that are not reimbursed by or available through the Division of Medical Assistance Programs.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 414.025, 414.065

Hist.: PWC 683, f. 7-19-74, ef. 8-11-74; PWC 803(Temp), f. & ef. 7-1-76; PWC 812, f. & ef. 10-1-76; AFS 14-1979, f. 6-29-79, ef. 7-1-79; AFS 73-1980(Temp), f. & ef. 10-1-80; AFS 5-1981, f. 1-23-81, ef. 3-1-81; AFS 71-1981, f. 9-30-81, ef. 10-1-81; Renumbered from 461-013-0000, AFS 47-1982, f. 4-30-82 & AFS 52-1982, f. 5-28-82, ef. 5-1-82 for providers located in the geographical areas covered by the branch offices of North Salem, South Salem, Dallas, Woodburn, McMinnville, Lebanon, Albany and Corvallis, ef. 6-30-82 for remaining AFS branch offices; AFS 94-1982(Temp), f. & ef. 10-18-82; AFS 103-1982, f. & ef. 11-1-82; AFS 117-1982, f. 12-30-82, ef. 1-1-83; AFS 42-1983, f. 9-2-83, ef. 10-1-83; AFS 62-1983, f. 12-19-83, ef. 1-1-84; AFS 4-1984, f. & ef. 2-1-84; AFS 12-1984, f. 3-16-84, ef. 4-1-84; AFS 25-1984, f. 6-8-84, ef. 7-1-84; AFS 14-1985, f. 3-14-85, ef. 4-1-85; AFS 53-1985, f. 9-20-85, ef. 10-1-85; AFS 67-1986(Temp), f. 9-26-86, ef. 10-1-86; AFS 76-1986(Temp), f. & ef. 12-8-86; AFS 16-1987(Temp), f. & ef. 4-1-87; AFS 17-1987, f. 5-4-87, ef. 6-1-87; AFS 32-1987, f. 7-22-87, ef. 8-1-87; AFS 6-1988, f. & cert. ef. 2-1-88; AFS 51-1988(Temp), f. & cert. ef. 8-2-88; AFS 58-1988(Temp), f. & cert. ef. 9-27-88; AFS 69-1988, f. & cert. ef. 12-5-88; AFS 70-1988, f. & cert. ef. 12-7-88; AFS 4-1989, f. 1-31-89, cert. ef. 2-1-89; AFS 8-1989(Temp), f. 2-24-89, cert. ef. 3-1-89; AFS 14-1989(Temp), f. 3-31-89, cert. ef. 4-1-89; AFS 47-1989, f. & cert. ef. 8-24-89; HR 2-1990, f. 2-12-90, cert. ef. 3-1-90, Renumbered from 461-013-0102; HR 5-1990(Temp), f. 3-30-90, cert. ef. 4-1-90; HR 19-1990, f. & cert. ef. 7-9-90; HR 32-1990, f. 9-24-90, cert. ef. 10-1-90; HR 41-1991, f. & cert. ef. 10-1-91; HR 27-1992(Temp), f. & cert. ef. 9-1-92; HR 33-1992, f. 10-30-92, cert. ef. 11-1-92; HR 22-1993(Temp), f. & cert. ef. 9-1-93; HR 32-1993, f. & cert. ef. 11-1-93, Renumbered from 410-120-0440; HR 2-1994, f. & cert. ef. 2-1-94; HR 40-1994, f. 12-30-94, cert. ef. 1-1-95; HR 21-1997, f. & cert. ef. 10-1-97; OMAP 10-1999, f. & cert. ef. 4-1-99; OMAP 31-1999, f. & cert. ef. 10-1-99; OMAP 35-2000, f. 9-29-00, cert. ef. 10-1-00; OMAP 62-2003, f. 9-8-03, cert. ef. 10-1-03; OMAP 10-2004, f. 3-11-04, cert. ef. 4-1-04; OMAP 67-2004, f. 9-14-04, cert. ef. 10-1-04; OMAP 39-2005, f. 9-2-05, cert. ef. 10-1-05; DMAP 36-2011, f. 12-13-11, cert. ef. 1-1-12; DMAP 49-2012, f. 10-31-12, cert. ef. 11-1-12; DMAP 37-2013(Temp), f. 6-27-13, cert. ef. 7-1-13 thru 12-24-13; DMAP 71-2013, f. & cert. ef. 12-27-13; DMAP 57-2014, f. 9-26-14, cert. ef. 10-1-14

410-120-1200

Excluded Services and Limitations

(1) Certain services or items are not covered under any program or for any group of eligible clients. Service limitations are subject to the Health Evidence Review Commission (HERC) Prioritized List of Health Services as referenced in 410-141-0520 and the individual program chapter 410 OARs. If the client accepts financial responsibility for a non-covered service, payment is a matter between the provider and the client subject to the requirements of OAR 410-120-1280.

(2) The Division of Medical Assistance Programs (Division) shall make no payment for any expense incurred for any of the following services or items that are:

(a) Not expected to significantly improve the basic health status of the client as determined by Division staff or its contracted entities; for example, the Division's medical director, medical consultants, dental consultants, or Quality Improvement Organizations (QIO);

(b) Determined not medically or dentally appropriate by Division staff or authorized representatives, including DMAP's contracted utilization review organization, or are not covered by the Health Evidence Review Commission Prioritized List of Health Services;

(c) Not properly prescribed as required by law or administrative rule by a licensed practitioner practicing within his or her scope of practice or licensure;

(d) For routine checkups or examinations for individuals age 21 or older in connection with participation, enrollment, or attendance in a program or activity not related to the improvement of health and rehabilitation of the client. Examples include exams for employment or insurance purposes;

(e) Provided by friends or relatives of eligible clients or members of his or her household, except when the friend, relative or household member:

(A) Is a health professional acting in a professional capacity; or

(B) Is directly employed by the client under the Department of Human Services (Department) Aging and People with Disabilities division (APD) Home and Community Based Services or the APD administrative rules, OAR 411-034-0000 through 411-034-0090, governing Personal Care Services covered by the State Plan; or

(C) Is directly employed by the client under the Department Child Welfare administrative rules, OAR 413-090-0100 through 413-090-0220, for services to children in the care and custody of the Department who have special needs inconsistent with their ages. A family member of a minor client (under the age of 18) must not be legally responsible for the client in order to be a provider of personal care services;

(f) For services or items provided to a client who is in the custody of a law enforcement agency or an inmate of a non-medical public institution,

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including juveniles in detention facilities, except such services as designated by federal statute or regulation as permissible for coverage under the Division's administrative rules (i.e., inpatient hospitalizations);

(g) Needed for purchase, repair, or replacement of materials or equipment caused by adverse actions of adult clients age 21 and over to personally owned goods or equipment or to items or equipment that the Division rented or purchased;

(h) Related to a non-covered service; some exceptions are identified in the individual provider rules. If the Division determines the provision of a service related to a non-covered service is cost effective, the related medical service may, at the discretion of the Division and with Division prior authorization (PA), be covered;

(i) Considered experimental or investigational, including clinical trials and demonstration projects, or that deviates from acceptable and customary standards of medical practice or for which there is insufficient outcome data to indicate efficacy;

(j) Identified in the appropriate program rules including the Division's Hospital Services program administrative rules, Revenue Codes Section, as non-covered services.

(k) Requested by or for a client whom the Division has determined to be non-compliant with treatment and who is unlikely to benefit from additional related, identical, or similar services;

(l) For copying or preparing records or documents, except those Administrative Medical Reports requested by the branch offices or the Division for casework planning or eligibility determinations;

(m) Whose primary intent is to improve appearances, exceptions subject to the HERC coverage and guidelines;

(n) Similar or identical to services or items that will achieve the same purpose at a lower cost and where it is anticipated that the outcome for the client will be essentially the same;

(o) For the purpose of establishing or reestablishing fertility or pregnancy;

(p) Items or services that are for the convenience of the client and are not medically or dentally appropriate;

(q) The collection, processing, and storage of autologous blood or blood from selected donors unless a physician certifies that the use of autologous blood or blood from a selected donor is medically appropriate and surgery is scheduled;

(r) Educational or training classes that are not intended to improve a medical condition;

(s) Outpatient social services except maternity case management services and other social services described as covered in the individual provider rules;

(t) Post-mortem exams or burial costs;

(u) Radial keratotomy;

(v) Recreational therapy;

(w) Telephone calls except for:

(A) Tobacco cessation counseling as described in OAR 410-130-0190;

(B) Maternity case management as described in OAR 410-130-0595;

(C) Telemedicine as described in OAR 410-130-0610; and

(D) Services specifically identified as allowable for telephonic delivery when appropriate in the mental health and substance use disorder procedure code and reimbursement rates published by the Addiction and Mental Health division;

(x) Services that have no standard code set as established according to 45 CFR 162.1000 to 162.1011, unless the Division has assigned a procedure code to a service authorized in rule;

(y) Whole blood (Whole blood is available at no cost from the Red Cross.); The processing, storage, and costs of administering whole blood are covered;

(z) Immunizations prescribed for foreign travel;

(aa) Services that are requested or ordered but not provided to the client, unless specified otherwise in individual program rules;

(bb) Missed appointments, an appointment that the client fails to keep. Refer to 410-120-1280;

(cc) Transportation to meet a client's personal choice of a provider;

(dd) Alcoholics Anonymous (AA) and other self-help programs;

(ee) Medicare Part D covered prescription drugs or classes of drugs and any cost sharing for those drugs for Medicare-Medicaid Fully Dual Eligible clients, even if the Fully Dual Eligible client is not enrolled in a Medicare Part D plan. See OAR 410-120-1210 for benefit package;

(ff) Services provided outside of the United States. Refer to OAR 410-120-1180.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 414.065, 414.025

Hist.: PWC 683, f. 7-19-74, ef. 8-11-74; PWC 803(Temp), f. & ef. 7-1-76; PWC 812, f. & ef. 10-1-76, Renumbered from 461-013-0030; AFS 47-1982, f. 4-30-82 & AFS 52-1982, f. 5-28-82, ef. 5-1-82 for providers located in the geographical areas covered by the branch offices of North Salem, South Salem, Dallas, Woodburn, McMinnville, Lebanon, Albany and Corvallis, ef. 6-30-82 for remaining AFS branch offices; AFS 103-1982, f. & ef. 11-1-82; AFS 15-1983(Temp), f. & ef. 4-20-83; AFS 31-1983(Temp), f. 6-30-83, ef. 7-1-83; AFS 43-1983, f. 9-2-83, ef. 10-1-83; AFS 61-1983, f. 12-19-83, ef. 1-1-84; AFS 24-1985, f. 4-24-85, ef. 6-1-85; AFS 57-1986, f. 7-25-86, ef. 8-1-86; AFS 78-1986(Temp), f. 12-16-86, ef. 1-1-87; AFS 10-1987, f. 2-27-87, ef. 3-1-87; AFS 29-1987(Temp), f. 7-15-87, ef. 7-17-87; AFS 54-1987, f. 10-29-87, ef. 11-1-87; AFS 51-1988(Temp), f. & cert. ef. 8-2-88; AFS 53-1988(Temp), f. 8-23-88, cert. ef. 9-1-88; AFS 58-1988(Temp), f. & cert. ef. 9-27-88; AFS 70-1988, f. & cert. ef. 12-7-88; HR 2-1990, f. 2-12-90, cert. ef. 3-1-90, Renumbered from 461-013-0055; 461-013-0103, 461-013-0109 & 461-013-0112; HR 5-1990(Temp), f. 3-30-90, cert. ef. 4-1-90; HR 19-1990, f. & cert. ef. 7-9-90; HR 23-1990(Temp), f. & cert. ef. 7-20-90; HR 32-1990, f. 9-24-90, cert. ef. 10-1-90; HR 27-1991 (Temp), f. & cert. ef. 7-1-91; HR 41-1991, f. & cert. ef. 10-1-91; HR 22-1993(Temp), f. & cert. ef. 9-1-93; HR 32-1993, f. & cert. ef. 11-1-93, Renumbered from 410-120-0420, 410-120-0460 & 410-120-0480; HR 2-1994, f. & cert. ef. 2-1-94; HR 31-1994, f. & cert. ef. 11-1-94; HR 40-1994, f. 12-30-94, cert. ef. 1-1-95; HR 6-1996, f. 5-31-96 & cert. ef. 6-1-96; HR 5-1997, f. 1-31-97, cert. ef. 2-1-97; HR 21-1997, f. & cert. ef. 10-1-97; OMAP 12-1998(Temp), f. & cert. ef. 5-1-98 thru 9-1-98; OMAP 20-1998, f. & cert. ef. 7-1-98; OMAP 10-1999, f. & cert. ef. 4-1-99; OMAP 31-1999, f. & cert. ef. 10-1-99; OMAP 35-2000, f. 9-29-00, cert. ef. 10-1-00; OMAP 22-2002, f. 6-14-02 cert. ef. 7-1-02; OMAP 42-2002, f. & cert. ef. 10-1-02; OMAP 3-2003, f. 1-31-03, cert. ef. 2-1-03; OMAP 8-2003, f. 2-28-03, cert. ef. 3-1-03; OMAP 17-2003(Temp), f. 3-13-03, cert. ef. 3-14-03 thru 8-15-03; OMAP 46-2003(Temp), f. & cert. ef. 7-1-03 thru 12-15-03; OMAP 56-2003, f. 8-28-03, cert. ef. 9-1-03; OMAP 10-2004, f. 3-11-04, cert. ef. 4-1-04; OMAP 10-2005, f. 3-9-05, cert. ef. 4-1-05; OMAP 39-2005, f. 9-2-05, cert. ef. 10-1-05; OMAP 65-2005, f. 11-30-05, cert. ef. 1-1-06; OMAP 15-2006, f. 6-12-06, cert. ef. 7-1-06; DMAP 24-2007, f. 12-11-07 cert. ef. 1-1-08; DMAP 15-2008, f. 6-13-08, cert. ef. 7-1-08; DMAP 38-2009, f. 12-15-09, cert. ef. 1-1-10; DMAP 39-2010, f. 12-28-10, cert. ef. 1-1-11; DMAP 36-2011, f. 12-13-11, cert. ef. 1-1-12; DMAP 37-2013(Temp), f. 6-27-13, cert. ef. 7-1-13 thru 12-24-13; DMAP 71-2013, f. & cert. ef. 12-27-13; DMAP 57-2014, f. 9-26-14, cert. ef. 10-1-14

410-120-1230

Client Co-payment

(1) Oregon Health Plan (OHP) Plus clients shall be responsible for paying a co-payment for some services. This co-payment shall be paid directly to the provider. A co-payment applies regardless of location of services rendered, i.e., provider's office or client's residence.

(2) The following services are exempt from co-payment:

(a) Emergency medical services as defined in OAR 410-120-0000;

(b) Family planning services and supplies;

(c) Prescription drug products for nicotine replacement therapy (NRT);

(d) Prescription drugs ordered through the Division of Medical Assistance Programs' (Division's) Mail Order (a.k.a., Home-Delivery) Pharmacy program;

(e) Services to treat "health care-acquired conditions" (HCAC) and "other provider preventable conditions" (OPPC) services as defined in OAR 410-125-0450.

(3) The following clients are exempt from co-payments:

(a) Pregnant women;

(b) Children under age 19;

(c) Young adults in substitute care and in the former Foster Care Youth Medical program;

(d) Clients receiving services under the Medicaid-funded home and community-based services program;

(e) Inpatients in a hospital, nursing facility, or Intermediate Care Facility for Intellectually or Developmentally Disabled (ICF/IDD);

(f) American Indian/Alaska Native (AI/AN) clients who are members of a federally recognized Indian tribe or receive services through Indian Health Services (IHS), a tribal organization, or services provided at an Urban Tribal Health Clinic as provided under Public Law 93-638;

(g) Individuals receiving hospice care;

(h) Individuals eligible for the Breast and Cervical Cancer program.

(4) Co-payment for services is due and payable at the time the service is provided unless exempted in sections (2) and (3) above. Services to a client may not be denied solely because of an inability to pay an applicable co-payment. This does not relieve the client of the responsibility to pay the applicable co-payment, nor does it prevent the provider from attempting to collect any applicable co-payments from the client. The co-payment is a legal debt and is due and payable to the provider of service.

(5) Except for prescription drugs, one co-payment is assessed per provider/per visit/per day unless otherwise specified in other Division's program administrative rules.

(6) Fee-for-service co-payment requirements:

(a) The provider may not deduct the co-payment amount from the usual and customary billed amount submitted on the claim. Except as provided in section (2) and (3) of this rule, the Division shall deduct the co-payment from the amount the Division pays to the provider (whether or not the provider collects the co-payment from the client);

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(b) If the Division's payment is less than the required co-payment, then the co-payment amount is equal to the Division's lesser required payment, unless the client or services are exempt according to exclusions listed in section (2) and (3) above. The client's co-payment shall constitute payment-in-full;

(c) Unless specified otherwise in individual program rules and to the extent permitted under 42 CFR 1001.951-1001.952, the Division does not require providers to bill or collect a co-payment from the Medicaid client. The provider may choose not to bill or collect a co-payment from a Medicaid client; however, the Division shall still deduct the co-payment amount from the Medicaid reimbursement made to the provider.

(7) CCO, PHP, or PCO co-payment requirements:

(a) Unless specified otherwise in individual program rules and to the extent permitted under 42 CFR 447.58 and 447.60, the Division does not require CCOs, PHPs, or PCOs to bill or collect a co-payment from the Medicaid client. The CCO, PHP, or PCO may choose not to bill or collect a co-payment from a Medicaid client; however, the Division shall still deduct the co-payment amount from the Medicaid reimbursement made to the CCO, PHP, or PCO;

(b) When a CCO, PHP, or PCO is operating within the scope of the safe harbor regulation outlined in 42 CFR 1001.952(l), a CCO, PHP, or PCO may elect to assess a co-payment on some of the services outlined in Table 120-1230-1 but not all. The CCO, PHP, or PCO must assure they are working within the provisions of 42 CFR 1003.102(b) (13). [Table not included. See ED. NOTE.]

(8) Services that require co-payments are listed in Table 120-1230-1. [Table not included. See ED. NOTE.]

(9) Table 120-1230-1. [Table not included. See ED. NOTE.]

[ED. NOTE: Tables referenced are available from the agency.]

Stat. Auth.: ORS 413.042

Stat. Implemented: ORS 414.025, 414.065

Hist.: OMAP 73-2002, f. 12-24-02, cert. ef. 1-1-03; OMAP 73-2003, f. & cert. ef. 10-1-03; OMAP 39-2004(Temp), f. 6-14-04 cert. ef. 6-19-04 thru 11-30-04; OMAP 49-2004, f. 7-28-04 cert. ef. 8-1-04; OMAP 39-2005, f. 9-2-05, cert. ef. 10-1-05; OMAP 15-2006, f. 6-12-06, cert. ef. 7-1-06; DMAP 5-2008, f. 2-28-08, cert. ef. 3-1-08; DMAP 38-2009, f. 12-15-09, cert. ef. 1-1-10; DMAP 39-2010, f. 12-28-10, cert. ef. 1-1-11; DMAP 49-2012, f. 10-31-12, cert. ef. 11-1-12; DMAP 75-2013(Temp), f. 12-31-13, cert. ef. 1-1-14 thru 6-30-14; DMAP 23-2014, f. & cert. ef. 4-4-14; DMAP 57-2014, f. 9-26-14, cert. ef. 10-1-14

410-120-1260

Provider Enrollment

(1) This rule applies to providers enrolled with or seeking to enroll with the Division of Medical Assistance Programs (Division).

(2) Providers signing the Provider Enrollment Agreement constitute agreement to comply with all applicable Division provider rules and federal and state laws and regulations.

(3) Providers enrolled by the Division include:

(a) A non-payable provider, meaning a provider who is issued a provider number for purposes of data collection or non-claims-use such as, but not limited to:

(A) Ordering or referring providers whose only relationship with the Division is to order, refer, or prescribe services for Division clients;

(B) A billing agent or billing service submitting claims or providing other business services on behalf of a provider but not receiving payment in the name of or on behalf of the provider;

(C) An encounter only provider: A provider contracted with a PHP or CCO.

(b) A payable provider, meaning a provider who is issued a provider number for the purpose of submitting health care claims for reimbursement from the Division. A payable provider may be:

(A) The rendering provider;

(B) An individual, agent, business, corporation, clinic, group, institution, or other entity that, in connection with the submission of claims, receives or directs the payment on behalf of a rendering provider;

(4) When an entity is receiving or directing payment on behalf of the rendering provider, the billing provider must:

(a) Meet one of the following standards as applicable:

(A) Have a relationship with the rendering provider described in 42 CFR 447.10(g) and have the authority to submit the rendering provider enrollment application and supporting documentation on behalf of the rendering provider;

(B) Is a contracted billing agent or billing service that has enrolled with the Division to provide services in connection with the submission of claims and to receive or direct payment in the name of the rendering provider pursuant to 42 CFR 447.10(f).

(b) Maintain and make available to the Division upon request records indicating the billing provider's relationship with the rendering provider. This includes:

(A) Identify all rendering providers for whom they bill or receive or direct payments at the time of enrollment;

(B) Notify the Division within 30 days of a change to the rendering provider's name, date of birth, address, Division provider numbers, NPIs, Social Security Number (SSN), or the Employer Identification Number (EIN).

(c) Prior to submission of any claims or receipt or direction of any payment from the Division, obtain signed confirmation from the rendering provider that the billing entity or provider has been authorized by the rendering provider to submit claims or receive or direct payment on behalf of the rendering provider. This authorization, and any limitations or termination of such authorization, must be maintained in the provider's files for at least five years following the submission of claims or receipt or direction of funds from the Division.

(5) In order to facilitate timely claims processing and claims payment consistent with applicable privacy and security requirements for providers:

(a) The Division requires non-payable and payable providers to be enrolled consistent with the provider enrollment process described in this rule;

(b) If the rendering provider uses electronic media to conduct transactions with the Division or authorizes a non-payable provider, e.g. billing service or billing agent, to conduct such electronic transactions, the rendering provider must comply with the Authority Electronic Data Interchange (EDI) rules, OAR 943-120-0100 through 943-120-0200. Enrollment as a payable or non-payable provider is a necessary requirement for submitting electronic claims, but the provider must also register as an EDI trading partner and identify the EDI submitter in order to submit electronic claims.

(6) To be enrolled and able to bill as a provider, an individual or organization must:

(a) Meet applicable licensing and regulatory requirements set forth by federal and state statutes, regulations, and rules;

(b) Comply with all Oregon statutes and regulations for provision of Medicaid and CHIP services;

(c) If providing services within the State of Oregon, have a valid Oregon business license if such a license is a requirement of the state, federal, county, or city government to operate a business or to provide services.

(7) An Indian Health Service facility meeting enrollment requirements will be accepted on the same basis as any other qualified provider. However, when state licensure is normally required, the facility need not obtain a license but must meet all applicable standards for licensure.

(8) An individual or organization that is currently subject to sanction by the Division, another state's Medicaid program, or the federal government is not eligible for enrollment (see OAR 410-120-1400, 943-120-0360, Provider Sanctions).

(9) Required information: All providers must meet the following requirements before the Division can issue or renew a provider number and must provide documentation at any time upon written request by the Division:

(a) Disclosure requirements: The provider must disclose to the Division:

(A) The identity of any person employed by the provider who has been convicted of a criminal offense related to that person's involvement in any program under Medicare, Medicaid, or CHIP program in the last ten years;

(B) If the provider is an entity other than an individual practitioner or group of practitioners, disclose the following:

(i) The name, date of birth, address, and tax identification number of each person with an ownership or control interest in the provider or in any subcontractor in which the provider has a direct or indirect ownership interest of 5 percent or more. When disclosing tax identification numbers:

(I) For corporations, use the federal Tax Identification Number;

(II) For individuals in a solo practice or billing as an individual practitioner, use the Social Security Number (SSN);

(III) All other providers use the Employer Identification Number (EIN);

(IV) The SSN or EIN of the rendering provider cannot be the same as the Tax Identification Number of the billing provider;

(V) Pursuant to 42 CFR 433.37, including federal tax laws at 26 USC 6041, SSN's and EIN's provided are used for the administration of federal, state, and local tax laws and the administration of this program for internal verification and administrative purposes including but not limited to identifying the provider for payment and collection activities;

(ii) Whether any of the persons so named:

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(I) Is related to another as spouse, parent, child, sibling, or other family members by marriage or otherwise; and

(II) Has an ownership or control interest in any other entity.

(C) A provider must submit within 35 days of the date of a request full and complete information about the ownership of any subcontractor with whom the provider has had business transactions totaling more than \$25,000 during the 12-month period ending on the date of the request and any significant business transactions between the provider and any wholly owned supplier or between the provider and any subcontractor during the five-year period ending on the date of the request;

(b) Provider screening and enrollment requirements: The provider must submit the following information to the Division:

(A) For non-payable providers, a complete Non-Paid Provider Enrollment Request;

(B) For payable providers, a complete Provider Enrollment Request, Provider Enrollment Attachment, Disclosure Statement, and Provider Enrollment Agreement;

(C) Application fee if required under 42 CFR 455.460;

(D) Consent to criminal background check when required;

(E) To fulfill federal provider screening requirements pursuant to 42 CFR 455.436 and upon request, the name, date of birth, address, Division provider numbers, NPIs, and Social Security Number (SSN) of any provider who is enrolled or seeking enrollment with the Division.

(c) Verification of licensing or certification: Loss of the appropriate licensure or certification will result in immediate disenrollment of the provider and recovery of payments made subsequent to the loss of licensure or certification;

(d) Required updates: Enrolled providers must notify the Division in writing of material changes in any status or condition that relates to their qualifications or eligibility to provide medical assistance services including, but not limited to, those listed in this subsection:

(A) Failure to notify the Division of a change of Federal Tax Identification Number for entities or a Social Security Number or Employer Identification Number for individual rendering providers may result in the imposition of a \$50 fine:

(i) If the Division notifies a provider about an error in their Federal Tax Identification, including Social Security Numbers or Employer Identification Numbers for individual rendering providers, the provider must supply the appropriate valid Federal Tax Identification Number within 30 calendar days of the date of the Division's notice.

(ii) Failure to comply with this requirement may result in the Division imposing a fine of \$50 for each such notice. Federal Tax Identification requirements described in this rule refer to any such requirements established by the Internal Revenue Service;

(B) Changes in business affiliation, ownership, NPI and Federal Tax Identification Number, ownership and control information, or criminal convictions may require the submission of a provider enrollment form, provider enrollment agreement, provider certification, or other related documentation.

(C) In the event of bankruptcy proceedings, the provider shall immediately notify the Division administrator in writing;

(D) Claims submitted by or payments made to providers who have not furnished the notification required by this rule or to a provider that has failed to submit a new application as required by the Division under this rule may be denied or recovered.

(10) Rendering providers may be enrolled retroactive to the date services were provided to a Division client only if:

(a) The provider was appropriately licensed, certified, and otherwise met all Division requirements for providers at the time services were provided;

(b) Services were provided fewer than 12 months prior to the date the application for provider status was received by the Division as evidenced by the first date stamped on the paper claim submitted with the application materials for those services, either manually or electronically;

(11) The Division reserves the right to retroactively enroll the provider prior to the 12-month period based upon extenuating circumstances outside the control of the provider, consistent with federal Medicaid regulations, and with approval of the Division's Provider Enrollment Unit Manager.

(12) There are two types of provider numbers:

(a) Oregon Medicaid provider number: The Division issues provider numbers to establish an individual or organization's enrollment as an Oregon Medicaid provider.

(A) This number designates specific categories of services covered by the Division Provider Enrollment Attachment. For example, a pharmacy

provider number applies to pharmacy services but not to durable medical equipment, which requires a separate provider application attachment and establishes a separate Oregon Medicaid provider number;

(B) For providers not subject to NPI requirements, this number is the provider identifier for billing the Division;

(b) National Provider Identifier (NPI) and taxonomy: The Division requires compliance with NPI requirements in 45 CFR Part 162. For providers subject to NPI requirements:

(A) The NPI and taxonomy codes are the provider identifier for billing the Division;

(B) Currently enrolled providers that obtain a new NPI are required to update their records with the Division's Provider Enrollment Unit;

(C) Provider applicants must obtain an NPI and include it in their provider enrollment request to the Division.

(13) Enrollment of out-of-state providers: Providers of services outside the State of Oregon will be enrolled as a provider if they comply with the requirements in OAR 410-120-1260 and under the following conditions:

(a) The provider is appropriately licensed or certified and meets standards for participation in the Medicaid program. Disenrollment or sanction from other states' Medicaid program or exclusion from any other federal or state health care program is a basis for disenrollment, termination, or suspension from participation as a provider in Oregon's medical assistance programs;

(b) Noncontiguous out-of-state pharmacy providers must be licensed by the Oregon Board of Pharmacy to provide pharmacy services in Oregon. In instances where clients are out of the state due to travel or other circumstances that prevent them from using a pharmacy licensed in Oregon and prescriptions need to be filled, the pharmacy is required to be licensed in the state they are doing business where the client filled the prescription and must be enrolled with the Division in order to submit claims. Out-of-state Internet or mail order, except the Division's mail order vendor, prescriptions are not eligible for reimbursement;

(c) The provider bills only for services provided within the provider's scope of licensure or certification;

(d) For noncontiguous out-of-state providers, the services provided must be authorized in the manner required under these rules for out-of-state services (OAR 410-120-1180) or other applicable Authority rules:

(A) The services provided are for a specific Oregon Medicaid client who is temporarily outside Oregon or the contiguous area of Oregon; or

(B) Services provided are for foster care or subsidized adoption children placed out of state; or

(C) The provider is seeking Medicare deductible or coinsurance coverage for Oregon Qualified Medicare Beneficiaries (QMB) clients;

(D) The services for which the provider bills are covered services under the Oregon Health Plan (OHP).

(e) Facilities including but not restricted to hospitals, rehabilitative facilities, institutions for care of individuals with mental retardation, psychiatric hospitals, and residential care facilities will be enrolled as providers only if the facility is enrolled as a Medicaid provider in the state in which the facility is located or is licensed as a facility provider of services by the State of Oregon;

(f) Out-of-state providers may provide contracted services per OAR 410-120-1880.

(g) Out-of-state billing providers may need to register with the Secretary of State and the Department of Revenue to transact business in Oregon pursuant to 943-120-0320(15)(f).

(14) Absentee Physicians: When a substitute physician is retained to take over another physician's professional practice while he or she is absent or unavailable, the following shall apply:

(a) The Division recognizes that absentee physicians may retain substitute physicians as a locum tenens or as part of a reciprocal billing arrangement. For purposes of this rule:

(A) A "locum tenens" means a substitute physician retained to take over another physician's professional practice while he or she is absent (i.e., absentee physician) for reasons such as illness, vacation, continuing medical education, pregnancy, etc.;

(B) A locum tenens cannot be retained to take over a deceased physician's professional practice without becoming enrolled with the Division;

(C) A "reciprocal billing arrangement" means a substitute physician retained on an occasional basis;

(b) Substitute physicians are not required to enroll with the Division; however, the Division may enroll such providers at the discretion of the Division's provider enrollment manager if the provider submits all information required for provider enrollment as described in this rule;

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(c) In no instance may an enrolled absentee physician utilize a substitute physician who is, at that time, excluded from participation in or under sanction by Medicaid or federally funded or federally assisted health programs;

(d) The absentee physician must be an enrolled Division provider and must bill with their individual Division assigned provider number and receive payment for covered services provided by the substitute physician:

(A) Services provided by the locum tenens must be billed with a modifier Q6;

(B) Services provided in a reciprocal billing arrangement by the substitute physician must be billed with a modifier Q5;

(C) In entering the Q5 or Q6 modifier, the absentee physician is certifying that the services are provided by a substitute physician identified in a record of the absentee physician that is available for inspection and are services for which the absentee physician is authorized to submit a claim;

(D) A physician or other person who falsely certifies that the requirements of this section are met may be subject to possible civil and criminal penalties for fraud, and the enrolled provider's right to receive payment or to submit claims may be revoked.

(e) These requirements do not apply to substitute arrangements among physicians in the same medical practice when claims are submitted in the name of the practice or group name.

(f) Nothing in this rule prohibits physicians sharing call responsibilities from opting out of the substitute provider arrangement described in this rule and submitting their own claims for services provided, as long as all such physicians are themselves enrolled rendering providers and as long as duplicate claims for services are not submitted.

(15) Provider termination:

(a) The provider may terminate enrollment at any time. The request must be in writing and signed by the provider. The notice shall specify the Division assigned provider number to be terminated and the effective date of termination. Termination of the provider enrollment does not terminate any obligations of the provider for dates of services during which the enrollment was in effect;

(b) The Division may terminate or suspend providers when a provider fails to meet one or more of the requirements governing a provider's participation in Oregon's medical assistance programs such as, but not limited to:

(A) Breaches of provider agreement;

(B) Failure to submit timely and accurate information as requested by the Division;

(C) Failure to submit fingerprints in a form determined by the Division within 30 days of request;

(D) Failure to permit access to provider locations for site visits;

(E) Failure to comply with federal or state statutes and regulations or policies of the Division that are applicable to the provider;

(F) No claims have been submitted in an 18-month period. The provider must reapply for enrollment;

(G) Any person who has an ownership or control interest in the provider or who is an agent or managing employee of the provider and has been convicted of a criminal offense related to that person's involvement in any program established under Medicare, Medicaid CHIP, or the Title XX services program in the last 10 years;

(H) Failure to fully and accurately make any disclosure required under this section (9) of this rule.

(16) If a provider's enrollment in the OHP program is denied, suspended, or terminated or a sanction is imposed under this rule, the providers may request a contested case hearing pursuant to OAR 410-120-1600 and 410-120-1860.

(17) The provision of health care services or items to Division clients is a voluntary action on the part of the provider. Providers are not required to serve all Division clients seeking service.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 414.025 & 414.065

Hist.: PWC 683, f. 7-19-74, ef. 8-11-784; PWC 803(Temp), f. & ef. 7-1-76; PWC 812, f. & ef. 10-1-76; AFS 5-1981, f. 1-23-81, ef. 3-1-81, Renumbered from 461-013-0060; AFS 33-1981, f. 6-23-81, ef. 7-1-81; AFS 47-1982, f. 4-30-82, f. 4-30-82 & AFS 52-1982, f. 5-28-82, ef. 5-1-82 for providers located in the geographical areas covered by the branch offices of North Salem, South Salem, Dallas, Woodburn, McMinnville, Lebanon, Albany and Corvallis, ef. 6-30-82 for remaining AFS branch offices; AFS 57-1982, f. 6-28-82, ef. 7-1-82; AFS 117-1982, f. 12-30-82, ef. 1-1-83; AFS 42-1983, f. 9-2-83, ef. 10-1-83; AFS 38-1986, f. 4-29-86, ef. 6-1-86; AFS 73-1989, f. & cert. ef. 12-7-89; HR 2-1990, f. 2-12-90, cert. ef. 3-1-90, Renumbered from 461-013-0063, 461-013-0075 & 461-013-0180; HR 19-1990, f. & cert. ef. 7-9-90; HR 41-1991, f. & cert. ef. 10-1-91; HR 51-1991(Temp), f. 11-29-91, cert. ef. 12-1-91; HR 5-1992, f. & cert. ef. 1-16-92; HR 32-1993, f. & cert. ef. 11-1-93, Renumbered from 410-120-0020, 410-120-0040 & 410-120-0060; HR 31-1994, f. & cert. ef. 11-1-94; HR 5-1997, f. 1-31-97, cert. ef. 2-1-97; OMAP 20-1998, f. & cert. ef. 7-1-98; OMAP 10-1999, f. & cert. ef. 4-1-99; OMAP 9-2001, f. 3-30-01, cert. ef. 4-1-01; OMAP 42-2002, f. & cert. ef. 10-1-02; OMAP 62-2003, f. 9-8-03, cert. ef. 10-1-03; OMAP 67-2004, f. 9-14-04,

cert. ef. 10-1-04; OMAP 10-2005, f. 3-9-05, cert. ef. 4-1-05; OMAP 39-2005, f. 9-2-05, cert. ef. 10-1-05; OMAP 15-2006, f. 6-12-06, cert. ef. 7-1-06; DMAP 34-2008, f. 11-26-08, cert. ef. 12-1-08; DMAP 28-2012, f. 6-21-12, cert. ef. 7-1-12; DMAP 57-2014, f. 9-26-14, cert. ef. 10-1-14

Rule Caption: Hospital Assessment Rate Increase

Adm. Order No.: DMAP 58-2014(Temp)

Filed with Sec. of State: 10-1-2014

Certified to be Effective: 10-1-14 thru 3-29-15

Notice Publication Date:

Rules Amended: 410-050-0861

Subject: The rule is being temporarily amended to implement a change in the hospital assessment rate from 5.30% to 5.80% effective October 1, 2014 through March 29, 2015.

This temporary rule is available at: <http://www.oregon.gov/DHS/admin/Pages/dwssrules/index.aspx>. For hardcopy requests, call: (503) 947-5250.

Rules Coordinator: Sandy Cafourek — (503) 945-6430

410-050-0861

Tax Rate

(1) The tax rate for the period beginning January 1, 2005, and ending June 30, 2006, is .68 percent.

(2) The tax rate for the period beginning July 1, 2006, and ending December 31, 2007, is .82 percent.

(3) The tax rate for the period beginning January 1, 2008, and ending June 30, 2009, is .63 percent.

(4) The tax rate for the period of January 1, 2008 through June 30, 2009 does not apply to the period beginning July 1, 2009.

(5) The tax rate for the period beginning July 1, 2009, and ending September 30, 2009, is .15 percent.

(6) The tax rate for the period beginning October 1, 2009, and ending June 30, 2010, is 2.8 percent.

(7) The tax rate for the period beginning July 1, 2010, and ending June 30, 2011, is 2.32 percent.

(8) The tax rate for the period beginning July 1, 2011, and ending September 30, 2011, is 5.25 percent.

(9) The tax rate for the period beginning October 1, 2011, and ending December 31, 2011, is 5.08 percent.

(10) The tax rate for the period beginning January 1, 2012, and ending March 31, 2013, is 4.32 percent.

(11) The tax rate for the period beginning April 1, 2013 and ending September 30, 2014, is 5.30 percent.

(12) The tax rate for the period beginning October 1, 2014, is 5.80 percent.

Stat. Auth.: ORS 413.042

Stats. Implemented: 2009 OL Ch. 867 § 17, 2007 OL Ch. 780 § 1 & 2003 OL Ch. 736 § 2 & 3

Hist.: OMAP 28-2005(Temp), f. & cert. ef. 5-10-05 thru 11-5-05; OMAP 34-2005, f. 7-8-05, cert. ef. 7-11-05; OMAP 14-2006, f. 6-1-06, cert. ef. 7-1-06; DMAP 29-2007, f. 12-31-07, cert. ef. 1-1-08; DMAP 3-2008, f. & cert. ef. 1-25-08; DMAP 24-2009, f. & cert. ef. 7-1-09; DMAP 25-2009(Temp), f. & cert. ef. 7-15-09 thru 1-10-10; DMAP 27-2009, f. & cert. ef. 9-1-09; DMAP 33-2009, f. & cert. ef. 10-1-09; DMAP 21-2010, f. 6-30-10, cert. ef. 7-1-10; DMAP 16-2011(Temp), f. & cert. ef. 7-1-11 thru 11-1-11; DMAP 26-2011(Temp), f. 9-29-11, cert. ef. 10-1-11 thru 11-1-11; DMAP 31-2011, f. 10-28-11, cert. ef. 11-1-11; DMAP 50-2011(Temp), f. 12-30-11, cert. ef. 1-1-12 thru 4-30-12; DMAP 8-2012, f. 2-27-12, cert. ef. 3-1-12; DMAP 15-2013(Temp), f. & cert. ef. 4-1-13 thru 9-27-13; DMAP 41-2013, f. & cert. ef. 8-1-13; DMAP 58-2014(Temp), f. & cert. ef. 10-1-14 thru 3-29-15

Rule Caption: Establish an Incentive Payment Program for Hospitals Meeting Specific Performance Standards

Adm. Order No.: DMAP 59-2014

Filed with Sec. of State: 10-3-2014

Certified to be Effective: 10-7-14

Notice Publication Date: 9-1-2014

Rules Adopted: 410-125-0162

Subject: Establish the Hospital Transformation Performance Program (HTPP) that will allow hospitals to earn incentive payments by meeting specific performance standards that advance health systems transformation, reduce hospital costs, and improve patient safety.

Rules Coordinator: Sandy Cafourek — (503) 945-6430

410-125-0162

Hospital Transformation Performance Program

(1) The Hospital Transformation Performance Program (HTPP) is established by the Oregon Health Authority (Authority) to allow hospitals

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to earn incentive payments by meeting specific performance standards that advance health systems transformation, reduce hospital costs, and improve patient safety.

(a) The total amount of funds available through the program is equal to the federal financial participation received from one-percentage point of the assessment. Hospitals that pay an assessment on their net patient revenue, as required by OAR 410-050-0870, are eligible to participate.

(b) The performance standards shall be established by the Authority based on recommendations of the Hospital Performance Advisory Committee (Committee) and as approved by the Centers for Medicare and Medicaid Services (CMS). The Committee shall be appointed by the Authority director and comprise four hospital representatives, two Coordinated Care Organization (CCO) representatives, and three members with expertise in measuring health outcomes.

(2) To qualify for incentive payments, eligible hospitals must meet the performance standards and measures as determined by the Authority.

(3) The Authority will:

(a) Establish baselines and targets for performance measures;

(b) Post the data specs and formats, forms to be used, schedule and frequency of data submission, frequency of incentive distributions, and other technical information on the Authority's website once determined;

(c) Analyze performance data submitted by hospitals;

(d) Determine if hospitals achieve targeted goals or demonstrate sufficient improvement to qualify for incentive payments; and

(e) Distribute incentive payments to performing hospitals.

Stat. Auth.: ORS 414.746

Stats. Implemented: ORS 414.065

Hist.: DMAP 59-2014, f. 10-3-14, cert. ef. 10-7-14

Rule Caption: Eye Prostheses Rule Rewritten for Clarity

Adm. Order No.: DMAP 60-2014

Filed with Sec. of State: 10-3-2014

Certified to be Effective: 10-7-14

Notice Publication Date: 9-1-2014

Rules Amended: 410-122-0640

Subject: The rule language amended to clarify age limitations and documentation requirements.

Rules Coordinator: Sandy Cafourek—(503) 945-6430

410-122-0640

Eye Prostheses

(1) Indications and coverage:

(a) An eye prosthesis is indicated for a client (adult or child) with absence or shrinkage of an eye due to birth defect, trauma, or surgical removal;

(b) For clients under age 21, the prescribing practitioner must determine and document medical appropriateness of the eye prosthesis and related services;

(c) For clients age 21 and older, coverage is limited as follows:

(A) Polishing and resurfacing will be allowed on a twice per year basis;

(B) Replacement is covered every five years if documentation supports medical appropriateness. An exception to this limitation is allowed when clinical documentation supports medical appropriateness for more frequent replacement.

(C) One enlargement (V2625) or reduction (V2626) of the prosthesis is covered. Additional enlargements or reductions are rarely medically indicated and are therefore covered only when clinical documentation supports medical appropriateness.

(2) Documentation requirements:

(a) An order for each item must be signed and dated by the treating physician, kept on file by the supplier, and made available upon request;

(b) Documentation of medical appropriateness that has been reviewed and signed by the prescribing practitioner (for example, CMN) must be kept on file by the supplier and made available upon request;

(c) When billing for an item or service at a greater frequency than allowed, there must be documentation in the patient's medical records that corroborates the order and supports the medical appropriateness of the items. This documentation must be kept on file by the supplier and available upon request.

(3) Procedure Codes – Table 122-0640.

[ED. NOTE: Tables referenced are available from the agency.]

Stat. Auth.: ORS 413.042 & 414.065

Stats. Implemented: ORS 414.065

Hist.: HR 13-1991, f. & cert. ef. 3-1-91; HR 9-1993, f. & cert. ef. 4-1-93; HR 10-1994, f. & cert. ef. 2-15-94; HR 17-1996, f. & cert. ef. 8-1-96; OMAP 37-2000, f. 9-29-00, cert. ef. 10-

1-00; OMAP 32-2001, f. 9-24-01, cert. ef. 10-1-01; OMAP 44-2004, f. & cert. ef. 7-1-04; DMAP 60-2014, f. 10-3-14, cert. ef. 10-7-14

Rule Caption: Home Uterine Monitoring Rule Rewritten for Clarity

Adm. Order No.: DMAP 61-2014

Filed with Sec. of State: 10-3-2014

Certified to be Effective: 10-7-14

Notice Publication Date: 9-1-2014

Rules Amended: 410-122-0260

Subject: The rule language is being amended to clarify rental coverage and prior authorization requirements.

Rules Coordinator: Sandy Cafourek—(503) 945-6430

410-122-0260

Home Uterine Monitoring

(1) Home uterine monitoring (S9001) requires prior authorization (PA) and may be approved for the following conditions:

(a) Pre-term labor with one or more of the following complications:

(A) Incompetent cervix;

(B) Cervical cerclage;

(C) Polyhydramnios;

(D) Anomalies of the uterus;

(E) History of cone biopsy;

(F) Cervical dilation or effacement;

(G) Unknown etiology.

(b) History of pre-term labor and delivery;

(c) Multiple gestation.

(2) Uterine monitoring will only be approved for the above conditions between the 24th and through the completion of the 36th week of pregnancy.

(3) The Division will provide coverage for rental only. The allowable rental fee for the uterine monitor includes all equipment, supplies, services, and nursing visits necessary for the effective use of the monitor. This does not include medications or prescribing practitioner's professional services.

(4) The client must have landline telephone or reasonable access to one. The Division will not be responsible for providing the landline telephone or landline access.

Stat. Auth.: ORS 413.042 & 414.065

Stats. Implemented: ORS 414.065

Hist.: HR 13-1991, f. & cert. ef. 3-1-91; HR 10-1992, f. & cert. ef. 4-1-92; HR 9-1993, f. & cert. ef. 4-1-93; HR 41-1994, f. 12-30-94, cert. ef. 1-1-95; HR 17-1996, f. & cert. ef. 8-1-96; OMAP 11-1998, f. & cert. ef. 4-1-98; OMAP 13-1999, f. & cert. ef. 4-1-99; OMAP 1-2000, f. 3-31-00, cert. ef. 4-1-00; OMAP 37-2000, f. 9-29-00, cert. ef. 10-1-00; OMAP 32-2001, f. 9-24-01, cert. ef. 10-1-01; OMAP 44-2004, f. & cert. ef. 7-1-04; DMAP 61-2014, f. 10-3-14, cert. ef. 10-7-14

Rule Caption: Amending Prior Authorization Guide - March 27, May 29, July 31, Sept. 23, 2014 DUR/P&T Action

Adm. Order No.: DMAP 62-2014(Temp)

Filed with Sec. of State: 10-13-2014

Certified to be Effective: 10-14-14 thru 1-11-15

Notice Publication Date:

Rules Amended: 410-121-0040

Subject: The Pharmaceutical Services Program administrative rules (division 121) govern Division payments for services provided to certain clients. The Division needs to amend rules as follows:

410-121-0040:

Central Nervous (CNS) Sedatives — Non Benzodiazepines — updated criteria.

Central Nervous (CNS) Sedatives — Quantity Limit — updated criteria.

Central Nervous (CNS) Sedatives — Therapy duplication — updated criteria.

Hepatitis B Antivirals — updated criteria.

Ivacaftor (Kalydeco®) — updated criteria.

Multi-Vitamins and Antioxidant Multivitamin Combinations — new criteria.

Hormones Testosterone — updated criteria.

Oral Direct Factor Xa inhibitor — updated criteria.

Oral Direct Thrombin inhibitor — updated criteria.

Platelet inhibitor — updated criteria.

Sofosbuvir (Sovaldi®) — updated criteria.

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ADHD (Attention Deficit Hyperactivity Disorder) Safety Edit — updated criteria (replaces CNS Stimulants).

Biologicals for RA, Psoriasis, Crohn's disease — updated criteria (replaces TIMS).

Botulinum Toxins — new criteria.

Growth Hormone — updated criteria.

Hepatitis C General — updated criteria.

Incretin Enhancers — updated criteria.

Incretin Mimetics — updated criteria.

Oral MS drugs — updated criteria.

Palivizumab (Synagis®) — updated criteria.

Peginterferon Beta 1-a — new criteria.

Sodium Glucose C-transporter 2 (SGLT2) — updated criteria.

Rules Coordinator: Sandy Cafourek—(503) 945-6430

410-121-0040

Prior Authorization Required for Drugs and Products

(1) Prescribing practitioners are responsible for obtaining prior authorization (PA) for the drugs and categories of drugs requiring PA in this rule, using the procedures required in OAR 410-121-0060.

(2) All drugs and categories of drugs, including but not limited to those drugs and categories of drugs that require PA as described in this rule, are subject to the following requirements for coverage:

(a) Each drug must be prescribed for conditions funded by Oregon Health Plan (OHP) in a manner consistent with the Health Evidence Review Commission (HERC) Prioritized List of Health Services (OAR 410-141-0480 through 410-141-0520). If the medication is for a non-covered diagnosis, the medication shall not be covered unless there is a comorbid condition for which coverage would be extended. The use of the medication must meet corresponding treatment guidelines, be included within the client's benefit package of covered services, and not otherwise excluded or limited;

(b) Each drug must also meet other criteria applicable to the drug or category of drug in these pharmacy provider rules, including PA requirements imposed in this rule.

(3) The Oregon Health Authority (Authority) may require PA for individual drugs and categories of drugs to ensure that the drugs prescribed are indicated for conditions funded by OHP and consistent with the Prioritized List of Health Services and its corresponding treatment guidelines (see OAR 410-141-0480). The drugs and categories of drugs that the Authority requires PA for this purpose are found in the Oregon Medicaid Fee-For-Service Prior Authorization Approval Criteria (PA Criteria guide) dated October 14, 2014, incorporated in rule by reference and found on our Web page at: <http://www.dhs.state.or.us/policy/healthplan/guides/pharmacy/clinical.html>

(4) The Authority may require PA for individual drugs and categories of drugs to ensure medically appropriate use or to address potential client safety risk associated with the particular drug or category of drug, as recommended by the Pharmacy & Therapeutics Committee (P&T) and adopted by the Authority in this rule (see OAR 410-121-0100 for a description of the DUR program). The drugs and categories of drugs for which the Authority requires PA for this purpose are found in the Pharmacy PA Criteria Guide.

(5) New drugs shall be evaluated when added to the weekly upload of the First Databank drug file:

(a) If the new drug is in a class where current PA criteria apply, all associated PA criteria shall be required at the time of the drug file load;

(b) If the new drug is indicated for a condition below the funding line on the Prioritized List of Health Services, PA shall be required to ensure that the drug is prescribed for a condition funded by OHP;

(c) PA criteria for all new drugs shall be reviewed by the DUR/P&T Committee.

(6) PA is required for brand name drugs that have two or more generically equivalent products available and that are NOT determined Narrow Therapeutic Index drugs by the Oregon DUR/P&T Committee:

(a) Immunosuppressant drugs used in connection with an organ transplant must be evaluated for narrow therapeutic index within 180 days after United States patent expiration;

(b) Manufacturers of immunosuppressant drugs used in connection with an organ transplant must notify the department of patent expiration within 30 days of patent expiration for (5)(a) to apply;

(c) Criteria for approval are:

(A) If criteria established in subsection (3) or (4) of this rule applies, follow that criteria;

(B) If (6)(A) does not apply, the prescribing practitioner must document that the use of the generically equivalent drug is medically contraindicated, and provide evidence that either the drug has been used and has failed or that its use is contraindicated based on evidence-based peer reviewed literature that is appropriate to the client's medical condition.

(7) PA is required for non-preferred Preferred Drug List (PDL) products in a class evaluated for the PDL except in the following cases:

(a) The drug is a mental health drug as defined in OAR 410-121-0000;

(b) The original prescription is written prior to 1/1/10;

(c) The prescription is a refill for the treatment of seizures, cancer, HIV or AIDS; or

(d) The prescription is a refill of an immunosuppressant.

(8) PA may not be required:

(a) When the prescription ingredient cost plus the dispensing fee is less than the PA processing fees as determined by the Authority;

(b) For over-the-counter (OTC) covered drugs when prescribed for conditions covered under OHP or;

(c) If a drug is in a class not evaluated from the Practitioner-Managed Prescription Drug Plan under ORS 414.334.

Stat. Auth.: ORS 409.110, 413.042, 414.065, 414.325, 414.334

Stats. Implemented: ORS 414.065

Hist.: AFS 56-1989, f. 9-28-89, cert. ef. 10-1-89; AFS 2-1990, f. & cert. ef. 1-16-90; HR 29-1990, f. 8-31-90, cert. ef. 9-1-90, Renumbered from 461-016-0170; HR 10-1991, f. & cert. ef. 2-19-91; HR 14-1993, f. & cert. ef. 7-2-93; HR 25-1994, f. & cert. ef. 7-1-94; HR 6-1995, f. 3-31-95, cert. ef. 4-1-95; HR 18-1996(Temp), f. & cert. ef. 10-1-96; HR 8-1997, f. 3-13-97, cert. ef. 3-15-97; OMAP 1-1999, f. & cert. ef. 2-1-99; OMAP 29-2000, f. 9-29-00, cert. ef. 10-1-00; OMAP 31-2001, f. 9-24-01, cert. ef. 10-1-01; OMAP 44-2002, f. & cert. ef. 10-1-02; OMAP 66-2002, f. 10-31-02, cert. ef. 11-1-02; OMAP 29-2003, f. 3-31-03 cert. ef. 4-1-03; OMAP 40-2003, f. 5-27-03, cert. ef. 6-1-03; OMAP 43-2003(Temp), f. 6-10-03, cert. ef. 7-1-03 thru 12-15-03; OMAP 49-2003, f. 7-31-03 cert. ef. 8-1-03; OMAP 84-2003, f. 11-25-03 cert. ef. 12-1-03; OMAP 87-2003(Temp), f. & cert. ef. 12-15-03 thru 5-15-04; OMAP 9-2004, f. 2-27-04, cert. ef. 3-1-04; OMAP 71-2004, f. 9-15-04, cert. ef. 10-1-04; OMAP 74-2004, f. 9-23-04, cert. ef. 10-1-04; OMAP 89-2004, f. 11-24-04 cert. ef. 12-1-04; OMAP 4-2006(Temp), f. & cert. ef. 3-15-06 thru 9-7-06; OMAP 32-2006, f. 8-31-06, cert. ef. 9-1-06; OMAP 41-2006, f. 12-15-06, cert. ef. 1-1-07; DMAP 4-2007, f. 6-14-07, cert. ef. 7-1-07; DMAP 26-2007, f. 12-11-07, cert. ef. 1-1-08; DMAP 9-2008, f. 3-31-08, cert. ef. 4-1-08; DMAP 16-2008, f. 6-13-08, cert. ef. 7-1-08; DMAP 34-2008, f. 11-26-08, cert. ef. 12-1-08; DMAP 14-2009 f. 6-12-09, cert. ef. 7-1-09; DMAP 39-2009, f. 12-15-09, cert. ef. 1-1-10; DMAP 17-2010, f. 6-15-10, cert. ef. 7-1-10; DMAP 40-2010, f. 12-28-10, cert. ef. 1-1-11; DMAP 27-2011(Temp), f. & cert. ef. 9-30-11 thru 3-15-12; DMAP 44-2011, f. 12-21-11, cert. ef. 1-1-12; DMAP 12-2012(Temp), f. & cert. ef. 3-16-12 thru 9-11-12; DMAP 18-2012, f. 3-30-12, cert. ef. 4-9-12; DMAP 23-2012(Temp), f. & cert. ef. 4-20-12 thru 10-15-12; DMAP 27-2012(Temp), f. & cert. ef. 5-14-12 thru 10-15-12; DMAP 29-2012, f. & cert. ef. 6-21-12; DMAP 33-2012(Temp), f. 7-18-12, cert. ef. 7-23-12 thru 1-18-13; DMAP 40-2012(Temp), f. & cert. ef. 8-20-12 thru 1-18-13; DMAP 44-2012(Temp), f. & cert. ef. 9-26-12 thru 1-18-13; DMAP 61-2012, f. 12-27-12, cert. ef. 1-1-13; DMAP 6-2013(Temp), f. & cert. ef. 2-21-13 thru 8-19-13; DMAP 23-2013(Temp), f. 4-30-13, cert. ef. 5-1-13 thru 8-19-13; Administrative correction, 7-18-13; DMAP 43-2013, f. & cert. ef. 8-16-13; DMAP 76-2013(Temp), f. 12-31-13, cert. ef. 1-1-14 thru 6-30-14; DMAP 14-2014(Temp), f. & cert. ef. 3-21-14 thru 9-17-14; DMAP 27-2014(Temp), f. & cert. ef. 5-2-14 thru 6-30-14; DMAP 38-2014, f. & cert. ef. 6-30-14; DMAP 46-2014(Temp), f. & cert. ef. 7-15-14 thru 1-11-15; DMAP 49-2014(Temp), f. & cert. ef. 8-13-14 thru 1-11-15; DMAP 62-2014(Temp), f. 10-13-14, cert. ef. 10-14-14 thru 1-11-15

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Oregon Health Authority, Public Health Division Chapter 333

Rule Caption: Moratorium by local governments on medical marijuana facilities and defining products dispensed.

Adm. Order No.: PH 25-2014

Filed with Sec. of State: 9-24-2014

Certified to be Effective: 9-24-14

Notice Publication Date: 8-1-2014

Rules Adopted: 333-008-1225, 333-008-1245, 333-008-1275, 333-008-1400

Rules Repealed: 333-008-1225(T), 333-008-1245(T), 333-008-1275(T), 333-008-1400(T)

Subject: The Oregon Health Authority is adopting permanent rules for the Medical Marijuana Dispensary Program to comply with SB 1531 (Oregon Laws 2014, chapter 79). The bill had an emergency clause and was effective March 19, 2014. The bill authorizes local governments to impose time and manner of operation regulations on medical marijuana facilities. While local governments create these regulations, they may impose a moratorium on facilities within their jurisdiction until May 1, 2015. In addition the bill requires all marijuana dispensed to be in child-resistant containers (as defined by

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rule) and no product may be dispensed if it is manufactured to appeal to children (as defined by rule).

These rules implement requirements in SB 1531 related to packaging and manufacturing of usable marijuana, and local government moratoria of dispensaries. These rules define the process by which local governmental jurisdictions may impose a moratorium on facilities located within their jurisdiction; define the type of packaging (child-resistant) that a facility must use when dispensing medical marijuana; and define the type of product that a facility may dispense. The products may not be manufactured or dispensed in a manner that is attractive to minors.

Rules Coordinator: Brittany Sande—(971) 673-1291

333-008-1225

Packaging

(1) For purposes of this rule:

(a) “Child-resistant safety packaging” means:

(A) Tamper-proof containers designed and constructed to be significantly difficult for children under five years of age to open and not difficult for adults to use properly;

(B) Opaque so that the product cannot be seen from outside the packaging;

(C) Closable for any product intended for more than a single use or containing multiple servings; and

(D) Labeled in accordance with OAR 333-008-1220.

(b) “Container” means a sealed, hard or soft-bodied receptacle in which a tetrahydrocannabinol-infused product is placed prior to being transferred to a patient or caregiver.

(c) “Packaged in a manner not attractive to minors” means the tetrahydrocannabinol-infused product is not in a container that is brightly colored, depicts cartoons or images other than the logo of the facility, unless the logo of the facility depicts cartoons, in which case only the name of the facility is permitted.

(2) A registered facility may not transfer any tetrahydrocannabinol-infused product that is meant to be swallowed or inhaled, unless the product is:

(a) Packaged in child-resistant safety packaging; and

(b) Packaged in a manner that is not attractive to minors.

Stat. Auth.: ORS 475.314

Stats. Implemented: ORS 475.314

Hist.: PH 9-2014(Temp), f. & cert. ef. 4-1-14 thru 9-27-14; PH 25-2014, f. & cert. ef. 9-24-14

333-008-1245

Transfers to a Patient or Designated Primary Caregiver

(1) A registered facility may not transfer a tetrahydrocannabinol-infused product that is manufactured in a manner that is attractive to minors. For purposes of this section a product is considered to be manufactured in a manner that is attractive to minors if it is:

(a) Brightly colored; or

(b) In the shape of an animal or any other commercially recognizable toy or candy.

(2) Prior to a registered facility transferring usable marijuana or an immature plant to a patient or a designated primary caregiver the PRF must ensure that:

(a) The usable marijuana or an immature plant has not tested positive for mold, mildew or pesticides as specified in OAR 333-008-1190; and

(b) The identity and cardholder status of the person requesting usable marijuana or an immature plant is verified by viewing the person’s OMMP card and picture identification and making sure the two match.

(3) The PRF must ensure that for each transfer of usable marijuana or an immature plant to a patient or a designated primary caregiver the following information is documented:

(a) The name, OMMP card number and expiration date of the card of each person to whom the registered facility transfers usable marijuana or an immature plant;

(b) A copy of the person’s picture identification;

(c) The amount of usable marijuana transferred in metric units, if applicable;

(d) The number of immature plants transferred, if applicable;

(e) The amount of a finished product transferred in metric units, or units of the finished product, if applicable;

(f) A description of what was transferred;

(g) The date of the transfer; and

(h) The amount of money paid by a patient or a designated primary caregiver to a registered facility for the transfer of usable marijuana or an immature plant.

(4) The PRF must ensure that a registered facility does not transfer at any one time more usable marijuana or immature plants than a patient or designated primary caregiver is permitted to possess under ORS 475.320(1)(a). A PRF is not responsible for determining whether a patient or designated primary caregiver is limited in the amount of usable marijuana he or she can possess under 475.320(1)(b).

Stat. Auth.: ORS 475.314 & 475.338

Stats. Implemented: ORS 475.314

Hist.: PH 9-2014(Temp), f. & cert. ef. 4-1-14 thru 9-27-14; PH 25-2014, f. & cert. ef. 9-24-14

333-008-1275

Enforcement

(1)(a) Informal Enforcement. If, during an inspection the Authority documents violations of ORS 475.314 or any of these rules, the Authority may issue a written Notice of Violation to the PRF that cites the laws alleged to have been violated and the facts supporting the allegations.

(b) The PRF must submit to the Authority a signed plan of correction within 10 business days from the date the Notice of Violation was mailed to the person. A signed plan of correction will not be used by the Authority as an admission of the violations alleged in the Notice.

(c) A PRF must correct all deficiencies within 10 days from the date of the Notice, unless an extension of time is requested from the Authority. A request for such an extension shall be submitted in writing and must accompany the plan of correction.

(d) The Authority must determine if a written plan of correction is acceptable. If the plan of correction is not acceptable to the Authority it must notify the PRF in writing and request that the plan of correction be modified and resubmitted no later than 10 working days from the date the letter of non-acceptance was mailed.

(e) If the registered facility does not come into compliance by the date of correction reflected on the plan of correction, the Authority may propose to revoke the registration of the facility or impose civil penalties.

(f) The Authority may conduct an inspection at any time to determine whether a registered facility has corrected the deficiencies in a Notice of Violation.

(2) Formal Enforcement. If, during an inspection or based on other information the Authority determines that a registered facility or PRF is in violation of ORS 475.314 or these rules the Authority may issue:

(a) A Notice of Proposed Revocation in accordance with ORS 183.411 through 183.470; or

(b) A Notice of Imposition of Civil Penalties in accordance with ORS 183.745. Civil penalties may be issued for any violation of ORS 475.314 and these rules, not to exceed \$500 per violation per day.

(3) The Authority must determine whether to use the informal or formal enforcement process based on the nature of the alleged violations, whether there are mitigating or aggravating factors, and whether the PRF or the registered facility has a history of violations.

(4) The Authority must issue a Notice of Proposed Revocation if the:

(a) Facility no longer meets the criteria in ORS 475.314(3)(a) to (d); or

(b) PRF is not a resident of Oregon, has disqualifying criminal convictions as described in OAR 333-008-1120, or a court has issued an order that prohibits the PRF from participating in the OMMP under ORS 475.300 through 475.346 unless a new PRF is approved by the Authority.

(5) The Authority may maintain a civil action against a facility that is operating but not registered in accordance with ORS 475.314 and these rules.

(6) The Authority may revoke the registration of a facility for failure to comply with an ordinance adopted by a city or county pursuant to Oregon Laws 2014, chapter 79, section 2, if the city or county:

(a) Has provided the facility with due process substantially similar to the due process provided to a registration or license holder under the Administrative Procedures Act, ORS 183.413 to 183.470; and

(b) Provides the Authority with a final order that is substantially similar to the requirements for a final order under ORS 183.470 that establishes the facility is in violation of the local ordinance.

(7) The Authority must post a final order revoking the registration of a facility on the Authority’s website and provide a copy of the final order to the OMMP.

(8) To the extent permitted by law, if the Authority discovers violations that may constitute criminal conduct or conduct that is in violation of

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laws within the jurisdiction of other state or local governmental entities, the Authority may refer the matter to the applicable agency.

(9) If the registration of a facility is revoked the PRF must make arrangements to return the usable marijuana and immature plants in amounts still possessed by the facility, to the person who transferred the usable marijuana or immature plants and must document the same.

Stat. Auth.: ORS 431.262, 475.314 & 475.338
Stats. Implemented: ORS 431.262 & 475.314
Hist.: PH 9-2014(Temp), f. & cert. ef. 4-1-14 thru 9-27-14; PH 25-2014, f. & cert. ef. 9-24-14

333-008-1400

Moratoriums

(1) For purposes of this rule, “moratorium” means an ordinance, adopted by the governing body of a city or county by May 1, 2014, that specifically suspends the operation of registered medical marijuana facilities within the area subject to the jurisdiction of the city or county, for a period of time that does not extend past May 1, 2015.

(2) If a city or county adopts a moratorium it must notify the Authority and provide a copy of the ordinance.

(3) An applicant applying for registration of a facility proposing to operate in an area subject to a moratorium may submit a request, in writing, to withdraw the application and may request a refund of the fees.

(4) A PRF of a registered facility located in an area subject to a moratorium may submit a request, in writing, to surrender its registration and request a refund of the fees.

(5) Upon receipt of a request to withdraw an application or surrender a registration under sections (3) or (4) of this rule the Authority shall determine whether the ordinance falls within the definition of moratorium and inform the applicant or PRF in writing whether:

- (a) The application is considered withdrawn and the fees refunded; or
- (b) The registration has been surrendered and the fees refunded.

(6) The Authority may refund all fees, including the non-refundable registration fee.

(7) Notifications or requests described in sections (2) to (4) of this rule may be submitted to the Authority:

- (a) By mail at P.O. Box 14116, Portland, OR 97293; or
- (b) By electronic mail to medmj.dispensaries@state.or.us.

Stat. Auth.: 2014 OL, Ch. 79, Sec. 3
Stats. Implemented: 2014 OL, Ch. 79, Sec. 3
Hist.: PH 9-2014(Temp), f. & cert. ef. 4-1-14 thru 9-27-14; PH 25-2014, f. & cert. ef. 9-24-14

Rule Caption: Implementing changes to the Oregon Indoor Clean Air Act (ICAA)

Adm. Order No.: PH 26-2014

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Rules Adopted: 333-015-0078

Rules Amended: 333-015-0030, 333-015-0035, 333-015-0040, 333-015-0045, 333-015-0064, 333-015-0068, 333-015-0070, 333-015-0075, 333-015-0085

Subject: The Oregon Health Authority, Public Health Division, is permanently amending rules in chapter 333, division 15, pertaining to the Oregon Indoor Clean Air Act (ICAA). This rulemaking:

(1) Amends and adds definitions to bring the rules into line with the ICAA, better reflect the purpose of the statute, and add clarity to the rules.

(2) Clarifies consequences for:

- (a) Denying a site visit for smoke shop and cigar bar inspections;
- (b) When certifications expire or are not renewed

(3) Ensures consistency with terms (e.g. “workplace” and “place of employment”).

(4) Adds penalties and violations for:

(a) Failure of an employer or entity in charge to cooperate in developing a remediation plan.

(b) Failure of an employer or entity in charge of a public place, a cigar bar or smoke shop to permit the Authority or the Local Public Health Authority to inspect all or any part of the premises.

(c) Failure of an employer to provide a smokefree place of employment by permitting smoking within 10 feet of the entrances,

exits, windows that open, ventilation intakes that serve an enclosed area, and accessibility ramps.

(5) Removes the civil penalty limit because the limit in ORS 433.990 only applies to fines and not to civil penalties.

Rules Coordinator: Brittany Sande—(971) 673-1291

333-015-0030

Definitions

For purposes of OAR chapter 333, division 15, the following definitions shall apply:

(1) “Accessibility ramp” means a ramp intended to provide access for people with disabilities to and from an entrance or exit.

(2) “Act” means the Oregon Indoor Clean Air Act as it appears in ORS 433.835 through 433.875 and 433.990(5).

(3) “Authority” means the Oregon Health Authority.

(4) “Certificate holder” means the individual or entity on record with the Oregon Health Authority as the owner of a certified cigar bar or smoke shop.

(5) “Cigar bar” means a business that:

(a) Has on-site sales of cigars as defined in ORS 323.500;

(b) Has a humidor on the premises;

(c) Allows the smoking of cigars on the premises but prohibits the smoking of all other tobacco products in any form, including, but not limited to, loose tobacco, pipe tobacco, cigarettes as defined in ORS 323.010, and cigarillos as defined by OAR 333-015-0030(6);

(d) Has been issued and operates under a full on-premises sales license issued under ORS 471.175;

(e) Prohibits persons under 21 years of age from entering the premises and posts notice of the prohibition;

(f) Does not offer video lottery games as authorized under ORS 461.217;

(g) Has a maximum seating capacity of 40 persons;

(h) Has a ventilation system that exhausts smoke from the business, and is designed and terminated in accordance with the state building code standards for the occupancy classification in use; and

(i) Requires all employees to read and sign a form approved and published by the Public Health Division that explains the dangers of exposure to secondhand smoke.

(6) “Cigarillos” means a smoking device wrapped in tobacco leaf, rather than paper, that contains less than three grams of tobacco and measures less than 100 mm in length.

(7) “Employer” means any entity or individual who engages an individual to perform work or services in an area where smoking is prohibited under the employer’s control.

(8) “Enclosed area” means all space between a floor and a ceiling that is enclosed on three or more sides by permanent or temporary walls or windows, exclusive of doors or passageways, that extend from the floor to the ceiling.

(9) “Entity in charge of a public place” means any person or organization that has responsibility because of ownership, proprietorship, management, or oversight over a place that is open to the public. Entity in charge of a public place is used to refer only to a person or organization in charge that is not also an employer.

(10) “Entrance” means any point of ingress, including an accessibility ramp, to an enclosed area from a non-enclosed area.

(11) “Exit” means any point of egress, including an accessibility ramp, from an enclosed area to a non-enclosed area.

(12) “Extended period of time” means more than 365 consecutive days.

(13) “Gross revenue” means all receipts from the sale of product(s) less the amount of any rebates, refunds, or credits.

(14) “Humidor” means a storage container designed to allow controlled airflow and equipped with a device that maintains the internal humidity in the range of 68 percent to 75 percent and an internal temperature in the range of 68 degrees to 70 degrees Fahrenheit.

(15) “Local Public Health Authority” or “LPHA” means the county government, unless a health district has been formed under ORS 431.414, the county has contracted with a person or agency to act as the public health authority, or the county has relinquished its authority to the state.

(16) “Maximum seating capacity” means the total number of seats available to patrons, including, but not limited to, bar stools, seating at cocktail tables, seats at buddy-bar tables, banquette seating, dining seating, couch space, and floor pillows intended as seating; as well as the total number of patrons a business permits inside the business at the same time.

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(17) "Noncommercial tobacco products" means unprocessed tobacco plants or tobacco by-products used for ceremonial or spiritual purposes by American Indians.

(18) "Place of employment" means every enclosed area under the control of a public or private employer that employees frequent during the course of employment, including, but not limited to, work areas, employee lounges, restrooms, conference rooms, classrooms, cafeterias, hallways, meeting rooms, elevators, stairways, and work vehicles that are not operated exclusively by one employee. Place of employment does not include a private residence unless it is used as a child care facility as defined in ORS 657A.250 or a facility providing adult day care as defined in 410.490.

(19) "Private residence" means a residence or part of a residence that is not operated as a place of business where clients or customers use the premises. A residence that is considered a place of employment or public place is subject to ORS 433.835 through 433.875 during its hours of operation. Only that part of a residence used as a place of business is subject to ORS 433.835 through 433.875.

(20) "Public Health Director" means the director of the Public Health Division of the Oregon Health Authority.

(21) "Public Health Division" means the Public Health Division of the Oregon Health Authority.

(22) "Public place" means any enclosed area open to the public.

(23) "Rooms designated by the owner or entity in charge of a hotel or motel as rooms in which smoking is permitted" means sleeping rooms or suites in that hotel or motel.

(24) "Smoking instrument" means any cigar, cigarette, pipe, or other smoking equipment.

(25) "Smoke shop" means a business that is certified with the Authority as a smoke shop under OAR 333-015-0068.

(26) "Stand-alone business" means a business that is not attached to, does not use or occupy the same space as, is not located within, and does not share a common entryway or area with another business, another place of employment, or residential property.

(27) "Tobacco Prevention and Education Program" means the Tobacco Prevention and Education Program in the Public Health Division of the Oregon Health Authority.

(28) "Wall" means any architectural partition, permanent or temporary, with a height and length greater than its thickness, used to divide or enclose an area or to support another structure. Walls include, but are not limited to, partitions constructed of plastic, mesh or other screening materials, slats, louvered blinds, fabric, or blankets, and partitions with latticing or other open frameworks.

(29) "10 feet" means 10 linear feet, measured in a straight line between the points in question.

Stat. Auth.: ORS 433.855

Stats. Implemented: ORS 433.835

Hist.: HD 10-1983, f. & ef. 7-1-83; OHD 8-2002(Temp), f. & cert. ef. 5-28-02 thru 11-22-02; OHD 12-2002, f. & cert. ef. 8-27-02; PH 18-2004(Temp), f. & cert. ef. 5-7-04 thru 10-27-04; PH 27-2004, f. & cert. ef. 8-19-04; PH 12-2008, f. 8-15-08, cert. ef. 1-1-09; PH 18-2008, f. 11-14-08, cert. ef. 1-1-09; PH 5-2011(Temp), f. & cert. ef. 7-1-11 thru 12-27-11; PH 11-2011, f. & cert. ef. 10-27-11; PH 2-2012, f. & cert. ef. 2-1-12; PH 26-2014, f. & cert. ef. 10-8-14

333-015-0035

General Provision

(1) No person shall smoke or carry any lighted smoking instrument in a public place except in those areas that are not required to be smokefree under ORS 433.850(2) and OAR 333-015-0035(5) and (6).

(2) Employers shall provide a place of employment that is free of tobacco smoke for all employees, except in those areas listed in ORS 433.850(2) and in OAR 333-015-0035(4) through (7). In providing a smokefree place of employment, an employer is responsible for taking steps to ensure that no person smokes within 10 feet of the following parts of a place of employment:

- (a) Entrances;
- (b) Exits;
- (c) Windows that open; and
- (d) Ventilation intakes that serve an enclosed area.

(3) No person shall smoke or carry any lighted smoking instrument within 10 feet of the following parts of public places or places of employment:

- (a) Entrances;
- (b) Exits;
- (c) Windows that open; and
- (d) Ventilation intakes that serve an enclosed area;

(4) The owner or entity in charge of a hotel or motel may designate up to 25 percent of the sleeping rooms of the hotel or motel as rooms in which smoking is permitted.

(a) If the owner or entity in charge of a hotel or motel chooses to designate up to 25 percent of sleeping rooms as smoking permitted, all smoking rooms on the same floor must be contiguous. The status of the rooms may not be changed, except to add more non-smoking rooms.

(b) The owner or entity in charge of a hotel or motel shall provide written notice to patrons upon check-in as to the smoking status of the sleeping rooms.

(c) The owner or entity in charge of a hotel or motel shall post signs at each entrance and exit in accordance with OAR 333-015-0040, with the exception of sleeping room entrances and exits. Signs shall notify all patrons that smoking is limited to certain sleeping rooms.

(d) The owner or entity in charge of a hotel or motel shall provide written information to patrons upon check-in, describing how patrons may notify management of smoking occurring in non-smoking areas or rooms.

(e) Nothing in these rules shall prevent the owner or entity in charge of a hotel or motel from prohibiting smoking on the entire premises.

(5) Smoking of noncommercial tobacco products for ceremonial purposes is permitted in spaces designated for traditional ceremonies in accordance with the American Indian Religious Freedom Act, 42 U.S.C. 1996.

(6) The following areas are not required to be smokefree:

(a) Smoke shops that are certified by the Authority under OAR 333-015-0068;

(b) Cigar bars if:

(A) The cigar bar generated on-site retail sales of cigars of at least \$5,000 for the calendar year ending December 31, 2006; and

(B) The cigar bar has provided the Public Health Division with proper documentation as required by OAR 333-015-0066.

(c) Up to 25 percent of the sleeping rooms of a hotel or motel, as designated by the owner or entity in charge. The hotel or motel must be in compliance with the rules set forth in OAR 333-015-0035(4).

(7) Nothing in these rules shall prevent an employer in charge of a place of employment or an entity in charge of a public place from designating the entire place of employment or public place as smokefree.

Stat. Auth.: ORS 433.855

Stats. Implemented: ORS 433.835 - 433.870

Hist.: HD 10-1983, f. & ef. 7-1-83; OHD 8-2002(Temp), f. & cert. ef. 5-28-02 thru 11-22-02; OHD 12-2002, f. & cert. ef. 8-27-02; PH 18-2004(Temp), f. & cert. ef. 5-7-04 thru 10-27-04; PH 27-2004, f. & cert. ef. 8-19-04; PH 12-2008, f. 8-15-08, cert. ef. 1-1-09; PH 2-2010, f. & cert. ef. 1-14-10; PH 2-2012, f. & cert. ef. 2-1-12; PH 26-2014, f. & cert. ef. 10-8-14

333-015-0040

Signs

(1) An employer or entity in charge, except in those places described in OAR 333-015-0035(5) and (6), shall post signs prohibiting smoking. Signs shall use either the "no smoking" symbol (a cigarette with a diagonal slash through it within a circle) and the words "within 10 feet," or the words "No Smoking within 10 feet," or both. Nothing in these rules shall prevent an employer from increasing the amount of property where smoking is prohibited beyond the 10-foot requirement or from designating the entire premises as smokefree. Signs may be used without specifically including the words "within 10 feet" if the signs specify a restriction greater than 10 feet or designate the entire premises as smokefree. Signs shall be posted prominently at each entrance and exit to the place of employment or public place and within 10 feet of the following parts of a place of employment:

- (a) Entrances;
- (b) Exits;
- (c) Windows that open; and
- (d) Ventilation intakes that serve an enclosed area.

(2) In addition to requirements under this rule, an owner or entity in charge of a hotel or motel shall comply with signage requirements as described in OAR 333-015-0035(4).

(3) An owner or entity in charge of tables or outdoor seating or dining areas within 10 feet of entrances, exits, windows that open, ventilation intakes that serve an enclosed area of a public place or place of employment, or any portion of an accessibility ramp shall clearly mark the tables or outdoor seating or dining areas as non-smoking with signs that use either the "no smoking" symbol (a cigarette with a diagonal slash through it within a circle), the words "No Smoking," or both.

(4) In a cigar bar where smoking is allowed under OAR 333-015-0035(6), the employer or entity in charge shall post signs at each entrance and exit clearly stating that:

- (a) Smoking is allowed on all or part of the premises; and
- (b) Anyone under the age of 21 is prohibited from entering the premises.

(5) In a smoke shop where smoking is allowed under OAR 333-015-0035(6), the employer or entity in charge shall post signs at each entrance and exit clearly stating that:

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- (a) Smoking is allowed on all or part of the premises;
 - (b) Anyone under the age of 18 is prohibited from entering the premises; and
 - (c) Cigarette smoking is prohibited on the premises, in smoke shops where cigarette smoking is not allowed under OAR 333-015-0068(7)(e).
- (6) All signs used to describe whether smoking is prohibited or allowed in a place of employment or public place shall be placed at a height and location easily seen by a person entering the establishment and shall not be obscured in any way.

Stat. Auth.: ORS 433.855

Stats. Implemented: ORS 433.835 - 433.870

Hist.: HD 10-1983, f. & ef. 7-1-83; OHD 8-2002(Temp), f. & cert. ef. 5-28-02 thru 11-22-02; OHD 12-2002, f. & cert. ef. 8-27-02; PH 18-2004(Temp), f. & cert. ef. 5-7-04 thru 10-27-04; PH 27-2004, f. & cert. ef. 8-19-04; PH 12-2008, f. 8-15-08, cert. ef. 1-1-09; PH 18-2008, f. 11-14-08, cert. ef. 1-1-09; PH 2-2010, f. & cert. ef. 1-14-10; PH 2-2012, f. & cert. ef. 2-1-12; PH 26-2014, f. & cert. ef. 10-8-14

333-015-0045

Ashtrays

(1) Ashtrays and any receptacles to be used for smoking or depositing cigarette debris are prohibited within 10 feet of entrances, exits, windows that open, ventilation intakes that serve an enclosed area of a public place or place of employment, and any portion of an accessibility ramp.

(2) Except for those areas described in OAR 333-015-0035(6), ashtrays and any receptacles to be used for smoking or depositing cigarette debris are prohibited inside public places and places of employment.

Stat. Auth.: ORS 433.855

Stats. Implemented: ORS 433.835 - 433.870

Hist.: HD 10-1983, f. & ef. 7-1-83; OHD 8-2002(Temp), f. & cert. ef. 5-28-02 thru 11-22-02; OHD 12-2002, f. & cert. ef. 8-27-02; PH 18-2004(Temp), f. & cert. ef. 5-7-04 thru 10-27-04; PH 27-2004, f. & cert. ef. 8-19-04; PH 12-2008, f. 8-15-08, cert. ef. 1-1-09; PH 2-2012, f. & cert. ef. 2-1-12; PH 26-2014, f. & cert. ef. 10-8-14

333-015-0064

Outdoor Smoking Areas

(1) The owner or entity in charge of a place of business may establish an outdoor smoking area if that area is:

(a) Not within 10 feet of entrances, exits, windows that open, ventilation intakes that serve an enclosed area of any public place or place of employment, or any portion of an accessibility ramp;

(b) Not, at any time, an enclosed area as defined in OAR 333-015-0030(8); and

(c) In compliance with all other state, city, and county codes.

(2) Nothing in these rules shall prevent an employer from increasing the amount of property where smoking is prohibited beyond the 10-foot requirement or from designating the entire premises as smokefree.

Stat. Auth.: ORS 433.855

Stats. Implemented: ORS 433.835 - 433.870

Hist.: PH 12-2008, f. 8-15-08, cert. ef. 1-1-09; PH 2-2012, f. & cert. ef. 2-1-12; PH 26-2014, f. & cert. ef. 10-8-14

333-015-0068

Smoke Shops

(1) A business must apply to the Authority for certification prior to allowing smoking on the premises.

(2) A business must apply for smoke shop certification on a form prescribed by the Authority (this form is available at www.healthoregon.org/smokefree or by calling the Tobacco Prevention and Education Program).

(3) To obtain certification as a smoke shop under any part of this rule, a business must agree to allow the Authority or LPHA to make unannounced inspections of the business to determine compliance with the Act.

(4) Smoke shop certification is only valid for the business location authorized by the Authority.

(5) Certification Criteria:

(a) A business may apply for smoke shop certification by submitting the following documentation to the Authority, along with a completed application form:

(A) A notarized, sworn statement attesting that the business:

(i) Is primarily engaged in the sale of tobacco products and smoking instruments intended for off-premises consumption or use, and derives at least 75 percent of its gross revenue from such sales;

(ii) Prohibits persons under 18 years of age from entering the premises;

(iii) Does not offer video lottery games as authorized under ORS 461.217, social gaming, or betting on the premises;

(iv) Does not sell, offer or allow on-premises consumption of food or beverages, including alcoholic beverages;

(v) Has a maximum seating capacity of no more than four persons; and

(vi) Allows smoking only for the purpose of sampling tobacco products for making retail purchase decisions, in a manner that complies with ORS 180.486 and 431.840;

(B) Documentation of the business's sales, broken down by category of product;

(C) Evidence, such as photographs, of signs prohibiting:

(i) Persons under 18 years of age from entering the premises, and

(ii) On-premises consumption of food and beverages;

(D) A building map and photographs of the premises demonstrating that the business is a stand-alone business;

(E) A site map of the premises that denotes maximum seating capacity and includes a detailed seating chart; and

(F) Any other documentation, as specified in the application form, necessary to demonstrate compliance with the Act or these rules.

(b) A business existing on December 31, 2008, may apply for certification as a smoke shop by submitting the following documentation to the Authority, along with a completed application form:

(A) Proof of registration with the Oregon Secretary of State, Corporation Division, since 2008 or, if not required to be registered, tax documentation proving that the business has been in operation since 2008;

(B) A notarized, sworn statement attesting that:

(i) On December 31, 2008, the business:

(I) Was primarily engaged in the sale of tobacco products and smoking instruments intended for off-premises consumption or use, and derived at least 75 percent of its gross revenue from such sales;

(II) Prohibited persons under 18 years of age from entering the premises;

(III) Did not offer video lottery games as authorized under ORS 461.217, social gaming, or betting on the premises; and

(IV) Did not sell, offer or allow on-premises consumption of food or beverages, including alcoholic beverages; and

(ii) Presently, the business meets the criteria listed under subparagraph (5)(b)(B)(i) of this rule;

(C) Documentation of the business's sales, broken down by category of product;

(D) Either of the following:

(i) Documentation, such as a building map or photographs, demonstrating that on December 31, 2008, the business was a stand-alone business with no other businesses or residential property attached; or

(ii) Documentation demonstrating that on December 31, 2008, it had a ventilation system that exhausted smoke from the business and was designed and terminated in accordance with the state building code standards for the occupancy classification in use. Such documentation must include either:

(I) A certificate of occupancy that was current on December 31, 2008, and official documentation from the building authority with jurisdiction of the occupancy classification for which the business was approved; or

(II) If the documentation described in (5)(b)(D)(ii)(I) of this rule is unavailable, a current certificate of occupancy, proof that the business's ventilation system was installed in 2008 or earlier, and official documentation from the building authority with jurisdiction that the business was approved as a smoking lounge;

(E) Either of the following:

(i) Documentation, such as a building map or photographs, demonstrating that the business presently is a stand-alone business with no other businesses or residential property attached; or

(ii) A current certificate of occupancy and official documentation from the building authority with jurisdiction that the business was approved as a smoking lounge;

(F) Evidence, such as photographs, of signs prohibiting:

(i) Persons under 18 years of age from entering the premises, and

(ii) On-premises consumption of food and beverages; and

(G) Any other documentation, as specified in the application form, necessary to demonstrate compliance with the Act or these rules.

(c) A business that filed an application with the Authority for certification as a smoke shop prior to June 30, 2011, may be certified by the Authority on or before December 31, 2012, according to the requirements of the Act as it was in effect on June 29, 2011. To achieve certification under these criteria, the business must submit the following documentation to the Authority:

(A) A notarized, sworn statement attesting that:

(i) At the time of application, the business:

(I) Was primarily engaged in the sale of tobacco products and smoking instruments, and derived at least 75 percent of its gross revenue from such sales;

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(II) Prohibited persons under 18 years of age from entering the premises;

(III) Did not offer video lottery games as authorized under ORS 461.217, social gaming, or betting on the premises;

(IV) Did not sell or offer on-premises consumption of alcoholic beverages; and

(V) Was a stand-alone business with no other businesses or residential property attached to the premises; and

(ii) Presently, the business meets the criteria listed under subparagraph (5)(c)(A)(i) of this rule;

(B) Documentation of the business's sales, broken down by category of product, including cigarette sales; and

(C) Any other documentation, as specified in the application form, necessary to demonstrate compliance with the Act or these rules.

(6) Application Review:

(a) The Authority shall review application materials within 45 days of receipt and determine whether the application is complete.

(b) Within 15 days of declaring an application complete, the Authority shall deny or grant the application. The Authority shall grant a business certification if, upon review of the application materials, the Authority finds that sufficient documentation has been provided to demonstrate the business's compliance with this rule. In lieu of denying an application, the Authority may request additional information from the business for the purpose of assessing compliance with this rule.

(c) The Authority may deny an application for smoke shop certification if the Authority issued a civil penalty against an applicant for any violation of the Act or these rules within 12 months prior to application.

(d) The Authority may deny an application for smoke shop certification and prohibit an applicant from reapplying for up to two years if the applicant provides information that is false or deliberately misleading.

(7) Ongoing Requirements for Certification:

(a) A smoke shop certified under this rule must continue to meet the criteria for certification once certified. The Authority may revoke certification if the smoke shop ceases to meet the criteria for certification.

(b) Every year, within 30 days of the calendar date on which certification was originally granted, a smoke shop must provide the Authority with documentation demonstrating that at least 75 percent of the smoke shop's gross revenue is derived from the sale of tobacco products or smoking instruments. Such documentation must include:

(A) A notarized, sworn statement attesting that at least 75 percent of the smoke shop's gross revenue is derived from the sale of tobacco products or smoking instruments; and

(B) Documentation of the smoke shop's sales broken down by category of product, including cigarette sales if the business is certified under subsection (5)(b) or (5)(c) of this rule and permits cigarette smoking on the premises.

(c) The Authority may inspect a business's financial records to determine compliance with the Act and these rules. The Authority shall attempt to contact the business and provide at least 48 hours' notice prior to conducting such an inspection.

(d) A smoke shop must maintain up-to-date contact information with the Authority. If the Authority is unable, despite a good-faith effort, to contact the smoke shop because the smoke shop's mailing address, phone number, and other contact information are out of date, then the Authority may suspend the smoke shop's certification until up-to-date contact information is provided.

(e) A smoke shop certified under subsection (5)(b) or (5)(c) of this rule may not allow cigarette smoking unless at least 75 percent of its gross revenue, as reflected in the documentation described in paragraph (7)(b)(B) of this rule, is derived from the sale of cigarettes.

(f) A smoke shop that is closed for an extended period of time or otherwise ceases to operate at the location that is certified is considered by the Authority to not meet certification requirements.

(8) Renewal of Certification:

(a) A smoke shop certified under subsection (5)(b) or (5)(c) of this rule must renew its certification every five years within 30 days of the calendar date on which certification was originally granted.

(b) To renew certification, a smoke shop certified under subsection (5)(b) or (5)(c) of this rule must submit:

(A) Updated versions of the documentation required for initial certification under subsection (5)(b) or (5)(c) of this rule, respectively; and

(B) If the smoke shop allows cigarette smoking, documentation demonstrating that the smoke shop derives at least 75 percent of its gross revenue from the sale of cigarettes.

(9) Transfer of Certification with Ownership:

(a) Smoking is not permitted on the premises of a smoke shop operating under new ownership until certification is effectively transferred from the certificate holder to the new owner in accordance with this section.

(b) If a smoke shop certified under subsection (5)(a) of this rule changes ownership, the following steps must be completed before the Authority shall transfer certification to the new owner:

(A) The certificate holder must notify the Authority of the intent to transfer ownership and certification;

(B) The new owner must submit a notarized, sworn statement to the Authority attesting that the smoke shop will continue to meet the certification requirements under the new ownership; and

(C) The certificate holder or the new owner must update the business's certification documentation with the Authority.

(c) If a smoke shop certified under subsection (5)(b) or (5)(c) of this rule changes ownership, the certificate holder or new owner of the smoke shop must submit the following documentation to the Authority to transfer certification to the new owner:

(A) Proof of transfer of ownership of the smoke shop, including, where applicable, updated registration with the Oregon Secretary of State, Corporation Division;

(B) A notarized, sworn statement attesting that the business will continue to meet the requirements for certification under the new ownership; and

(C) A completed application for transfer of certification (available on the Internet at www.healthoregon.org/smokefree or by calling the Tobacco Prevention and Education Program).

(d) After certification is transferred, the new certificate holder must submit financial documentation, including, but not limited to, sales receipts, demonstrating that at least 75 percent of the smoke shop's gross revenue during the first 90 days of operation under new ownership was derived from the sale of tobacco products or smoking instruments.

(10) Change of Location:

(a) A smoke shop certified under subsection (5)(a) of this rule that seeks to operate the business at a different location must reapply for certification in the new location.

(b) A smoke shop certified under subsection (5)(b) or (5)(c) of this rule that seeks to operate the business at a different location must submit the following documentation to the Authority, along with a completed application for transfer of certification, at least 30 days prior to permitting smoking at the new location:

(A) A copy of the deed or rental lease for the new location, indicating that the business does not occupy more than 3,500 square feet unless the original location exceeded 3,500 square feet;

(B) If the new location occupies more than 3,500 square feet, documentation demonstrating that the square footage of the new location is no more than 110 percent of the square footage of the location at which the smoke shop was originally certified;

(C) A notarized, sworn statement attesting that the smoke shop will cease to operate in the old location; and

(D) Documentation demonstrating that the smoke shop, as operated in the new location:

(i) Meets the original requirements for certification set forth in subsection (5)(b) or (5)(c), respectively;

(ii) Does not allow cigarette smoking unless at least 75 percent of the gross revenue of the business is derived from the sale of cigarettes.

(c) Smoking is not permitted on the premises of the new location until the Authority certifies the new location pursuant to subsection (10)(a) or (10)(b) of this rule.

(11) Certification may be revoked if a smoke shop is closed for an extended period of time or ceases operating at the location that is certified. The certificate holder must notify the Authority immediately if the smoke shop is closing for an extended period of time or will no longer be operating.

(12) Certification may be revoked if a smoke shop fails to meet certification requirements or fails to submit required documentation in accordance with subsection (7)(b) of this rule.

Stat. Auth.: ORS 433.855

Stats. Implemented: ORS 433.835 - 433.870

Hist.: PH 12-2008, f. 8-15-08, cert. ef. 1-1-09; PH 2-2012, f. & cert. ef. 2-1-12; PH 26-2014, f. & cert. ef. 10-8-14

333-015-0070

Enforcement

(1) The Authority shall maintain a system for receiving complaints, providing educational materials, conducting site visits, and issuing notices of violation.

ADMINISTRATIVE RULES

(2) The Authority shall:

(a) Provide signs and posters at no cost to businesses and the public;

(b) Upon request and satisfactory review, provide certification to cigar bars and smoke shops verifying that they have met the definitions and standards for allowing smoking as set forth in ORS 433.835(1) and 433.850(2)(d) and these rules;

(c) Provide education and assistance to employers and entities in charge of public places to help them comply with the Act;

(d) Receive, respond to, and investigate complaints of non-compliance with the Act and these rules;

(e) Prepare and follow up on remediation plans with sites found to be out of compliance with the Act or these rules; and

(f) Issue citations to violators of the Act or these rules, and conduct contested cases under ORS Chapter 183 as necessary.

(3) Upon request of the LPHA that assumes authority for any or all of the responsibilities pursuant to ORS 433.855(4), provide consultation and technical assistance to the LPHA.

Stat. Auth.: ORS 433.855

Stats. Implemented: ORS 433.835 - 433.870

Hist.: OH 8-2002(Temp), f. & cert. ef. 5-28-02 thru 11-22-02; OH 12-2002, f. & cert. ef. 8-27-02; OH 12-2002, f. & cert. ef. 8-27-02; PH 18-2004(Temp), f. & cert. ef. 5-7-04 thru 10-27-04; PH 27-2004, f. & cert. ef. 8-19-04; PH 12-2008, f. & cert. ef. 1-1-09; PH 2-2012, f. & cert. ef. 2-1-12; PH 26-2014, f. & cert. ef. 10-8-14

333-015-0075

Complaint Response

The Authority or the LPHA shall respond to complaints as follows:

(1) Initial Complaint:

(a) The Authority or the LPHA shall assess whether the site in question is required to be smokefree under the provisions of ORS 433.835 through 433.850.

(b) If the Authority or the LPHA determines that the place of employment, or public place (or any portion thereof), is required to be smokefree, the Authority or the LPHA shall send a letter ("initial response letter") to the place of employment, or public place named in the complaint within 10 business days after receipt of the complaint of violation. The letter shall contain notification that the employer, or public place was reported as being in violation of the Act or these rules, educational materials on how to comply with the Act and these rules, and information on whom to contact for further information and assistance with compliance.

(c) The Authority or the LPHA shall send a form letter to the complainant, if the complainant has supplied his or her name and contact information, notifying the complainant that the complaint has been received and is being investigated or that the place of employment is not required to be smokefree under ORS 433.835 through 433.850.

(2) Second or Subsequent Complaint:

(a) If the Authority or the LPHA receives additional complaint(s) about the site within five business days after the "initial response letter" was sent, the Authority or the LPHA shall send a form letter to the complainant if the complainant has supplied his or her name and contact information, notifying the complainant that the complaint has been received and the investigation process begun.

(b) If the Authority or the LPHA receives a second or subsequent complaint about the site more than five business days after the "initial response letter" was sent, a representative of the Authority or the LPHA shall make an unannounced site visit within 30 days of complaint receipt to determine whether the employer or public place is in violation of the Act or these rules.

(c) An employer, entity in charge of a public place, smoke shop or cigar bar must permit the Authority or the LPHA access to the place of employment, public place (or any portion thereof), or smoke shop or cigar bar, in order to determine compliance with the ICAA. Failure to permit the Authority or LPHA access is a violation and may result in the imposition of civil penalties under OAR 333-015-0085(1).

(3) Remediation Plan:

(a) If, after a site visit, the Authority or LPHA finds violations of the ICAA an employer or entity in charge of a public place, certified smoke shop or cigar bar, or his or her designee, must cooperate with the Authority or LPHA to develop a remediation plan. All remediation plans must be completed within 15 days of the site visit.

(b) In special circumstances, an employer or entity in charge may request in writing an extension of time in which to complete the remediation plan. An extension may be granted only by the Public Health Director or designee.

(4) Post-remediation plan follow-up site visit:

(a) The Authority or the LPHA shall make a follow-up visit within 30 days of the remediation plan completion date to confirm completion.

(b) If a violation of the ICAA is found during the follow-up site visit the Authority may impose civil penalties.

(5) Post-remediation plan complaints:

(a) If an additional complaint is received within three years of the date the remediation plan was entered into, the Authority or the LPHA shall make an unannounced site visit within 21 days of complaint receipt. If a violation is found the Authority may impose a civil penalty.

(b) If an additional complaint is received more than three years of the date the remediation plan was entered into and there is no evidence of other violations in that three-year period, the Authority or the LPHA shall make an unannounced site visit and must follow the procedures in sections (3) and (4) of this rule.

Stat. Auth.: ORS 433.855

Stats. Implemented: ORS 433.835 - 433.870

Hist.: OH 8-2002(Temp), f. & cert. ef. 5-28-02 thru 11-22-02; OH 12-2002, f. & cert. ef. 8-27-02; PH 18-2004(Temp), f. & cert. ef. 5-7-04 thru 10-27-04; PH 27-2004, f. & cert. ef. 8-19-04; PH 12-2008, f. & cert. ef. 1-1-09; PH 2-2010, f. & cert. ef. 1-14-10; PH 2-2012, f. & cert. ef. 2-1-12; PH 26-2014, f. & cert. ef. 10-8-14

333-015-0078

Violations

(1) The following are violations of the ICAA:

(a) Smoking or carrying a lighted smoking instrument in an area where smoking is prohibited.

(b) Cigar or cigarette butts in an area where smoking is prohibited.

(c) Ashtrays intended for use in an area where smoking is prohibited.

(d) Absence or insufficiency of signs that are required under these rules.

(e) Operating a cigar bar without proper certification from the Authority.

(f) Operating as a smoke shop without proper certification from the Authority.

(g) Smoking of non-cigar tobacco products in a cigar bar.

(h) Smoking instruments intended for use in an area where smoking is prohibited.

(i) Non-compliance with any of the cigar bar or smoke shop certification requirements set forth in the Act or these rules.

(j) Smoking or carrying a lighted smoking instrument within 10 feet of entrances, exits, windows that open, ventilation intakes that serve an enclosed area of any public place or place of employment, or any portion of an accessibility ramp.

(k) Ashtrays intended to be used for smoking within 10 feet of entrances, exits, windows that open, ventilation intakes that serve an enclosed area of any public place or place of employment, or any portion of an accessibility ramp.

(l) Tables or outdoor seating or dining areas not clearly marked as non-smoking, within 10 feet of entrances, exits, windows that open, ventilation intakes that serve an enclosed area of any public place or place of employment, or any portion of an accessibility ramp.

(m) Failure of an employer or entity in charge to cooperate in developing a remediation plan.

(n) Failure of an employer or entity in charge of a public place, a cigar bar or smoke shop to permit the Authority or the LPHA to inspect all or any part of the premises.

(o) Failure of an employer to provide a smokefree place of employment by permitting smoking within 10 feet of the entrances, exits, windows that open, ventilation intakes that serve an enclosed area, and accessibility ramps.

(2) Notice of Violation:

(a) If the Authority has evidence of violations of the ICAA or these rules the Authority may impose civil penalties against an individual, an employer, an entity in charge of a public place, a cigar bar or smoke shop, in accordance with OAR 333-015-0085.

(b) A Notice of Violation must be issued in compliance with the notice and civil penalty provision in ORS Chapter 183 and OAR 333-015-0085.

(c) Payment of civil penalties shall be made by mail to the Public Health Director and credited to the Tobacco Use Reduction Account, as required by ORS 433.855(1)(c).

(3) Failure to Cooperate: In addition to imposing civil penalties under OAR 333-015-0085 the Authority may initiate further legal action against an employer or entity in charge of a public place, a cigar bar or smoke shop including, but not limited to, requesting a court to enjoin operation of the business or public place if the employer or entity in charge of a public for violations of the ICAA or these rules.

Stat. Auth.: ORS 433.855

Stats. Implemented: ORS 433.835 - 433.870

Hist.: PH 26-2014, f. & cert. ef. 10-8-14

ADMINISTRATIVE RULES

333-015-0085

Penalties

The Authority may impose a civil penalty of up to \$500 per day per violation according to the following schedule:

- (1) \$500 for violations of OAR 333-015-0078(1)(a) (c), (e), (f), (g), (i) and (n).
- (2) \$300 for the first violation of OAR 333-015-0078(1)(b), (d), (h), (j), (k), (l), (m), and (o).
- (3) \$500 for the second violation of OAR 333-015-0078(1)(a), (c), (e), (f), (g), (i), and (n).
- (4) \$400 for the second violation of OAR 333-015-0078(1)(b), (d), (h), (j), (k), (l), (m) and (o).
- (5) \$500 for the third and any subsequent violations of OAR 333-015-0078(1)(a) through (o).

Stat. Auth.: ORS 433.855

Stats. Implemented: ORS 433.835 - 433.870

Hist.: OHD 8-2002(Temp), f. & cert. ef. 5-28-02 thru 11-22-02; OHD 12-2002, f. & cert. ef. 8-27-02; PH 18-2004(Temp), f. & cert. ef. 5-7-04 thru 10-27-04; PH 27-2004, f. & cert. ef. 8-19-04; PH 12-2008, f. & cert. ef. 1-1-09; PH 2-2010, f. & cert. ef. 1-14-10; PH 2-2012, f. & cert. ef. 2-1-12; PH 26-2014, f. & cert. ef. 10-8-14

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Rule Caption: Revisions to WISEWOMAN Program rules regarding eligibility, client services, and update claim submission timeline

Adm. Order No.: PH 27-2014

Filed with Sec. of State: 10-10-2014

Certified to be Effective: 10-10-14

Notice Publication Date: 9-1-2014

Rules Amended: 333-010-0200, 333-010-0205, 333-010-0210, 333-010-0215, 333-010-0220, 333-010-0225, 333-010-0235, 333-010-0245, 333-010-0250, 333-010-0260, 333-010-0265, 333-010-0270, 333-010-0275, 333-010-0280, 333-010-0285, 333-010-0290

Rules Repealed: 333-010-0205(T), 333-010-0215(T), 333-010-0220(T), 333-010-0225(T), 333-010-0235(T), 333-010-0245(T), 333-010-0250(T), 333-010-0260(T), 333-010-0265(T), 333-010-0270(T), 333-010-0275(T), 333-010-0280(T), 333-010-0285(T), 333-010-0290(T)

Subject: The Oregon Health Authority, Public Health Division, Center for Prevention and Health Promotion is permanently amending administrative rules in chapter 333, division 10 pertaining to the WISEWOMAN Program.

The permanent amendments must be made to the WISEWOMAN Program administrative rules in order to comply with the program's funder's, the Centers for Disease Control and Prevention (CDC), requirement to begin screening services.

- Amend 333-010-0210 eligibility criteria for the program to reflect CDC policy guidance.

- Make temporary amendment of OAR 333-010-0225 permanent. Amendment replaces listed values with a statement that directs readers to the biometric guidelines published in the WISEWOMAN Program Manual.

- Make temporary amendment of OAR 333-010-0235 permanent. Amendment replaces an obsolete list of services with a statement that directs readers to current comprehensive list of services published in the WISEWOMAN Program Manual.

- Amend OAR 333-010-0245 to reduce the timeline for provider claim submission and reconciliation.

- Make temporary amendment updating all references to an "enrolled" provider with the term "enrolling" provider permanent. Temporary amendment was made to reflect the language used in the Medical Service Agreements.

- Other housekeeping changes throughout, including the change from "Office of Family Health (OFH)" to "Center for Prevention and Health Promotion (Center)" to reflect changes in Public Health Division structure.

Rules Coordinator: Brittany Sande—(971) 673-1291

333-010-0200

Description of the WISEWOMAN Program

The WISEWOMAN (WW) Program is a federal program, administered by the Oregon Health Authority, that provides heart disease, stroke and diabetes screening support to develop and maintain healthy behaviors,

and referral services in an effort to prevent cardiovascular disease to eligible women statewide. The WW Program provides these services through a contract network of qualified providers. These rules (OAR 333-010-0200 through 333-010-0290) apply only to providers who have an approved medical services agreement to provide screening and services through this program. The program is limited to a finite source of funds, which may restrict availability of services on an annual basis.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 413.042, 431.250

Hist.: PH 1-2009, f. & cert. ef. 2-13-09; PH 27-2014, f. & cert. ef. 10-10-14

333-010-0205

Definitions

(1) "Agency number" means the administrative number assigned to the service provider by the Center for Prevention and Health Promotion (Center) for identification as a BCCP/WW provider.

(2) "Ancillary provider" means an individual or entity that has met the eligibility requirements for enrollment in the WW Program, has executed a medical services agreement with the Center, has been assigned a BCCP/WW Program agency number, and performs services beyond the scope of an enrolling provider, such as laboratory, imaging, or surgical services.

(3) "Approved medical services agreement" means the completed WW Program agreement, submitted to and approved by the Center for Prevention and Health Promotion.

(4) "Authority" means the Oregon Health Authority.

(5) "BCCP" means the Oregon Breast and Cervical Cancer Program.

(6) "Care coordination" or "case management" means that a client is provided with services, results, follow-up recommendations, and active tracking of progress towards follow-up recommendations.

(7) "Center" means the Center for Prevention and Health Promotion, within the Oregon Health Authority, Public Health Division.

(8) "CLIA" means the federal Clinical Laboratory Improvement Amendments of 1988 (P.L. 100-578, 42 U.S.C. 201 and 263a)

(9) "Client" means a woman 40 to 64 years of age who is enrolled in and receives screening or services from the WW Program.

(10) "Enrolling provider" means an individual or entity that has met the eligibility requirements for enrollment in the WW Program, has executed a medical services agreement with the Center, has been assigned a BCCP/WW Program agency number, and provides screening, services, or care coordination for WW Program clients.

(11) "FPL" means the federal poverty level guidelines established each year by the United States Department of Health and Human Services, used to determine eligibility for the WW Program and other federally funded programs.

(12) "HIPAA" means the Health Insurance Portability and Accountability Act.

(13) "Site number" means the administrative number assigned to the family planning service provider by the Center for identification of the geographic location of each WW provider.

(14) "WISEWOMAN Program" or "WW Program" means the program that provides statewide heart disease, stroke and diabetes screening and services to eligible clients, that is administered by the Center.

(15) "WW Program provider network" means the combination of all contracted WW Program providers, including enrolling and ancillary providers.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 413.042, 431.250

Hist.: PH 1-2009, f. & cert. ef. 2-13-09; PH 5-2011(Temp), f. & cert. ef. 7-1-11 thru 12-27-11; PH 11-2011, f. & cert. ef. 10-27-11; PH 12-2014(Temp), f. & cert. ef. 4-18-14 thru 10-15-14; PH 27-2014, f. & cert. ef. 10-10-14

333-010-0210

Client Eligibility

A person must meet the following WW Program eligibility criteria in order to be enrolled in the WW Program:

(1) Be a woman 40 to 64 years of age; and

(2) Be enrolled in the BCCP program.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 413.042, 431.250

Hist.: PH 1-2009, f. & cert. ef. 2-13-09; PH 27-2014, f. & cert. ef. 10-10-14

333-010-0215

Client Enrollment

(1) A person is determined eligible for the WW Program after submitting a completed and signed BCCP/WW Program enrollment form.

(2) Eligibility is effective for one year.

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(3) A person who enrolled in the WW Program but who is later found to be ineligible shall be notified by the Center or her enrolling provider in writing of such disenrollment and may be responsible for the payment of services received from her provider.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 413.042, 431.250

Hist.: PH 1-2009, f. & cert. ef. 2-13-09; PH 12-2014(Temp), f. & cert. ef. 4-18-14 thru 10-15-14; PH 27-2014, f. & cert. ef. 10-10-14

333-010-0220

Provider Enrollment

(1) An individual or organization that wishes to be an enrolling provider or an ancillary provider with the WW Program shall apply to the Center on a form prescribed by the Center.

(2) In order to be eligible for enrollment, an individual or organization shall:

(a) Have a valid Oregon business license if such a license is a requirement of the state, federal, county or city government to operate a business or to provide services; and

(b) Meet applicable licensing or regulatory requirements set forth by federal and state statutes, regulations, and rules to be enrolled and to bill as a health care provider.

(3) A laboratory or any other entity that does laboratory tests must provide evidence that it is CLIA certified in order to be a provider or an ancillary provider.

(4) An individual or organization that is currently subject to sanctions by the Authority or the federal government is not eligible for enrollment.

(5) Upon receipt of an application the Center shall verify the information and determine if the individual or organization is eligible to be an enrolling or ancillary provider.

(6) If the Center approves an application, an individual or organization shall:

(a) Sign a medical services agreement that requires the provider to comply with these rules; and

(b) Be issued a BCCP/WW Program agency number.

(7) An enrolling or ancillary provider may not offer services to a client prior to receiving information from a Center WW Program representative about administering the WW Program.

(8) An enrolling provider or ancillary provider shall notify the Center in writing within 30 days of the change if it changes its address, business affiliation, licensure, ownership, certification, billing agents, registered name, or Federal Tax Identification Number (TIN). Changes in business affiliation, ownership, registered name, and TIN may require the submission of a new application. Payments made to an enrolling provider or an ancillary provider who has not furnished such notification may be recovered by the Center.

(9) An enrolling provider or an ancillary provider shall notify the Center in writing of a bankruptcy proceedings within 15 days.

(10) An individual or organization outside the state of Oregon may be eligible for enrollment if the individual or organization:

(a) Is appropriately licensed or certified in its state; and

(b) Is located in a state contiguous to Oregon, and is within 75 miles of the Oregon border.

(11) An enrolling provider or an ancillary provider may terminate enrollment at any time by sending a written termination notice to the Center, via certified mail, return receipt requested. The notice shall specify the agency number to be terminated and the effective date of termination. Termination of a provider enrollment does not terminate any obligations of the provider for services provided to a client prior to the effective date of the termination.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 413.042, 431.250

Hist.: PH 1-2009, f. & cert. ef. 2-13-09; PH 12-2014(Temp), f. & cert. ef. 4-18-14 thru 10-15-14; PH 27-2014, f. & cert. ef. 10-10-14

333-010-0225

Standards of Care for WISEWOMAN Program Screening and Services

An enrolling provider shall:

(1) Inform each client, verbally and with supplementary written materials in a language the client understands, without bias or coercion, that the client's decision to participate in the WW Program screening and services is voluntary;

(2) Inform clients of the scope of services available through the program;

(3) Obtain informed consent from each client receiving WW screening and services;

(4) Provide services within the scope by the WW Program without cost to eligible clients;

(5) Offer clients with abnormal or ALERT values additional medical support even though treatment is not covered by the WW Program. The WW Program Manual, October 2014, incorporated by reference, includes a complete list of abnormal and ALERT values and medical support services approved for reimbursement.

(6) Provide information to clients in need of additional medical services beyond the scope of the WW Program provider network with information about available local resources;

(7) Provide all services to eligible clients without regard to marital status, race, parity, disability, or sexual orientation;

(8) Take a health history for all clients, including health risk facts and personal and family medical history as it pertains to heart disease, stroke and diabetes screening;

(9) Provide follow-up recommendations for each client;

(10) Provide care coordination to ensure that appropriate follow-up screening, diagnostic testing and care is provided, including:

(a) An explanation of the results of the screening and laboratory tests; and

(b) The opportunity for questions concerning procedures, methods and results.

(11) Submit enrollment and eligibility information immediately or within five calendar days from the date of enrollment to the Center;

(12) Submit all client data to the WW Program, including required information about client history and screening results;

(13) Provide services to each client in a manner that respects the privacy and dignity of the individual;

(14) Inform clients that services and medical records will be kept confidential and that records cannot be released without written client consent, except as required by law, or otherwise permitted by HIPAA;

(15) Provide all services, support and other assistance in a manner that is responsive to the beliefs, interpersonal styles, attitudes, language, and behaviors of the clients receiving services, and in a manner that has the greatest likelihood of ensuring a client's maximum participation in the program;

(16) Notify clients of the availability of interpretation services in accordance with the Civil Rights Act of 1964, and make interpretation services available to all clients needing or requesting such assistance at no cost to the client;

(a) A provider shall ensure that all persons providing interpretation services adhere to confidentiality guidelines;

(b) A provider must assure the competency of language assistance provided to clients by interpreters and bilingual staff. Family and friends should not be used to provide interpretation services, unless requested by the client;

(17) Make available easily understood client related materials and post signage in the languages of groups commonly encountered in the service area;

(18) Ensure that all print, electronic, and audiovisual materials are appropriate according to the client's language and literacy level, including accommodating a client's request for alternate formats; and

(19) Use only CLIA certified laboratories for all tests, whether done at the clinic site or by an outside clinic.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 413.042, 431.250

Hist.: PH 1-2009, f. & cert. ef. 2-13-09; PH 12-2014(Temp), f. & cert. ef. 4-18-14 thru 10-15-14; PH 27-2014, f. & cert. ef. 10-10-14

333-010-0235

Covered Services

The WW Program Manual, October 2014, incorporated by reference, includes a complete list of covered services.

[Publications: Publications referenced are available from the Oregon WW Program].

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 413.042, 431.250

Hist.: PH 1-2009, f. & cert. ef. 2-13-09; PH 12-2014(Temp), f. & cert. ef. 4-18-14 thru 10-15-14; PH 27-2014, f. & cert. ef. 10-10-14

333-010-0245

Claims and Billing

(1) Only an enrolling or ancillary provider providing WW Program covered services pursuant to a fully executed medical services agreement, and who has been assigned an agency number may submit claims for payment to the Center for providing WW Program covered services.

(2) An enrolling or ancillary provider shall, as applicable:

(a) Submit claim information in the manner specified by the WW Program;

ADMINISTRATIVE RULES

(b) Include a primary diagnosis code on all claims;

(c) Code all claims with the most current and appropriate International Classification of Diseases, 9th Revision, Clinical Modification (ICD-9-CM) diagnosis codes and the most appropriate Current Procedural Terminology (CPT) codes as noted in the WW Program Manual;

(d) Submit to the Center all claims for services within 120 days of the date of service. Claims older than 120 days from the date of service will not be paid, except as provided for in section (4) of this rule;

(e) Submit a billing error edit correction, or refund the amount of the overpayment, on any claim where a provider identifies an overpayment made by the Center;

(f) Make all reasonable efforts to ensure that the WW Program is the payor of last resort with the exception of clinics or offices operated by the Indian Health Service (IHS) or individual American Indian tribes. For the purposes of this rule "reasonable efforts" include:

(A) Determining the existence of insurance coverage or other resource by asking the client; and

(B) Except in the case of the underinsured, billing any known insurer in compliance with that insurer's billing and authorization requirements.

(g) Submit to the Center a billing error edit correction if it receives a third party payment and refund to the Center the amount received from the other source within 30 days of the date the payment is received.

(3) The Center may not pay a claim older than 120 days, except as provided for in section (4) of this rule. An enrolling or ancillary provider that has a claim rejected because of an error shall resolve the error within 120 days of the date of denial.

(4) If the Center makes an error that makes it impossible for an enrolling or ancillary provider to bill within 120 days of the date of service, the enrolling or ancillary provider shall notify the Center of the alleged error and submit the claim to the Center. The Center shall confirm that it made an error prior to payment being made.

(5) The Center may not pay a claim that includes a primary diagnosis code that is not in the WW Program Manual.

(6) An enrolling or ancillary provider with the WW Program may not seek payment from a client, or from a financially responsible relative or representative of that client for any services covered by the WW Program.

(7) An enrolling or ancillary provider may bill a client for services that are not covered by the WW Program. However, the provider must inform the client in advance of receiving the specific service that it is not covered, the estimated cost of the service, and that the client or client's representative is financially responsible for payment for the specific service. Providers must document in writing that the client was provided this information and the client knowingly and voluntarily agreed to be responsible for payment. The client or client's representative must sign the documentation.

(8) Except for services performed by a CLIA certified laboratory outside of the clinic, all billings by an enrolling provider must be for services provided within the provider's licensure or certification.

(9) A provider who has been suspended or terminated from participation in a federal or state medical program, such as Medicare or Medicaid, or whose license to practice has been suspended or revoked by a state licensing board, may not submit claims for payment, either personally or through claims submitted by any billing provider or other provider, for any services or supplies provided under the WW Program, except those services provided prior to the date of suspension or termination.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 413.042, 431.250

Hist.: PH 1-2009, f. & cert. ef. 2-13-09; PH 12-2014(Temp), f. & cert. ef. 4-18-14 thru 10-15-14; PH 27-2014, f. & cert. ef. 10-10-14

333-010-0250

Payment

(1) The Center shall only pay claims submitted by an enrolling or ancillary provider for a client.

(2) The Center shall reimburse an enrolling or ancillary provider an amount up to the Medicare reimbursement rate for the Portland metropolitan area for WW Program approved CPT codes, on a fee-for-service basis.

(3) A federally qualified health center or rural health center shall not be paid at their Prospective Payment System (PPS) rate, but will be paid at the reimbursement rate described in section (2) of this rule.

(4) The Center payments for WW Program provider services, unless in error, constitute payment in full.

(5) The Center may not make payment on claims that have been assigned, sold, or otherwise transferred, or on which a provider of billing services receives a percentage of the amount billed or payment authorized,

including claims that have been transferred to a collection agency or individual who advances money to a provider for accounts receivable.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 413.042, 431.250

Hist.: PH 1-2009, f. & cert. ef. 2-13-09; PH 12-2014(Temp), f. & cert. ef. 4-18-14 thru 10-15-14; PH 27-2014, f. & cert. ef. 10-10-14

333-010-0260

Recovery of Overpayments to Providers Resulting from Review or Audit

(1) If the Center determines that an overpayment has been made to an enrolling or ancillary provider, the Center shall seek to recover the amount of overpayment. The Center may use a statistically valid random sampling, with sufficient sample size allowing a confidence interval of 95 percent to determine if an overpayment has been made.

(2) The amount of the review or audit overpayment to be recovered:

(a) Will be the entire amount determined by the Center;

(b) Is not limited to amounts determined by criminal or civil proceedings; and

(c) Will include interest to be charged at allowable state rates.

(3) The Center shall provide an enrolling provider in writing, by registered or certified mail or in person, notice of an overpayment and a request for repayment of the overpayment, along with documentation to support the amount owed.

(4) An enrolling or ancillary provider shall pay the overpayment amount within 30 calendar days from the date the Center mails the notice of overpayment. A request for a hearing does not change the date the repayment of the overpayment is due.

(5) The Center may extend the 30-day repayment period or accept an offer of repayment terms. Any change in reimbursement period or terms must be documented in writing by the Center.

(6) If the provider disagrees with the Center's determination or the amount of overpayment the provider may:

(a) Appeal the decision by requesting a contested case hearing; or

(b) Request a 100 percent audit of all billings submitted to the Center for heart disease, stroke, and diabetes screenings and services provided during the period in question.

(7) A written request for hearing must be submitted to the Center by the provider within 30 calendar days of the date of the decision affecting the provider. The request must specify the areas of disagreement. Failure to request a hearing or administrative review in a timely manner constitutes acceptance by the provider of the amount of the overpayment.

(8) If a 100 percent audit is requested:

(a) An enrolling or ancillary provider is responsible for arranging and paying for the audit; and

(b) The audit must be conducted by a certified public accountant that is knowledgeable about the Oregon Administrative Rules covering the payments in question, and must be conducted within 120 calendar days of the request to use such an audit in lieu of the Center's random sample.

(9) If the provider refuses to reimburse the overpayment or does not adhere to an agreed upon payment schedule, the Center may:

(a) Recoup future provider payments up to the amount of the overpayment; or

(b) Pursue civil action to recover the overpayment.

(10) The Center may, at any time, change the amount of the overpayment upon receipt of additional information from an enrolling provider. If the Center changes an overpayment amount it will provide written notice to the enrolling provider. Any monies paid to the Center that exceed an overpayment will be refunded to the provider.

(11) The Center may pursue civil action to recover any amounts due and payable to the WW Program.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 413.042, 431.250

Hist.: PH 1-2009, f. & cert. ef. 2-13-09; PH 12-2014(Temp), f. & cert. ef. 4-18-14 thru 10-15-14; PH 27-2014, f. & cert. ef. 10-10-14

333-010-0265

Client Data Submission

(1) In addition to submitting the claim information required in OAR 333-010-0225, in order to receive payment an enrolling provider shall submit client data to the Center. The data shall be used by the WW Program to monitor the delivery of services and clinical outcomes of the program.

(2) An enrolling provider shall submit client data to the Center, in a manner specified by the Center, on the Enrollment Form, Assessment Form and the Screening Form, included in the WW Program Manual within 90 days from the date of enrollment. In the event that a client requires additional diagnostic procedures and the information is not available within 90

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days from the date of enrollment, the data shall be submitted to the Center immediately once it is received by the provider.

(3) An ancillary provider shall report data to an enrolling provider and is not required to provide data to the Center directly.

(4) An enrolling provider may update or correct client data not related to payment of the claim at any time after the date of service.

(5) If an enrolling provider or the Center terminates the medical services agreement, data are still required to be submitted for each client that was provided services while the agreement was in effect.

[Publications: Publications referenced are available from the agency]

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 413.042, 431.250

Hist.: PH 1-2009, f. & cert. ef. 2-13-09; PH 12-2014(Temp), f. & cert. ef. 4-18-14 thru 10-15-14; PH 27-2014, f. & cert. ef. 10-10-14

333-010-0270

Requirements for Financial, Clinical and Other Records

(1) An enrolling provider shall:

(a) Develop and maintain adequate financial and clinical records and other documentation that supports the services for which payment has been requested;

(b) Ensure that all medical records document the service provided, primary diagnosis code for the services, the date on which the service was provided, and the individual who provided the services;

(c) Ensure that patient account and financial records include documentation of charges, identify other payment resources pursued, indicate the date and amount of all debit or credit billing actions, and support the appropriateness of the amount billed and paid in accurate and sufficient detail to substantiate the data reported;

(d) Ensure that clinical records sufficiently document that the client's services were primarily for heart disease, stroke and diabetes;

(e) Ensure that each time a service is provided to a client, the client's record is signed or initialed by the individual who provided the service or otherwise clearly indicates who provided the service;

(f) Ensure that the information contained in the record reflects that the standard of care for heart disease, stroke and diabetes screening and services were met;

(g) Have policies and procedures to ensure the confidentiality of medical records and that address the circumstances under which information may be released in accordance with federal and state law; and

(h) Retain client enrollment forms, clinical, financial and other records described in this rule for at least four years from the date of last activity.

(2) The Center, the Authority, the Oregon Department of Justice Medicaid Fraud Unit, the Oregon Secretary of State, or their authorized representatives (requestor) may request, in writing, any records related to an enrolling or ancillary provider's participation in the WW Program, including client medical records. An enrolling or ancillary provider shall furnish requested records, without charge, immediately or within the time frame specified in the written request. Copies of the documents may be furnished unless the originals are requested. At the requestor's discretion, representatives of the requestor may review and copy the original documentation in the provider's place of business. Upon the written request of the provider, the requestor may, at its sole discretion, modify or extend the time for provision of such records for good cause shown.

(3) Failure to comply with requests for documents within the specified time frames means that the records subject to the request may be deemed by the Authority not to exist for purposes of verifying appropriateness of payment, medical appropriateness, the quality of care, and the access to care in an audit or overpayment determination, and accordingly subjects the provider to possible denial or recovery of payments made by the Authority, or to sanctions.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 413.042, 431.250

Hist.: PH 1-2009, f. & cert. ef. 2-13-09; PH 12-2014(Temp), f. & cert. ef. 4-18-14 thru 10-15-14; PH 27-2014, f. & cert. ef. 10-10-14

333-010-0275

Compliance with Federal and State Statutes

(1) Submission of a claim for medical services or supplies provided to a client shall be deemed a representation by the enrolling or ancillary provider to the Center of the provider's compliance with the applicable sections of the following federal and state statutes:

(a) 45 CFR Part 84 which implements Title V, Section 504 of the Rehabilitation Act of 1973;

(b) Title II and Title III of the Americans with Disabilities Act of 1991;

(c) Title VI of the Civil Rights Act of 1964; and

(d) 42 CFR Part 493 Laboratory Requirements and ORS chapter 438 (Clinical Laboratories).

(2) Enrolling and ancillary providers are required to comply with HIPAA regarding the confidentiality of client records.

(3) A provider that performs even one laboratory test, including waived tests on "materials derived from the human body for the purpose of providing information for the diagnosis, prevention or treatment of any disease or impairment of, or the assessment of the health of human beings" is considered a laboratory under CLIA and therefore CLIA certification may be required.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 413.042, 431.250

Hist.: PH 1-2009, f. & cert. ef. 2-13-09; PH 12-2014(Temp), f. & cert. ef. 4-18-14 thru 10-15-14; PH 27-2014, f. & cert. ef. 10-10-14

333-010-0280

Provider Sanctions

(1) The Center may sanction an enrolling provider if the provider:

(a) Is convicted of a felony or misdemeanor related to a crime or violation of Title XVIII, XIX, or XX of the Social Security Act or related state laws (or entered a plea of nolo contendere);

(b) Is convicted of fraud related to any federal, state, or locally financed health care program;

(c) Is convicted of interference with the investigation of health care fraud;

(d) Is convicted of unlawfully manufacturing, distributing, prescribing, or dispensing a controlled substance;

(e) Fails to comply with the state and federal statutory requirements set forth in OAR 333-010-0275;

(f) By actions of any state licensing authority for reasons relating to the provider's professional competence, professional conduct, or financial integrity:

(A) Has a health care license suspended or revoked, or has otherwise lost such license; or

(B) Surrenders a health care license during a pending formal disciplinary proceeding;

(g) Is suspended or excluded from participation in a federal or state health care program for reasons related to professional competence, professional performance, or other reason;

(h) Engages in improper billing practices, including:

(A) Billing for excessive charges or visits;

(B) Submitting a false claim for payment;

(C) Altering a claim in such a way as to result in a payment for a service that has already been paid; or

(D) Making a claim upon which payment has been made by another source unless the amount paid is clearly entered on the claim form;

(i) Fails to furnish services as required by law or contract with the Center, if the failure has adversely affected (or has a substantial likelihood of adversely affecting) the client;

(j) Fails to supply requested information on subcontractors and suppliers of goods or services;

(k) Fails to supply requested payment information;

(l) Fails to grant access to facilities or provide records upon request of the Center or a designated requestor;

(m) Receives payments for services provided to persons who were not eligible;

(n) Establishes multiple claims using procedure codes that overstate or misrepresent the level, amount or type of health care provided;

(o) Fails to develop, maintain, and retain, in accordance with relevant rules and standards adequate clinical or other records that document the medical appropriateness, nature, and extent of the health care provided;

(p) Fails to develop, maintain, and retain, in accordance with relevant rules and standards, adequate financial records that document charges incurred by a client and payments received from any source;

(q) Fails to follow generally accepted accounting principles or accounting standards or cost principles required by federal or state laws, rules, or regulation;

(r) Submits claims for services provided that were contrary to generally accepted standards of medical practice;

(s) Submits claims for services that exceed that requested or agreed to by the client or the responsible relative or guardian or requested by another medical practitioner;

(t) Breaches the terms of the medical services agreement;

(u) Fails to correct deficiencies in operations after receiving written notice of the deficiencies from the Center;

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(v) Fails to submit a billing error edit correction within 30 days of receipt of the third party payment or to refund the appropriate amount within this time frame;

(w) Provides or bills for services provided by ineligible or unsupervised staff;

(x) Submits claims for payment, either personally or through claims submitted by any billing provider or other provider, for any services or supplies provided under the WW Program for services provided after being suspended or terminated from participation in a federal or state medical program, such as Medicare or Medicaid, or after his or her license to practice has been suspended or revoked by a state licensing board;

(y) Fails to notify the Center of a change of TIN within 30 days; or

(z) Fails to respond to a request for records under OAR 333-010-0270.

(2) Sanctions may include:

(a) Termination from participation in the WW Program;

(b) Suspension from participation in the WW Program for a specified length of time, or until specified conditions for reinstatement are met and approved by the Center;

(c) Withholding payments to an enrolling or ancillary provider;

(d) A requirement to attend provider education sessions at the expense of the sanctioned enrolling or ancillary provider;

(e) A requirement that payment for certain services are made only after the Center has reviewed documentation supporting the services;

(f) The recovery of investigative and legal costs;

(g) Reduction of any amount otherwise due the enrolling or ancillary provider; and the reduction may be up to three times the amount a provider sought to collect from a client;

(h) Any other sanction reasonably designed to remedy or compel future compliances with federal, state or Center regulations.

(3) An enrolling or ancillary provider who has been the subject of repeat sanctions regarding improper billing practices may be liable to the Center for up to triple the amount of the established overpayment received as a result of such violation.

(4) When an enrolling or ancillary provider fails to meet one or more of the requirements identified in this rule the Center, at its sole discretion, may immediately suspend the provider's BCCP/WW Program assigned billing number to prevent public harm or inappropriate expenditure of public funds.

(a) An enrolling or ancillary provider subject to immediate suspension is entitled to a contested case hearing as outlined in OAR 333-010-0290 to determine whether the provider's BCCP/WW Program assigned number will be revoked.

(b) The notice requirements described in section (5) of this rule does not preclude immediate suspension at the Center's sole discretion to prevent public harm or inappropriate expenditure of public funds. Suspension may be invoked immediately while the notice and contested case hearing rights are exercised.

(5) If the Center decides to sanction an enrolling or ancillary provider, the Center shall notify the provider by certified mail or personal delivery service of the intent to sanction. The notice of immediate or proposed sanction will identify:

(a) The factual basis used to determine the alleged deficiencies;

(b) Explanation of actions expected of the provider;

(c) Explanation of subsequent actions the Center intends to take;

(d) The provider's right to dispute the Center's allegations, and submit evidence to support the provider's position; and

(e) The provider's right to appeal the Center's proposed actions pursuant to OAR 333-010-0285 through 333-010-0290.

(6) If the Center makes a final decision to sanction an enrolling or ancillary provider, the Center shall notify the provider in writing at least 15 days before the effective date of action, except in the case of immediate suspension to avoid public harm or inappropriate expenditure of funds.

(7) An enrolling or ancillary provider must appeal an immediate or proposed sanction separately from any appeal of audit findings and overpayments.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 413.042, 431.250

Hist.: PH 1-2009, f. & cert. ef. 2-13-09; PH 12-2014(Temp), f. & cert. ef. 4-18-14 thru 10-15-14; PH 27-2014, f. & cert. ef. 10-10-14

333-010-0285

Provider Appeals (Level 1) — Claims Reconsideration

An enrolling or ancillary provider disputing a claim or sanction decision by the Center may request reconsideration. The provider must submit the request for reconsideration in writing to the Center. The request must

include the reason for the dispute, and any information pertinent to the outcome of the dispute. The Center will complete an additional review and respond back to the provider in writing. If the provider is not satisfied with the review, the provider may request a contested case hearing.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 413.042 & 431.250

Hist.: PH 1-2009, f. & cert. ef. 2-13-09; PH 12-2014(Temp), f. & cert. ef. 4-18-14 thru 10-15-14; PH 27-2014, f. & cert. ef. 10-10-14

333-010-0290

Provider Appeals (Level 2) — Contested Case Hearing

An enrolling or ancillary provider may request a contested case hearing within 30 calendar days of the date of a decision affecting the provider. Contested case hearings will be held in accordance with ORS chapter 183 and the Attorney General's model rules, OAR 137-003-0501 through 137-003-0700.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 413.042 & 431.250

Hist.: PH 1-2009, f. & cert. ef. 2-13-09; PH 12-2014(Temp), f. & cert. ef. 4-18-14 thru 10-15-14; PH 27-2014, f. & cert. ef. 10-10-14

Rule Caption: Revisions to Breast and Cervical Cancer Program rules regarding underinsured definition, enrollment, claims and rates

Adm. Order No.: PH 28-2014

Filed with Sec. of State: 10-10-2014

Certified to be Effective: 10-10-14

Notice Publication Date: 9-1-2014

Rules Amended: 333-010-0100, 333-010-0105, 333-010-0115, 333-010-0150, 333-010-0155

Rules Repealed: 333-010-0105(T), 333-010-0155(T)

Subject: The Oregon Health Authority, Public Health Division, Center for Prevention and Health Promotion is permanently amending administrative rules in chapter 333, division 10 pertaining to the Breast and Cervical Cancer Program. These amendments will:

- Amend the definition of "site number" under OAR 333-010-0105(17) to change the term "family planning service provider" to "provider."

- Amend the definition of "uninsured" under OAR 333-010-0105(18) to align with policy guidance from the CDC's National Breast and Cervical Cancer Program (NBCCEDP).

- Amend OAR 333-010-0115 to require BCCP providers with access to the Medicaid Management Information System (MMIS) to verify that a BCCP applicant is not currently receiving Medicaid.

- Amend OAR 333-010-0150 to reduce the timeline for provider claim submission and reconciliation.

- Amend OAR 333-010-0155(3) to accurately reflect policy that reimbursement rate paid by BCCP may not exceed maximum Medicare rates in the state.

Rules Coordinator: Brittany Sande—(971) 673-1291

333-010-0100

Description of the Breast and Cervical Cancer Program

The Breast and Cervical Cancer Program (BCCP) is a federal screening and early detection program administered by the Oregon Health Authority to provide screening and diagnostic services to eligible Oregonians statewide. The Breast and Cervical Cancer Program provides coverage for screening and diagnostic services to Oregonians with family incomes up to 250 percent of the Federal Poverty Level through a contract network of qualified providers. OAR 333-010-0100 through 333-010-0197 apply only to providers who have an approved medical services agreement to provide screening and diagnostic services through this program. The program is limited to a finite source of funds which may restrict availability of services on an annual basis.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 413.042

Hist.: PH 9-2008, f. & cert. ef. 6-16-08; PH 1-2012, f. & cert. ef. 1-17-12; PH 28-2014, f. & cert. ef. 10-10-14

333-010-0105

Definitions

(1) "Ancillary provider" means a provider that performs services beyond the scope of an enrolling provider. Ancillary providers may include laboratories, imaging centers, surgeons and surgical facilities, and hospitals.

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Hist.: PH 9-2008, f. & cert. ef. 6-16-08; PH 1-2012, f. & cert. ef. 1-17-12; PH 28-2014, f. & cert. ef. 10-10-14

(2) "Agency number" means the administrative number assigned to the service provider by the Center for Prevention and Health Promotion (Center) for identification as a BCCP provider.

(3) "Approved medical services agreement" means the completed Breast and Cervical Cancer Program agreement, submitted to and approved by the Center for Prevention and Health Promotion.

(4) "Authority" means the Oregon Health Authority.

(5) "BCCP" means the Oregon Breast and Cervical Cancer Program.

(6) "BCCP Provider Network" means the combination of all contracted BCCP providers, including enrolling and ancillary providers.

(7) "BCCTP" means the Breast and Cervical Cancer Treatment Program. ORS 414.534, 414.536.

(8) "Breast and Cervical Cancer Program" means the program that provides statewide breast and cervical cancer screening and diagnostic services to eligible clients, that is administered by the Center for Prevention and Health Promotion within the Oregon Health Authority.

(9) "Care coordination or case management" means that a client is provided with services, results, follow-up recommendations, and active tracking of progress towards follow-up recommendations.

(10) "Center" means the Center for Prevention and Health Promotion, the office within the Oregon Health Authority that administers the Breast and Cervical Cancer Program.

(11) "CLIA" means the federal Clinical Laboratory Improvement Amendments of 1988, establishes quality standards for all laboratory testing to ensure the accuracy, reliability and timeliness of patient test results, and allows for certification of clinical laboratories operating in accordance with these federal amendments.

(12) "Client" means a person of any age or gender who is enrolled in and receives screening or diagnostic services from the Breast and Cervical Cancer Program.

(13) "Enrolling provider" means a provider that enrolls a client into the Breast and Cervical Cancer Program, provides care coordination for the BCCP client and timely data submission to the BCCP.

(14) "FPL" means the federal poverty level guidelines established each year by the Department of Health and Human Services, used to determine eligibility for BCCP and other federally funded programs.

(15) "HIPAA" means the Health Insurance Portability and Accountability Act.

(16) "Service provider" or "provider" means a licensed health care provider operating within a scope of practice, who is authorized by the Center to bill for breast and cervical cancer screening and diagnostic services for eligible BCCP clients.

(17) "Site number" means the administrative number assigned to the provider by the Center for identification of the geographic location of each BCCP provider.

(18) "Underinsured" means that health insurance does not fully cover breast and cervical cancer screening services.

Stat. Auth.: ORS 413.042

Stats. Implemented: 413.042

Hist.: PH 9-2008, f. & cert. ef. 6-16-08; PH 5-2011(Temp), f. & cert. ef. 7-1-11 thru 12-27-11; PH 11-2011, f. & cert. ef. 10-27-11; PH 1-2012, f. & cert. ef. 1-17-12; PH 13-2014(Temp), f. & cert. ef. 4-22-14 thru 10-19-14; PH 28-2014, f. & cert. ef. 10-10-14

333-010-0115

Client Enrollment

(1)(a) Clients are determined eligible on a self-declared basis, when they submit a completed and signed BCCP enrollment form at the clinic site at the time of service, except as required by Client Eligibility, OAR 333-010-0110(2).

(b) Prior to enrolling a client in BCCP, providers with access to the Medicaid Management Information System (MMIS) shall check MMIS to verify that applicant is not currently receiving Medicaid. Clients enrolled in Medicaid are ineligible for BCCP.

(2) Eligibility is effective for one year unless a client justifiably needs to begin a second breast or cervical cycle, as defined in the program manual, before the end of one year. Justifications include:

(a) The presence of new symptoms; or

(b) The necessity of short-term follow-up, as defined in the program manual.

(3) If breast or cervical services are justifiably initiated again before the end of one year, then eligibility will automatically extend through the end of that cycle, even if the cycle lasts into a new year.

(4) BCCP providers must keep a signed enrollment form on file at the clinic for a minimum of four years. Clients enrolled into the program who are found ineligible will be disenrolled.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 413.042

333-010-0150

Timely Submission of Claims and Data

(1) All claims for services must be submitted within 120 days of the date of service. Claims older than 120 days from the date of service will not be paid, except as provided for in section (2) and (3) of this rule.

(2) If a claim is denied, the claim must be resolved within 120 days of the date of the denial. Claims older than 120 days from the date of denial will not be paid, except as provided for in section (3) of this rule.

(3) When the Center has made an error that caused the provider not to be able to bill within 120 days of the date of service, then the claim may be submitted to the Center. The error must be confirmed by the Center.

(4) Client data not related to payment of the claim may be updated or corrected at any time after the date of service.

(5) Ancillary providers must provide results of services to enrolling providers within 14 calendar days from the date of service.

(6) Enrolling providers must provide the BCCP with enrollment and eligibility information immediately or within five calendar days from the date of enrollment. All other data must be submitted within 90 days from the date of enrollment. In the event that a case requires additional diagnostic procedures that exceed 90 days from the date of enrollment, the data must be submitted immediately upon receipt.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 413.042

Hist.: PH 9-2008, f. & cert. ef. 6-16-08; PH 28-2014, f. & cert. ef. 10-10-14

333-010-0155

Payment

(1) The Center will make payment only to providers that have a medical services agreement with the BCCP and are billing for an eligible client.

(2) The BCCP reimbursement amount will be up to the Medicare reimbursement rate for the Portland metropolitan area for BCCP approved CPT codes, on a fee-for-service basis.

(3) Federally qualified health centers or rural health centers are not paid at their Prospective Payment System (PPS) rate; they will receive up to the Medicare reimbursement rate for BCCP approved CPT codes, on a fee-for-service basis.

(4) Center payments for BCCP provider services, unless in error, constitute payment in full.

(5) The Center will not make payment on claims that have been assigned, sold, or otherwise transferred, or on which a provider of billing services receives a percentage of the amount billed or payment authorized. This includes, but is not limited to, transfer to a collection agency or individual who advances money to a provider for accounts receivable.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 413.042

Hist.: PH 9-2008, f. & cert. ef. 6-16-08; PH 13-2014(Temp), f. & cert. ef. 4-22-14 thru 10-19-14; PH 28-2014, f. & cert. ef. 10-10-14

Oregon Housing and Community Services Department Chapter 813

Rule Caption: Amends the program name, adds definitions and amends the program requirements

Adm. Order No.: OHCS 33-2014

Filed with Sec. of State: 10-9-2014

Certified to be Effective: 10-9-14

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Rules Adopted: 813-041-0006

Rules Amended: 813-041-0000, 813-041-0010, 813-041-0015, 813-041-0020, 813-041-0027

Rules Repealed: 813-041-0030

Subject: The program encourages the rehabilitation of existing housing and the construction or placement of additional housing for agriculture workers. The proposed amendments to the rules reflect a name change for the program, adds definitions for common terms within the program, clarifies the factors that may be considered in prioritizing applications and clarifies language surrounding the department's ability to assess charges. Rules surrounding the monitoring requirements have been removed from 813-041 and are located within the department's General Rules under 813-005-0040

Rules Coordinator: Sandy McDonnell—(503) 986-2012

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813-041-0000

Purpose

The rules in OAR chapter 813, division 41, are adopted to carry out ORS 315.164 to 315.169 as they pertain to the Oregon Housing and Community Services Department. The purpose of the Farmworker Housing Tax Credit Program is to encourage the rehabilitation of existing housing and the construction or placement of additional housing for farmworkers.

Stat. Auth.: ORS 315.167 - 315.139 & 458.650

Stats. Implemented: ORS 315.617

Hist.: OHCS 7-2001(Temp), f. & cert. ef. 12-13-01 thru 6-10-02; OHCS 1-2002(Temp), f. & cert. ef. 3-15-02 thru 6-10-02; OHCS 8-2002, f. & cert. ef. 6-6-02; OHCS 3-2009(Temp), f. & cert. ef. 12-15-09 thru 6-12-10; OHCS 6-2010, f. & cert. ef. 6-10-10; OHCS 33-2014, f. & cert. ef. 10-9-14

813-041-0006

Definitions

Terms defined in ORS 315.163 used in the Agriculture Workforce Housing Tax Credit Program are set out as follows for the reader's convenience:

(1)(a) "Acquisition costs" means the cost of acquiring buildings, structures and improvements that constitute or will constitute agriculture workforce housing.

(b) "Acquisition costs" does not include the cost of acquiring land on which agriculture workforce housing is or will be located.

(2) "Agricultural worker" means any person who, for an agreed remuneration or rate of pay, performs temporary or permanent labor for another in the:

(a) Production of agricultural or aqua cultural crops or products;

(b) Handling of agricultural or aqua cultural crops or products in an unprocessed stage;

(c) Processing of agricultural or aqua cultural crops or products;

(d) Planting, cultivating or harvesting of seasonal agricultural crops;

or

(e) Forestation or reforestation of lands, including but not limited to the planting, transplanting, tubing, precommercial thinning, and thinning of trees and seedlings, the clearing, piling and disposal of brush and slash and other related activities.

(3) "Agriculture workforce housing" means housing:

(a) Limited to occupancy by agriculture workers, including agriculture workers who are retired or disabled, and their immediate families; and,

(b) No dwelling unit of which is occupied by a relative of the owner or operator of the agricultural workforce housing, except in the case of a manufactured dwelling in a manufactured dwelling park nonprofit cooperative as that term is defined in ORS 62.803.

(4) "Agricultural workforce housing project" means the acquisition, construction, installation or rehabilitation of farmworker housing.

(5) "Condition of habitability" means a condition that is in compliance with:

(a) The applicable provisions of the state building code under ORS Chapter 455 and the rules adopted thereunder; or

(b) If determined on or before December 31, 1995, sections 12 and 13, chapter 964, Oregon Laws 1989.

(6) "Contributor" means a person:

(a) That acquired, constructed, manufactured or installed agriculture workforce housing or contributed money to finance an agriculture workforce housing project; or

(b) That has purchased or otherwise received via transfer a credit as provided in ORS 315.169.

(7) "Eligible costs" includes acquisition costs, finance costs, construction costs, excavation costs, installation costs and permit costs and excludes land costs.

(8)(a) "Owner" means a person that owns agriculture workforce housing.

(b) "Owner" does not include a person that only has an interest in the housing as a holder of a security interest.

(9) "Rehabilitation" means to make repairs or improvements to a building that improve its livability and are consistent with applicable building codes.

(10) "Relative" means a brother or sister (whether by the whole or by half-blood), spouse, ancestor (whether by law or by blood), or lineal descendant of an individual.

(11) "Taxpayer" includes a nonprofit corporation, a tax-exempt entity or any other person not subject to tax under ORS chapter 316, 317 or 318.

Stat. Auth.: ORS 315.163 to 315.169 & 456.555

Stats. Implemented: ORS 315.163

Hist.: OHCS 33-2014, f. & cert. ef. 10-9-14

813-041-0010

Program Description and Application Requirements

(1) A taxpayer who is an owner or operator of agriculture workforce housing, or a contributor, may obtain a letter of credit approval from the department for the purpose of claiming a tax credit for such agriculture workforce housing if the taxpayer submits an application for the credit as required by ORS 315.167 and if the department approves the application. The application must be submitted on the application form furnished or required by the department and must comply with all requirements established by the department.

(2) To claim the tax credit for a specific year, a taxpayer must file the application in a manner consistent with this section after January 2 of the year for which the credit is claimed, or after another date established in the department's annual notice referred to in section (4) of this rule. An application is filed with the department:

(a) As of the date of the postmark of the United States Postal Service if the application is mailed;

(b) As of the date printed by the department fax machine if the application is sent electronically by facsimile; or

(c) As of the date stamped by the department if the application is hand delivered.

(3) A taxpayer may apply to the department for a waiver of the length of time for which the taxpayer must show the housing continues to be operated as agriculture workforce housing as authorized by ORS 315.164 by submitting to the department an application for the waiver on the form furnished or required by the department and by complying with all requirements established by the department. Factors that the department may consider in determining to grant such a waiver or the extent of such a waiver include, but are not limited to:

(a) Documentation of a decline in demand for agriculture workforce housing within a relevant area;

(b) The ongoing financial feasibility of the agriculture workforce housing;

(c) The availability of relevant services in the area;

(d) Past compliance by the owner of the agriculture workforce housing with department requirements; and

(e) The condition of the agriculture workforce housing.

(4) A taxpayer is responsible for being informed of current application requirements of the program, including but not limited to information as provided by the department through its applicable solicitation for applications whether or not posted on the department's website.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 315.167 - 315.169 & 458.650

Stats. Implemented: ORS 315.617

Hist.: OHCS 7-2001(Temp), f. & cert. ef. 12-13-01 thru 6-10-02; OHCS 1-2002(Temp), f. & cert. ef. 3-15-02 thru 6-10-02; OHCS 8-2002, f. & cert. ef. 6-6-02; OHCS 3-2009(Temp), f. & cert. ef. 12-15-09 thru 6-12-10; OHCS 6-2010, f. & cert. ef. 6-10-10; OHCS 33-2014, f. & cert. ef. 10-9-14

813-041-0015

Evaluation of Applications.

(1) The department's evaluation and approval of an application is subject to the terms of the applicable solicitation, the provisions of this section, other applicable law, and the annual limitation on the total of estimated eligible costs for all approved projects for the calendar year established under ORS 315.167. The application review process may be on an invitation basis, a first come-first reviewed process, a competitive review process, an evaluation as a demonstration program, or any other process deemed necessary or appropriate by the department.

(2) The department may create a soft set-aside of credits solely for on-farm projects. Such set-aside will extend up to June 30 of the given calendar year. Credits not awarded by that time normally will be made available to other qualifying projects.

(3) Applications are subject to evaluation by the department according to criteria that may include, but are not limited to the following:

(a) Completeness, level of detail and accuracy of the information included in the application;

(b) The qualifying status of the taxpayer and of the proposed project;

(c) The viability of the project, including as reflected in the estimated eligible costs and other support funding as appropriately documented; and

(d) Such other criteria established by the department, including but not limited to those described in the applicable solicitation.

(4) An application is subject to one or more of the following actions by the department:

(a) An application determined by the department in the evaluation process not to include specific or substantial information about the project or to be incomplete or inaccurate in any respect may be declined by the

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department and returned to the taxpayer as not qualifying for further evaluation;

(b) The department may issue a request to the taxpayer to provide or correct, within 15 days, any information deemed missing, inaccurate or inadequate in the application and, if the supplemental information is not timely submitted or deemed adequate by the department, the application may be declined by the department and returned to the taxpayer as not qualifying for further evaluation;

(c) Issuance of a letter of credit approval, including in a credit amount reduced from the amount requested to the minimum amount determined by the department to be required to make the project financially viable, including as needed by the project for leverage or match of state, federal or other funding.

(5) Factors that the department may consider in prioritizing one application over others may include, but are not limited to:

- (a) The quality of the application;
- (b) The location of the project;
- (c) The market demand for and financial feasibility of the project;
- (d) The particulars of the appraisal of the project;
- (e) Whether or not the project meets all applicable state and local land use and zoning requirements, housing codes and similar requirements;
- (f) Whether or not the project meets all other applicable laws and program requirements;
- (g) The target population to be served;
- (h) The availability and sustainability of related tenant services;
- (i) The extent and duration of affordability to be provided; and
- (j) The department's experience with and the reputation, experience and capacity of the project sponsor and its agents, representatives, employees and contractors.

Stat. Auth.: ORS 315.167 315.169 & 458.650

Stats. Implemented: ORS 315.617

Hist.: OHCS 7-2001(Temp), f. & cert. ef. 12-13-01 thru 6-10-02; OHCS 1-2002(Temp), f. & cert. ef. 3-15-02 thru 6-10-02; OHCS 8-2002, f. & cert. ef. 6-6-02; OHCS 3-2009(Temp), f. & cert. ef. 12-15-09 thru 6-12-10; OHCS 6-2010, f. & cert. ef. 6-10-10; OHCS 33-2014, f. & cert. ef. 10-9-14

813-041-0020

Standby Applications

(1) If an application is subject to being declined by the department as not qualifying for further evaluation solely because the estimated eligible costs, when aggregated with the estimated eligible costs of all projects approved to that date for the calendar year, exceeds the limitation on the total of estimated eligible costs under ORS 315.167, the taxpayer may:

(a) Request reduction of the estimated eligible costs for the project to an amount that, when aggregated with the estimated eligible costs of all projects approved to that date for the calendar year, would not exceed the limitation; or

(b) Request that the department place the taxpayer on a standby list for future possible eligibility.

(2) Applications on a standby list under this rule will be held in such priority as the department determines to be appropriate considering factors including, but not limited to those enumerated in 0015 above.

(3) The department may select and process a standby application whenever the department determines that credit is available for funding the application. The taxpayer may update the taxpayer's application as needed within the time provided by the department.

(4) All outstanding standby applications expire on December 31 of the calendar year of their filing.

Stat. Auth.: ORS 315.163 - 315.169 & 456.555

Stats. Implemented: ORS 315.163 - 315.169

Hist.: OHCS 7-2001(Temp), f. & cert. ef. 12-13-01 thru 6-10-02; OHCS 1-2002(Temp), f. & cert. ef. 3-15-02 thru 6-10-02; OHCS 8-2002, f. & cert. ef. 6-6-02; OHCS 3-2009(Temp), f. & cert. ef. 12-15-09 thru 6-12-10; OHCS 6-2010, f. & cert. ef. 6-10-10; OHCS 8-2010(Temp), f. & cert. ef. 6-17-10 thru 12-13-10; OHCS 16-2010, f. & cert. ef. 12-15-10; OHCS 33-2014, f. & cert. ef. 10-9-14

813-041-0027

Charges

(1) The department may assess and the assessed taxpayer or other applicable party shall pay such charges as the department determines appropriate for reviewing an application as well as for issuance of a letter of credit approval.

(2) The department may assess and the assessed taxpayer, owner, operator or other applicable party shall pay such charges as the department determines appropriate from time to time for its monitoring of the project for compliance with program requirements or enforcement of appropriate program compliance, including but not limited to meeting appropriate construction and maintenance standards, and satisfying and documenting applicable affordability compliance.

Stat. Auth.: ORS 315-164 - 315.169

Stats. Implemented: ORS 315.163 - 315.169

Hist.: OHCS 3-2009(Temp), f. & cert. ef. 12-15-09 thru 6-12-10; OHCS 6-2010, f. & cert. ef. 6-10-10; OHCS 33-2014, f. & cert. ef. 10-9-14

Rule Caption: Increases the award limits required for State Housing Council approval and adjusts the manual date

Adm. Order No.: OHCS 34-2014

Filed with Sec. of State: 10-9-2014

Certified to be Effective: 10-9-14

Notice Publication Date: 9-1-2014

Rules Amended: 813-005-0005, 813-005-0020

Rules Repealed: 813-005-0005(T), 813-005-0020(T)

Subject: The rules are amended to increase the single family and multi-family award limits requiring approval by the State Housing Council. OAR 813-005-0020 specifies that the General Policy and Guideline Manual, as amended from time to time, is adopted by reference and will be applicable to the administration and operation of department programs. Language was added within 813-005-0020 to note that the manual may be accessed online on the department's website.

Rules Coordinator: Sandy McDonnell—(503) 986-2012

813-005-0005

Definitions

(1) Terms used in OAR chapter 813 have the meanings given them in the Act, in this section, otherwise in OAR chapter 813 or in other applicable law, unless the context indicates to the contrary. Such terms need not be capitalized. Undefined terms are intended to be read consistently with their normal usage unless the context indicates otherwise.

(2) Pursuant to ORS 456.555(5)(b) the Housing and Community Services Department by administrative rule, must identify and distinguish between housing programs and community services programs. Any program administered by the department (as principal and not agent) that is not listed in this subsection, does not principally involve the financing, regulation, maintenance or support of housing or home ownership or otherwise defined in statute or in this chapter as a housing program is a "community service program." Accordingly, the following programs administered by the department are housing programs:

- (a) Multi-Unit Housing Program (OAR 813-010);
- (b) Rental Housing Program (OAR 813-012);
- (c) Oregon Rural Rehabilitation Program (OAR 813-015);
- (d) Single-Family Mortgage Program (OAR 813-020);
- (e) Elderly Housing Program (OAR 813-030);
- (f) Pass-Through Revenue Bond Financing Program (OAR 813-035);
- (g) Pre-Development Program (OAR 813-038);
- (h) Farmworker Housing Development Account (OAR 813-039);
- (i) Seed Money Advance Program (OAR 813-040);
- (j) Agriculture Workforce Housing Tax Credit Program (OAR 813-041);
- (k) Housing Development Program (OAR 813-042);
- (l) Housing Loan Guarantee Program (OAR 813-043);
- (m) Homeownership Assistance Program (OAR 813-044);
- (n) Housing Development Account Program (813-045);
- (o) Emergency Housing Program (OAR 813-046);
- (p) Housing Revitalization Program (OAR 813-048);
- (q) Disabled Housing Program (OAR 813-060);
- (r) Home Improvement Loan Program (OAR 813-070);
- (s) Mortgage Credit Certificate Program (OAR 813-080);
- (t) Low-Income Housing Tax Credit Program (OAR 813-090);
- (u) Oregon Affordable Housing Tax Credit Program (OAR 813-110);
- (v) Home Investment Partnerships Program (OAR 813-120);
- (w) HELP Program (OAR 813-130);
- (x) Incentive Fund Program (OAR 813-140);
- (y) Subsidized Development Visitability Program (OAR 813-310);
- (z) General Guarantee Program (OAR 813-350); and
- (aa) Other activities of the department involving the financing, regulation, maintenance or support of housing or home ownership or that otherwise are defined in statute or in this chapter as a housing program.

(3) Pursuant to ORS 456.555, the Housing and Community Services Department is to establish from time to time, by administrative rule, the threshold property purchase price at which a single-family home ownership loan on property must be submitted by the department to the State Housing Council for approval or disapproval as well as the threshold value for a

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housing grant or other housing funding award for multifamily housing. Presently, the threshold property purchase price for single-family home ownership that obligates the department to obtain State Housing Council review and approval of a proposed single-family loan is that purchase price which, when reduced by costs of purchase other than the department loan, is equal to or greater than seventy-five percent of the applicable area program purchase price limit or \$190,000, whichever is greater. The threshold value of a housing grant or other housing funding award with respect to a multifamily housing development (project) that obligates the department to obtain State Housing Council review and approval is \$200,000 per funding source with an aggregate threshold per project of \$400,000.

(4) "Acquisition loan" means a loan for the purpose of financing the purchase of an existing Project.

(5) "Act" means ORS 456.515 through 456.725 and, given the context, also may include 458.005 through 458.740, 90.800 through 90.840, and 91.886.

(6) "Approved lender" means any person authorized to engage in the business of making loans of the general character of program loans, who meets the qualifications for an approved lender set forth in the applicable program rules and who contracts with the department to make program loans.

(7) "Approved servicer" means any person authorized to engage in the business of servicing loans of the general character of program loans, who meets the qualifications for an approved servicer set forth in the applicable program rules and who contracts with the department to service program loans.

(8) "Bond" means any bond, note or other evidence of indebtedness issued to obtain funds to provide financing for a program of the department as provided in the Act or as further defined by statute.

(9) "Borrower" means an eligible borrower who has received a program loan.

(10) "Break-even occupancy" means the point in time when a project's monthly rental income meets its monthly operating expenses and debt service.

(11) "Commitment" means the written conditional obligation of the department to make, purchase, service or sell a program loan or other funding award.

(12) "Community service programs" are defined in subsection (2) of this section.

(13) "Contingency escrow account" means an account generally not to exceed 3% of the initial principal amount of the program loan, established by the sponsor in the form of a savings account, time certificate of deposit, or irrevocable letter of credit assigned to the department.

(14) "Cooperative" is a consumer housing entity formed according to the provisions of ORS Chapter 62, as amended.

(15) "Department" means the Housing and Community Services Department of the state of Oregon established pursuant to ORS 456.555 originally enacted by enrolled house bill 3377, chapter 739, Oregon Laws 1991.

(16) "Director" means the chief administrative officer of the Housing and Community Services Department established pursuant to ORS 456.555(2).

(17) "Elderly household" means a household residing in the state of Oregon whose head is over the age of 58 or 55, as applicable.

(18) "Eligible borrower" means a person who satisfies the criteria to receive a program loan as set forth in the applicable program rules, statutes or department orders.

(19) "Escrow payments" means the monthly payments made by the sponsor or borrower and placed in an escrow reserve account for the payment of property taxes, insurance premiums and reserve for replacements and other identified costs as required by the department in accordance with the program loan.

(20) "Funding documents" means any and all documents required by the department to document a housing grant or other funding award or reservation commitment including, but not limited to loan agreements, regulatory agreements, operating agreements, reservation letters, guarantees or otherwise.

(21) "Housing Council" or "State Housing Council" means that seven-member body established by ORS 456.

(22) "Housing programs" are defined in subsection (2) of this section.

(23) "Lending department" means a commercial bank, savings and loan association, savings bank, mortgage banker Federal Housing Administration, Farmers Home Administration or other department that provides permanent or construction mortgage loans.

(24) "Loan agreement" means a written agreement, typically executed at loan closing, between the department and a sponsor establishing the terms of any department loan.

(25) "Loan closing" means the disbursement by the department of the program loan proceeds after execution and recording of the loan documents.

(26) "Loan documents" means the written agreements by and between the sponsor and the department or in favor of the department, typically executed at loan closing, and generally including, but not necessarily limited to the promissory note, the loan agreement, the trust deed and the regulatory agreement.

(27) "Mobile home park" means a project consisting of individual lots and mobile homes located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, and which complies with all ordinances, plans and codes in the area.

(28) "NOFA" means a notice of funding availability.

(29) "Operating agreement and declaration of restrictive covenants and equitable servitudes" or "operating agreement" means a written agreement typically executed at loan closing between the department and the sponsor of a project under the department's pass-through revenue bond program and regulating the use of revenues and operation of the project, particularly with respect to tenant income and unit rent compliance by the sponsor.

(30) "Person" means any natural or legal person.

(31) "Procedural guide" means a manual of written procedures adopted by the department to carry out a program.

(32) "Program" means a statutorily authorized plan or order of business conducted by the department.

(33) "Program loan" means a loan made pursuant to a program of the department.

(34) "Program requirements" means the requirements with respect to any department funding program including but not limited to as contained in or arising from applicable administrative rules, solicitation documents, funding documents, department directives, federal, state and local statutes, codes, regulations or determinations and other applicable law.

(35) "Qualified insurer" means the Federal Housing Administration, the Veterans' Administration, or any other person who is authorized to insure or guarantee payment of loans and who is approved by the department.

(36) "Regulatory agreement and declaration of restrictive covenants and equitable servitudes" or "regulatory agreement" means a written agreement typically executed at loan closing between the department and a sponsor regulating the use of revenues and operation of the project for which a department loan is issued, particularly pertinent with respect to compliance by the sponsor with maintaining the status of any involved bond issue.

(37) "Rent-up reserve account" means an account set up by the sponsor and under the control of the department to assure sufficient funds to pay operating expenses and debt service of the project before break-even occupancy.

(38) "Replacement cost reserve account" means an account established to aid in payment for extraordinary maintenance or repair of a project or for replacement of capital items of a project as allowed by the department.

(39) "Seed money advance" means an advance given to a qualified housing sponsor to pay preconstruction costs.

(40) "Single-family residence" means a housing unit intended and used for occupancy by one household and the property on which it is located. This shall be real property located in the state of Oregon. A single-family residence may include a single-family residence, condominium unit, a dwelling in a planned unit development (PUD), or a mobile or manufactured home which has a minimum of 400 square feet of living space and a minimum width in excess of 102 inches and is of a kind customarily used at a fixed location.

(41) "Solicitation" means a process by which the department invites applications for a housing grant or other funding award with respect to a project.

(42) "Solicitation documents" means those documents that, inter alia, set forth the terms and conditions of a solicitation.

(43) "Sponsor" means any person meeting the legal, financial, credit and other qualifications to be the borrower on a department loan and to own and operate a project as set forth in the applicable program rules, statutes and department orders.

(44) "Targeted area" means an area in the state designated by the department in compliance with the requirements of Section 143(j) of the

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Internal Revenue Code of 1986, as amended, and approved by the United States Departments of Treasury and Housing and Urban Development.

(45) "Trustee" means the state treasurer or, with the approval of the department, a private financial institution in Oregon acting pursuant to an indenture of trust or other appropriate instrument.

[Publications: Publications referenced are available from the agency.]
Stat. Auth.: ORS 90.630, 90.771 - 90.775, 90.800 - 90.840, 183, 315.271, 317.097, 446.525 - 446.543, 456.515 - 456.725, 458.210 - 458.365, 458.405 - 458.460, 458.505 - 458.740, 566.310 - 566.350 & 757.612 - 757.617
Stats. Implemented: ORS 456.515 - 456.720
Hist.: 1HD 7-1984, f. & ef. 9-4-84; HSG 1-1987(Temp), f. & ef. 2-5-87; HSG 5-1987, f. & ef. 3-10-87; Renumbered from 813-001-0006; HSG 3-1989(Temp), f. & cert. ef. 6-8-89; HSG 5-1989, f. & cert. ef. 11-3-89; HSG 2-1991(Temp), f. & cert. ef. 8-7-91; HSG 8-1991, f. & cert. ef. 12-23-91; OHCS 1-2005(Temp), f. & cert. ef. 8-4-05 thru 1-31-06; OHCS 3-2006, f. & cert. ef. 1-31-06; OHCS 14-2013(Temp), f. & cert. ef. 6-21-13 thru 12-18-13; OHCS 18-2013, f. & cert. ef. 12-18-13; OHCS 25-2014(Temp), f. & cert. ef. 4-17-14 thru 10-14-14; OHCS 34-2014, f. & cert. ef. 10-9-14

813-005-0020

General Policy and Guideline Manual

The General Policy and Guideline Manual, as amended from time to time, is incorporated into this division by reference and has application, inter alia, to the solicitation, review, reservation, award and documentation of housing grants and other funding awards with respect to affordable multifamily housing projects as well as to the operation and compliance of such projects with applicable habitability, affordability and other requirements irrespective of the program source of funding. The manual may be accessed online on the department's website.

Stat. Auth.: ORS 91.886, 317.097 & 456.555
Stats. Implemented: ORS 90.800 - 90.840, 91.886, 317.097, 456.515 - 456.725 & 458.005 - 458.740
Hist.: OHCS 14-2013(Temp), f. & cert. ef. 6-21-13 thru 12-18-13; OHCS 18-2013, f. & cert. ef. 12-18-13; OHCS 25-2014(Temp), f. & cert. ef. 4-17-14 thru 10-14-14; OHCS 34-2014, f. & cert. ef. 10-9-14

Rule Caption: Increases the single and multi-family award limits required for State Housing Council approval.

Adm. Order No.: OHCS 35-2014

Filed with Sec. of State: 10-9-2014

Certified to be Effective: 10-9-14

Notice Publication Date: 9-1-2014

Rules Amended: 813-001-0007

Rules Repealed: 813-001-0007(T)

Subject: The amendments will increase the single family and multi-family award limits that require approval by the State Housing Council.

Rules Coordinator: Sandy McDonnell—(503) 986-2012

813-001-0007

Procedural Rules for State Housing Council Review and Determination with Respect to Certain Housing Loan, Grant and Other Funding Award Proposals by the Director

(1) The director or the director's department designees shall submit proposed loan, grant or other funding award proposals arising under ORS 456.515 to 456.725 programs to the State Housing Council for review and approval if the proposal is for:

(a) A proposed single-family loan on property with a purchase price which, when reduced by costs of purchase other than the department loan, is equal to or greater than seventy-five percent of the applicable area program purchase price limit or \$190,000, whichever is greater; or

(b) A housing grant or other housing funding award with respect to a multifamily housing project equal to or greater than \$200,000 per funding source with an aggregate minimum threshold per project of \$400,000.

(2) The council shall review each loan, grant or other funding award proposal submitted by the director under this section and approve or disapprove the loan, grant or other funding award proposal. An approval by the council of any loan, grant or other funding award may be partial or in full and may contain any conditions that the council may prescribe.

(3) Formal council review of loan, grant or other funding award proposals under this section shall be conducted in a public meeting, whether in person or by telephone or other electronic means. The council may go into executive session, as appropriate, in the course of its review. A council public meeting notice, when required by ORS 192.640, shall include notice of the loan, grant or other funding award proposal review, the names of the applicants, and the subject of the loan, grant or funding award proposal. The council also shall provide notice of any loan, grant or other funding award proposal review to the loan, grant or other funding award applicant not less than five days before the review hearing.

(4) The public may contact the department for available information with respect to prospective council review of loan, grant or other funding award proposals by telephoning (503) 986-2000 or addressing written correspondence to: Oregon Housing and Community Services Department, 725 Summer Street NE, Suite B, Salem OR 97301.

(5) Procedural rules addressing other programs administered by the department are included, where applicable, in other divisions of this chapter. Additional procedural rules with respect to the review and approval of housing grants, loans and other funding awards also may be included, where applicable, in other divisions of the chapter.

Stat. Auth.: ORS 90.630, 90.771 - 90.775, 90.800 - 90.840, 183, 315.271, 317.097, 446.525 - 446.543, 456.515 - 456.725, 458.210 - 458.365, 458.405 - 458.460, 458.505 - 458.740, 566.310 - 566.350 & 757.612 - 757.617
Stats. Implemented: ORS 90.630, 90.771 - 90.775, 90.800 - 90.840, 183, 315.271, 317.097, 446.525 - 446.543, 456.515 - 456.725, 458.210 - 458.365, 458.405 - 458.460, 458.505 - 458.740, 566.310 - 566.350 & 757.612 - 757.617
Hist.: OHCS 2-2005(Temp), f. & cert. ef. 8-4-05 thru 1-31-06; OHCS 2-2006, f. & cert. ef. 1-31-06; OHCS 8-2013(Temp), f. & cert. ef. 6-21-13 thru 12-18-13; OHCS 19-2013, f. & cert. ef. 12-18-13; OHCS 24-2014(Temp), f. & cert. ef. 4-17-14 thru 10-14-14; OHCS 35-2014, f. & cert. ef. 10-9-14

Oregon Medical Board Chapter 847

Rule Caption: Fraud or misrepresentation on application, affidavit or registration

Adm. Order No.: OMB 12-2014

Filed with Sec. of State: 10-8-2014

Certified to be Effective: 10-8-14

Notice Publication Date: 8-1-2014

Rules Adopted: 847-008-0058

Rules Amended: 847-008-0010, 847-008-0040

Subject: The new rule states that violations of ORS 677.190(8), providing false, misleading or deceptive information on any application, affidavit or registration for any license type or status, is grounds for a \$195 fine for the first violation, a \$250 fine for the second violation, and a \$500 fine for the third or subsequent violation, and, possibly, further disciplinary action. The rule amendments delete the additional references to fraud or misrepresentation within Division 8 in order to have one comprehensive rule. The rule amendment also makes some housekeeping changes by deleting the requirement for the applicant to submit an affidavit and affidavit fee because the attestation is now obtained as needed through the electronic application process and there is no affidavit fee.

Rules Coordinator: Nicole Krishnaswami—(971) 673-2667

847-008-0010

Initial Registration

(1) An applicant for licensure as a physician (MD/DO), podiatrist, physician assistant, or acupuncturist, whose application file is complete, must submit to the Board the initial registration form and fee prior to being granted a license by the Board.

(2) Per OAR 847-020-0110(2), a person applying for licensure who has not completed the licensure process within a 12 month consecutive period must file a new application, documents, letters and pay a full filing fee as if filing for the first time.

(3) An individual who initially becomes licensed, certified or registered by the Board at any time during the first 12 months of a biennial registration period must pay the entire biennial registration fee for that period, except as provided in OAR 847-008-0015 and 847-008-0025.

(4) An individual who initially becomes licensed, certified, or registered by the Board at any time during the second 12 months of the biennial registration period must pay the registration fee for one year.

Stat. Auth.: ORS 677.265
Stats. Implemented: ORS 677.172, 677.190 & 677.205
Hist.: ME 5-1990, f. & cert. ef. 4-25-90; ME 5-1991, f. & cert. ef. 7-24-91; BME 8-1998, f. & cert. ef. 7-22-98; BME 6-2000, f. & cert. ef. 7-27-00; BME 2-2002, f. & cert. ef. 1-28-02; OMB 13-2012, f. & cert. ef. 4-17-12; OMB 12-2014, f. & cert. ef. 10-8-14

847-008-0040

Process of Registration

(1) The application for registration must be submitted to the Board by the first day of the month in which the license is due to expire.

(2) The application for registration must be accompanied by the appropriate fee as listed in 847-005-0005.

(3) At its discretion, the Board may waive the fee for good and sufficient reason.

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(4) If the licensee is the supervising physician of a physician assistant or the primary supervising physician of a supervising physician organization for a physician assistant, the application for registration must include any updates to existing practice agreements or Board-approved practice descriptions for every physician assistant the licensee supervises.

(5) If the licensee has been out of practice for more than 12 consecutive months or there are other concerns regarding the licensee's medical competency or fitness to practice, the Board may renew licensee at Inactive status once the license renewal form has been completed satisfactorily.

(6) The Board must provide to all licensees who have complied with this section a certificate of registration, which must be displayed in a prominent place in the licensee's primary practice location through the end of the last business day of the registration period.

Stat. Auth.: ORS 677.265

Stats. Implemented: ORS 677.175, 677.265 & 677.510

Hist.: ME 5-1990, f. & cert. ef. 4-25-90; BME 14-2004, f. & cert. ef. 7-13-04; BME 16-2008, f. & cert. ef. 7-21-08; BME 2-2009, f. & cert. ef. 1-22-09; OMB 19-2011(Temp), f. & cert. ef. 10-13-11 thru 4-10-12; Suspend temporary by OMB 27-2011(Temp), f. & cert. ef. 10-26-11 thru 4-10-12; OMB 31-2011(Temp), f. 12-15-11, cert. ef. 1-1-12 thru 6-29-12; OMB 4-2012, f. & cert. ef. 2-10-12; OMB 22-2012, f. & cert. ef. 8-3-12; OMB 4-2013(Temp), f. & cert. ef. 1-11-13 thru 7-10-13; OMB 7-2013, f. & cert. ef. 4-5-13; OMB 12-2014, f. & cert. ef. 10-8-14

847-008-0058

Fraud or Misrepresentation

Omissions or false, misleading or deceptive statements or information on any Board application, affidavit or registration is a violation of ORS 677.190(8) and is grounds for a \$195 fine for the first violation, a \$250 fine for the second violation, and a \$500 fine for the third or subsequent violation. The applicant or licensee may be subject to further disciplinary action by the Board.

Stat. Auth.: ORS 677.265

Stats. Implemented: ORS 677.190, 677.205 & 677.265

OMB 12-2014, f. & cert. ef. 10-8-14

Rule Caption: Demonstration of clinical competency through ongoing maintenance of certification

Adm. Order No.: OMB 13-2014

Filed with Sec. of State: 10-8-2014

Certified to be Effective: 10-8-14

Notice Publication Date: 8-1-2014

Rules Amended: 847-020-0182, 847-020-0183, 847-080-0021

Subject: The rule amendments clarify when an applicant may be required to demonstrate clinical competency by passing the SPEX, COMVEX or podiatry competency exam. The rule amendments also allow applicants with ongoing maintenance of certification the ability to request a SPEX, COMVEX or podiatry competency exam waiver. The rule amendments also reorganize the subsections, streamline the language, and contain general grammar and house-keeping changes.

Rules Coordinator: Nicole Krishnaswami—(971) 673-2667

847-020-0182

SPEX or COMVEX Requirements

(1) If an applicant for licensure or reactivation has not completed postgraduate training within the past 10 years or been certified or recertified by a specialty board within the past 10 years, the applicant may be required to demonstrate clinical competency by passing the Special Purpose Examination (SPEX) or Comprehensive Osteopathic Medical Variable-Purpose Examination (COMVEX).

(2) The SPEX/COMVEX requirement may be waived if the applicant has done one or more of the following:

(a) Received a current appointment as Professor or Associate Professor at the Oregon Health and Science University or the Western University of Health Sciences College of Osteopathic Medicine of the Pacific;

(b) Completed at least 50 hours of Board-approved continuing medical education each year for the past three years; or

(c) Can demonstrate ongoing participation in maintenance of certification with a specialty board as defined in 847-020-0100.

(3) The applicant who fails the SPEX or COMVEX three times, whether in Oregon or other states, must successfully complete one year of an accredited residency or an accredited or Board-approved clinical fellowship before retaking the SPEX or COMVEX.

(4) The applicant may be granted a Limited License, SPEX/COMVEX according to 847-010-0064.

(5) All rules, regulations and statutory requirements pertaining to the medical school graduate remain in full effect.

Stat. Auth.: ORS 677.265

Stats. Implemented: ORS 677.100, 677.132, 677.190 & 677.265

Hist.: OMB 25-2012, f. & cert. ef. 8-3-12; OMB 9-2013, f. & cert. ef. 4-5-13; OMB 13-2014, f. & cert. ef. 10-8-14

847-020-0183

Re-Entry to Practice — SPEX or COMVEX Examination, Re-Entry Plan

If an applicant has ceased the practice of medicine for a period of 12 or more consecutive months immediately preceding the application for licensure or reactivation, the applicant may be required to demonstrate clinical competency.

(1) The applicant who has ceased the practice of medicine for a period of 12 or more consecutive months may be required to pass the Special Purpose Examination (SPEX) or Comprehensive Osteopathic Medical Variable-Purpose Examination (COMVEX). This requirement may be waived if the applicant has done one or more of the following:

(a) The applicant has received a current appointment as Professor or Associate Professor at the Oregon Health and Science University or the Western University of Health Sciences College of Osteopathic Medicine of the Pacific;

(b) The applicant can demonstrate ongoing participation in maintenance of certification with a specialty board as defined in 847-020-0100; or

(c) Subsequent to ceasing practice, the applicant has:

(A) Completed one year of an accredited residency, or

(B) Completed one year of an accredited or Board-approved clinical fellowship, or

(C) Been certified or recertified by a specialty board as defined in 847-020-0100, or

(D) Obtained continuing medical education to the Board's satisfaction.

(2) The applicant who has ceased the practice of medicine for a period of 24 or more consecutive months may be required to complete a re-entry plan to the satisfaction of the Board. The re-entry plan must be reviewed and approved through a Consent Agreement prior to the applicant beginning the re-entry plan. Depending on the amount of time out-of-practice, the applicant may be required to do one or more of the following:

(a) Pass the SPEX/COMVEX examination;

(b) Practice for a specified period of time under a mentor/supervising physician who will provide periodic reports to the Board;

(c) Obtain certification or re-certification, or participate in maintenance of certification, with a specialty board as defined in 847-020-0100;

(d) Complete a re-entry program as determined appropriate by the Board;

(e) Complete one year of accredited postgraduate or clinical fellowship training, which must be pre-approved by the Board's Medical Director;

(f) Complete at least 50 hours of Board-approved continuing medical education each year for the past three years.

(3) The applicant who fails the SPEX or COMVEX examination three times, whether in Oregon or other states, must successfully complete one year of an accredited residency or an accredited or Board-approved clinical fellowship before retaking the SPEX or COMVEX examination.

(4) The applicant may be granted a Limited License, SPEX/COMVEX according to 847-010-0064.

(5) All of the rules, regulations and statutory requirements pertaining to the medical school graduate remain in full effect.

Stat. Auth.: ORS 677.265

Stats. Implemented: ORS 677.100, 677.190 & 677.265

Hist.: BME 20-2007, f. & cert. ef. 10-24-07; BME 4-2008, f. & cert. ef. 1-22-08; BME 6-2010, f. & cert. ef. 4-26-10; OMB 25-2011, f. & cert. ef. 10-18-11; OMB 9-2013, f. & cert. ef. 4-5-13; OMB 11-2014, f. & cert. ef. 4-9-14; OMB 13-2014, f. & cert. ef. 10-8-14

847-080-0021

Competency Examination and Re-Entry to Practice

(1) The applicant who has not completed postgraduate training within the past 10 years or been certified or recertified with the ABPM or the ABPS within the past 10 years may be required to pass a competency examination in podiatry. The competency examination may be waived if the applicant can demonstrate ongoing participation in maintenance of certification with the ABPM or ABPS, or has completed at least 50 hours of Board-approved continuing education each year for the past three years.

(2) The applicant who has ceased practice for a period of 12 or more consecutive months immediately preceding an application for licensure or reactivation may be required to pass a competency examination in podiatry. The competency examination may be waived if the applicant can demon-

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strate ongoing participation in maintenance of certification with the ABPM or ABPS, or subsequent to ceasing practice, the applicant has:

- (a) Passed the licensing examination administered by the NBPME, or
 - (b) Been certified or recertified by the ABPM or ABPS, or
 - (c) Completed a Board-approved one-year residency or clinical fellowship, or
 - (d) Obtained continuing medical education to the Board's satisfaction.
- (3) The applicant who has ceased the practice of medicine for a period of 24 or more consecutive months may be required to complete a re-entry plan to the satisfaction of the Board. The re-entry plan must be reviewed and approved through a Consent Agreement prior to the applicant beginning the re-entry plan. Depending on the amount of time out of practice, the applicant may be required to do one or more of the following:
- (a) Pass the licensing examination;
 - (b) Practice for a specified period of time under a mentor/supervising podiatric physician who will provide periodic reports to the Board;
 - (c) Obtain certification or re-certification, or participate in maintenance of certification, with the ABPM or the ABPS;
 - (d) Complete a re-entry program as determined appropriate by the Board;
 - (e) Complete one year of an accredited postgraduate or clinical fellowship training, which must be pre-approved by the Board's Medical Director;
 - (f) Complete at least 50 hours of Board-approved continuing medical education each year for the past three years.

(4) Licensure shall not be granted until all requirements of OAR chapter 847, division 80, are completed satisfactorily.

Stat. Auth.: ORS 677.265

Stats. Implemented: ORS 677.825 & 677.830

Hist.: OMB 20-2013, f. & cert. ef. 7-12-13; OMB 11-2014, f. & cert. ef. 4-9-14; OMB 13-2014, f. & cert. ef. 10-8-14

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Rule Caption: EMS providers administering naloxone and obtaining peripheral blood specimens

Adm. Order No.: OMB 14-2014

Filed with Sec. of State: 10-8-2014

Certified to be Effective: 10-8-14

Notice Publication Date: 8-1-2014

Rules Amended: 847-035-0030

Subject: The rule amendment expands the Emergency Medical Responder scope of practice to allow the preparation and administration of naloxone via intranasal device or auto-injector for suspected opioid overdose; clarifies that Advanced EMTs may obtain only peripheral venous blood specimens; and expands the Paramedic scope of practice to allow them to obtain peripheral arterial blood specimens.

Rules Coordinator: Nicole Krishnaswami—(971) 673-2667

847-035-0030

Scope of Practice

(1) The Oregon Medical Board has established a scope of practice for emergency and nonemergency care for emergency medical services providers. Emergency medical services providers may provide emergency and nonemergency care in the course of providing prehospital care as an incident of the operation of ambulance and as incidents of other public or private safety duties, but is not limited to "emergency care" as defined in OAR 847-035-0001.

(2) The scope of practice for emergency medical services providers is not intended as statewide standing orders or protocols. The scope of practice is the maximum functions which may be assigned to an emergency medical services provider by a Board-approved supervising physician.

(3) Supervising physicians may not assign functions exceeding the scope of practice; however, they may limit the functions within the scope at their discretion.

(4) Standing orders for an individual emergency medical services provider may be requested by the Board or Authority and must be furnished upon request.

(5) An emergency medical services provider, including an Emergency Medical Responder, may not function without assigned standing orders issued by a Board-approved supervising physician.

(6) An emergency medical services provider, acting through standing orders, must respect the patient's wishes including life-sustaining treatments. Physician-supervised emergency medical services providers must request and honor life-sustaining treatment orders executed by a physician,

nurse practitioner or physician assistant if available. A patient with life-sustaining treatment orders always requires respect, comfort and hygienic care.

(7) Whenever possible, medications should be prepared by the emergency medical services provider who will administer the medication to the patient.

(8) An Emergency Medical Responder may:

- (a) Conduct primary and secondary patient examinations;
- (b) Take and record vital signs;
- (c) Utilize noninvasive diagnostic devices in accordance with manufacturer's recommendation;
- (d) Open and maintain an airway by positioning the patient's head;
- (e) Provide external cardiopulmonary resuscitation and obstructed airway care for infants, children, and adults;

(f) Provide care for musculoskeletal injuries;

(g) Assist with prehospital childbirth;

(h) Complete a clear and accurate prehospital emergency care report form on all patient contacts and provide a copy of that report to the senior emergency medical services provider with the transporting ambulance;

(i) Administer medical oxygen;

(j) Maintain an open airway through the use of:

(A) A nasopharyngeal airway device;

(B) A noncuffed oropharyngeal airway device;

(C) A pharyngeal suctioning device;

(k) Operate a bag mask ventilation device with reservoir;

(l) Provide care for suspected medical emergencies, including administering liquid oral glucose for hypoglycemia;

(m) Prepare and administer aspirin by mouth for suspected myocardial infarction (MI) in patients with no known history of allergy to aspirin or recent gastrointestinal bleed;

(n) Prepare and administer epinephrine by automatic injection device for anaphylaxis;

(o) Prepare and administer naloxone via intranasal device or auto-injector for suspected opioid overdose; and

(p) Perform cardiac defibrillation with an automatic or semi-automatic defibrillator, only when the Emergency Medical Responder:

(A) Has successfully completed an Authority-approved course of instruction in the use of the automatic or semi-automatic defibrillator; and

(B) Complies with the periodic requalification requirements for automatic or semi-automatic defibrillator as established by the Authority.

(9) An Emergency Medical Technician (EMT) may:

(a) Perform all procedures that an Emergency Medical Responder may perform;

(b) Ventilate with a non-invasive positive pressure delivery device;

(c) Insert a cuffed pharyngeal airway device in the practice of airway maintenance. A cuffed pharyngeal airway device is:

(A) A single lumen airway device designed for blind insertion into the esophagus providing airway protection where the cuffed tube prevents gastric contents from entering the pharyngeal space; or

(B) A multi-lumen airway device designed to function either as the single lumen device when placed in the esophagus, or by insertion into the trachea where the distal cuff creates an endotracheal seal around the ventilatory tube preventing aspiration of gastric contents.

(d) Perform tracheobronchial tube suctioning on the endotracheal intubated patient;

(e) Provide care for suspected shock;

(f) Provide care for suspected medical emergencies, including:

(A) Obtain a capillary blood specimen for blood glucose monitoring;

(B) Prepare and administer epinephrine by subcutaneous injection, intramuscular injection, or automatic injection device for anaphylaxis;

(C) Administer activated charcoal for poisonings; and

(D) Prepare and administer nebulized Albuterol sulfate treatments for known asthmatic and chronic obstructive pulmonary disease (COPD) patients suffering from suspected bronchospasm.

(g) Perform cardiac defibrillation with an automatic or semi-automatic defibrillator;

(h) Transport stable patients with saline locks, heparin locks, foley catheters, or in-dwelling vascular devices;

(i) Assist the on-scene Advanced EMT, EMT-Intermediate, or Paramedic by:

(A) Assembling and priming IV fluid administration sets; and

(B) Opening, assembling and uncapping preloaded medication syringes and vials;

(j) Perform other emergency tasks as requested if under the direct visual supervision of a physician and then only under the order of that physician;

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(k) Complete a clear and accurate prehospital emergency care report form on all patient contacts;

(l) Assist a patient with administration of sublingual nitroglycerine tablets or spray and with metered dose inhalers that have been previously prescribed by that patient's personal physician and that are in the possession of the patient at the time the EMT is summoned to assist that patient;

(m) In the event of a release of organophosphate agents, the EMT who has completed Authority-approved training may prepare and administer atropine sulfate and pralidoxime chloride by autoinjector, using protocols approved by the Authority and adopted by the supervising physician; and

(n) In the event of a declared Mass Casualty Incident (MCI) as defined in the local Mass Casualty Incident plan, monitor patients who have isotonic intravenous fluids flowing.

(10) An Advanced Emergency Medical Technician (AEMT) may:

(a) Perform all procedures that an EMT may perform;

(b) Initiate and maintain peripheral intravenous (I.V.) lines;

(c) Initiate saline or similar locks;

(d) Obtain peripheral venous blood specimens;

(e) Initiate and maintain an intraosseous infusion in the pediatric patient;

(f) Perform tracheobronchial suctioning of an already intubated patient; and

(g) Prepare and administer the following medications under specific written protocols authorized by the supervising physician or direct orders from a licensed physician:

(A) Physiologic isotonic crystalloid solution;

(B) Anaphylaxis: epinephrine;

(C) Antihypoglycemics:

(i) Hypertonic glucose;

(ii) Glucagon;

(D) Vasodilators: nitroglycerine;

(E) Nebulized bronchodilators:

(i) Albuterol;

(ii) Ipratropium bromide;

(F) Analgesics for acute pain: nitrous oxide.

(11) An EMT-Intermediate may:

(a) Perform all procedures that an Advanced EMT may perform;

(b) Initiate and maintain an intraosseous infusion;

(c) Prepare and administer the following medications under specific written protocols authorized by the supervising physician, or direct orders from a licensed physician:

(A) Vasoconstrictors:

(i) Epinephrine;

(ii) Vasopressin;

(B) Antiarrhythmics:

(i) Atropine sulfate;

(ii) Lidocaine;

(iii) Amiodarone;

(C) Analgesics for acute pain:

(i) Morphine;

(ii) Nalbuphine Hydrochloride;

(iii) Ketorolac tromethamine;

(iv) Fentanyl;

(D) Antihistamine: Diphenhydramine;

(E) Diuretic: Furosemide;

(F) Intraosseous infusion anesthetic: Lidocaine;

(G) Anti-Emetic: Ondansetron;

(d) Prepare and administer immunizations in the event of an outbreak or epidemic as declared by the Governor of the state of Oregon, the State Public Health Officer or a county health officer, as part of an emergency immunization program, under the agency's supervising physician's standing order;

(e) Prepare and administer immunizations for seasonal and pandemic influenza vaccinations according to the CDC Advisory Committee on Immunization Practices (ACIP), and/or the Oregon State Public Health Officer's recommended immunization guidelines as directed by the agency's supervising physician's standing order;

(f) Distribute medications at the direction of the Oregon State Public Health Officer as a component of a mass distribution effort;

(g) Prepare and administer routine or emergency immunizations and tuberculosis skin testing, as part of an EMS Agency's occupational health program, to the EMT-Intermediate's EMS agency personnel, under the supervising physician's standing order;

(h) Insert an orogastric tube;

(i) Maintain during transport any intravenous medication infusions or other procedures which were initiated in a medical facility, if clear and understandable written and verbal instructions for such maintenance have been provided by the physician, nurse practitioner or physician assistant at the sending medical facility;

(j) Perform electrocardiographic rhythm interpretation; and

(k) Perform cardiac defibrillation with a manual defibrillator.

(12) A Paramedic may:

(a) Perform all procedures that an EMT-Intermediate may perform;

(b) Initiate the following airway management techniques:

(A) Endotracheal intubation;

(B) Cricothyrotomy; and

(C) Transtracheal jet insufflation which may be used when no other mechanism is available for establishing an airway;

(c) Initiate a nasogastric tube;

(d) Provide advanced life support in the resuscitation of patients in cardiac arrest;

(e) Perform emergency cardioversion in the compromised patient;

(f) Attempt external transcutaneous pacing of bradycardia that is causing hemodynamic compromise;

(g) Perform electrocardiographic interpretation;

(h) Initiate needle thoracostomy for tension pneumothorax in a pre-hospital setting;

(i) Obtain peripheral arterial blood specimens under specific written protocols authorized by the supervising physician;

(j) Access indwelling catheters and implanted central IV ports for fluid and medication administration;

(k) Initiate placement of a urinary catheter for trauma patients in a prehospital setting who have received diuretics and where the transport time is greater than thirty minutes; and

(l) Prepare and initiate or administer any medications or blood products under specific written protocols authorized by the supervising physician, or direct orders from a licensed physician.

Stat. Auth.: ORS 682.245

Stats. Implemented: ORS 682.245

Hist.: ME 2-1983, f. & ef. 7-21-83; ME 3-1984, f. & ef. 1-20-84; ME 12-1984, f. & ef. 8-2-84; ME 7-1985, f. & ef. 8-5-85; ME 12-1987, f. & ef. 4-28-87; ME 27-1987(Temp), f. & ef. 11-5-87; ME 5-1988, f. & cert. ef. 1-29-88; ME 12-1988, f. & cert. ef. 8-5-88; ME 15-1988, f. & cert. ef. 10-20-88; ME 2-1989, f. & cert. ef. 1-25-89; ME 15-1989, f. & cert. ef. 9-5-89; & corrected 9-22-89; ME 6-1991, f. & cert. ef. 7-24-91; ME 10-1993, f. & cert. ef. 7-27-93; ME 3-1995, f. & cert. ef. 2-1-95; ME 1-1996, f. & cert. ef. 2-15-96; ME 3-1996, f. & cert. ef. 7-25-96; BME 6-1998, f. & cert. ef. 4-27-98; BME 13-1998(Temp), f. & cert. ef. 8-6-98 thru 2-2-99; BME 14-1998, f. & cert. ef. 10-26-98; BME 16-1998, f. & cert. ef. 11-24-98; BME 13-1999, f. & cert. ef. 7-23-99; BME 14-2000, f. & cert. ef. 10-30-00; BME 11-2001, f. & cert. ef. 10-30-01; BME 9-2002, f. & cert. ef. 7-17-02; BME 10-2002, f. & cert. ef. 7-22-02; BME 1-2003, f. & cert. ef. 1-27-03; BME 12-2003, f. & cert. ef. 7-15-03; BME 4-2004, f. & cert. ef. 1-27-04; BME 11-2004(Temp), f. & cert. ef. 4-22-04 thru 10-15-04; BME 12-2004(Temp), f. & cert. ef. 6-11-04 thru 12-8-04; BME 21-2004(Temp), f. & cert. ef. 11-15-04 thru 4-15-05; BME 2-2005, f. & cert. ef. 1-27-05; BME 5-2005, f. & cert. ef. 4-21-05; BME 9-2005, f. & cert. ef. 7-20-05; BME 18-2006, f. & cert. ef. 7-25-06; BME 22-2006, f. & cert. ef. 10-23-06; BME 7-2007, f. & cert. ef. 1-24-07; BME 11-2007, f. & cert. ef. 4-26-07; BME 24-2007, f. & cert. ef. 10-24-07; BME 11-2008, f. & cert. ef. 4-24-08; BME 19-2008, f. & cert. ef. 7-21-08; BME 10-2009, f. & cert. ef. 5-1-09; BME 13-2009, f. & cert. ef. 7-20-09; BME 18-2009, f. & cert. ef. 10-23-09; BME 22-2009(Temp), f. & cert. ef. 10-23-09 thru 4-15-10; BME 5-2010, f. & cert. ef. 1-26-10; BME 8-2010(Temp), f. & cert. ef. 4-26-10 thru 10-15-10; BME 12-2010, f. & cert. ef. 7-26-10; BME 18-2010, f. & cert. ef. 10-25-10; OMB 1-2011, f. & cert. ef. 2-11-11; OMB 5-2011, f. & cert. ef. 4-8-11; OMB 8-2011, f. & cert. ef. 4-25-11; OMB 15-2012, f. & cert. ef. 4-17-12; OMB 30-2012, f. & cert. ef. 10-22-12; OMB 11-2013, f. & cert. ef. 4-5-13; OMB 14-2014, f. & cert. ef. 10-8-14

Rule Caption: Physician Assistant Limited License Pending Examination may be granted for six month period

Adm. Order No.: OMB 15-2014

Filed with Sec. of State: 10-8-2014

Certified to be Effective: 10-8-14

Notice Publication Date: 8-1-2014

Rules Amended: 847-050-0023

Subject: The rule amendment revises and clarifies the requirements for a physician assistant applicant to obtain a Limited License, Pending Examination. Specifically, the rule amendment clarifies that the application is subject to the Board's satisfaction; revises the time period from one year to six months; and clarifies that a practice agreement is required when the physician assistant begins practicing.

Rules Coordinator: Nicole Krishnaswami—(971) 673-2667

ADMINISTRATIVE RULES

847-050-0023

Limited License, Pending Examination

(1) An applicant for a Physician Assistant license who has successfully completed a physician assistant education program approved by the American Medical Association Council on Allied Health Education and Accreditation (CAHEA), or the Commission on Accreditation for Allied Health Education Programs (CAAHEP), or the Accreditation Review Commission on Education for the Physician Assistant (ARCPA) but has not yet passed the Physician Assistant National Certifying Examination (PANCE) given by the National Commission for the Certification of Physician Assistants (NCCPA) may be issued a Limited License, Pending Examination, if the following are met:

(a) The application file is complete with the exception of certification by the NCCPA to the satisfaction of the Board; and

(b) The applicant has submitted the appropriate form and fee prior to being issued a Limited License, Pending Examination.

(2) A practice agreement must be submitted to the Board within ten days after the physician assistant begins practice in accordance with OAR 847-050-0040.

(3) A Limited License, Pending Examination may include prescriptive privileges for Schedules III through V if the supervising physician specifies these prescription privileges for the physician assistant in the practice agreement;

(4) A Limited License, Pending Examination may be granted for a period of six months.

(5) Upon receipt of verification that the applicant has passed the NCCPA examination, and if their application file is otherwise satisfactorily complete, the applicant will be considered for a permanent license.

(6) The Limited License, Pending Examination will automatically expire if the applicant fails the NCCPA examination.

Stat. Auth.: ORS 677.265

Stat. Implemented: ORS 677.132 & 677.535

Hist.: ME 5-1993, f. & cert. ef. 4-22-93; ME 9-1995, f. & cert. ef. 7-28-95; BME 14-2002, f. & cert. ef. 10-25-02; BME 13-2003, f. & cert. ef. 7-15-03; [OMB 21-2011(Temp), f. & cert. ef. 10-13-11 thru 4-10-12; Suspend temporary by OBDD 28-2011(Temp), f. & cert. ef. 10-26-11 thru 4-10-12]; OMB 32-2011(Temp), f. 12-15-11, cert. ef. 1-1-12 thru 6-29-12; OMB 7-2012, f. & cert. ef. 2-10-12; OMB 5-2014, f. & cert. ef. 1-14-14; OMB 15-2014, f. & cert. ef. 10-8-14

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Rule Caption: Acupuncturist Limited License Pending Examination may be granted for six month period

Adm. Order No.: OMB 16-2014

Filed with Sec. of State: 10-8-2014

Certified to be Effective: 10-8-14

Notice Publication Date: 8-1-2014

Rules Amended: 847-070-0037

Subject: The rule amendment revises and clarifies the requirements for an acupuncturist applicant to obtain a Limited License, Pending Examination. Specifically, the rule amendment clarifies that the application is subject to the Board's satisfaction and revises the time period from one year to six months.

Rules Coordinator: Nicole Krishnaswami—(971) 673-2667

847-070-0037

Limited License, Pending Examination

(1) An acupuncturist who meets all requirements for Oregon acupuncture licensure but has not yet passed the acupuncture certification examination given by the National Certification Commission on Acupuncture and Oriental Medicine (NCCAOM) may be issued a Limited License, Pending Examination for the purpose of obtaining clinical training in Oregon under the supervision of a Board approved clinical supervisor if the following criteria are met:

(a) The application file is complete to the satisfaction of the Board.

(b) Certification by the NCCAOM is pending.

(c) The clinical supervisor approved to supervise the applicant meets the qualifications in OAR 847-070-0017 and is on-site and available to supervise at all times when the applicant is training.

(d) The applicant has submitted the appropriate form and fee prior to being issued a Limited License, Pending Examination.

(2) Any person obtaining clinical training under a Limited License, Pending Examination must identify themselves to patients as an acupuncture trainee and wear a name tag identifying themselves as a trainee.

(3) A Limited License, Pending Examination may be granted for a period of six months.

(4) Upon receipt of verification that the applicant has passed the acupuncture certification examination given by the NCCAOM, and if the

applicant's application file is otherwise satisfactorily complete, the applicant shall be scheduled for approval of permanent licensure.

(5) The Limited License, Pending Examination will automatically be canceled if the applicant fails the acupuncture certification examination given by the NCCAOM.

Stat. Auth.: ORS 677.265

Stat. Implemented: ORS 677.759

Hist.: BME 5-1999, f. & cert. ef. 4-22-99; BME 19-2007, f. & cert. ef. 10-24-07; OMB 7-2014, f. & cert. ef. 1-14-14; OMB 16-2014, f. & cert. ef. 10-8-14

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Oregon Public Employees Retirement System Chapter 459

Rule Caption: Clarify current practice and administration of membership eligibility standards.

Adm. Order No.: PERS 13-2014

Filed with Sec. of State: 9-29-2014

Certified to be Effective: 9-29-14

Notice Publication Date: 7-1-2014

Rules Amended: 459-005-0001, 459-010-0003, 459-010-0010, 459-010-0035, 459-070-0001, 459-075-0010

Subject: Eligibility for the PERS Tier One, Tier Two, and OPSRP Programs are predicated on the employee being in a "qualifying position," which is generally defined as one where an employee is normally required to perform 600 or more hours of service in a full calendar year. Applying this standard is complicated when the employee is not employed over the full calendar year, or what we refer to as a partial year of employment (e.g., the employee is hired after the first of the year or separates from employment before the calendar year ends).

In those circumstances, PERS relies on the employer to designate whether the position is one where 600 or more hours of service are normally required in a calendar year. In reporting to PERS, the employer designates if the employee is in a qualifying or non-qualifying ("Q/NQ") position during a partial year of employment. OAR 459-010-0003 currently recognizes this presumptive designation, but also defines circumstances where the presumption may be overridden (e.g., when an employer reports a position is non-qualifying, but the employee does in fact work more than 600 hours in a calendar year).

The current rule addresses what happens when the employee separates before the end of the calendar year ("partial year of separation"). These rule modifications also cover further scenarios for partial years when the member is hired after the first of the year ("partial year of hire") and for partial years due to a hire and separation in the same calendar year ("short segment"). These modifications clarify the administration of qualifying position determinations.

Other rule modifications clarify the terms "working days" and "business days." Certain membership eligibility determinations depend on these terms. A "working day" is a day the employer is open for business, and a "business day" is "a day Monday through Friday when PERS is open for business." Employers do not regularly report "working days" to PERS, and instances have occurred where the delay in obtaining "working day" information has deterred timely eligibility determinations. To address this concern, the rule amendments allow staff to use "business day" where "working day" information is not available to allow for more expeditious processing of eligibility and membership determinations, thereby improving PERS' overall administration.

Rules Coordinator: Daniel Rivas—(503) 603-7713

459-005-0001

Definitions, Generally

The words and phrases used in OAR Chapter 459 have the same meaning given them in ORS chapters 237, 238, 238A, and 243 unless otherwise indicated. Specific and additional terms used in OAR Chapter 459 generally are defined as follows unless context requires otherwise:

(1) "Ad hoc" means one-time for a specific purpose, case, or situation without consideration of a broader application.

(2) "After-tax" contributions means:

(a) Member contributions required or permitted by ORS 238.200 or 238.515, which a participating employer has not elected to "pick up,"

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assume or pay in accordance with ORS 238.205 and 238.515(b). "After-tax" contributions are included in the member's taxable income for purposes of state or federal income taxation at the time paid to PERS. "After-tax" contributions are included in computing FAS and in computing the employer's contributions paid to PERS.

(b) Payments made by a member to PERS for the purchase of additional benefits.

(3) "Before-tax" contributions means member contributions required or permitted by ORS 238.200 or 238.515, which a participating employer has elected to "pick up," assume or pay in accordance with ORS 238.205 and 238.515(b). "Before-tax" contributions are not included in the member's taxable income for purposes of state or federal income taxation at the time paid to PERS. "Before-tax" contributions are included in:

(a) Computing final average salary; and

(b) Computing the employer's contributions paid to PERS if the employer has elected to "pick up" the member contributions.

(4) "Business day" means a day Monday through Friday when PERS is open for business.

(5) "Calendar month" means a full month beginning with the first calendar day of a month and ending on the last calendar day of that month.

(6) "Calendar year" means 12 consecutive calendar months beginning on January 1 and ending on December 31.

(7) "Casual worker" means an individual engaged for incidental, occasional, irregular, or unscheduled intervals or for a period of less than six consecutive calendar months.

(8) "Contributions" means any contributions required or permitted pursuant to ORS 238.200 or 238.515.

(9) "Differential wage payment" means a payment made on or after January 1, 2009:

(a) By an employer to a member with respect to any period during which the member is performing service in the uniformed services, as defined in USERRA, while on active duty for a period of more than 30 consecutive days; and

(b) That represents all or a portion of the wages the member would have received from the employer if the member were performing service for the employer.

(10) "Effective date of withdrawal" means the later of:

(a) The first day of the calendar month in which PERS receives the last completed document required from a member who requested a withdrawal; or

(b) The first day of the second calendar month following the calendar month in which the member terminated employment with all participating employers and all employers in a controlled group with a participating employer.

(11) "Effective retirement date" means:

(a) For service retirements, the date described in OAR 459-013-0260;

or
(b) For disability retirements, the date described in OAR 459-015-0001.

(12) "Elected official" means an individual who is a public official holding an elective office or an appointive office with a fixed term for the state or for a political subdivision of the state who has elected to participate in PERS pursuant to ORS 238.015(5).

(13) "Emergency worker" means an individual engaged in case of emergency, including fire, storm, earthquake, or flood.

(14) "Employee" has the same meaning as provided in ORS 238.005 and shall be determined in accordance with OAR 459-010-0030.

(a) For the purposes of ORS 238.005 to 238.750 the term "employee" includes public officers whether elected or appointed for a fixed term.

(b) The term "employee" does not include:

(A) A member of the governing board of a political subdivision unless the individual qualifies for membership under ORS 238.015.

(B) An individual who performs services for a public employer as a contractor in an independently established business or as an employee of that contractor as determined in accordance with OAR 459-010-0032.

(C) An individual providing volunteer service to a public employer without compensation for hours of service as a volunteer, except for volunteer firefighters who establish membership in accordance with ORS 238.015(6).

(15) "Employer contribution account" means a record of employer contributions to the Fund, as required by ORS 238.225(1), and investment earnings attributable to those contributions, that the Board has credited to the account after deducting amounts required or permitted by ORS Chapter 238.

(16) "Employment" is compensated service to a participating employer as an employee whose:

(a) Period or periods of employment includes only the actual hours of compensated service with a participating employer as an employee; and

(b) Compensated service includes, but is not limited to, paid vacation, paid sick leave, or other paid leave.

(17) "Estimate" means a projection of benefits prepared by staff of a service or disability retirement allowance, a death or a refund payment. An estimate is not a guarantee or promise of actual benefits that eventually may become due and payable, and PERS is not bound by any estimates it provides.

(18) "FAS" and "final average salary" have the same meaning as provided in:

(a) ORS 238.005 for all PERS Tier One members;

(b) ORS 238.435(2) for all PERS Tier Two members who are not employed by a local government as defined in ORS 174.116;

(c) ORS 238.435(4) for all PERS Tier Two members who are employed by a local government as defined in ORS 174.116; or

(d) ORS 238.535(2) for judge members of PERS for service as a judge.

(19) "General service member" means membership in PERS as other than a judge member, a police officer, a firefighter, or a legislator.

(20) "Good cause" means a cause beyond the reasonable control of an individual. "Good cause" exists when it is established by satisfactory evidence that factors or circumstances are beyond the reasonable control of a rational and prudent individual of normal sensitivity, exercising ordinary common sense.

(21) "Independent contractor" means an individual or business entity that is not subject to the direction and control of the employing entity as determined in accordance with OAR 459-010-0032.

(22) "Judge member" has the same meaning as provided in ORS 238.500(3). For purposes of this chapter, active, inactive, and retired membership of a judge member shall have the same meaning as provided in ORS 238.005.

(23) "Legislator" means an individual elected or appointed to the Oregon Legislative Assembly who has elected to participate in PERS for their legislative service.

(24) "Member cost" means after-tax member contributions and payments made by or on behalf of a member to purchase additional benefits.

(25) "Participating employer" means a public employer who has one or more employees who are active members of PERS.

(26) "PERS" and "system" have the same meaning as the Public Employees Retirement System in ORS 238.600.

(27) "Qualifying position" has the same meaning as provided in ORS 238.005 and OAR 459-010-0003.

(28) "Regular account" means the account established under ORS 238.250 for each active and inactive member who has made contributions to the Fund or the account of an alternate payee of such a member.

(29) "Salary" has the same meaning as provided in ORS 238.005.

(a) "Salary" includes a differential wage payment, as defined in this rule.

(b) For a Tier One member, a lump sum payment for accrued vacation pay is considered salary:

(A) In determining employee and employer contributions.

(B) In determining final average salary for the purpose of calculating PERS benefits.

(c) For a Tier Two member, a lump sum payment for accrued vacation pay:

(A) Is considered salary in determining employee and employer contributions.

(B) Is not considered salary in determining final average salary for the purpose of calculating PERS benefits.

(30) "Seasonal worker" means an individual whose engagement is characterized as recurring for defined periods that are natural divisions of the employer's business cycle or services.

(31) "Staff" means the employees of the Public Employees Retirement System as provided for in ORS 238.645.

(32) "Tier One member" means a member who established membership in the system before January 1, 1996, as defined in ORS 238.430(2).

(33) "Tier Two member" means a member who established membership in the system on or after January 1, 1996, in accordance with ORS 238.430.

(34) "USERRA" means the federal Uniformed Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. 4301-4334, as in effect on the effective date of this rule.

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(35) "Vacation pay" means a lump sum payment for accrued leave in a Vacation Leave Program provided by a public employer which grants a period of exemption from work for rest and relaxation with pay, and does not include:

(a) Sick leave programs;

(b) Programs allowing the accumulation of compensatory time, holiday pay or other special leaves unless the public employer's governing body indicates by resolution, ordinance, or other legislative process, that such leave is intended to serve as additional vacation leave; and

(c) Other programs, such as a Personal Time Off (PTO) plan, which are a combination of vacation, sick, bereavement, personal and other leaves of pay as defined and described by a public employer unless the employer has a written policy that clearly indicates the percentage of the plan that represents vacation leave. If the employer's PTO has a cash option, the employer must report to PERS the amount of any lump sum pay-off for the percentage that represents vacation leave.

(36) "Variable account" and "member variable account" mean the account in the Variable Annuity Account established under ORS 238.260(2) for each active and inactive member who has elected to have amounts paid or transferred into the Variable Annuity Account.

(37) "Variable Annuity Account" means the account established in ORS 238.260(2).

(38) "Volunteer" means an individual who performs a service for a public employer, and who receives no compensation for the service performed. The term "volunteer" does not include an individual whose compensation received from the same public employer for similar service within the same calendar year exceeds the reasonable market value for such service.

(39) "Working day" means a day that the employer is open for business. Unless the employer communicates this information to PERS, PERS will presume an employer's "working day" is the same as a "business day," as defined in section (4) of this rule.

(40) "Year" means any period of 12 consecutive calendar months.

Stat. Auth.: ORS 238.650

Stats. Implemented: ORS 238

Hist.: PERS 2-1998, f. & cert. ef. 3-16-98; PERS 3-2003(Temp), f. 6-13-03, cert. ef. 7-1-03 thru 12-26-03; PERS 12-2003, f. & cert. ef. 11-14-03; PERS 14-2003, f. & cert. ef. 11-20-03; PERS 15-2003, f. & cert. ef. 12-15-03; PERS 9-2004(Temp), f. 4-15-04 cert. ef. 5-21-04 thru 7-1-04; PERS 15-2004, f. & cert. ef. 6-15-04; PERS 19-2005, f. 11-1-05, cert. ef. 1-1-06; PERS 4-2006, f. & cert. ef. 4-5-06; PERS 1-2009, f. & cert. ef. 2-12-09; PERS 3-2010, f. & cert. ef. 5-28-10; PERS 1-2012, f. & cert. ef. 2-1-12; PERS 13-2014, f. & cert. ef. 9-29-14

459-010-0003

Eligibility and Membership for the PERS Chapter 238 Program

(1) For the purpose of this rule:

(a) "Concurrent positions" means employment with two or more participating employers in the same calendar year.

(b) "Partial year of hire" means a period in the calendar year the employee begins employment after the first working day of the year, and continues employment through December 31.

(c) "Partial year of separation" means a period in the calendar year the employee separates from employment that begins on January 1 of the year and ends before the last working day of the year.

(d) "Qualifying position" means a position designated by the employer as qualifying, including a position in a partial year of hire, partial year of separation, or short segment, except:

(A) A position or concurrent positions in which an employee performs at least 600 hours of service in a calendar year is qualifying regardless of employer designation.

(B) A position in a partial year of separation is qualifying regardless of employer designation if the position is continued from an immediately preceding calendar year in which the employee performed at least 600 hours of service in the position or concurrent positions.

(C) A position with one employer in which the employee is employed for the entire calendar year and fails to perform at least 600 hours of service in that position or concurrent positions in the calendar year is non-qualifying regardless of employer designation.

(e) "Service" means a period in which an employee:

(A) Is in an employer/employee relationship, as defined in OAR 459-010-0030; and

(B) Receives a payment of "salary," as defined in ORS 238.005 or similar payment from workers compensation or disability.

(f) "Short segment" means a period in the calendar year during which the employee is hired after the first working day of the year, and separated from employment before the last working day of the same calendar year.

(2) At the time an employee is hired, an employer must designate the employee's position as qualifying or non-qualifying. An employer must

designate a position as qualifying if the position is one in which an employee would normally perform at least 600 hours of service in a calendar year.

(3) Employer designation of a position as qualifying or non-qualifying must be determined by PERS from information communicated to PERS by the employer. An employer designation that is contrary to the provisions of subsection (1)(d) of this rule in any calendar year will be reversed for that calendar year.

(4) Eligibility. An employee who was employed in a qualifying position before August 29, 2003 by an employer participating in the PERS Chapter 238 Program was eligible to become a member of that program if the employee:

(a) Began the six-month waiting period described in OAR 459-010-0035 before August 29, 2003;

(b) Did not elect to participate in an optional or alternative retirement plan as provided in ORS Chapters 243, 341, or 353; and

(c) Was not otherwise ineligible for membership.

(5) Membership. An employee who meets the requirements of section (4) of this rule becomes a member of the PERS Chapter 238 Program on the first day of the calendar month following the completion of the six-month waiting period described in OAR 459-010-0035 provided that the employee is employed on that date by the same employer that employed the employee throughout the waiting period.

Stat. Auth.: ORS 238.650

Stats. Implemented: ORS 238.005, 238.015, & 238A.025

Hist.: PERS 5-2005, f. & cert. ef. 2-22-05; PERS 23-2005, f. 12-23-05, cert. ef. 1-1-06; PERS 15-2007, f. & cert. ef. 11-23-07; PERS 13-2014, f. & cert. ef. 9-29-14

459-010-0010

Leave of Absence Without Pay

(1) For purposes of this rule, "major fraction of a month" means a minimum of 11 business days in a calendar month.

(2) Employer/Employee Agreement. An official leave of absence without pay for any purpose must have the following in order to be considered bona fide:

(a) An agreement in writing;

(b) Accordance with the applicable law, rules and regulations;

(c) The duration specifically stated at the time of granting; and

(d) Certification to PERS by the employer granting such leave.

(3) Creditable Service and Retirement Credit.

(a) A leave of absence without pay occurring on or after July 1, 1987, which constitutes the major fraction of a month:

(A) May not be used to calculate "years of membership" under ORS 238.300; and

(B) May not be used to determine "creditable service" or "retirement credit" under ORS 238.005.

(b) A leave of absence without pay occurring before July 1, 1987, which constitutes the major fraction of a month:

(A) Must be used to calculate "years of membership" under ORS 238.300; and

(B) Must be used to determine "creditable service" and "retirement credit" under ORS 238.005.

(c) A leave of absence without pay occurring on or after January 1, 2004, which constitutes the major fraction of a month may not be used to determine "retirement credit" under ORS 238A.140 for any period of employment after the date membership is established under ORS 238A.100.

(4) Reporting Requirement. Unless otherwise agreed upon by PERS, the employer shall report the following in a format acceptable to PERS:

(a) Any period of leave of absence without pay, which constitutes the major fraction of a month, for each member at the time the leave begins. The reported period of leave of absence without pay must include an end date.

(b) Any amendment or extension to a previously reported period of leave of absence without pay.

(5) A PERS member on an official leave of absence without pay is not considered terminated from service with a participating employer.

(6) An employee on an official leave of absence without pay on the date the employer begins to participate in PERS, shall be considered to be an employee on such date for the purpose of determining eligibility for participation in PERS.

(7) A layoff from employment does not constitute a leave of absence without pay.

Stat. Auth.: ORS 238.650 & 238A.450

Stats. Implemented: ORS 238.300 & 238A.140

Hist.: PER 8, f. 12-15-55; PERS 12-1998, f. & cert. ef. 12-17-98; PERS 12-2001, f. 12-14-01, cert. ef. 1-1-02; PERS 21-2005, f. & cert. ef. 11-1-05; PERS 15-2008, f. & cert. ef. 11-26-08; PERS 3-2010, f. & cert. ef. 5-28-10; PERS 13-2014, f. & cert. ef. 9-29-14

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459-010-0035

Six-Month Waiting Period

(1) The six-month waiting period required for establishing membership under ORS 238.015 is six full calendar months of service with the same employer. The service must be in a "qualifying position," as defined in OAR 459-010-0003. The six full calendar months of service may not be interrupted by more than 30 consecutive working days.

(2) The waiting period begins on:

(a) The date the employee is hired, and includes the month of hire as a full calendar month, if the date of hire is the first business day of the month;

(b) The first day of the month following the date of hire; or

(c) The first day of the month following the end date of an interruption of service of more than 30 consecutive working days.

(3) In the event an employee is on an official leave of absence under OAR 459-010-0010, the period of absence shall not constitute an interruption of the waiting period under section (1) of this rule. The waiting period shall be extended by the length of the leave of absence.

(4) Absence from service by an educational employee during periods that the employing educational institution is not in session does not constitute an interruption of the waiting period under section (1) of this rule. The waiting period shall be extended by the length of the period the educational institution is not in session.

Stat. Auth.: ORS 238.650

Stats. Implemented: ORS 238.015

Hist.: PER 8, f. 12-15-55; PERS 12-1998, f. & cert. ef. 12-17-98; PERS 10-2005, f. & cert. ef. 3-31-05; PERS 15-2007, f. & cert. ef. 11-23-07; PERS 13-2014, f. & cert. ef. 9-29-14

459-070-0001

Definitions

The words and phrases used in divisions 070, 075, 076, and 080 of OAR Chapter 459 have the same meaning given them in ORS 238A.005 to 238A.475, unless otherwise indicated. Specific and additional terms for purposes of divisions 070, 075, 076 and 080 are defined as follows unless context requires otherwise:

(1) "Academic employee of a community college" means an instructor who teaches classes offered for college-approved credit or on a non-credit basis.

(a) Librarians, counselors, and aides in non-teaching positions, tutors, or other non-teaching faculty, and classified, professional or nonprofessional support staff are not academic employees for the purposes of ORS 238A.142, but are subject to the membership requirements under ORS 238A.100 and OAR 459-075-0010.

(b) The governing body of a community college must determine who is an academic employee in its employ under this rule. In making that determination, a community college must consider all disciplines (academic activity) collectively when an employee's assignment includes multiple disciplines.

(2) "Business day" means a day Monday through Friday when PERS is open for business.

(3) "Calendar month" means a full month beginning on the first calendar day of a month and ending on the last calendar day of the same month.

(4) "Calendar year" means 12 consecutive calendar months beginning on January 1 and ending on December 31.

(5) "Employee" has the same meaning as "eligible employee" in ORS 238A.005 and shall be determined in accordance with OAR 459-010-0030.

(a) For the purposes of ORS 238A.005 to 238A.475, the term "employee" includes public officers whether elected or appointed for a fixed term.

(b) The term "employee" does not include:

(A) An individual who performs services for a public employer as a contractor in an independently established business or as an employee of that contractor in accordance with OAR 459-010-0032; or

(B) An individual providing volunteer service to a public employer without compensation for hours of service as a volunteer.

(6) "Employee class" means a group of similarly situated employees whose positions have been designated by their employer in a policy or collective bargaining agreement as having common characteristics.

(7) "Employee contributions" means contributions made to the individual account program by an eligible employee under ORS 238A.330, or on behalf of the employee under ORS 238A.335.

(8) "Final Average Salary" (FAS) has the same meaning given the term in:

(a) ORS 238A.130(1) for OPSRP Pension Program members who are not employed by a local government as defined in ORS 174.116; or

(b) ORS 238A.130(3) for OPSRP Pension Program members who are employed by a local government as defined in ORS 174.116.

(9) "Member" has the same meaning given the term in ORS 238A.005.

(10) "Member account" means the account of a member of the individual account program.

(11) "Member of PERS" has the same meaning as "member" in ORS 238.005, but does not include retired members.

(12) "OPSRP" means the Oregon Public Service Retirement Plan.

(13) "Overtime" means the salary or hours, as applicable, that an employer has designated as overtime.

(14) "Partial year of hire" means a period in the calendar year the employee begins employment after the first working day of the year, and continues employment through December 31.

(15) "Partial year of separation" means a period in the calendar year the employee separates from employment that begins on January 1 of the year, and ends before the last working day of the year.

(16) "Qualifying position" has the same meaning as provided in ORS 238A.005 and means a position designated by the employer as qualifying, including a position in a partial year of hire, partial year of separation, or short segment, except:

(a) A position or concurrent positions in which an employee performs at least 600 hours of service in a calendar year is qualifying regardless of employer designation.

(b) A position in a partial year of separation is qualifying regardless of employer designation if the position is continued from an immediately preceding calendar year in which the employee performed at least 600 hours of service in the position or concurrent positions.

(c) A position with one employer in which the employee is employed for the entire calendar year and fails perform at least 600 hours of service in that position or concurrent positions in the calendar year is non-qualifying regardless of employer designation.

(17) "Salary" has the same meaning given the term in ORS 238A.005 and includes a differential wage payment, as defined in OAR 459-005-0001.

(18) "School employee" has the meaning given the term in ORS 238A.140(7).

(19) "Service" means a period in which an employee:

(a) Is in an employer/employee relationship, as determined in accordance with OAR 459-010-0030; and

(b) Receives a payment of "salary," as defined in ORS 238A.005 or similar payment from workers' compensation or disability.

(20) "Short segment" means a period in the calendar year during which the employee is hired after the first working day of the year, and separated from employment before the last working day of the same calendar year.

(21) "Volunteer" means an individual who performs a service for a public employer, and who receives no compensation for the service performed. The term "volunteer" does not include an individual whose compensation received from the same public employer for similar service within the same calendar year exceeds the reasonable market value for such service.

(22) "Working day" means a day that the employer is open for business. Unless the employer communicates this information to PERS, PERS will presume an employer's "working day" is the same as a "business day," as defined in section (2) of this rule.

Stat. Auth.: ORS 238A.450

Stats. Implemented: ORS 238A

Hist.: PERS 4-2004, f. & cert. ef. 2-18-04; PERS 7-2005(Temp), f. & cert. ef. 2-22-05 thru 8-15-05; PERS 11-2005, f. & cert. ef. 6-16-05; PERS 25-2005, f. 12-23-05, cert. ef. 1-1-06; PERS 7-2006, f. & cert. ef. 4-5-06; PERS 17-2007, f. & cert. ef. 11-23-07; PERS 1-2009, f. & cert. ef. 2-12-09; PERS 13-2014, f. & cert. ef. 9-29-14

459-075-0010

Eligibility and Membership

(1) Eligibility. An employee who is employed in a qualifying position on or after August 29, 2003 by an employer participating in the OPSRP Pension Program is eligible to become a member of that program unless the employee:

(a) Has established membership in the PERS Chapter 238 Program before August 29, 2003 under the terms of ORS 238A.025 and has not terminated membership in that program under ORS 238.095;

(b) Is a judge member as defined in ORS 238.500;

(c) Elects to participate in an optional or alternative retirement plan as provided in ORS Chapters 243, 341, or 353; or

(d) Is otherwise ineligible for membership.

(2) Membership:

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(a) An employee who meets the requirements in section (1) of this rule becomes a member of the OPSRP Pension Program on the first day of the calendar month following the employee's completion of a waiting period of six full calendar months of service in a qualifying position with the same participating public employer. The six full calendar months of service may not be interrupted by more than 30 consecutive working days.

(b) The waiting period begins on:

(A) The date the employee is hired, and includes the month of hire as a full calendar month, if the date of hire is the first business day of the month;

(B) The first day of the month following the date of hire; or

(C) The first day of the month following the end date of an interruption of service of more than 30 consecutive working days.

(c) In the event an employee is on an official leave of absence as described in OAR 459-010-0010, the period of absence shall not constitute an interruption of the waiting period under subsection (a) of this section. The waiting period shall be extended by the length of the leave of absence.

(d) Absence from service by an educational employee during periods that the employing educational institution is not in session shall not constitute an interruption of the waiting period under subsection (a) of this section.

(3) The provisions of this rule are retroactive to November 23, 2007.

Stat. Auth.: ORS 238A.450

Stats. Implemented: ORS 238A.025, 238A.100 & OL 2007 Ch. 769

Hist.: PERS 4-2004, f. & cert. ef. 2-18-04; PERS 8-2006, f. & cert. ef. 4-5-06; PERS 17-2007, f. & cert. ef. 11-23-07; PERS 13-2008, f. & cert. ef. 7-31-08; PERS 13-2014, f. & cert. ef. 9-29-14

Rule Caption: Eliminate allocation of employer payments based on receivable due date or pre-set priority list.

Adm. Order No.: PERS 14-2014

Filed with Sec. of State: 9-29-2014

Certified to be Effective: 9-29-14

Notice Publication Date: 8-1-2014

Rules Amended: 459-070-0110

Subject: PERS administers both a qualified pension plan under IRC 401(a) and a health insurance program under IRC 401(h). When electronic reporting and payment methods were instituted, OAR 459-070-0110 was adopted to allocate employer contributions by the order of receivables' due dates, oldest first. In addition, the rule also established a priority order to the various "buckets" to which funds would be allocated if an employer made a partial payment of their employer contribution invoice and there were multiple receivables having the same due date. Internal Audit Reports in August 2009 and January 2013 raised concerns about whether this allocation structure was consistent with PERS' general responsibilities as a fiduciary and the IRS requirements that contributions be reasonable and ascertainable, and that those made for specific trusts or other purposes not be used for, or diverted to, any other purpose. Suggested process improvements and other recommendations were also made in the Audit reports.

Consequently, the employer payment remittance process was revised. Programming for the new employer contribution procedure was implemented in August 2014 to require that all employer contributions be designated and assigned to specific programs (i.e. employer contributions to their reserve accounts, to the PERS Health Insurance Program, or member contributions to the IAP). The rule's priority allocation structure, therefore, is now obsolete.

Sections (4) and (5) of the rule are removed because contributions made by the employers under the new programming will be clearly designated or identified as to specific programs and allocated as such. PERS will no longer co-mingle employer contributions and allocate them to receivables in the order of receivables' due dates or a pre-set priority list.

Rules Coordinator: Daniel Rivas—(503) 603-7713

459-070-0110

Employer Remittance of Contributions

(1) Definition. "Statement date" means the date a statement of contributions or penalty due is generated by PERS.

(2) When PERS issues a statement of contributions due and, if applicable, any penalty due, unless otherwise agreed upon by the PERS

Executive Director and the employer, an employer must pay to PERS the total amount of contributions and penalty due no later than five business days from the statement date. Payment must be made pursuant to OAR 459-005-0225.

(3) An employer that fails to pay the total amount due on a statement within the time specified in section (2) of this rule must pay a penalty equal to one percent of the total amount of contributions due on that statement for each month the employer is delinquent.

(4) The PERS Executive Director or a person designated by the Director may waive the penalty described in section (3) of this rule for contributions due on or after January 1, 2011 and before January 1, 2012. For contributions due on or after January 1, 2012, penalties may be waived by the Director or the Director's designee only upon written petition from the employer.

Stat. Auth.: ORS 238A.450, 238.650

Stats. Implemented: ORS 238A.050 & 238.705

Hist.: PERS 25-2003, f. 12-30-03 cert. ef. 1-1-04; PERS 29-2004, f. & cert. ef. 11-23-04; PERS 13-2005, f. & cert. ef. 7-5-05; PERS 1-2011, f. & cert. ef. 2-2-11; PERS 14-2014, f. & cert. ef. 9-29-14

Oregon State Library Chapter 543

Rule Caption: Hours of Service

Adm. Order No.: OSL 1-2014(Temp)

Filed with Sec. of State: 9-29-2014

Certified to be Effective: 10-1-14 thru 3-30-15

Notice Publication Date:

Rules Amended: 543-010-0034

Subject: OAR 543-010-0034 is being amended to reflect the authority the State Librarian has regarding operations of the Library and specifically the hours of service for the Talking Book and Braille Library and the reference room.

Rules Coordinator: MaryKay Dahlgreen—(503) 378-4367

543-010-0034

Hours of Service

The Oregon State Library Building will be open from 8:00 a.m. to 5:00 p.m., Monday through Friday, excepting legal holidays, and may be open at other times by special arrangement with the State Librarian. The State Library Board authorizes the State Librarian to set times for public access to materials and services. Schedules will be available to the public in a State Library policy.

Stat. Auth.: ORS 357.015(2)

Stats. Implemented: ORS 357.012(2)

Hist.: OSL 1-1981(Temp), f. 6-16-81, ef. 7-1-81; OSL 2-1981, f. 9-28-81, ef. 10-1-81; OSL 1-1989, f. 4-18-89, cert. ef. 4-17-89; OSL 1-1992, f. 2-11-92, ef. 2-17-92; OSL 1-2000, f. & cert. ef. 4-13-00; OSL 1-2014(Temp), f. 9-29-14, cert. ef. 10-1-14 thru 3-30-15

Public Utility Commission Chapter 860

Rule Caption: In the Matter of Updates to OAR 860-084-0150, 860-084-0190, and 860-084-0220.

Adm. Order No.: PUC 6-2014

Filed with Sec. of State: 10-14-2014

Certified to be Effective: 10-14-14

Notice Publication Date: 9-1-2014

Rules Amended: 860-084-0150, 860-084-0190, 860-084-0220

Subject: These rule changes implement the legislated changes to the Solar Pilot Programs set out in Chapter 244, Oregon Laws 2013 (House Bill 2893, 2013).

Rules Coordinator: Diane Davis—(503) 378-4372

860-084-0150

Solar Photovoltaic Pilot Capacity Limit

New capacity reservations will not be accepted after March 31, 2016, or after the cumulative capacity of contracted systems in pilot programs reaches 27.5 megawatts of nameplate capacity, whichever is earlier.

Stat Auth: ORS 757.360 - 757.380

Stats. Implemented: ORS 757.360 - 757.380

Hist.: PUC 2-2010, f. & cert. ef. 6-1-10; PUC 7-2011, f. & cert. ef. 9-30-11; PUC 6-2014, f. & cert. ef. 10-14-14

ADMINISTRATIVE RULES

860-084-0190

Distributing Capacity by System Size

(1) Three size classes of qualifying systems are established and defined by a range of nameplate capacity. The Commission may modify these capacity ranges.

(a) A small-scale system has a nameplate capacity of less than or equal to 10 kilowatts;

(b) A medium-scale system has a nameplate capacity greater than 10 kilowatts and less than or equal to 100 kilowatts; and

(c) A large-scale system has a nameplate capacity greater than 100 kilowatts and less than or equal to 500 kilowatts.

(2) An electric company must distribute certain percentages of its pilot capacity allocation to small-scale, medium-scale, and large-scale capacity systems as directed by Commission order.

(3) An electric company with less than one megawatt of total allocation must allocate 100 percent of its solar photovoltaic capacity limit to small-scale systems.

Stat Auth: ORS 757.360 - 757.380

Stats. Implemented: ORS 757.360 - 757.380

Hist.: PUC 2-2010, f. & cert. ef. 6-1-10; PUC 6-2010, f. & cert. ef. 11-19-10; PUC 7-2011, f. & cert. ef. 9-30-11; PUC 6-2014, f. & cert. ef. 10-14-14

860-084-0220

Capacity Availability

(1) Each electric company must announce the total capacity available for reservation before each enrollment period.

(2) Each electric company must announce when the capacity allocation is fully reserved.

(3) Unreserved capacity in any enrollment period must be added to the available capacity for the respective size systems in the next capacity reservation period.

Stat Auth: ORS 757.360 - 757.380

Stats. Implemented: ORS 757.360 - 757.380

Hist.: PUC 2-2010, f. & cert. ef. 6-1-10; PUC 7-2011, f. & cert. ef. 9-30-11; PUC 6-2014, f. & cert. ef. 10-14-14

Teacher Standards and Practices Commission

Chapter 584

Rule Caption: Makes changes to requirements for Charter School Teacher registration.

Adm. Order No.: TSPC 7-2014(Temp)

Filed with Sec. of State: 9-24-2014

Certified to be Effective: 9-24-14 thru 3-23-15

Notice Publication Date:

Rules Amended: 584-023-0005

Subject: Removes requirements that charter school teachers meet federal standards for "Highly Qualified" in order to be registered with the agency.

Rules Coordinator: Victoria Chamberlain—(503) 378-6813

584-023-0005

Registry of Charter School Teachers

(1) No persons shall serve as a teacher (as defined in ORS 342.120) in a public charter school unless such person either holds a valid Oregon license issued by TSPC pursuant to 338.135 or is registered with TSPC as a charter school teacher in accordance with 342.125(5).

(2) TSPC shall create a Public Charter School Registry for all non-licensed persons who are employed and registered as teachers in any charter school.

(3) To obtain a charter school teacher registration, an applicant and the employing charter school will submit a joint application, which will include the following documentation:

(a) Description of the specific teaching position the applicant will fill with the employing charter school plus an indication of the exact subjects the educator will be teaching;

(b) Fingerprints on forms prescribed by the Oregon State Police and in the manner required by TSPC. Fingerprint cards previously filed with the Oregon Department of Education do not qualify;

(c) Completed application and fee;

(d) Transcripts of the applicant's post-secondary education and evidence of other experience and qualifications relevant to the teaching position the applicant is seeking;

(e) A list of any professional licenses held; and

(f) A passing score on a commission-approved test of knowledge of U.S. and Oregon civil rights laws and professional ethics unless these requirements have already been met through prior TSPC licensure.

(4) The registration is not transferrable to another charter school without an application for a registration change with TSPC.

(5) A charter school registration may be renewed for an additional three-year term upon joint application of the registrant and employing charter school on forms established by the Commission and upon the payment of the applicable fee.

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.120–342.430, 342.455–342.495 & 342.533

Hist.: TSPC 5-1999(Temp), f. & cert. ef. 8-24-99 thru 2-19-00; TSPC 7-1999, f. & cert. ef. 10-8-99; TSPC 9-2006, f. & cert. ef. 6-15-06; TSPC 7-2007, f. & cert. ef. 12-14-07; TSPC 4-2009, f. & cert. ef. 9-22-09; TSPC 5-2010(Temp), f. & cert. ef. 8-13-10 thru 12-31-10; TSPC 9-2010, f. & cert. ef. 1-1-11; TSPC 4-2012, f. & cert. ef. 5-18-12; TSPC 1-2014(Temp), f. & cert. ef. 3-15-14 thru 9-10-14; TSPC 5-2014, f. & cert. ef. 8-5-14; TSPC 7-2014(Temp), f. & cert. ef. 9-24-14 thru 3-23-15

Water Resources Department

Chapter 690

Rule Caption: Preference for Human Consumption and Stock Water Use in Klamath County During Governor-Declared Drought

Adm. Order No.: WRD 2-2014

Filed with Sec. of State: 9-26-2014

Certified to be Effective: 9-26-14

Notice Publication Date: 9-1-2014

Rules Adopted: 690-022-0020, 690-022-0025, 690-022-0030

Subject: ORS 536.750 authorizes the Oregon Water Resources Commission, pursuant to a gubernatorial declaration of drought, to grant a preference of water use for human consumption and stock watering over other uses of water regardless of priority date. Without the preference, the use of water for human consumption and stock watering would be subject to regulation, and as a result, water that would otherwise be used to meet these needs would not be available. For some water users, there are no readily available alternative sources of water for either stock watering or human consumption. These rules propose to grant a preference for the use of water for stock watering and human consumption in Klamath County during a governor declared drought emergency in Klamath County.

Rules Coordinator: Joshua Spansail—(503) 986-0874

690-022-0020

Purpose and Statutory Authority

(1) The purpose of these rules is to implement ORS 536.750(1)(c), which authorizes the Commission, pursuant to a gubernatorial declaration that a severe, continuing drought exists, to grant a temporary preference to water rights for human consumption or stock watering use over other water uses regardless of priority date.

(2) These rules, pursuant to the Governor's Executive Order no.14-01, dated February 13, 2014, are effective upon filing, and shall remain effective until December 31, 2014. During the effective period of these rules and a drought declaration under ORS 536.740 in Klamath County, the Commission grants a preference in Klamath County of use for water rights for human consumption or stock watering as provided in this rule. The temporary preference of use shall only apply to Klamath County and shall remain in effect only during the effective time period of the Governor's drought declaration in Klamath County while these rules are in effect.

(3) These rules are repealed on December 31, 2014.

Stat. Auth.: ORS 536.025; 536.027; 536.750

Stats. Implemented: ORS 536.750

Hist.: WRD 1-2014(Temp), f. 3-25-14, cert. ef. 4-1-14 thru 9-27-14; WRD 2-2014, f. & cert. ef. 9-26-14

690-022-0025

Definitions

Unless the context requires otherwise, the words and phrases used in division 22 have the following meaning:

(1) "Commission" means the Oregon Water Resources Commission.

(2) "Department" means the Oregon Water Resources Department.

(3) "Human Consumption" means the use of water for the purposes of drinking, cooking, and sanitation.

(4) "Stock Watering" means the use of water for consumption by domesticated animals and wild animals held in captivity as pets or for profit.

Stat. Auth.: ORS 536.025; 536.027; 536.750

Stats. Implemented: ORS 536.750

ADMINISTRATIVE RULES

Hist.: WRD 1-2014(Temp), f. 3-25-14, cert. ef. 4-1-14 thru 9-27-14; WRD 2-2014, f. & cert. ef. 9-26-14

690-022-0030

Applicability and Preference

During the effective period of a drought declaration under ORS 536.740 in Klamath County, and notwithstanding any provision of law to the contrary, the Commission grants a temporary preference for human consumption and/or stock watering as follows:

(1) The preference described in these rules applies only to the diversion or use of water within Klamath County.

(2) Uses of water for human consumption and stock watering, to the extent authorized under a water right certificate, permit, decree, or findings of fact and order of determination issued in an adjudication subject to ORS Chapter 539, are granted a preference over all other water uses regardless of the priority date of the water right for stock watering or human consumption.

(3) The Department will regulate water rights in Klamath County in accordance with the preference for water rights for human consumption and stock watering use as provided in subsection (2) of this section.

(4) Water right holders exercising the human consumption or stock water preferences established in this rule shall assure curtailment of water uses unrelated to the preference.

(5) This preference does not authorize a water right holder exercising the preference to make a call for water.

(6) The option for a water right holder to exercise the preference only applies to a water right holder being regulated by the watermaster in order to satisfy a senior water right.

Stat. Auth.: ORS 536.025; 536.027; 536.750

Stats. Implemented: ORS 536.750

Hist.: WRD 1-2014(Temp), f. 3-25-14, cert. ef. 4-1-14 thru 9-27-14; WRD 2-2014, f. & cert. ef. 9-26-14

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| 123-061-0040 | 5-1-2014 | Adopt | 6-1-2014 | 123-630-0100 | 4-1-2014 | Amend | 5-1-2014 |
| 123-095-0000 | 12-1-2013 | Amend | 1-1-2014 | 123-630-0100 | 7-1-2014 | Amend | 8-1-2014 |
| 123-095-0000(T) | 12-1-2013 | Repeal | 1-1-2014 | 123-630-0100(T) | 4-1-2014 | Repeal | 5-1-2014 |
| 123-095-0010 | 12-1-2013 | Amend | 1-1-2014 | 123-630-0110 | 4-1-2014 | Adopt | 5-1-2014 |
| 123-095-0010(T) | 12-1-2013 | Repeal | 1-1-2014 | 125-015-0200 | 4-9-2014 | Adopt | 5-1-2014 |
| 123-095-0020 | 12-1-2013 | Repeal | 1-1-2014 | 125-015-0200(T) | 4-9-2014 | Repeal | 5-1-2014 |
| 123-095-0030 | 12-1-2013 | Amend | 1-1-2014 | 125-045-0235 | 1-1-2014 | Amend | 2-1-2014 |
| 123-095-0030(T) | 12-1-2013 | Repeal | 1-1-2014 | 125-055-0100 | 1-1-2014 | Amend | 2-1-2014 |
| 123-095-0035 | 12-1-2013 | Adopt | 1-1-2014 | 125-055-0105 | 1-1-2014 | Amend | 2-1-2014 |
| 123-095-0035(T) | 12-1-2013 | Repeal | 1-1-2014 | 125-055-0115 | 1-1-2014 | Amend | 2-1-2014 |
| 123-095-0040 | 12-1-2013 | Amend | 1-1-2014 | 125-055-0120 | 1-1-2014 | Amend | 2-1-2014 |
| 123-095-0040(T) | 12-1-2013 | Repeal | 1-1-2014 | 125-055-0125 | 1-1-2014 | Amend | 2-1-2014 |
| 123-097-0100 | 5-1-2014 | Adopt | 6-1-2014 | 125-055-0130 | 1-1-2014 | Amend | 2-1-2014 |
| 123-097-0200 | 5-1-2014 | Adopt | 6-1-2014 | 125-246-0100 | 1-1-2014 | Amend | 2-1-2014 |
| 123-097-0500 | 5-1-2014 | Adopt | 6-1-2014 | 125-246-0110 | 1-1-2014 | Amend | 2-1-2014 |
| 123-097-1000 | 5-1-2014 | Adopt | 6-1-2014 | 125-246-0130 | 1-1-2014 | Amend | 2-1-2014 |
| 123-097-1500 | 5-1-2014 | Adopt | 6-1-2014 | 125-246-0165 | 1-1-2014 | Amend | 2-1-2014 |
| 123-097-2000 | 5-1-2014 | Adopt | 6-1-2014 | 125-246-0170 | 1-1-2014 | Amend | 2-1-2014 |
| 123-097-2200 | 5-1-2014 | Adopt | 6-1-2014 | 125-246-0350 | 1-1-2014 | Amend | 2-1-2014 |
| 123-097-2500 | 5-1-2014 | Adopt | 6-1-2014 | 125-246-0360 | 1-1-2014 | Amend | 2-1-2014 |
| 123-097-2600 | 5-1-2014 | Adopt | 6-1-2014 | 125-246-0400 | 1-1-2014 | Amend | 2-1-2014 |

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| 125-246-0556 | 1-1-2014 | Amend | 2-1-2014 | 137-055-1100 | 4-1-2014 | Amend | 5-1-2014 |
| 125-246-0570 | 1-1-2014 | Amend | 2-1-2014 | 137-055-2045 | 5-22-2014 | Amend | 7-1-2014 |
| 125-246-0900 | 1-1-2014 | Amend | 2-1-2014 | 137-055-2160 | 10-1-2014 | Amend(T) | 11-1-2014 |
| 125-247-0170 | 1-1-2014 | Amend | 2-1-2014 | 137-055-2170 | 1-13-2014 | Amend(T) | 2-1-2014 |
| 125-247-0200 | 1-1-2014 | Amend | 2-1-2014 | 137-055-2170 | 5-22-2014 | Amend | 7-1-2014 |
| 125-247-0265 | 1-1-2014 | Amend | 2-1-2014 | 137-055-2170(T) | 5-22-2014 | Repeal | 7-1-2014 |
| 125-247-0270 | 1-1-2014 | Amend | 2-1-2014 | 137-055-3300 | 4-1-2014 | Amend | 5-1-2014 |
| 125-247-0805 | 1-1-2014 | Amend | 2-1-2014 | 137-055-3360 | 4-1-2014 | Amend | 5-1-2014 |
| 125-248-0130 | 1-1-2014 | Amend | 2-1-2014 | 137-055-3420 | 1-13-2014 | Amend(T) | 2-1-2014 |
| 125-700-0010 | 5-1-2014 | Amend | 6-1-2014 | 137-055-3420 | 5-22-2014 | Amend | 7-1-2014 |
| 125-700-0015 | 5-1-2014 | Amend | 6-1-2014 | 137-055-3420(T) | 5-22-2014 | Repeal | 7-1-2014 |
| 125-700-0120 | 5-1-2014 | Repeal | 6-1-2014 | 137-055-3435 | 4-1-2014 | Amend | 5-1-2014 |
| 125-700-0125 | 5-1-2014 | Amend | 6-1-2014 | 137-055-3660 | 4-1-2014 | Amend | 5-1-2014 |
| 125-700-0130 | 5-1-2014 | Repeal | 6-1-2014 | 137-055-5030 | 10-1-2014 | Amend(T) | 11-1-2014 |
| 125-700-0135 | 5-1-2014 | Amend | 6-1-2014 | 137-055-5110 | 10-1-2014 | Amend(T) | 11-1-2014 |
| 125-700-0140 | 5-1-2014 | Amend | 6-1-2014 | 137-055-5510 | 4-1-2014 | Amend | 5-1-2014 |
| 125-700-0145 | 5-1-2014 | Amend | 6-1-2014 | 137-055-6024 | 5-22-2014 | Amend | 7-1-2014 |
| 125-700-0150 | 5-1-2014 | Amend | 6-1-2014 | 137-055-6120 | 4-1-2014 | Amend | 5-1-2014 |
| 125-700-0155 | 5-1-2014 | Amend | 6-1-2014 | 137-055-7180 | 4-1-2014 | Amend | 5-1-2014 |
| 137-003-0505 | 2-1-2014 | Amend(T) | 3-1-2014 | 137-084-0500 | 4-1-2014 | Amend | 5-1-2014 |
| 137-003-0505 | 4-1-2014 | Amend | 5-1-2014 | 137-110-0001 | 1-31-2014 | Repeal | 3-1-2014 |
| 137-003-0505(T) | 4-1-2014 | Repeal | 5-1-2014 | 137-110-0005 | 1-31-2014 | Repeal | 3-1-2014 |
| 137-003-0640 | 2-1-2014 | Amend(T) | 3-1-2014 | 137-110-0010 | 1-31-2014 | Amend | 3-1-2014 |
| 137-003-0640 | 4-1-2014 | Amend | 5-1-2014 | 137-110-0020 | 1-31-2014 | Repeal | 3-1-2014 |
| 137-003-0640(T) | 4-1-2014 | Repeal | 5-1-2014 | 137-110-0110 | 1-31-2014 | Amend | 3-1-2014 |
| 137-045-0050 | 7-11-2014 | Amend(T) | 8-1-2014 | 137-110-0200 | 1-31-2014 | Amend | 3-1-2014 |
| 137-045-0050 | 10-1-2014 | Amend(T) | 11-1-2014 | 137-110-0210 | 1-31-2014 | Amend | 3-1-2014 |
| 137-045-0050(T) | 10-1-2014 | Suspend | 11-1-2014 | 137-110-0300 | 1-31-2014 | Adopt | 3-1-2014 |
| 137-046-0130 | 7-1-2014 | Amend(T) | 8-1-2014 | 137-110-0410 | 1-31-2014 | Amend | 3-1-2014 |
| 137-047-0260 | 7-1-2014 | Amend(T) | 8-1-2014 | 137-110-0420 | 1-31-2014 | Amend | 3-1-2014 |
| 137-047-0265 | 7-1-2014 | Amend(T) | 8-1-2014 | 137-110-0430 | 1-31-2014 | Repeal | 3-1-2014 |
| 137-047-0270 | 7-1-2014 | Amend(T) | 8-1-2014 | 137-110-0500 | 1-31-2014 | Repeal | 3-1-2014 |
| 137-047-0300 | 7-1-2014 | Amend(T) | 8-1-2014 | 137-110-0510 | 1-31-2014 | Repeal | 3-1-2014 |
| 137-047-0450 | 7-1-2014 | Amend(T) | 8-1-2014 | 137-110-0520 | 1-31-2014 | Repeal | 3-1-2014 |
| 137-047-0560 | 7-1-2014 | Amend(T) | 8-1-2014 | 137-110-0600 | 1-31-2014 | Amend | 3-1-2014 |
| 137-048-0130 | 7-1-2014 | Amend(T) | 8-1-2014 | 137-110-0605 | 1-31-2014 | Adopt | 3-1-2014 |
| 137-048-0210 | 7-1-2014 | Amend(T) | 8-1-2014 | 137-110-0610 | 1-31-2014 | Amend | 3-1-2014 |
| 137-048-0220 | 7-1-2014 | Amend(T) | 8-1-2014 | 137-110-0620 | 1-31-2014 | Amend | 3-1-2014 |
| 137-049-0100 | 7-1-2014 | Amend(T) | 8-1-2014 | 137-110-0630 | 1-31-2014 | Amend | 3-1-2014 |
| 137-049-0120 | 7-1-2014 | Amend(T) | 8-1-2014 | 137-110-0640 | 1-31-2014 | Amend | 3-1-2014 |
| 137-049-0130 | 7-1-2014 | Amend(T) | 8-1-2014 | 137-110-0650 | 1-31-2014 | Amend | 3-1-2014 |
| 137-049-0380 | 7-1-2014 | Amend(T) | 8-1-2014 | 137-110-0660 | 1-31-2014 | Repeal | 3-1-2014 |
| 137-049-0600 | 7-1-2014 | Amend(T) | 8-1-2014 | 137-110-0670 | 1-31-2014 | Amend | 3-1-2014 |
| 137-049-0610 | 7-1-2014 | Amend(T) | 8-1-2014 | 137-110-0675 | 1-31-2014 | Adopt | 3-1-2014 |
| 137-049-0620 | 7-1-2014 | Amend(T) | 8-1-2014 | 137-120-0010 | 1-31-2014 | Repeal | 3-1-2014 |
| 137-049-0630 | 7-1-2014 | Amend(T) | 8-1-2014 | 137-120-0020 | 1-31-2014 | Amend | 3-1-2014 |
| 137-049-0640 | 7-1-2014 | Amend(T) | 8-1-2014 | 141-030-0015 | 2-1-2014 | Amend | 2-1-2014 |
| 137-049-0650 | 7-1-2014 | Amend(T) | 8-1-2014 | 141-030-0025 | 2-1-2014 | Amend | 2-1-2014 |
| 137-049-0660 | 7-1-2014 | Amend(T) | 8-1-2014 | 141-030-0036 | 2-1-2014 | Repeal | 2-1-2014 |
| 137-049-0690 | 7-1-2014 | Amend(T) | 8-1-2014 | 141-030-0037 | 2-1-2014 | Amend | 2-1-2014 |
| 137-049-0820 | 7-1-2014 | Amend(T) | 8-1-2014 | 141-035-0012 | 2-1-2014 | Amend | 2-1-2014 |
| 137-050-0710 | 5-22-2014 | Amend | 7-1-2014 | 141-035-0013 | 2-1-2014 | Amend | 2-1-2014 |
| 137-050-0735 | 5-22-2014 | Amend | 7-1-2014 | 141-035-0015 | 2-1-2014 | Repeal | 2-1-2014 |
| 137-050-0740 | 5-22-2014 | Amend | 7-1-2014 | 141-035-0016 | 2-1-2014 | Amend | 2-1-2014 |
| 137-050-0745 | 5-22-2014 | Amend | 7-1-2014 | 141-035-0018 | 2-1-2014 | Amend | 2-1-2014 |

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| 141-035-0025 | 2-1-2014 | Amend | 2-1-2014 | 141-145-0090 | 2-1-2014 | Adopt | 2-1-2014 |
| 141-035-0030 | 2-1-2014 | Amend | 2-1-2014 | 150-118.005 | 12-26-2013 | Adopt | 2-1-2014 |
| 141-035-0035 | 2-1-2014 | Amend | 2-1-2014 | 150-118.010 | 12-26-2013 | Adopt | 2-1-2014 |
| 141-035-0040 | 2-1-2014 | Amend | 2-1-2014 | 150-118.010(1) | 12-26-2013 | Amend | 2-1-2014 |
| 141-035-0045 | 2-1-2014 | Amend | 2-1-2014 | 150-118.010(2) | 12-26-2013 | Amend | 2-1-2014 |
| 141-035-0047 | 2-1-2014 | Amend | 2-1-2014 | 150-118.010(3) | 12-26-2013 | Amend | 2-1-2014 |
| 141-035-0048 | 2-1-2014 | Amend | 2-1-2014 | 150-118.010(4)(b) | 12-26-2013 | Amend | 2-1-2014 |
| 141-035-0050 | 2-1-2014 | Amend | 2-1-2014 | 150-118.010(7) | 12-26-2013 | Amend | 2-1-2014 |
| 141-035-0065 | 2-1-2014 | Amend | 2-1-2014 | 150-118.010(8) | 12-26-2013 | Adopt | 2-1-2014 |
| 141-035-0068 | 2-1-2014 | Amend | 2-1-2014 | 150-118.100(1) | 12-26-2013 | Amend | 2-1-2014 |
| 141-040-0020 | 2-1-2014 | Amend | 2-1-2014 | 150-118.100(6) | 12-26-2013 | Adopt | 2-1-2014 |
| 141-040-0214 | 2-1-2014 | Amend | 2-1-2014 | 150-118.140 | 12-26-2013 | Amend | 2-1-2014 |
| 141-045-0010 | 2-1-2014 | Amend | 2-1-2014 | 150-118.160 | 12-26-2013 | Adopt | 2-1-2014 |
| 141-045-0031 | 2-1-2014 | Amend | 2-1-2014 | 150-118.160-(B) | 12-26-2013 | Amend | 2-1-2014 |
| 141-045-0041 | 2-1-2014 | Amend | 2-1-2014 | 150-118.171 | 12-26-2013 | Amend | 2-1-2014 |
| 141-045-0061 | 2-1-2014 | Amend | 2-1-2014 | 150-118.225 | 12-26-2013 | Amend | 2-1-2014 |
| 141-045-0100 | 2-1-2014 | Amend | 2-1-2014 | 150-118.250(1) | 12-26-2013 | Am. & Ren. | 2-1-2014 |
| 141-085-0510 | 9-1-2014 | Amend | 9-1-2014 | 150-118.260 | 12-26-2013 | Adopt | 2-1-2014 |
| 141-085-0520 | 9-1-2014 | Amend | 9-1-2014 | 150-118.260(6) | 12-26-2013 | Amend | 2-1-2014 |
| 141-085-0530 | 9-1-2014 | Amend | 9-1-2014 | 150-118.265 | 12-26-2013 | Adopt | 2-1-2014 |
| 141-085-0534 | 9-1-2014 | Amend | 9-1-2014 | 150-118.300 | 12-26-2013 | Amend | 2-1-2014 |
| 141-085-0550 | 9-1-2014 | Amend | 9-1-2014 | 150-137.300(3) | 12-26-2013 | Am. & Ren. | 2-1-2014 |
| 141-085-0560 | 9-1-2014 | Amend | 9-1-2014 | 150-294.352(1)-(B) | 7-31-2014 | Repeal | 9-1-2014 |
| 141-085-0575 | 9-1-2014 | Amend | 9-1-2014 | 150-294.456(3) | 7-31-2014 | Amend | 9-1-2014 |
| 141-085-0680 | 9-1-2014 | Amend | 9-1-2014 | 150-305.100-(D) | 7-31-2014 | Adopt | 9-1-2014 |
| 141-085-0725 | 9-1-2014 | Amend | 9-1-2014 | 150-305.145(3) | 1-1-2014 | Amend | 2-1-2014 |
| 141-085-0735 | 9-1-2014 | Amend | 9-1-2014 | 150-305.145(5) | 7-31-2014 | Adopt | 9-1-2014 |
| 141-085-0750 | 9-1-2014 | Amend | 9-1-2014 | 150-305.230 | 1-1-2014 | Amend | 2-1-2014 |
| 141-085-0755 | 9-1-2014 | Amend | 9-1-2014 | 150-305.285 | 1-1-2014 | Amend | 2-1-2014 |
| 141-085-0760 | 9-1-2014 | Repeal | 9-1-2014 | 150-305.655 | 1-1-2014 | Repeal | 2-1-2014 |
| 141-085-0768 | 9-1-2014 | Adopt | 9-1-2014 | 150-305.810 | 12-26-2013 | Amend | 2-1-2014 |
| 141-085-0775 | 9-1-2014 | Amend | 9-1-2014 | 150-305.810 | 7-31-2014 | Amend | 9-1-2014 |
| 141-089-0640 | 1-1-2014 | Amend | 1-1-2014 | 150-306.132 | 7-31-2014 | Amend | 9-1-2014 |
| 141-089-0645 | 1-1-2014 | Amend | 1-1-2014 | 150-306.135 | 1-1-2014 | Amend | 2-1-2014 |
| 141-089-0820 | 1-1-2014 | Amend | 1-1-2014 | 150-307.166 | 7-31-2014 | Amend | 9-1-2014 |
| 141-089-0825 | 1-1-2014 | Amend | 1-1-2014 | 150-307.175 | 7-31-2014 | Amend | 9-1-2014 |
| 141-089-0830 | 1-1-2014 | Amend | 1-1-2014 | 150-307.475 | 7-31-2014 | Amend | 9-1-2014 |
| 141-089-0835 | 1-1-2014 | Amend | 1-1-2014 | 150-307.547 | 7-31-2014 | Amend | 9-1-2014 |
| 141-145-0000 | 2-1-2014 | Adopt | 2-1-2014 | 150-308.010 | 1-1-2014 | Amend | 2-1-2014 |
| 141-145-0005 | 2-1-2014 | Adopt | 2-1-2014 | 150-308.290-(A) | 7-31-2014 | Amend | 9-1-2014 |
| 141-145-0010 | 2-1-2014 | Adopt | 2-1-2014 | 150-308.515(1)(h) | 7-31-2014 | Repeal | 9-1-2014 |
| 141-145-0015 | 2-1-2014 | Adopt | 2-1-2014 | 150-308A.056(1)(g) | 7-31-2014 | Adopt | 9-1-2014 |
| 141-145-0020 | 2-1-2014 | Adopt | 2-1-2014 | 150-308A.092 | 7-31-2014 | Amend | 9-1-2014 |
| 141-145-0025 | 2-1-2014 | Adopt | 2-1-2014 | 150-308A.724 | 1-1-2014 | Repeal | 2-1-2014 |
| 141-145-0030 | 2-1-2014 | Adopt | 2-1-2014 | 150-309.100(3)-(B) | 1-1-2014 | Amend | 2-1-2014 |
| 141-145-0035 | 2-1-2014 | Adopt | 2-1-2014 | 150-309.110-(A) | 8-11-2014 | Amend | 9-1-2014 |
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| 141-145-0045 | 2-1-2014 | Adopt | 2-1-2014 | 150-311.223(4) | 1-1-2014 | Amend | 2-1-2014 |
| 141-145-0050 | 2-1-2014 | Adopt | 2-1-2014 | 150-311.674 | 1-1-2014 | Repeal | 2-1-2014 |
| 141-145-0055 | 2-1-2014 | Adopt | 2-1-2014 | 150-311.686(2) | 7-31-2014 | Repeal | 9-1-2014 |
| 141-145-0060 | 2-1-2014 | Adopt | 2-1-2014 | 150-311.689 | 1-1-2014 | Repeal | 2-1-2014 |
| 141-145-0065 | 2-1-2014 | Adopt | 2-1-2014 | 150-311.691 | 7-31-2014 | Amend | 9-1-2014 |
| 141-145-0070 | 2-1-2014 | Adopt | 2-1-2014 | 150-314.280(3) | 1-1-2014 | Amend | 2-1-2014 |
| 141-145-0075 | 2-1-2014 | Adopt | 2-1-2014 | 150-314.360 | 7-31-2014 | Amend | 9-1-2014 |
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| 150-314.410(4) | 1-1-2014 | Amend | 2-1-2014 | 161-010-0065 | 7-7-2014 | Amend(T) | 8-1-2014 |
| 150-314.415(7) | 12-26-2013 | Amend | 2-1-2014 | 161-010-0085 | 7-7-2014 | Amend(T) | 8-1-2014 |
| 150-314.665(1)-(A) | 7-31-2014 | Amend | 9-1-2014 | 161-015-0000 | 7-7-2014 | Amend(T) | 8-1-2014 |
| 150-314.775 | 1-1-2014 | Amend | 2-1-2014 | 161-025-0060 | 1-1-2014 | Amend(T) | 2-1-2014 |
| 150-314.778 | 1-1-2014 | Amend | 2-1-2014 | 161-025-0060 | 4-22-2014 | Amend | 6-1-2014 |
| 150-314.HB2071(B) | 12-26-2013 | Renumber | 2-1-2014 | 161-025-0060 | 5-20-2014 | Amend | 7-1-2014 |
| 150-315.068 | 1-1-2014 | Amend | 2-1-2014 | 161-570-0025 | 1-1-2014 | Amend(T) | 2-1-2014 |
| 150-315.141 | 7-31-2014 | Repeal | 9-1-2014 | 161-570-0025 | 4-22-2014 | Amend | 6-1-2014 |
| 150-315.164 | 7-31-2014 | Amend | 9-1-2014 | 161-570-0025 | 5-20-2014 | Amend | 7-1-2014 |
| 150-315.204-(A) | 1-1-2014 | Amend | 2-1-2014 | 161-570-0030 | 1-1-2014 | Amend(T) | 2-1-2014 |
| 150-315.304(9) | 1-1-2014 | Amend | 2-1-2014 | 161-570-0030 | 4-22-2014 | Amend | 6-1-2014 |
| 150-315.514 | 12-26-2013 | Amend | 2-1-2014 | 161-570-0030 | 5-20-2014 | Amend | 7-1-2014 |
| 150-316.014 | 12-26-2013 | Am. & Ren. | 2-1-2014 | 162-010-0000 | 2-13-2014 | Amend | 3-1-2014 |
| 150-316.102 | 1-1-2014 | Amend | 2-1-2014 | 162-010-0010 | 2-13-2014 | Amend | 3-1-2014 |
| 150-316.127-(A) | 7-31-2014 | Amend | 9-1-2014 | 162-010-0020 | 2-13-2014 | Amend | 3-1-2014 |
| 150-316.127(10) | 1-1-2014 | Amend | 2-1-2014 | 162-010-0030 | 2-13-2014 | Amend | 3-1-2014 |
| 150-316.202(3) | 7-31-2014 | Amend | 9-1-2014 | 162-010-0050 | 2-13-2014 | Amend | 3-1-2014 |
| 150-316.368 | 1-1-2014 | Amend | 2-1-2014 | 162-010-0115 | 2-13-2014 | Amend | 3-1-2014 |
| 150-316.587(8)-(A) | 7-31-2014 | Amend | 9-1-2014 | 162-010-0120 | 2-13-2014 | Amend | 3-1-2014 |
| 150-316.680(1)(c)-(A) | 1-1-2014 | Repeal | 2-1-2014 | 162-010-0130 | 2-13-2014 | Amend | 3-1-2014 |
| 150-316.680(1)(c)-(B) | 1-1-2014 | Repeal | 2-1-2014 | 162-010-0140 | 2-13-2014 | Amend | 3-1-2014 |
| 150-316.693 | 1-1-2014 | Adopt | 2-1-2014 | 162-010-0160 | 2-13-2014 | Repeal | 3-1-2014 |
| 150-316.789 | 1-1-2014 | Repeal | 2-1-2014 | 162-010-0170 | 2-13-2014 | Repeal | 3-1-2014 |
| 150-316.791 | 1-1-2014 | Repeal | 2-1-2014 | 162-010-0190 | 2-13-2014 | Amend | 3-1-2014 |
| 150-316.792 | 1-1-2014 | Adopt | 2-1-2014 | 162-010-0200 | 2-13-2014 | Amend | 3-1-2014 |
| 150-317.010(4) | 1-1-2014 | Amend | 2-1-2014 | 162-010-0230 | 2-13-2014 | Amend | 3-1-2014 |
| 150-317.067 | 1-1-2014 | Amend | 2-1-2014 | 162-010-0260 | 2-13-2014 | Amend | 3-1-2014 |
| 150-317.147 | 7-31-2014 | Amend | 9-1-2014 | 165-001-0050 | 1-2-2014 | Amend | 2-1-2014 |
| 150-317.314 | 7-31-2014 | Amend | 9-1-2014 | 165-010-0005 | 1-2-2014 | Amend | 2-1-2014 |
| 150-317.715(2)-(A) | 7-31-2014 | Am. & Ren. | 9-1-2014 | 165-010-0080 | 1-2-2014 | Repeal | 2-1-2014 |
| 150-317.715(2)-(B) | 7-31-2014 | Am. & Ren. | 9-1-2014 | 165-012-0005 | 1-2-2014 | Amend | 2-1-2014 |
| 150-317.715(3)(b) | 7-31-2014 | Am. & Ren. | 9-1-2014 | 165-012-0240 | 1-2-2014 | Amend | 2-1-2014 |
| 150-317.715(5) | 7-31-2014 | Adopt | 9-1-2014 | 165-013-0010 | 1-2-2014 | Amend | 2-1-2014 |
| 150-323.105 | 7-31-2014 | Amend | 9-1-2014 | 165-014-0005 | 1-2-2014 | Amend | 2-1-2014 |
| 150-323.106 | 7-31-2014 | Adopt | 9-1-2014 | 165-014-0030 | 1-7-2014 | Amend | 2-1-2014 |
| 150-323.520 | 7-31-2014 | Amend | 9-1-2014 | 165-016-0000 | 3-11-2014 | Adopt | 4-1-2014 |
| 150-457.440(9) | 1-1-2014 | Amend | 2-1-2014 | 165-016-0040 | 3-11-2014 | Repeal | 4-1-2014 |
| 160-010-0700 | 1-1-2014 | Adopt | 2-1-2014 | 165-016-0045 | 3-11-2014 | Repeal | 4-1-2014 |
| 160-010-0700 | 1-3-2014 | Adopt | 2-1-2014 | 165-016-0050 | 3-11-2014 | Repeal | 4-1-2014 |
| 160-010-0701 | 1-1-2014 | Adopt | 2-1-2014 | 165-016-0055 | 3-11-2014 | Repeal | 4-1-2014 |
| 160-010-0701 | 1-3-2014 | Adopt | 2-1-2014 | 165-016-0060 | 3-11-2014 | Repeal | 4-1-2014 |
| 160-010-0710 | 1-1-2014 | Adopt | 2-1-2014 | 165-016-0070 | 3-11-2014 | Repeal | 4-1-2014 |
| 160-010-0710 | 1-3-2014 | Adopt | 2-1-2014 | 165-016-0080 | 3-11-2014 | Repeal | 4-1-2014 |
| 160-010-0720 | 1-1-2014 | Adopt | 2-1-2014 | 165-016-0100 | 3-11-2014 | Repeal | 4-1-2014 |
| 160-010-0720 | 1-3-2014 | Adopt | 2-1-2014 | 165-016-0105 | 3-11-2014 | Repeal | 4-1-2014 |
| 160-100-0000 | 3-6-2014 | Amend | 4-1-2014 | 165-016-0814 | 8-18-2014 | Adopt(T) | 10-1-2014 |
| 161-006-0155 | 1-1-2014 | Amend(T) | 2-1-2014 | 165-016-2014 | 2-13-2014 | Adopt(T) | 3-1-2014 |
| 161-006-0155 | 4-22-2014 | Amend | 6-1-2014 | 165-020-0025 | 1-2-2014 | Repeal | 2-1-2014 |
| 161-006-0155 | 5-20-2014 | Amend | 7-1-2014 | 166-005-0010 | 2-25-2014 | Amend | 4-1-2014 |
| 161-006-0160 | 1-1-2014 | Amend(T) | 2-1-2014 | 166-150-0005 | 2-25-2014 | Amend | 4-1-2014 |
| 161-006-0160 | 4-22-2014 | Amend | 6-1-2014 | 166-150-0035 | 2-25-2014 | Amend | 4-1-2014 |
| 161-006-0160 | 5-20-2014 | Amend | 7-1-2014 | 166-150-0040 | 2-25-2014 | Amend | 4-1-2014 |
| 161-010-0010 | 7-7-2014 | Amend(T) | 8-1-2014 | 166-150-0095 | 2-25-2014 | Amend | 4-1-2014 |
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| 166-200-0010 | 8-7-2014 | Repeal | 9-1-2014 | 166-200-0340 | 8-7-2014 | Adopt | 9-1-2014 |
| 166-200-0015 | 8-7-2014 | Repeal | 9-1-2014 | 166-200-0345 | 8-7-2014 | Adopt | 9-1-2014 |
| 166-200-0020 | 8-7-2014 | Repeal | 9-1-2014 | 166-200-0350 | 8-7-2014 | Adopt | 9-1-2014 |
| 166-200-0025 | 8-7-2014 | Repeal | 9-1-2014 | 166-200-0355 | 8-7-2014 | Adopt | 9-1-2014 |
| 166-200-0030 | 8-7-2014 | Repeal | 9-1-2014 | 166-200-0360 | 8-7-2014 | Adopt | 9-1-2014 |
| 166-200-0035 | 8-7-2014 | Repeal | 9-1-2014 | 166-200-0365 | 8-7-2014 | Adopt | 9-1-2014 |
| 166-200-0040 | 8-7-2014 | Repeal | 9-1-2014 | 166-200-0370 | 8-7-2014 | Adopt | 9-1-2014 |
| 166-200-0045 | 8-7-2014 | Repeal | 9-1-2014 | 166-200-0375 | 8-7-2014 | Adopt | 9-1-2014 |
| 166-200-0050 | 8-7-2014 | Repeal | 9-1-2014 | 166-200-0380 | 8-7-2014 | Adopt | 9-1-2014 |
| 166-200-0055 | 8-7-2014 | Repeal | 9-1-2014 | 166-200-0385 | 8-7-2014 | Adopt | 9-1-2014 |
| 166-200-0060 | 8-7-2014 | Repeal | 9-1-2014 | 166-200-0390 | 8-7-2014 | Adopt | 9-1-2014 |
| 166-200-0065 | 8-7-2014 | Repeal | 9-1-2014 | 166-200-0395 | 8-7-2014 | Adopt | 9-1-2014 |
| 166-200-0070 | 8-7-2014 | Repeal | 9-1-2014 | 166-200-0400 | 8-7-2014 | Adopt | 9-1-2014 |
| 166-200-0075 | 8-7-2014 | Repeal | 9-1-2014 | 166-200-0405 | 8-7-2014 | Adopt | 9-1-2014 |
| 166-200-0080 | 8-7-2014 | Repeal | 9-1-2014 | 167-001-0007 | 3-1-2014 | Amend | 4-1-2014 |
| 166-200-0085 | 8-7-2014 | Repeal | 9-1-2014 | 167-001-0020 | 3-1-2014 | Amend | 4-1-2014 |
| 166-200-0090 | 8-7-2014 | Repeal | 9-1-2014 | 167-001-0030 | 3-1-2014 | Amend | 4-1-2014 |
| 166-200-0095 | 8-7-2014 | Repeal | 9-1-2014 | 167-001-0040 | 3-1-2014 | Repeal | 4-1-2014 |
| 166-200-0100 | 8-7-2014 | Repeal | 9-1-2014 | 167-001-0050 | 3-1-2014 | Repeal | 4-1-2014 |
| 166-200-0105 | 8-7-2014 | Repeal | 9-1-2014 | 167-001-0060 | 3-1-2014 | Repeal | 4-1-2014 |
| 166-200-0110 | 8-7-2014 | Repeal | 9-1-2014 | 167-001-0065 | 3-1-2014 | Repeal | 4-1-2014 |
| 166-200-0115 | 8-7-2014 | Repeal | 9-1-2014 | 167-001-0070 | 3-1-2014 | Repeal | 4-1-2014 |
| 166-200-0120 | 8-7-2014 | Repeal | 9-1-2014 | 167-001-0081 | 3-1-2014 | Amend | 4-1-2014 |
| 166-200-0125 | 8-7-2014 | Repeal | 9-1-2014 | 167-001-0085 | 3-1-2014 | Repeal | 4-1-2014 |
| 166-200-0130 | 8-7-2014 | Repeal | 9-1-2014 | 167-001-0300 | 3-1-2014 | Amend | 4-1-2014 |
| 166-200-0135 | 8-7-2014 | Repeal | 9-1-2014 | 167-001-0360 | 3-1-2014 | Amend | 4-1-2014 |
| 166-200-0140 | 8-7-2014 | Repeal | 9-1-2014 | 167-001-0600 | 3-1-2014 | Amend | 4-1-2014 |
| 166-200-0145 | 8-7-2014 | Repeal | 9-1-2014 | 167-001-0620 | 3-1-2014 | Amend | 4-1-2014 |
| 166-200-0200 | 8-7-2014 | Adopt | 9-1-2014 | 167-001-0625 | 3-1-2014 | Repeal | 4-1-2014 |
| 166-200-0205 | 8-7-2014 | Adopt | 9-1-2014 | 167-001-0635 | 3-1-2014 | Amend | 4-1-2014 |
| 166-200-0210 | 8-7-2014 | Adopt | 9-1-2014 | 170-061-0015 | 8-15-2014 | Amend(T) | 9-1-2014 |
| 166-200-0215 | 8-7-2014 | Adopt | 9-1-2014 | 170-063-0000 | 1-15-2014 | Amend(T) | 2-1-2014 |
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| 166-200-0225 | 8-7-2014 | Adopt | 9-1-2014 | 172-005-0020 | 5-14-2014 | Amend | 6-1-2014 |
| 166-200-0230 | 8-7-2014 | Adopt | 9-1-2014 | 172-005-0020 | 5-28-2014 | Amend | 7-1-2014 |
| 166-200-0235 | 8-7-2014 | Adopt | 9-1-2014 | 172-005-0045 | 5-14-2014 | Adopt | 6-1-2014 |
| 166-200-0240 | 8-7-2014 | Adopt | 9-1-2014 | 172-005-0045 | 5-30-2014 | Adopt | 7-1-2014 |
| 166-200-0245 | 8-7-2014 | Adopt | 9-1-2014 | 173-006-0005 | 12-19-2013 | Amend | 2-1-2014 |
| 166-200-0250 | 8-7-2014 | Adopt | 9-1-2014 | 173-008-0005 | 12-19-2013 | Amend | 2-1-2014 |
| 166-200-0255 | 8-7-2014 | Adopt | 9-1-2014 | 177-075-0040 | 12-1-2013 | Amend | 1-1-2014 |
| 166-200-0260 | 8-7-2014 | Adopt | 9-1-2014 | 177-075-0040(T) | 12-1-2013 | Repeal | 1-1-2014 |
| 166-200-0265 | 8-7-2014 | Adopt | 9-1-2014 | 177-094-0100 | 4-6-2014 | Adopt | 5-1-2014 |
| 166-200-0270 | 8-7-2014 | Adopt | 9-1-2014 | 177-099-0095 | 1-1-2014 | Amend | 2-1-2014 |
| 166-200-0275 | 8-7-2014 | Adopt | 9-1-2014 | 177-099-0100 | 4-1-2014 | Amend | 5-1-2014 |
| 166-200-0280 | 8-7-2014 | Adopt | 9-1-2014 | 213-003-0001 | 2-3-2014 | Amend | 3-1-2014 |
| 166-200-0285 | 8-7-2014 | Adopt | 9-1-2014 | 213-008-0002 | 2-3-2014 | Amend | 3-1-2014 |
| 166-200-0290 | 8-7-2014 | Adopt | 9-1-2014 | 213-017-0004 | 2-3-2014 | Amend | 3-1-2014 |
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| 166-200-0310 | 8-7-2014 | Adopt | 9-1-2014 | 213-017-0006(T) | 2-3-2014 | Repeal | 3-1-2014 |
| 166-200-0315 | 8-7-2014 | Adopt | 9-1-2014 | 213-017-0008 | 2-3-2014 | Amend | 3-1-2014 |
| 166-200-0320 | 8-7-2014 | Adopt | 9-1-2014 | 213-017-0008(T) | 2-3-2014 | Repeal | 3-1-2014 |
| 166-200-0325 | 8-7-2014 | Adopt | 9-1-2014 | 213-017-0009 | 2-3-2014 | Amend | 3-1-2014 |

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| 213-018-0013(T) | 2-3-2014 | Repeal | 3-1-2014 | 250-026-0015 | 6-1-2014 | Adopt | 6-1-2014 |
| 213-018-0036 | 2-3-2014 | Adopt | 3-1-2014 | 250-026-0020 | 6-1-2014 | Adopt | 6-1-2014 |
| 213-018-0036(T) | 2-3-2014 | Repeal | 3-1-2014 | 250-026-0025 | 6-1-2014 | Adopt | 6-1-2014 |
| 213-019-0008 | 2-3-2014 | Amend | 3-1-2014 | 250-026-0030 | 6-1-2014 | Adopt | 6-1-2014 |
| 213-019-0008(T) | 2-3-2014 | Repeal | 3-1-2014 | 250-026-0035 | 6-1-2014 | Adopt | 6-1-2014 |
| 213-019-0010 | 2-3-2014 | Amend | 3-1-2014 | 250-026-0040 | 6-1-2014 | Adopt | 6-1-2014 |
| 213-019-0012 | 2-3-2014 | Amend | 3-1-2014 | 250-026-0045 | 6-1-2014 | Adopt | 6-1-2014 |
| 213-019-0015 | 2-3-2014 | Amend | 3-1-2014 | 250-026-0050 | 6-1-2014 | Adopt | 6-1-2014 |
| 230-140-0030 | 8-14-2014 | Amend(T) | 9-1-2014 | 250-026-0055 | 6-1-2014 | Adopt | 6-1-2014 |
| 250-001-0000 | 1-15-2014 | Amend | 2-1-2014 | 255-030-0010 | 11-27-2013 | Amend | 1-1-2014 |
| 250-001-0005 | 1-15-2014 | Amend | 2-1-2014 | 255-030-0013 | 11-27-2013 | Amend | 1-1-2014 |
| 250-001-0040 | 1-15-2014 | Adopt | 2-1-2014 | 255-030-0021 | 11-27-2013 | Amend | 1-1-2014 |
| 250-001-0050 | 1-15-2014 | Adopt | 2-1-2014 | 255-030-0023 | 11-27-2013 | Amend | 1-1-2014 |
| 250-001-0060 | 1-15-2014 | Adopt | 2-1-2014 | 255-030-0024 | 11-27-2013 | Amend | 1-1-2014 |
| 250-015-0001 | 1-15-2014 | Amend | 2-1-2014 | 255-030-0025 | 11-27-2013 | Amend | 1-1-2014 |
| 250-015-0002 | 1-15-2014 | Amend | 2-1-2014 | 255-030-0026 | 11-27-2013 | Amend | 1-1-2014 |
| 250-015-0005 | 1-15-2014 | Amend | 2-1-2014 | 255-030-0027 | 11-27-2013 | Amend | 1-1-2014 |
| 250-015-0006 | 1-15-2014 | Amend | 2-1-2014 | 255-030-0032 | 11-27-2013 | Amend | 1-1-2014 |
| 250-015-0008 | 1-15-2014 | Amend | 2-1-2014 | 255-030-0035 | 11-27-2013 | Amend | 1-1-2014 |
| 250-015-0010 | 1-15-2014 | Amend | 2-1-2014 | 255-030-0040 | 11-27-2013 | Amend | 1-1-2014 |
| 250-015-0011 | 1-15-2014 | Repeal | 2-1-2014 | 255-030-0046 | 11-27-2013 | Adopt | 1-1-2014 |
| 250-015-0015 | 1-15-2014 | Repeal | 2-1-2014 | 255-030-0055 | 11-27-2013 | Amend | 1-1-2014 |
| 250-015-0016 | 1-15-2014 | Repeal | 2-1-2014 | 255-060-0012 | 1-17-2014 | Amend(T) | 3-1-2014 |
| 250-015-0017 | 1-15-2014 | Repeal | 2-1-2014 | 255-060-0012 | 5-15-2014 | Amend | 6-1-2014 |
| 250-015-0019 | 1-15-2014 | Repeal | 2-1-2014 | 255-062-0011 | 9-2-2014 | Amend | 10-1-2014 |
| 250-015-0020 | 1-15-2014 | Repeal | 2-1-2014 | 255-062-0016 | 11-27-2013 | Amend | 1-1-2014 |
| 250-015-0021 | 1-15-2014 | Repeal | 2-1-2014 | 255-075-0079 | 2-14-2014 | Amend(T) | 3-1-2014 |
| 250-015-0022 | 1-15-2014 | Amend | 2-1-2014 | 255-075-0079 | 6-19-2014 | Amend | 8-1-2014 |
| 250-015-0023 | 1-15-2014 | Repeal | 2-1-2014 | 255-075-0079(T) | 2-24-2014 | Suspend | 4-1-2014 |
| 250-015-0024 | 1-15-2014 | Repeal | 2-1-2014 | 255-080-0008 | 3-27-2014 | Amend(T) | 5-1-2014 |
| 250-015-0025 | 1-15-2014 | Repeal | 2-1-2014 | 255-080-0008 | 8-8-2014 | Amend | 9-1-2014 |
| 250-015-0026 | 1-15-2014 | Amend | 2-1-2014 | 255-080-0011 | 3-27-2014 | Amend(T) | 5-1-2014 |
| 250-015-0027 | 1-15-2014 | Repeal | 2-1-2014 | 255-080-0011 | 8-8-2014 | Amend | 9-1-2014 |
| 250-015-0028 | 1-15-2014 | Repeal | 2-1-2014 | 259-001-0015 | 9-11-2014 | Amend | 10-1-2014 |
| 250-015-0029 | 1-15-2014 | Repeal | 2-1-2014 | 259-003-0015 | 9-11-2014 | Amend | 10-1-2014 |
| 250-015-0031 | 1-15-2014 | Repeal | 2-1-2014 | 259-005-0015 | 9-11-2014 | Amend | 10-1-2014 |
| 250-015-0032 | 1-15-2014 | Repeal | 2-1-2014 | 259-008-0005 | 1-2-2014 | Amend | 2-1-2014 |
| 250-015-0033 | 1-15-2014 | Repeal | 2-1-2014 | 259-008-0005 | 1-29-2014 | Amend | 3-1-2014 |
| 250-015-0035 | 1-15-2014 | Adopt | 2-1-2014 | 259-008-0010 | 1-2-2014 | Amend | 2-1-2014 |
| 250-016-0080 | 1-15-2014 | Amend | 2-1-2014 | 259-008-0010 | 6-24-2014 | Amend | 8-1-2014 |
| 250-016-0090 | 1-15-2014 | Adopt | 2-1-2014 | 259-008-0011 | 6-24-2014 | Amend | 8-1-2014 |
| 250-019-0010 | 1-15-2014 | Repeal | 2-1-2014 | 259-008-0020 | 1-2-2014 | Amend | 2-1-2014 |
| 250-019-0020 | 1-15-2014 | Repeal | 2-1-2014 | 259-008-0020 | 1-29-2014 | Amend | 3-1-2014 |
| 250-019-0030 | 1-15-2014 | Repeal | 2-1-2014 | 259-008-0025 | 1-2-2014 | Amend | 2-1-2014 |
| 250-019-0040 | 1-15-2014 | Repeal | 2-1-2014 | 259-008-0025 | 1-2-2014 | Amend | 2-1-2014 |
| 250-019-0050 | 1-15-2014 | Repeal | 2-1-2014 | 259-008-0025 | 4-10-2014 | Amend | 5-1-2014 |
| 250-019-0060 | 1-15-2014 | Repeal | 2-1-2014 | 259-008-0060 | 1-2-2014 | Amend | 2-1-2014 |
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| 250-020-0032 | 1-15-2014 | Amend | 2-1-2014 | 259-008-0067 | 1-29-2014 | Amend | 3-1-2014 |
| 250-020-0033 | 3-10-2014 | Amend(T) | 4-1-2014 | 259-008-0067 | 7-23-2014 | Amend | 9-1-2014 |
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| 259-008-0075 | 1-2-2014 | Amend | 2-1-2014 | 291-041-0020(T) | 3-4-2014 | Repeal | 4-1-2014 |
| 259-008-0075 | 7-23-2014 | Amend | 9-1-2014 | 291-055-0005 | 7-1-2014 | Amend(T) | 8-1-2014 |
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| 259-008-0090 | 1-2-2014 | Amend | 2-1-2014 | 291-055-0019 | 7-1-2014 | Amend(T) | 8-1-2014 |
| 259-008-0090 | 1-29-2014 | Amend | 3-1-2014 | 291-055-0020 | 7-1-2014 | Amend(T) | 8-1-2014 |
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| 259-009-0005 | 4-3-2014 | Amend | 5-1-2014 | 291-055-0040 | 7-1-2014 | Amend(T) | 8-1-2014 |
| 259-009-0062 | 2-6-2014 | Amend | 3-1-2014 | 291-055-0045 | 7-1-2014 | Amend(T) | 8-1-2014 |
| 259-009-0062 | 4-3-2014 | Amend | 5-1-2014 | 291-055-0050 | 7-1-2014 | Amend(T) | 8-1-2014 |
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| 259-009-0070 | 7-30-2014 | Amend | 9-1-2014 | 291-073-0110 | 3-3-2014 | Adopt | 4-1-2014 |
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| 259-060-0120 | 6-24-2014 | Amend | 8-1-2014 | 291-097-0231 | 1-17-2014 | Adopt(T) | 3-1-2014 |
| 259-060-0135 | 10-1-2014 | Amend | 11-1-2014 | 291-097-0231 | 5-5-2014 | Adopt | 6-1-2014 |
| 259-060-0300 | 1-2-2014 | Amend | 2-1-2014 | 291-097-0231(T) | 5-5-2014 | Repeal | 6-1-2014 |
| 259-060-0300 | 1-28-2014 | Amend | 3-1-2014 | 291-104-0111 | 2-12-2014 | Amend(T) | 3-1-2014 |
| 259-060-0300 | 3-6-2014 | Amend(T) | 4-1-2014 | 291-104-0111 | 5-1-2014 | Amend | 6-1-2014 |
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| 259-061-0300 | 5-5-2014 | Adopt | 6-1-2014 | 291-104-0135 | 5-1-2014 | Amend | 6-1-2014 |
| 259-061-0300 | 7-30-2014 | Amend | 9-1-2014 | 291-104-0135(T) | 5-1-2014 | Repeal | 6-1-2014 |
| 259-070-0010 | 8-11-2014 | Amend(T) | 9-1-2014 | 291-104-0140 | 2-12-2014 | Amend(T) | 3-1-2014 |
| 274-015-0010 | 1-1-2014 | Amend | 2-1-2014 | 291-104-0140 | 5-1-2014 | Amend | 6-1-2014 |
| 274-015-0010(T) | 1-1-2014 | Repeal | 2-1-2014 | 291-104-0140(T) | 5-1-2014 | Repeal | 6-1-2014 |
| 291-014-0100 | 12-13-2013 | Amend | 1-1-2014 | 291-109-0125 | 12-13-2013 | Suspend | 1-1-2014 |
| 291-014-0100 | 1-14-2014 | Amend | 2-1-2014 | 291-109-0125 | 1-17-2014 | Suspend | 3-1-2014 |
| 291-014-0110 | 12-13-2013 | Amend | 1-1-2014 | 291-109-0125 | 3-3-2014 | Repeal | 4-1-2014 |
| 291-014-0110 | 1-14-2014 | Amend | 2-1-2014 | 291-109-0125(T) | 3-3-2014 | Repeal | 4-1-2014 |
| 291-014-0120 | 12-13-2013 | Amend | 1-1-2014 | 291-109-0180 | 12-13-2013 | Amend(T) | 1-1-2014 |
| 291-014-0120 | 1-14-2014 | Amend | 2-1-2014 | 291-109-0180 | 1-17-2014 | Amend(T) | 3-1-2014 |
| 291-016-0020 | 6-6-2014 | Amend(T) | 7-1-2014 | 291-109-0180 | 3-3-2014 | Amend | 4-1-2014 |
| 291-016-0020 | 7-2-2014 | Amend(T) | 8-1-2014 | 291-109-0180(T) | 3-3-2014 | Repeal | 4-1-2014 |
| 291-016-0120 | 6-6-2014 | Adopt(T) | 7-1-2014 | 291-109-0200 | 12-13-2013 | Adopt(T) | 1-1-2014 |
| 291-016-0120 | 7-2-2014 | Adopt(T) | 8-1-2014 | 291-109-0200 | 1-17-2014 | Adopt(T) | 3-1-2014 |

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| 291-109-0200(T) | 3-3-2014 | Repeal | 4-1-2014 | 309-016-0685 | 8-1-2014 | Renumber | 9-1-2014 |
| 291-130-0005 | 7-8-2014 | Amend(T) | 8-1-2014 | 309-016-0690 | 8-1-2014 | Renumber | 9-1-2014 |
| 291-130-0006 | 7-8-2014 | Amend(T) | 8-1-2014 | 309-016-0695 | 8-1-2014 | Renumber | 9-1-2014 |
| 291-130-0011 | 7-8-2014 | Amend(T) | 8-1-2014 | 309-016-0700 | 8-1-2014 | Renumber | 9-1-2014 |
| 291-130-0016 | 7-8-2014 | Amend(T) | 8-1-2014 | 309-016-0705 | 8-1-2014 | Renumber | 9-1-2014 |
| 291-130-0017 | 7-8-2014 | Adopt(T) | 8-1-2014 | 309-016-0710 | 8-1-2014 | Renumber | 9-1-2014 |
| 291-130-0018 | 7-8-2014 | Adopt(T) | 8-1-2014 | 309-016-0715 | 8-1-2014 | Renumber | 9-1-2014 |
| 291-130-0020 | 7-8-2014 | Amend(T) | 8-1-2014 | 309-016-0720 | 8-1-2014 | Renumber | 9-1-2014 |
| 291-209-0010 | 5-13-2014 | Adopt(T) | 6-1-2014 | 309-016-0725 | 8-1-2014 | Renumber | 9-1-2014 |
| 291-209-0020 | 5-13-2014 | Adopt(T) | 6-1-2014 | 309-016-0726 | 8-1-2014 | Renumber | 9-1-2014 |
| 291-209-0030 | 5-13-2014 | Adopt(T) | 6-1-2014 | 309-016-0727 | 8-1-2014 | Renumber | 9-1-2014 |
| 291-209-0040 | 5-13-2014 | Adopt(T) | 6-1-2014 | 309-016-0729 | 8-1-2014 | Renumber | 9-1-2014 |
| 291-209-0050 | 5-13-2014 | Adopt(T) | 6-1-2014 | 309-016-0730 | 8-1-2014 | Renumber | 9-1-2014 |
| 291-209-0060 | 5-13-2014 | Adopt(T) | 6-1-2014 | 309-016-0735 | 8-1-2014 | Renumber | 9-1-2014 |
| 291-209-0070 | 5-13-2014 | Adopt(T) | 6-1-2014 | 309-016-0740 | 8-1-2014 | Renumber | 9-1-2014 |
| 291-210-0010 | 6-25-2014 | Adopt(T) | 8-1-2014 | 309-016-0745 | 8-1-2014 | Renumber | 9-1-2014 |
| 291-210-0010 | 10-13-2014 | Adopt | 11-1-2014 | 309-016-0750 | 8-1-2014 | Renumber | 9-1-2014 |
| 291-210-0010(T) | 10-13-2014 | Repeal | 11-1-2014 | 309-016-0755 | 8-1-2014 | Renumber | 9-1-2014 |
| 291-210-0020 | 6-25-2014 | Adopt(T) | 8-1-2014 | 309-016-0760 | 8-1-2014 | Renumber | 9-1-2014 |
| 291-210-0020 | 10-13-2014 | Adopt | 11-1-2014 | 309-016-0765 | 8-1-2014 | Renumber | 9-1-2014 |
| 291-210-0020(T) | 10-13-2014 | Repeal | 11-1-2014 | 309-016-0770 | 8-1-2014 | Renumber | 9-1-2014 |
| 291-210-0030 | 6-25-2014 | Adopt(T) | 8-1-2014 | 309-016-0775 | 8-1-2014 | Renumber | 9-1-2014 |
| 291-210-0030 | 10-13-2014 | Adopt | 11-1-2014 | 309-016-0780 | 8-1-2014 | Renumber | 9-1-2014 |
| 291-210-0030(T) | 10-13-2014 | Repeal | 11-1-2014 | 309-016-0801 | 8-1-2014 | Renumber | 9-1-2014 |
| 309-011-0070 | 1-28-2014 | Repeal | 3-1-2014 | 309-016-0806 | 8-1-2014 | Renumber | 9-1-2014 |
| 309-011-0075 | 1-28-2014 | Repeal | 3-1-2014 | 309-016-0811 | 8-1-2014 | Renumber | 9-1-2014 |
| 309-011-0080 | 1-28-2014 | Repeal | 3-1-2014 | 309-016-0816 | 8-1-2014 | Renumber | 9-1-2014 |
| 309-011-0085 | 1-28-2014 | Repeal | 3-1-2014 | 309-016-0821 | 8-1-2014 | Renumber | 9-1-2014 |
| 309-011-0090 | 1-28-2014 | Repeal | 3-1-2014 | 309-016-0825 | 8-1-2014 | Renumber | 9-1-2014 |
| 309-011-0095 | 1-28-2014 | Repeal | 3-1-2014 | 309-016-0830 | 8-1-2014 | Renumber | 9-1-2014 |
| 309-012-0130 | 12-20-2013 | Amend(T) | 2-1-2014 | 309-016-0835 | 8-1-2014 | Renumber | 9-1-2014 |
| 309-012-0130 | 6-19-2014 | Amend | 7-1-2014 | 309-016-0837 | 8-1-2014 | Renumber | 9-1-2014 |
| 309-012-0150 | 12-20-2013 | Amend(T) | 2-1-2014 | 309-016-0840 | 8-1-2014 | Renumber | 9-1-2014 |
| 309-012-0150 | 6-19-2014 | Amend | 7-1-2014 | 309-016-0845 | 8-1-2014 | Renumber | 9-1-2014 |
| 309-012-0180 | 12-20-2013 | Amend(T) | 2-1-2014 | 309-016-0850 | 8-1-2014 | Renumber | 9-1-2014 |
| 309-012-0180 | 6-19-2014 | Amend | 7-1-2014 | 309-016-0855 | 8-1-2014 | Renumber | 9-1-2014 |
| 309-012-0190 | 12-20-2013 | Amend(T) | 2-1-2014 | 309-018-0100 | 2-3-2014 | Adopt | 3-1-2014 |
| 309-012-0190 | 6-19-2014 | Amend | 7-1-2014 | 309-018-0100(T) | 2-3-2014 | Repeal | 3-1-2014 |
| 309-012-0230 | 12-20-2013 | Adopt(T) | 2-1-2014 | 309-018-0105 | 2-3-2014 | Adopt | 3-1-2014 |
| 309-012-0230 | 6-19-2014 | Adopt | 7-1-2014 | 309-018-0105(T) | 2-3-2014 | Repeal | 3-1-2014 |
| 309-016-0600 | 8-1-2014 | Renumber | 9-1-2014 | 309-018-0110 | 2-3-2014 | Adopt | 3-1-2014 |
| 309-016-0605 | 8-1-2014 | Renumber | 9-1-2014 | 309-018-0110(T) | 2-3-2014 | Repeal | 3-1-2014 |
| 309-016-0610 | 8-1-2014 | Renumber | 9-1-2014 | 309-018-0115 | 2-3-2014 | Adopt | 3-1-2014 |
| 309-016-0615 | 8-1-2014 | Renumber | 9-1-2014 | 309-018-0115(T) | 2-3-2014 | Repeal | 3-1-2014 |
| 309-016-0620 | 8-1-2014 | Renumber | 9-1-2014 | 309-018-0120 | 2-3-2014 | Adopt | 3-1-2014 |
| 309-016-0625 | 8-1-2014 | Renumber | 9-1-2014 | 309-018-0120(T) | 2-3-2014 | Repeal | 3-1-2014 |
| 309-016-0630 | 8-1-2014 | Renumber | 9-1-2014 | 309-018-0125 | 2-3-2014 | Adopt | 3-1-2014 |
| 309-016-0635 | 8-1-2014 | Renumber | 9-1-2014 | 309-018-0125(T) | 2-3-2014 | Repeal | 3-1-2014 |
| 309-016-0640 | 8-1-2014 | Renumber | 9-1-2014 | 309-018-0130 | 2-3-2014 | Adopt | 3-1-2014 |
| 309-016-0645 | 8-1-2014 | Renumber | 9-1-2014 | 309-018-0130(T) | 2-3-2014 | Repeal | 3-1-2014 |
| 309-016-0650 | 8-1-2014 | Renumber | 9-1-2014 | 309-018-0135 | 2-3-2014 | Adopt | 3-1-2014 |
| 309-016-0660 | 8-1-2014 | Renumber | 9-1-2014 | 309-018-0135(T) | 2-3-2014 | Repeal | 3-1-2014 |
| 309-016-0665 | 8-1-2014 | Renumber | 9-1-2014 | 309-018-0140 | 2-3-2014 | Adopt | 3-1-2014 |
| 309-016-0670 | 8-1-2014 | Renumber | 9-1-2014 | 309-018-0140(T) | 2-3-2014 | Repeal | 3-1-2014 |
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| 309-022-0185 | 2-3-2014 | Adopt | 3-1-2014 | 309-039-0500 | 12-20-2013 | Amend(T) | 2-1-2014 |
| 309-022-0185(T) | 2-3-2014 | Repeal | 3-1-2014 | 309-039-0500 | 6-19-2014 | Amend | 8-1-2014 |
| 309-022-0190 | 2-3-2014 | Adopt | 3-1-2014 | 309-039-0510 | 12-20-2013 | Amend(T) | 2-1-2014 |
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| 309-022-0192(T) | 2-3-2014 | Repeal | 3-1-2014 | 309-039-0520 | 12-20-2013 | Amend(T) | 2-1-2014 |
| 309-022-0195 | 2-3-2014 | Adopt | 3-1-2014 | 309-039-0520 | 6-19-2014 | Amend | 8-1-2014 |
| 309-022-0195(T) | 2-3-2014 | Repeal | 3-1-2014 | 309-039-0530 | 12-20-2013 | Amend(T) | 2-1-2014 |
| 309-022-0200 | 2-3-2014 | Adopt | 3-1-2014 | 309-039-0530 | 6-19-2014 | Amend | 8-1-2014 |
| 309-022-0200(T) | 2-3-2014 | Repeal | 3-1-2014 | 309-039-0540 | 12-20-2013 | Amend(T) | 2-1-2014 |
| 309-022-0205 | 2-3-2014 | Adopt | 3-1-2014 | 309-039-0540 | 6-19-2014 | Amend | 8-1-2014 |
| 309-022-0205(T) | 2-3-2014 | Repeal | 3-1-2014 | 309-039-0550 | 6-19-2014 | Repeal | 8-1-2014 |
| 309-022-0210 | 2-3-2014 | Adopt | 3-1-2014 | 309-039-0560 | 6-19-2014 | Amend | 8-1-2014 |
| 309-022-0210(T) | 2-3-2014 | Repeal | 3-1-2014 | 309-039-0570 | 12-20-2013 | Amend(T) | 2-1-2014 |
| 309-022-0215 | 2-3-2014 | Adopt | 3-1-2014 | 309-039-0570 | 6-19-2014 | Amend | 8-1-2014 |
| 309-022-0215(T) | 2-3-2014 | Repeal | 3-1-2014 | 309-041-1190 | 4-1-2014 | Repeal | 5-1-2014 |
| 309-022-0220 | 2-3-2014 | Adopt | 3-1-2014 | 309-041-1200 | 4-1-2014 | Repeal | 5-1-2014 |
| 309-022-0220(T) | 2-3-2014 | Repeal | 3-1-2014 | 309-041-1210 | 4-1-2014 | Repeal | 5-1-2014 |
| 309-022-0225 | 2-3-2014 | Adopt | 3-1-2014 | 309-041-1220 | 4-1-2014 | Repeal | 5-1-2014 |
| 309-022-0225(T) | 2-3-2014 | Repeal | 3-1-2014 | 309-041-1230 | 4-1-2014 | Repeal | 5-1-2014 |
| 309-022-0230 | 2-3-2014 | Adopt | 3-1-2014 | 309-041-1240 | 4-1-2014 | Repeal | 5-1-2014 |
| 309-022-0230(T) | 2-3-2014 | Repeal | 3-1-2014 | 309-041-1250 | 4-1-2014 | Repeal | 5-1-2014 |
| 309-032-1500 | 2-3-2014 | Repeal | 3-1-2014 | 309-042-0000 | 7-1-2014 | Repeal | 8-1-2014 |
| 309-032-1505 | 2-3-2014 | Repeal | 3-1-2014 | 309-042-0001 | 7-1-2014 | Repeal | 8-1-2014 |
| 309-032-1510 | 2-3-2014 | Repeal | 3-1-2014 | 309-042-0002 | 7-1-2014 | Repeal | 8-1-2014 |
| 309-032-1515 | 2-3-2014 | Repeal | 3-1-2014 | 309-042-0003 | 7-1-2014 | Repeal | 8-1-2014 |
| 309-032-1520 | 2-3-2014 | Repeal | 3-1-2014 | 309-042-0004 | 7-1-2014 | Repeal | 8-1-2014 |
| 309-032-1525 | 2-3-2014 | Repeal | 3-1-2014 | 309-042-0005 | 7-1-2014 | Repeal | 8-1-2014 |
| 309-032-1530 | 2-3-2014 | Repeal | 3-1-2014 | 309-042-0006 | 7-1-2014 | Repeal | 8-1-2014 |
| 309-032-1535 | 2-3-2014 | Repeal | 3-1-2014 | 309-042-0007 | 7-1-2014 | Repeal | 8-1-2014 |
| 309-032-1540 | 2-3-2014 | Repeal | 3-1-2014 | 309-042-0008 | 7-1-2014 | Repeal | 8-1-2014 |
| 309-032-1545 | 2-3-2014 | Repeal | 3-1-2014 | 309-042-0009 | 7-1-2014 | Repeal | 8-1-2014 |
| 309-032-1550 | 2-3-2014 | Repeal | 3-1-2014 | 309-042-0015 | 7-1-2014 | Repeal | 8-1-2014 |
| 309-032-1555 | 2-3-2014 | Repeal | 3-1-2014 | 309-042-0030 | 7-1-2014 | Repeal | 8-1-2014 |
| 309-032-1560 | 2-3-2014 | Repeal | 3-1-2014 | 309-042-0035 | 7-1-2014 | Repeal | 8-1-2014 |
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| 309-033-0700 | 9-29-2014 | Amend | 11-1-2014 | 309-042-0060 | 7-1-2014 | Repeal | 8-1-2014 |
| 309-033-0710 | 9-29-2014 | Amend | 11-1-2014 | 309-042-0065 | 7-1-2014 | Repeal | 8-1-2014 |
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| 309-033-0730 | 9-29-2014 | Amend | 11-1-2014 | 309-042-0100 | 7-1-2014 | Repeal | 8-1-2014 |
| 309-033-0732 | 9-29-2014 | Adopt | 11-1-2014 | 309-042-0110 | 7-1-2014 | Repeal | 8-1-2014 |
| 309-033-0733 | 9-29-2014 | Adopt | 11-1-2014 | 309-042-0120 | 7-1-2014 | Repeal | 8-1-2014 |
| 309-033-0735 | 9-29-2014 | Amend | 11-1-2014 | 309-042-0130 | 7-1-2014 | Repeal | 8-1-2014 |
| 309-033-0740 | 9-29-2014 | Amend | 11-1-2014 | 309-042-0140 | 7-1-2014 | Repeal | 8-1-2014 |
| 309-034-0400 | 2-3-2014 | Repeal | 3-1-2014 | 309-042-0150 | 7-1-2014 | Repeal | 8-1-2014 |
| 309-034-0410 | 2-3-2014 | Repeal | 3-1-2014 | 309-042-0160 | 7-1-2014 | Repeal | 8-1-2014 |
| 309-034-0420 | 2-3-2014 | Repeal | 3-1-2014 | 309-042-0170 | 7-1-2014 | Repeal | 8-1-2014 |
| 309-034-0430 | 2-3-2014 | Repeal | 3-1-2014 | 309-042-0180 | 7-1-2014 | Repeal | 8-1-2014 |
| 309-034-0440 | 2-3-2014 | Repeal | 3-1-2014 | 309-042-0190 | 7-1-2014 | Repeal | 8-1-2014 |
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| 309-034-0460 | 2-3-2014 | Repeal | 3-1-2014 | 309-042-0210 | 7-1-2014 | Repeal | 8-1-2014 |
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| 309-043-0270 | 7-1-2014 | Repeal | 8-1-2014 | 330-070-0020 | 1-1-2014 | Amend | 2-1-2014 |
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| 309-043-0290 | 7-1-2014 | Repeal | 8-1-2014 | 330-070-0022 | 1-1-2014 | Amend | 2-1-2014 |
| 309-043-0300 | 7-1-2014 | Repeal | 8-1-2014 | 330-070-0025 | 1-1-2014 | Amend | 2-1-2014 |
| 309-043-0310 | 7-1-2014 | Repeal | 8-1-2014 | 330-070-0026 | 1-1-2014 | Amend | 2-1-2014 |
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| 309-043-0330 | 7-1-2014 | Repeal | 8-1-2014 | 330-070-0064 | 1-1-2014 | Amend | 2-1-2014 |
| 309-043-0340 | 7-1-2014 | Repeal | 8-1-2014 | 330-070-0073 | 1-1-2014 | Amend | 2-1-2014 |
| 309-043-0350 | 7-1-2014 | Repeal | 8-1-2014 | 330-070-0073 | 5-15-2014 | Amend(T) | 6-1-2014 |
| 309-043-0360 | 7-1-2014 | Repeal | 8-1-2014 | 330-090-0133 | 4-1-2014 | Amend | 5-1-2014 |
| 309-043-0370 | 7-1-2014 | Repeal | 8-1-2014 | 330-092-0005 | 1-1-2014 | Amend | 2-1-2014 |
| 309-043-0380 | 7-1-2014 | Repeal | 8-1-2014 | 330-092-0010 | 1-1-2014 | Amend | 2-1-2014 |
| 309-043-0390 | 7-1-2014 | Repeal | 8-1-2014 | 330-092-0015 | 1-1-2014 | Amend | 2-1-2014 |
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| 309-043-0430 | 7-1-2014 | Repeal | 8-1-2014 | 330-092-0035 | 1-1-2014 | Amend | 2-1-2014 |
| 309-043-0440 | 7-1-2014 | Repeal | 8-1-2014 | 330-092-0040 | 1-1-2014 | Amend | 2-1-2014 |
| 309-043-0450 | 7-1-2014 | Repeal | 8-1-2014 | 330-092-0045 | 1-1-2014 | Amend | 2-1-2014 |
| 309-043-0460 | 7-1-2014 | Repeal | 8-1-2014 | 330-092-0050 | 1-1-2014 | Amend | 2-1-2014 |
| 309-043-0470 | 7-1-2014 | Repeal | 8-1-2014 | 330-092-0055 | 1-1-2014 | Amend | 2-1-2014 |
| 309-043-0480 | 7-1-2014 | Repeal | 8-1-2014 | 330-092-0060 | 1-1-2014 | Repeal | 2-1-2014 |
| 309-043-0490 | 7-1-2014 | Repeal | 8-1-2014 | 330-092-0065 | 1-1-2014 | Repeal | 2-1-2014 |
| 309-043-0500 | 7-1-2014 | Repeal | 8-1-2014 | 330-092-0070 | 1-1-2014 | Amend | 2-1-2014 |
| 309-043-0510 | 7-1-2014 | Repeal | 8-1-2014 | 330-110-0010 | 12-12-2013 | Amend | 1-1-2014 |
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| 309-043-0530 | 7-1-2014 | Repeal | 8-1-2014 | 330-110-0012 | 9-30-2014 | Amend | 11-1-2014 |
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| 309-043-0560 | 7-1-2014 | Repeal | 8-1-2014 | 330-110-0060 | 12-12-2013 | Adopt | 1-1-2014 |
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| 325-005-0015 | 3-21-2014 | Amend | 5-1-2014 | 330-135-0030 | 12-23-2013 | Amend | 2-1-2014 |
| 325-035-0001 | 7-1-2014 | Adopt | 7-1-2014 | 330-135-0035 | 12-23-2013 | Amend | 2-1-2014 |
| 325-035-0005 | 7-1-2014 | Adopt | 7-1-2014 | 330-135-0040 | 12-23-2013 | Amend | 2-1-2014 |
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| 330-063-0025 | 7-1-2014 | Adopt | 8-1-2014 | 330-160-0038 | 2-10-2014 | Adopt | 3-1-2014 |
| 330-063-0030 | 7-1-2014 | Amend | 8-1-2014 | 330-160-0040 | 2-10-2014 | Amend | 3-1-2014 |
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| 330-170-0030 | 1-1-2014 | Amend | 2-1-2014 | 331-910-0005 | 1-1-2014 | Amend | 2-1-2014 |
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| 330-170-0050 | 1-1-2014 | Amend | 2-1-2014 | 331-910-0055 | 1-1-2014 | Amend | 2-1-2014 |
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| 330-220-0050 | 1-1-2015 | Amend | 11-1-2014 | 331-915-0070 | 1-1-2014 | Amend | 2-1-2014 |
| 330-220-0070 | 1-1-2015 | Amend | 11-1-2014 | 331-925-0050 | 1-1-2014 | Amend | 2-1-2014 |
| 330-220-0080 | 1-1-2015 | Amend | 11-1-2014 | 331-940-0000 | 1-1-2014 | Amend | 2-1-2014 |
| 330-220-0090 | 1-1-2015 | Amend | 11-1-2014 | 331-950-0040 | 1-1-2014 | Amend | 2-1-2014 |
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| 330-220-0150 | 1-1-2015 | Amend | 11-1-2014 | 332-020-0015 | 1-1-2014 | Amend | 2-1-2014 |
| 331-010-0055 | 9-17-2014 | Adopt | 10-1-2014 | 333-008-0010 | 1-13-2014 | Amend | 2-1-2014 |
| 331-010-0060 | 4-3-2014 | Adopt(T) | 5-1-2014 | 333-008-0010 | 1-15-2014 | Amend(T) | 2-1-2014 |
| 331-010-0060 | 9-17-2014 | Adopt | 10-1-2014 | 333-008-0010 | 7-11-2014 | Amend | 8-1-2014 |
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| 331-010-0070 | 4-3-2014 | Adopt(T) | 5-1-2014 | 333-008-0020 | 1-13-2014 | Amend | 2-1-2014 |
| 331-010-0070 | 9-17-2014 | Adopt | 10-1-2014 | 333-008-0020 | 1-15-2014 | Amend(T) | 2-1-2014 |
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| 331-410-0050 | 7-1-2014 | Amend(T) | 8-1-2014 | 333-008-0020 | 7-11-2014 | Amend | 8-1-2014 |
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| 331-440-0000 | 2-1-2014 | Amend | 2-1-2014 | 333-008-0025 | 7-11-2014 | Amend | 8-1-2014 |
| 331-710-0050 | 1-1-2014 | Amend | 2-1-2014 | 333-008-0025(T) | 7-11-2014 | Repeal | 8-1-2014 |
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| 331-720-0010 | 1-1-2014 | Amend | 2-1-2014 | 333-008-0050(T) | 7-11-2014 | Repeal | 8-1-2014 |
| 331-720-0015 | 1-1-2014 | Amend | 2-1-2014 | 333-008-0120 | 1-15-2014 | Amend(T) | 2-1-2014 |
| 331-720-0020 | 1-1-2014 | Amend | 2-1-2014 | 333-008-0120 | 7-11-2014 | Amend | 8-1-2014 |
| 331-810-0055 | 1-17-2014 | Amend(T) | 3-1-2014 | 333-008-0120(T) | 7-11-2014 | Repeal | 8-1-2014 |
| 331-810-0055 | 6-1-2014 | Amend | 7-1-2014 | 333-008-1000 | 1-15-2014 | Adopt(T) | 2-1-2014 |
| 331-900-0010 | 1-1-2014 | Amend | 2-1-2014 | 333-008-1000 | 7-11-2014 | Adopt | 8-1-2014 |
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| 331-900-0020 | 1-1-2014 | Amend | 2-1-2014 | 333-008-1010 | 1-15-2014 | Adopt(T) | 2-1-2014 |
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| 331-900-0050 | 1-1-2014 | Amend | 2-1-2014 | 333-008-1010(T) | 7-11-2014 | Repeal | 8-1-2014 |
| 331-900-0077 | 1-1-2014 | Adopt | 2-1-2014 | 333-008-1020 | 1-15-2014 | Adopt(T) | 2-1-2014 |
| 331-900-0085 | 1-1-2014 | Amend | 2-1-2014 | 333-008-1020 | 7-11-2014 | Adopt | 8-1-2014 |
| 331-900-0090 | 1-1-2014 | Amend | 2-1-2014 | 333-008-1020(T) | 7-11-2014 | Repeal | 8-1-2014 |
| 331-900-0095 | 1-1-2014 | Amend | 2-1-2014 | 333-008-1030 | 1-15-2014 | Adopt(T) | 2-1-2014 |
| 331-900-0097 | 1-1-2014 | Amend | 2-1-2014 | 333-008-1030 | 7-11-2014 | Adopt | 8-1-2014 |
| 331-900-0098 | 1-1-2014 | Amend | 2-1-2014 | 333-008-1030(T) | 7-11-2014 | Repeal | 8-1-2014 |
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| 333-008-1090 | 7-11-2014 | Adopt | 8-1-2014 | 333-008-1250(T) | 7-11-2014 | Repeal | 8-1-2014 |
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| 333-008-1100(T) | 7-11-2014 | Repeal | 8-1-2014 | 333-008-1270 | 1-15-2014 | Adopt(T) | 2-1-2014 |
| 333-008-1110 | 1-15-2014 | Adopt(T) | 2-1-2014 | 333-008-1270(T) | 4-1-2014 | Suspend | 5-1-2014 |
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| 333-008-1130(T) | 7-11-2014 | Repeal | 8-1-2014 | 333-008-1290 | 7-11-2014 | Adopt | 8-1-2014 |
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| 333-010-0285 | 10-10-2014 | Amend | 11-1-2014 | 333-015-0068 | 10-8-2014 | Amend | 11-1-2014 |
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| 333-011-0047 | 1-1-2014 | Am. & Ren. | 2-1-2014 | 333-018-0020 | 1-1-2014 | Amend | 2-1-2014 |
| 333-011-0048 | 1-1-2014 | Repeal | 2-1-2014 | 333-018-0035 | 1-1-2014 | Amend | 2-1-2014 |
| 333-011-0061 | 1-1-2014 | Repeal | 2-1-2014 | 333-018-0100 | 6-9-2014 | Amend | 7-1-2014 |
| 333-011-0067 | 1-1-2014 | Repeal | 2-1-2014 | 333-018-0110 | 6-9-2014 | Amend | 7-1-2014 |
| 333-011-0072 | 1-1-2014 | Repeal | 2-1-2014 | 333-018-0115 | 6-9-2014 | Amend | 7-1-2014 |
| 333-011-0073 | 1-1-2014 | Repeal | 2-1-2014 | 333-018-0120 | 6-9-2014 | Amend | 7-1-2014 |
| 333-011-0076 | 1-1-2014 | Am. & Ren. | 2-1-2014 | 333-018-0125 | 6-9-2014 | Amend | 7-1-2014 |
| 333-011-0096 | 1-1-2014 | Repeal | 2-1-2014 | 333-018-0127 | 6-9-2014 | Adopt | 7-1-2014 |
| 333-011-0101 | 1-1-2014 | Am. & Ren. | 2-1-2014 | 333-018-0130 | 6-9-2014 | Amend | 7-1-2014 |
| 333-011-0106 | 1-1-2014 | Am. & Ren. | 2-1-2014 | 333-018-0135 | 6-9-2014 | Amend | 7-1-2014 |
| 333-011-0110 | 1-1-2014 | Am. & Ren. | 2-1-2014 | 333-019-0010 | 1-1-2014 | Amend | 2-1-2014 |
| 333-011-0116 | 1-1-2014 | Repeal | 2-1-2014 | 333-019-0014 | 1-1-2014 | Amend | 2-1-2014 |
| 333-011-0155 | 1-1-2014 | Repeal | 2-1-2014 | 333-019-0031 | 1-1-2014 | Amend | 2-1-2014 |
| 333-011-0200 | 1-1-2014 | Am. & Ren. | 2-1-2014 | 333-019-0046 | 1-1-2014 | Repeal | 2-1-2014 |
| 333-011-0205 | 1-1-2014 | Adopt | 2-1-2014 | 333-019-0052 | 1-1-2014 | Adopt | 2-1-2014 |
| 333-011-0210 | 1-1-2014 | Adopt | 2-1-2014 | 333-024-0205 | 5-1-2014 | Amend | 5-1-2014 |
| 333-011-0215 | 1-1-2014 | Adopt | 2-1-2014 | 333-024-0210 | 5-1-2014 | Amend | 5-1-2014 |
| 333-011-0220 | 1-1-2014 | Adopt | 2-1-2014 | 333-024-0215 | 5-1-2014 | Amend | 5-1-2014 |
| 333-011-0225 | 1-1-2014 | Adopt | 2-1-2014 | 333-024-0220 | 5-1-2014 | Amend | 5-1-2014 |
| 333-011-0230 | 1-1-2014 | Adopt | 2-1-2014 | 333-024-0225 | 5-1-2014 | Amend | 5-1-2014 |
| 333-011-0235 | 1-1-2014 | Adopt | 2-1-2014 | 333-024-0230 | 5-1-2014 | Amend | 5-1-2014 |
| 333-011-0240 | 1-1-2014 | Adopt | 2-1-2014 | 333-024-0231 | 5-1-2014 | Amend | 5-1-2014 |
| 333-011-0245 | 1-1-2014 | Adopt | 2-1-2014 | 333-024-0232 | 5-1-2014 | Amend | 5-1-2014 |

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| 333-024-0235 | 5-1-2014 | Amend | 5-1-2014 | 333-061-0073 | 5-8-2014 | Amend | 6-1-2014 |
| 333-024-0240 | 1-30-2014 | Amend | 3-1-2014 | 333-061-0090 | 5-8-2014 | Amend | 6-1-2014 |
| 333-024-0240 | 5-1-2014 | Amend | 5-1-2014 | 333-061-0205 | 5-8-2014 | Repeal | 6-1-2014 |
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| 333-028-0200 | 1-1-2014 | Adopt | 2-1-2014 | 333-061-0220 | 5-8-2014 | Amend | 6-1-2014 |
| 333-028-0210 | 1-1-2014 | Adopt | 2-1-2014 | 333-061-0225 | 5-8-2014 | Amend | 6-1-2014 |
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| 333-028-0230 | 1-1-2014 | Adopt | 2-1-2014 | 333-061-0230 | 5-8-2014 | Amend | 6-1-2014 |
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| 333-028-0250 | 1-1-2014 | Adopt | 2-1-2014 | 333-061-0235 | 5-8-2014 | Amend | 6-1-2014 |
| 333-028-0260 | 4-1-2014 | Adopt | 5-1-2014 | 333-061-0245 | 5-8-2014 | Amend | 6-1-2014 |
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| 333-028-0280 | 4-1-2014 | Adopt | 5-1-2014 | 333-061-0260 | 5-8-2014 | Amend | 6-1-2014 |
| 333-050-0010 | 3-1-2014 | Amend | 3-1-2014 | 333-061-0265 | 5-8-2014 | Amend | 6-1-2014 |
| 333-050-0020 | 3-1-2014 | Amend | 3-1-2014 | 333-061-0270 | 5-8-2014 | Amend | 6-1-2014 |
| 333-050-0040 | 3-1-2014 | Amend | 3-1-2014 | 333-061-0272 | 5-8-2014 | Amend | 6-1-2014 |
| 333-050-0050 | 3-1-2014 | Amend | 3-1-2014 | 333-061-0290 | 5-8-2014 | Repeal | 6-1-2014 |
| 333-050-0060 | 3-1-2014 | Amend | 3-1-2014 | 333-062-0070 | 9-1-2014 | Amend | 9-1-2014 |
| 333-050-0070 | 3-1-2014 | Amend | 3-1-2014 | 333-062-0080 | 9-1-2014 | Amend | 9-1-2014 |
| 333-050-0080 | 3-1-2014 | Amend | 3-1-2014 | 333-062-0103 | 9-1-2014 | Amend | 9-1-2014 |
| 333-050-0100 | 3-1-2014 | Amend | 3-1-2014 | 333-062-0120 | 9-1-2014 | Amend | 9-1-2014 |
| 333-050-0110 | 3-1-2014 | Amend | 3-1-2014 | 333-062-0145 | 9-1-2014 | Amend | 9-1-2014 |
| 333-050-0120 | 3-1-2014 | Amend | 3-1-2014 | 333-062-0150 | 9-1-2014 | Amend | 9-1-2014 |
| 333-050-0130 | 3-1-2014 | Amend | 3-1-2014 | 333-062-0170 | 9-1-2014 | Amend | 9-1-2014 |
| 333-050-0140 | 3-1-2014 | Amend | 3-1-2014 | 333-062-0250 | 9-1-2014 | Adopt | 9-1-2014 |
| 333-052-0040 | 1-30-2014 | Amend | 3-1-2014 | 333-062-0255 | 9-1-2014 | Adopt | 9-1-2014 |
| 333-052-0043 | 1-30-2014 | Amend | 3-1-2014 | 333-072-0200 | 6-2-2014 | Adopt | 7-1-2014 |
| 333-052-0044 | 1-30-2014 | Amend | 3-1-2014 | 333-072-0205 | 6-2-2014 | Adopt | 7-1-2014 |
| 333-052-0120 | 1-30-2014 | Amend | 3-1-2014 | 333-072-0210 | 6-2-2014 | Adopt | 7-1-2014 |
| 333-053-0000 | 1-30-2014 | Adopt | 3-1-2014 | 333-072-0215 | 6-2-2014 | Adopt | 7-1-2014 |
| 333-054-0052 | 1-30-2014 | Adopt | 3-1-2014 | 333-072-0215 | 7-28-2014 | Amend(T) | 9-1-2014 |
| 333-055-0100 | 11-19-2013 | Adopt | 1-1-2014 | 333-072-0215 | 8-7-2014 | Amend(T) | 9-1-2014 |
| 333-055-0100(T) | 11-19-2013 | Repeal | 1-1-2014 | 333-072-0220 | 6-2-2014 | Adopt | 7-1-2014 |
| 333-055-0105 | 11-19-2013 | Adopt | 1-1-2014 | 333-072-0225 | 6-2-2014 | Adopt | 7-1-2014 |
| 333-055-0105(T) | 11-19-2013 | Repeal | 1-1-2014 | 333-076-0670 | 1-1-2014 | Amend(T) | 2-1-2014 |
| 333-055-0110 | 11-19-2013 | Adopt | 1-1-2014 | 333-076-0670 | 6-17-2014 | Amend | 8-1-2014 |
| 333-055-0110(T) | 11-19-2013 | Repeal | 1-1-2014 | 333-076-0670(T) | 6-17-2014 | Repeal | 8-1-2014 |
| 333-055-0115 | 11-19-2013 | Adopt | 1-1-2014 | 333-081-0000 | 2-1-2014 | Adopt | 3-1-2014 |
| 333-056-0020 | 1-1-2014 | Amend | 2-1-2014 | 333-081-0005 | 2-1-2014 | Adopt | 3-1-2014 |
| 333-056-0030 | 1-1-2014 | Amend | 2-1-2014 | 333-081-0010 | 2-1-2014 | Adopt | 3-1-2014 |
| 333-056-0040 | 1-1-2014 | Amend | 2-1-2014 | 333-081-0015 | 2-1-2014 | Adopt | 3-1-2014 |
| 333-056-0045 | 1-1-2014 | Adopt | 2-1-2014 | 333-081-0020 | 2-1-2014 | Adopt | 3-1-2014 |
| 333-056-0050 | 1-1-2014 | Amend | 2-1-2014 | 333-081-0025 | 2-1-2014 | Adopt | 3-1-2014 |
| 333-060-0075 | 9-1-2014 | Amend | 9-1-2014 | 333-081-0030 | 2-1-2014 | Adopt | 3-1-2014 |
| 333-060-0105 | 9-1-2014 | Amend | 9-1-2014 | 333-081-0035 | 2-1-2014 | Adopt | 3-1-2014 |
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| 333-060-0145 | 9-1-2014 | Amend | 9-1-2014 | 333-081-0045 | 2-1-2014 | Adopt | 3-1-2014 |
| 333-060-0165 | 9-1-2014 | Amend | 9-1-2014 | 333-081-0050 | 2-1-2014 | Adopt | 3-1-2014 |
| 333-060-0170 | 9-1-2014 | Amend | 9-1-2014 | 333-081-0055 | 2-1-2014 | Adopt | 3-1-2014 |
| 333-060-0205 | 9-1-2014 | Amend | 9-1-2014 | 333-081-0060 | 2-1-2014 | Adopt | 3-1-2014 |
| 333-060-0505 | 9-1-2014 | Amend | 9-1-2014 | 333-081-0065 | 2-1-2014 | Adopt | 3-1-2014 |
| 333-060-0700 | 9-1-2014 | Adopt | 9-1-2014 | 333-081-0070 | 2-1-2014 | Adopt | 3-1-2014 |
| 333-060-0705 | 9-1-2014 | Adopt | 9-1-2014 | 333-081-0075 | 2-1-2014 | Adopt | 3-1-2014 |
| 333-061-0020 | 5-8-2014 | Amend | 6-1-2014 | 333-081-0080 | 2-1-2014 | Adopt | 3-1-2014 |
| 333-061-0065 | 5-8-2014 | Amend | 6-1-2014 | 333-081-0085 | 2-1-2014 | Adopt | 3-1-2014 |
| 333-061-0072 | 5-8-2014 | Amend | 6-1-2014 | 333-081-0090 | 2-1-2014 | Adopt | 3-1-2014 |

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| 333-101-0003 | 8-15-2014 | Amend | 9-1-2014 | 335-060-0007 | 3-7-2014 | Amend | 4-1-2014 |
| 333-101-0020 | 8-15-2014 | Amend | 9-1-2014 | 337-021-0055 | 7-1-2014 | Adopt | 7-1-2014 |
| 333-102-0300 | 8-15-2014 | Amend | 9-1-2014 | 339-010-0007 | 10-9-2014 | Adopt | 11-1-2014 |
| 333-103-0003 | 8-15-2014 | Amend | 9-1-2014 | 339-020-0025 | 10-9-2014 | Adopt | 11-1-2014 |
| 333-103-0010 | 8-15-2014 | Amend | 9-1-2014 | 340-011-0005 | 1-6-2014 | Amend | 2-1-2014 |
| 333-103-0015 | 8-15-2014 | Amend | 9-1-2014 | 340-011-0010 | 1-6-2014 | Amend | 2-1-2014 |
| 333-103-0030 | 8-15-2014 | Amend | 9-1-2014 | 340-011-0024 | 1-6-2014 | Amend | 2-1-2014 |
| 333-103-0035 | 8-15-2014 | Amend | 9-1-2014 | 340-011-0029 | 1-6-2014 | Amend | 2-1-2014 |
| 333-106-0015 | 8-15-2014 | Amend | 9-1-2014 | 340-011-0046 | 1-6-2014 | Amend | 2-1-2014 |
| 333-106-0055 | 8-15-2014 | Amend | 9-1-2014 | 340-011-0053 | 1-6-2014 | Amend | 2-1-2014 |
| 333-106-0325 | 8-15-2014 | Amend | 9-1-2014 | 340-011-0061 | 1-6-2014 | Amend | 2-1-2014 |
| 333-106-0345 | 8-15-2014 | Adopt | 9-1-2014 | 340-011-0310 | 1-6-2014 | Amend | 2-1-2014 |
| 333-106-0350 | 8-15-2014 | Amend | 9-1-2014 | 340-011-0330 | 1-6-2014 | Amend | 2-1-2014 |
| 333-106-0355 | 8-15-2014 | Amend | 9-1-2014 | 340-011-0340 | 1-6-2014 | Amend | 2-1-2014 |
| 333-106-0360 | 8-15-2014 | Amend | 9-1-2014 | 340-011-0360 | 1-6-2014 | Amend | 2-1-2014 |
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| 333-106-0363 | 8-15-2014 | Adopt | 9-1-2014 | 340-011-0390 | 1-6-2014 | Amend | 2-1-2014 |
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| 333-106-0366 | 8-15-2014 | Adopt | 9-1-2014 | 340-011-0515 | 1-6-2014 | Amend | 2-1-2014 |
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| 333-106-0369 | 8-15-2014 | Adopt | 9-1-2014 | 340-011-0530 | 1-6-2014 | Amend | 2-1-2014 |
| 333-106-0735 | 1-1-2014 | Adopt | 2-1-2014 | 340-011-0535 | 1-6-2014 | Amend | 2-1-2014 |
| 333-116-0045 | 8-15-2014 | Amend | 9-1-2014 | 340-011-0540 | 1-6-2014 | Amend | 2-1-2014 |
| 333-116-0190 | 8-15-2014 | Amend | 9-1-2014 | 340-011-0545 | 1-6-2014 | Amend | 2-1-2014 |
| 333-116-0660 | 1-1-2014 | Amend | 2-1-2014 | 340-011-0550 | 1-6-2014 | Amend | 2-1-2014 |
| 333-116-0680 | 1-1-2014 | Amend | 2-1-2014 | 340-011-0555 | 1-6-2014 | Amend | 2-1-2014 |
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| 333-116-0683 | 1-1-2014 | Amend | 2-1-2014 | 340-011-0570 | 1-6-2014 | Amend | 2-1-2014 |
| 333-116-0683 | 8-15-2014 | Amend | 9-1-2014 | 340-011-0573 | 1-6-2014 | Amend | 2-1-2014 |
| 333-116-0687 | 1-1-2014 | Amend | 2-1-2014 | 340-011-0575 | 1-6-2014 | Amend | 2-1-2014 |
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| 333-116-0690 | 1-1-2014 | Amend | 2-1-2014 | 340-011-0585 | 1-6-2014 | Amend | 2-1-2014 |
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| 333-116-0700 | 1-1-2014 | Amend | 2-1-2014 | 340-012-0026 | 1-6-2014 | Amend | 2-1-2014 |
| 333-116-0715 | 1-1-2014 | Amend | 2-1-2014 | 340-012-0027 | 1-6-2014 | Repeal | 2-1-2014 |
| 333-118-0020 | 8-15-2014 | Amend | 9-1-2014 | 340-012-0028 | 1-6-2014 | Amend | 2-1-2014 |
| 333-118-0040 | 1-1-2014 | Amend | 2-1-2014 | 340-012-0030 | 1-6-2014 | Amend | 2-1-2014 |
| 333-118-0190 | 8-15-2014 | Amend | 9-1-2014 | 340-012-0038 | 1-6-2014 | Amend | 2-1-2014 |
| 333-119-0010 | 1-1-2014 | Amend | 2-1-2014 | 340-012-0041 | 1-6-2014 | Amend | 2-1-2014 |
| 333-119-0090 | 1-1-2014 | Amend | 2-1-2014 | 340-012-0045 | 1-6-2014 | Amend | 2-1-2014 |
| 333-119-0110 | 1-1-2014 | Amend | 2-1-2014 | 340-012-0053 | 1-6-2014 | Amend | 2-1-2014 |
| 333-120-0710 | 8-15-2014 | Amend | 9-1-2014 | 340-012-0054 | 1-6-2014 | Amend | 2-1-2014 |
| 333-520-0060 | 1-1-2014 | Amend(T) | 2-1-2014 | 340-012-0055 | 1-6-2014 | Amend | 2-1-2014 |
| 333-520-0060 | 6-17-2014 | Amend | 8-1-2014 | 340-012-0060 | 1-6-2014 | Amend | 2-1-2014 |
| 333-520-0060(T) | 6-17-2014 | Repeal | 8-1-2014 | 340-012-0065 | 1-6-2014 | Amend | 2-1-2014 |
| 334-010-0005 | 1-1-2014 | Amend | 1-1-2014 | 340-012-0066 | 1-6-2014 | Amend | 2-1-2014 |
| 334-010-0006 | 1-1-2014 | Adopt | 1-1-2014 | 340-012-0067 | 1-6-2014 | Amend | 2-1-2014 |
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| 334-010-0033 | 1-1-2014 | Amend | 1-1-2014 | 340-012-0071 | 1-6-2014 | Amend | 2-1-2014 |
| 334-010-0050 | 1-1-2014 | Amend | 1-1-2014 | 340-012-0072 | 1-6-2014 | Amend | 2-1-2014 |
| 334-020-0005 | 1-1-2014 | Amend | 1-1-2014 | 340-012-0073 | 1-6-2014 | Amend | 2-1-2014 |
| 334-040-0010 | 1-1-2014 | Amend | 1-1-2014 | 340-012-0074 | 1-6-2014 | Amend | 2-1-2014 |

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| 340-012-0083 | 1-6-2014 | Amend | 2-1-2014 | 340-071-0435 | 1-2-2014 | Amend | 2-1-2014 |
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| 340-012-0130 | 1-6-2014 | Amend | 2-1-2014 | 340-071-0520 | 1-2-2014 | Amend | 2-1-2014 |
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| 340-012-0150 | 1-6-2014 | Amend | 2-1-2014 | 340-200-0040 | 1-6-2014 | Amend | 2-1-2014 |
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| 340-012-0160 | 1-6-2014 | Amend | 2-1-2014 | 340-200-0040 | 3-31-2014 | Amend | 5-1-2014 |
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| 340-012-0165 | 1-6-2014 | Amend | 2-1-2014 | 340-200-0040 | 6-26-2014 | Amend | 8-1-2014 |
| 340-012-0170 | 1-6-2014 | Amend | 2-1-2014 | 340-210-0100 | 6-26-2014 | Amend | 8-1-2014 |
| 340-018-0030 | 1-2-2014 | Amend | 2-1-2014 | 340-216-0020 | 6-26-2014 | Amend | 8-1-2014 |
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| 340-054-0011 | 2-3-2014 | Amend | 3-1-2014 | 340-216-0060 | 6-26-2014 | Amend | 8-1-2014 |
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| 340-071-0120 | 1-2-2014 | Amend | 2-1-2014 | 340-216-8010 | 6-26-2014 | Adopt | 8-1-2014 |
| 340-071-0130 | 1-2-2014 | Amend | 2-1-2014 | 340-216-8020 | 6-26-2014 | Adopt | 8-1-2014 |
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| 340-071-0140 | 1-2-2014 | Amend | 2-1-2014 | 340-220-0050 | 9-4-2014 | Amend | 10-1-2014 |
| 340-071-0140 | 10-15-2014 | Amend | 11-1-2014 | 340-220-0060 | 9-4-2014 | Amend | 10-1-2014 |
| 340-071-0150 | 1-2-2014 | Amend | 2-1-2014 | 340-253-0040 | 1-1-2014 | Amend(T) | 2-1-2014 |
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| 340-071-0160 | 1-2-2014 | Amend | 2-1-2014 | 340-253-0060 | 1-1-2014 | Amend(T) | 2-1-2014 |
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| 340-071-0205 | 1-2-2014 | Amend | 2-1-2014 | 340-253-0250 | 1-1-2014 | Amend(T) | 2-1-2014 |
| 340-071-0215 | 1-2-2014 | Amend | 2-1-2014 | 340-253-0250 | 6-26-2014 | Amend | 8-1-2014 |
| 340-071-0220 | 1-2-2014 | Amend | 2-1-2014 | 340-253-0310 | 1-1-2014 | Amend(T) | 2-1-2014 |
| 340-071-0220 | 10-15-2014 | Amend | 11-1-2014 | 340-253-0310 | 6-26-2014 | Amend | 8-1-2014 |
| 340-071-0260 | 1-2-2014 | Amend | 2-1-2014 | 340-253-0320 | 1-1-2014 | Amend(T) | 2-1-2014 |
| 340-071-0265 | 1-2-2014 | Amend | 2-1-2014 | 340-253-0320 | 6-26-2014 | Amend | 8-1-2014 |
| 340-071-0270 | 1-2-2014 | Repeal | 2-1-2014 | 340-253-0340 | 1-1-2014 | Amend(T) | 2-1-2014 |
| 340-071-0275 | 1-2-2014 | Amend | 2-1-2014 | 340-253-0340 | 6-26-2014 | Amend | 8-1-2014 |
| 340-071-0290 | 1-2-2014 | Amend | 2-1-2014 | 340-253-0400 | 1-1-2014 | Amend(T) | 2-1-2014 |
| 340-071-0295 | 1-2-2014 | Amend | 2-1-2014 | 340-253-0400 | 6-26-2014 | Amend | 8-1-2014 |
| 340-071-0302 | 1-2-2014 | Amend | 2-1-2014 | 340-253-0500 | 1-1-2014 | Amend(T) | 2-1-2014 |
| 340-071-0325 | 1-2-2014 | Amend | 2-1-2014 | 340-253-0500 | 6-26-2014 | Amend | 8-1-2014 |
| 340-071-0335 | 1-2-2014 | Amend | 2-1-2014 | 340-253-0600 | 1-1-2014 | Amend(T) | 2-1-2014 |
| 340-071-0340 | 1-2-2014 | Amend | 2-1-2014 | 340-253-0600 | 6-26-2014 | Amend | 8-1-2014 |
| 340-071-0345 | 1-2-2014 | Amend | 2-1-2014 | 340-253-0630 | 1-1-2014 | Amend(T) | 2-1-2014 |
| 340-071-0360 | 1-2-2014 | Amend | 2-1-2014 | 340-253-0630 | 6-26-2014 | Amend | 8-1-2014 |
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| 340-253-0650 | 6-26-2014 | Amend | 8-1-2014 | 409-045-0135 | 7-1-2014 | Amend | 8-1-2014 |
| 340-253-3000 | 1-1-2014 | Amend(T) | 2-1-2014 | 409-110-0000 | 2-24-2014 | Repeal | 4-1-2014 |
| 340-253-3000 | 6-26-2014 | Repeal | 8-1-2014 | 409-110-0005 | 2-24-2014 | Repeal | 4-1-2014 |
| 340-253-3010 | 1-1-2014 | Amend(T) | 2-1-2014 | 409-110-0010 | 2-24-2014 | Repeal | 4-1-2014 |
| 340-253-3010 | 6-26-2014 | Amend | 8-1-2014 | 409-110-0015 | 2-24-2014 | Repeal | 4-1-2014 |
| 340-253-3020 | 1-1-2014 | Amend(T) | 2-1-2014 | 409-110-0020 | 2-24-2014 | Repeal | 4-1-2014 |
| 340-253-3020 | 6-26-2014 | Amend | 8-1-2014 | 410-050-0100 | 4-1-2014 | Repeal | 5-1-2014 |
| 340-257-0010 | 12-19-2013 | Amend | 2-1-2014 | 410-050-0110 | 4-1-2014 | Repeal | 5-1-2014 |
| 340-257-0020 | 12-19-2013 | Amend | 2-1-2014 | 410-050-0120 | 4-1-2014 | Repeal | 5-1-2014 |
| 340-257-0030 | 12-19-2013 | Amend | 2-1-2014 | 410-050-0130 | 4-1-2014 | Repeal | 5-1-2014 |
| 340-257-0050 | 12-19-2013 | Amend | 2-1-2014 | 410-050-0140 | 4-1-2014 | Repeal | 5-1-2014 |
| 340-257-0070 | 12-19-2013 | Amend | 2-1-2014 | 410-050-0150 | 4-1-2014 | Repeal | 5-1-2014 |
| 340-257-0080 | 12-19-2013 | Amend | 2-1-2014 | 410-050-0160 | 4-1-2014 | Repeal | 5-1-2014 |
| 340-257-0090 | 12-19-2013 | Amend | 2-1-2014 | 410-050-0170 | 4-1-2014 | Repeal | 5-1-2014 |
| 340-257-0100 | 12-19-2013 | Amend | 2-1-2014 | 410-050-0180 | 4-1-2014 | Repeal | 5-1-2014 |
| 340-257-0110 | 12-19-2013 | Amend | 2-1-2014 | 410-050-0190 | 4-1-2014 | Repeal | 5-1-2014 |
| 340-257-0120 | 12-19-2013 | Amend | 2-1-2014 | 410-050-0200 | 4-1-2014 | Repeal | 5-1-2014 |
| 340-259-0010 | 3-31-2014 | Amend | 5-1-2014 | 410-050-0210 | 4-1-2014 | Repeal | 5-1-2014 |
| 407-025-0010 | 2-14-2014 | Adopt | 3-1-2014 | 410-050-0220 | 4-1-2014 | Repeal | 5-1-2014 |
| 407-025-0050 | 2-14-2014 | Adopt | 3-1-2014 | 410-050-0230 | 4-1-2014 | Repeal | 5-1-2014 |
| 409-022-0050 | 2-24-2014 | Amend | 4-1-2014 | 410-050-0240 | 4-1-2014 | Repeal | 5-1-2014 |
| 409-023-0000 | 1-1-2014 | Am. & Ren. | 2-1-2014 | 410-050-0250 | 4-1-2014 | Repeal | 5-1-2014 |
| 409-023-0005 | 1-1-2014 | Am. & Ren. | 2-1-2014 | 410-050-0861 | 10-1-2014 | Amend(T) | 11-1-2014 |
| 409-023-0010 | 1-1-2014 | Am. & Ren. | 2-1-2014 | 410-050-0870 | 3-25-2014 | Amend | 5-1-2014 |
| 409-023-0012 | 1-1-2014 | Am. & Ren. | 2-1-2014 | 410-050-0870(T) | 3-25-2014 | Repeal | 5-1-2014 |
| 409-023-0013 | 1-1-2014 | Am. & Ren. | 2-1-2014 | 410-120-0000 | 12-27-2013 | Amend | 2-1-2014 |
| 409-023-0015 | 1-1-2014 | Am. & Ren. | 2-1-2014 | 410-120-0000 | 10-1-2014 | Amend | 11-1-2014 |
| 409-023-0020 | 1-1-2014 | Am. & Ren. | 2-1-2014 | 410-120-0000(T) | 12-27-2013 | Repeal | 2-1-2014 |
| 409-023-0025 | 1-1-2014 | Am. & Ren. | 2-1-2014 | 410-120-0003 | 1-1-2014 | Adopt | 2-1-2014 |
| 409-023-0030 | 1-1-2014 | Am. & Ren. | 2-1-2014 | 410-120-0006 | 2-1-2014 | Amend(T) | 3-1-2014 |
| 409-023-0035 | 1-1-2014 | Am. & Ren. | 2-1-2014 | 410-120-0006 | 3-31-2014 | Amend | 5-1-2014 |
| 409-045-0000 | 7-1-2014 | Repeal | 8-1-2014 | 410-120-0006 | 7-1-2014 | Amend | 8-1-2014 |
| 409-045-0025 | 7-1-2014 | Adopt | 8-1-2014 | 410-120-0006 | 9-23-2014 | Amend | 11-1-2014 |
| 409-045-0030 | 7-1-2014 | Adopt | 8-1-2014 | 410-120-0006(T) | 2-1-2014 | Suspend | 3-1-2014 |
| 409-045-0035 | 7-1-2014 | Adopt | 8-1-2014 | 410-120-0006(T) | 3-31-2014 | Repeal | 5-1-2014 |
| 409-045-0040 | 7-1-2014 | Adopt | 8-1-2014 | 410-120-0030 | 12-3-2013 | Amend | 1-1-2014 |
| 409-045-0045 | 7-1-2014 | Adopt | 8-1-2014 | 410-120-0030 | 1-1-2014 | Amend(T) | 2-1-2014 |
| 409-045-0050 | 7-1-2014 | Adopt | 8-1-2014 | 410-120-0030 | 4-4-2014 | Amend | 5-1-2014 |
| 409-045-0055 | 7-1-2014 | Adopt | 8-1-2014 | 410-120-0030(T) | 4-4-2014 | Repeal | 5-1-2014 |
| 409-045-0060 | 7-1-2014 | Adopt | 8-1-2014 | 410-120-0045 | 12-27-2013 | Amend | 2-1-2014 |
| 409-045-0065 | 7-1-2014 | Adopt | 8-1-2014 | 410-120-0045(T) | 12-27-2013 | Repeal | 2-1-2014 |
| 409-045-0070 | 7-1-2014 | Adopt | 8-1-2014 | 410-120-1140 | 7-3-2014 | Amend | 8-1-2014 |
| 409-045-0075 | 7-1-2014 | Adopt | 8-1-2014 | 410-120-1160 | 12-27-2013 | Amend | 2-1-2014 |
| 409-045-0105 | 1-1-2014 | Adopt(T) | 2-1-2014 | 410-120-1160 | 10-1-2014 | Amend | 11-1-2014 |
| 409-045-0105(T) | 7-1-2014 | Repeal | 8-1-2014 | 410-120-1160(T) | 12-27-2013 | Repeal | 2-1-2014 |
| 409-045-0110 | 1-1-2014 | Adopt(T) | 2-1-2014 | 410-120-1200 | 12-27-2013 | Amend | 2-1-2014 |
| 409-045-0110(T) | 7-1-2014 | Repeal | 8-1-2014 | 410-120-1200 | 10-1-2014 | Amend | 11-1-2014 |
| 409-045-0115 | 1-1-2014 | Adopt(T) | 2-1-2014 | 410-120-1200(T) | 12-27-2013 | Repeal | 2-1-2014 |
| 409-045-0115 | 7-1-2014 | Amend | 8-1-2014 | 410-120-1210 | 12-27-2013 | Amend | 2-1-2014 |
| 409-045-0120 | 1-1-2014 | Adopt(T) | 2-1-2014 | 410-120-1210 | 1-1-2014 | Amend(T) | 2-1-2014 |
| 409-045-0120 | 7-1-2014 | Amend | 8-1-2014 | 410-120-1210 | 4-4-2014 | Amend | 5-1-2014 |
| 409-045-0125 | 1-1-2014 | Adopt(T) | 2-1-2014 | 410-120-1210(T) | 12-27-2013 | Repeal | 2-1-2014 |
| 409-045-0125 | 7-1-2014 | Amend | 8-1-2014 | 410-120-1210(T) | 4-4-2014 | Repeal | 5-1-2014 |
| 409-045-0130 | 1-1-2014 | Adopt(T) | 2-1-2014 | 410-120-1230 | 1-1-2014 | Amend(T) | 2-1-2014 |
| 409-045-0130 | 7-1-2014 | Amend | 8-1-2014 | 410-120-1230 | 4-4-2014 | Amend | 5-1-2014 |
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| 410-120-1260 | 10-1-2014 | Amend | 11-1-2014 | 410-125-0020 | 1-1-2014 | Amend(T) | 2-1-2014 |
| 410-120-1340 | 12-30-2013 | Amend(T) | 2-1-2014 | 410-125-0020 | 4-4-2014 | Amend | 5-1-2014 |
| 410-120-1340 | 4-4-2014 | Amend | 5-1-2014 | 410-125-0020(T) | 4-4-2014 | Repeal | 5-1-2014 |
| 410-120-1340(T) | 4-4-2014 | Repeal | 5-1-2014 | 410-125-0047 | 1-1-2014 | Suspend | 2-1-2014 |
| 410-120-1855 | 12-27-2013 | Amend | 2-1-2014 | 410-125-0047 | 4-4-2014 | Repeal | 5-1-2014 |
| 410-120-1855(T) | 12-27-2013 | Repeal | 2-1-2014 | 410-125-0080 | 1-1-2014 | Amend(T) | 2-1-2014 |
| 410-121-0030 | 1-1-2014 | Amend(T) | 2-1-2014 | 410-125-0080 | 4-4-2014 | Amend | 5-1-2014 |
| 410-121-0030 | 1-10-2014 | Amend(T) | 2-1-2014 | 410-125-0080(T) | 4-4-2014 | Repeal | 5-1-2014 |
| 410-121-0030 | 3-21-2014 | Amend(T) | 5-1-2014 | 410-125-0085 | 1-1-2014 | Amend(T) | 2-1-2014 |
| 410-121-0030 | 5-2-2014 | Amend(T) | 6-1-2014 | 410-125-0085 | 4-4-2014 | Amend | 5-1-2014 |
| 410-121-0030 | 6-30-2014 | Amend | 8-1-2014 | 410-125-0085(T) | 4-4-2014 | Repeal | 5-1-2014 |
| 410-121-0030 | 7-15-2014 | Amend(T) | 8-1-2014 | 410-125-0162 | 10-7-2014 | Adopt | 11-1-2014 |
| 410-121-0030 | 9-16-2014 | Amend(T) | 11-1-2014 | 410-127-0050 | 1-1-2014 | Suspend | 2-1-2014 |
| 410-121-0030(T) | 1-10-2014 | Suspend | 2-1-2014 | 410-127-0055 | 4-4-2014 | Repeal | 5-1-2014 |
| 410-121-0030(T) | 6-30-2014 | Repeal | 8-1-2014 | 410-129-0020 | 4-2-2014 | Amend | 5-1-2014 |
| 410-121-0040 | 1-1-2014 | Amend(T) | 2-1-2014 | 410-129-0065 | 4-2-2014 | Amend | 5-1-2014 |
| 410-121-0040 | 3-21-2014 | Amend(T) | 5-1-2014 | 410-129-0070 | 4-2-2014 | Amend | 5-1-2014 |
| 410-121-0040 | 5-2-2014 | Amend(T) | 6-1-2014 | 410-129-0195 | 1-1-2014 | Suspend | 2-1-2014 |
| 410-121-0040 | 6-30-2014 | Amend | 8-1-2014 | 410-129-0195 | 4-4-2014 | Repeal | 5-1-2014 |
| 410-121-0040 | 7-15-2014 | Amend(T) | 8-1-2014 | 410-130-0015 | 1-1-2014 | Adopt | 2-1-2014 |
| 410-121-0040 | 8-13-2014 | Amend(T) | 9-1-2014 | 410-130-0163 | 1-1-2014 | Suspend | 2-1-2014 |
| 410-121-0040 | 10-14-2014 | Amend(T) | 11-1-2014 | 410-130-0163 | 4-4-2014 | Repeal | 5-1-2014 |
| 410-121-0040(T) | 6-30-2014 | Repeal | 8-1-2014 | 410-130-0200 | 7-8-2014 | Amend | 8-1-2014 |
| 410-121-0111 | 1-28-2014 | Amend | 3-1-2014 | 410-130-0200 | 10-1-2014 | Amend(T) | 11-1-2014 |
| 410-121-0149 | 8-27-2014 | Repeal | 10-1-2014 | 410-130-0220 | 10-1-2014 | Amend(T) | 11-1-2014 |
| 410-121-4005 | 11-19-2013 | Amend | 1-1-2014 | 410-130-0240 | 1-1-2014 | Amend(T) | 2-1-2014 |
| 410-121-4010 | 11-19-2013 | Amend | 1-1-2014 | 410-130-0240 | 4-4-2014 | Amend | 5-1-2014 |
| 410-121-4020 | 11-19-2013 | Amend | 1-1-2014 | 410-130-0240(T) | 4-4-2014 | Repeal | 5-1-2014 |
| 410-122-0055 | 1-1-2014 | Suspend | 2-1-2014 | 410-130-0255 | 3-13-2014 | Amend | 4-1-2014 |
| 410-122-0055 | 4-4-2014 | Repeal | 5-1-2014 | 410-131-0120 | 1-1-2014 | Amend(T) | 2-1-2014 |
| 410-122-0186 | 2-1-2014 | Amend(T) | 2-1-2014 | 410-131-0120 | 4-4-2014 | Amend | 5-1-2014 |
| 410-122-0186 | 7-11-2014 | Amend | 8-1-2014 | 410-131-0120(T) | 4-4-2014 | Repeal | 5-1-2014 |
| 410-122-0186(T) | 7-11-2014 | Repeal | 8-1-2014 | 410-132-0055 | 1-1-2014 | Suspend | 2-1-2014 |
| 410-122-0260 | 10-7-2014 | Amend | 11-1-2014 | 410-132-0055 | 4-4-2014 | Repeal | 5-1-2014 |
| 410-122-0640 | 10-7-2014 | Amend | 11-1-2014 | 410-136-3000 | 1-1-2014 | Amend(T) | 2-1-2014 |
| 410-123-1060 | 1-1-2014 | Amend(T) | 2-1-2014 | 410-136-3000 | 5-20-2014 | Amend | 7-1-2014 |
| 410-123-1060 | 6-27-2014 | Amend | 8-1-2014 | 410-136-3000(T) | 5-20-2014 | Repeal | 7-1-2014 |
| 410-123-1060(T) | 6-27-2014 | Repeal | 8-1-2014 | 410-136-3010 | 7-1-2014 | Adopt | 8-1-2014 |
| 410-123-1200 | 1-1-2014 | Amend(T) | 2-1-2014 | 410-136-3020 | 1-1-2014 | Amend(T) | 2-1-2014 |
| 410-123-1200 | 4-1-2014 | Amend(T) | 5-1-2014 | 410-136-3020 | 5-20-2014 | Amend | 7-1-2014 |
| 410-123-1200 | 6-27-2014 | Amend | 8-1-2014 | 410-136-3020(T) | 5-20-2014 | Repeal | 7-1-2014 |
| 410-123-1200(T) | 4-1-2014 | Suspend | 5-1-2014 | 410-136-3060 | 1-1-2014 | Amend(T) | 2-1-2014 |
| 410-123-1200(T) | 6-27-2014 | Repeal | 8-1-2014 | 410-136-3060 | 5-20-2014 | Amend | 7-1-2014 |
| 410-123-1260 | 12-23-2013 | Amend | 1-1-2014 | 410-136-3060(T) | 5-20-2014 | Repeal | 7-1-2014 |
| 410-123-1260 | 1-1-2014 | Amend(T) | 2-1-2014 | 410-136-3140 | 1-1-2014 | Amend(T) | 2-1-2014 |
| 410-123-1260 | 2-28-2014 | Amend(T) | 4-1-2014 | 410-136-3140 | 5-20-2014 | Amend | 7-1-2014 |
| 410-123-1260 | 4-1-2014 | Amend(T) | 5-1-2014 | 410-136-3140(T) | 5-20-2014 | Repeal | 7-1-2014 |
| 410-123-1260 | 6-27-2014 | Amend | 8-1-2014 | 410-136-3220 | 1-1-2014 | Amend(T) | 2-1-2014 |
| 410-123-1260 | 10-1-2014 | Amend | 11-1-2014 | 410-136-3220 | 5-20-2014 | Amend | 7-1-2014 |
| 410-123-1260(T) | 4-1-2014 | Suspend | 5-1-2014 | 410-136-3220(T) | 5-20-2014 | Repeal | 7-1-2014 |
| 410-123-1260(T) | 6-27-2014 | Repeal | 8-1-2014 | 410-136-3240 | 1-1-2014 | Amend(T) | 2-1-2014 |
| 410-123-1540 | 1-1-2014 | Amend(T) | 2-1-2014 | 410-136-3240 | 5-20-2014 | Amend | 7-1-2014 |
| 410-123-1540 | 6-27-2014 | Amend | 8-1-2014 | 410-136-3240(T) | 5-20-2014 | Repeal | 7-1-2014 |
| 410-123-1540(T) | 6-27-2014 | Repeal | 8-1-2014 | 410-136-3260 | 3-11-2014 | Amend | 4-1-2014 |
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| 410-138-0000 | 4-4-2014 | Amend | 5-1-2014 | 410-141-3070(T) | 7-1-2014 | Repeal | 7-1-2014 |
| 410-138-0007 | 1-1-2014 | Amend(T) | 2-1-2014 | 410-141-3080 | 11-29-2013 | Amend | 1-1-2014 |
| 410-138-0007 | 4-4-2014 | Amend | 5-1-2014 | 410-141-3080 | 2-1-2014 | Amend(T) | 3-1-2014 |
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| 410-138-0009 | 1-1-2014 | Amend(T) | 2-1-2014 | 410-141-3080(T) | 6-1-2014 | Repeal | 7-1-2014 |
| 410-138-0009 | 4-4-2014 | Amend | 5-1-2014 | 410-141-3120 | 8-1-2014 | Amend | 8-1-2014 |
| 410-138-0009(T) | 4-4-2014 | Repeal | 5-1-2014 | 410-141-3145 | 8-1-2014 | Amend | 8-1-2014 |
| 410-140-0020 | 5-8-2014 | Amend | 6-1-2014 | 410-141-3200 | 8-1-2014 | Amend | 8-1-2014 |
| 410-140-0040 | 5-8-2014 | Amend | 6-1-2014 | 410-141-3220 | 11-29-2013 | Amend | 1-1-2014 |
| 410-140-0050 | 5-8-2014 | Amend | 6-1-2014 | 410-141-3260 | 7-1-2014 | Amend | 7-1-2014 |
| 410-140-0060 | 5-8-2014 | Repeal | 6-1-2014 | 410-141-3268 | 1-1-2014 | Amend(T) | 2-1-2014 |
| 410-140-0110 | 5-8-2014 | Repeal | 6-1-2014 | 410-141-3270 | 8-1-2014 | Amend | 8-1-2014 |
| 410-140-0120 | 5-8-2014 | Amend | 6-1-2014 | 410-141-3420 | 11-29-2013 | Amend | 1-1-2014 |
| 410-140-0140 | 5-8-2014 | Amend | 6-1-2014 | 410-141-3420 | 7-1-2014 | Amend(T) | 8-1-2014 |
| 410-140-0160 | 5-8-2014 | Amend | 6-1-2014 | 410-141-3435 | 7-1-2014 | Adopt | 8-1-2014 |
| 410-140-0180 | 5-8-2014 | Repeal | 6-1-2014 | 410-141-3440 | 7-1-2014 | Adopt | 8-1-2014 |
| 410-140-0200 | 5-8-2014 | Amend | 6-1-2014 | 410-141-3445 | 7-1-2014 | Adopt | 8-1-2014 |
| 410-140-0210 | 5-8-2014 | Repeal | 6-1-2014 | 410-141-3450 | 7-1-2014 | Adopt | 8-1-2014 |
| 410-140-0220 | 5-8-2014 | Repeal | 6-1-2014 | 410-141-3455 | 7-1-2014 | Adopt | 8-1-2014 |
| 410-140-0240 | 5-8-2014 | Repeal | 6-1-2014 | 410-141-3460 | 7-1-2014 | Adopt | 8-1-2014 |
| 410-140-0260 | 5-8-2014 | Amend | 6-1-2014 | 410-141-3465 | 7-1-2014 | Adopt | 8-1-2014 |
| 410-140-0280 | 5-8-2014 | Amend | 6-1-2014 | 410-141-3470 | 7-1-2014 | Adopt | 8-1-2014 |
| 410-140-0300 | 5-8-2014 | Amend | 6-1-2014 | 410-141-3475 | 7-1-2014 | Adopt | 8-1-2014 |
| 410-140-0320 | 5-8-2014 | Repeal | 6-1-2014 | 410-141-3480 | 7-1-2014 | Adopt | 8-1-2014 |
| 410-140-0380 | 5-8-2014 | Repeal | 6-1-2014 | 410-141-3485 | 7-1-2014 | Adopt | 8-1-2014 |
| 410-140-0400 | 5-8-2014 | Amend | 6-1-2014 | 410-142-0040 | 1-1-2014 | Amend(T) | 2-1-2014 |
| 410-141-0000 | 8-1-2014 | Amend | 8-1-2014 | 410-142-0040 | 4-4-2014 | Amend | 5-1-2014 |
| 410-141-0050 | 8-1-2014 | Amend | 8-1-2014 | 410-142-0040(T) | 4-4-2014 | Repeal | 5-1-2014 |
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| 410-141-0080 | 2-1-2014 | Amend(T) | 3-1-2014 | 410-146-0022 | 4-4-2014 | Repeal | 5-1-2014 |
| 410-141-0080 | 6-1-2014 | Amend | 7-1-2014 | 410-146-0380 | 1-1-2014 | Suspend | 2-1-2014 |
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| 410-141-0270 | 8-1-2014 | Amend | 8-1-2014 | 410-148-0090 | 4-4-2014 | Repeal | 5-1-2014 |
| 410-141-0410 | 8-1-2014 | Amend | 8-1-2014 | 410-180-0300 | 12-3-2013 | Adopt | 1-1-2014 |
| 410-141-0420 | 7-1-2014 | Amend(T) | 8-1-2014 | 410-180-0300(T) | 12-3-2013 | Repeal | 1-1-2014 |
| 410-141-0420 | 8-1-2014 | Amend | 8-1-2014 | 410-180-0305 | 12-3-2013 | Adopt | 1-1-2014 |
| 410-141-0480 | 8-1-2014 | Amend | 8-1-2014 | 410-180-0305(T) | 12-3-2013 | Repeal | 1-1-2014 |
| 410-141-0520 | 1-31-2014 | Amend | 3-1-2014 | 410-180-0310 | 12-3-2013 | Adopt | 1-1-2014 |
| 410-141-0520 | 4-1-2014 | Amend(T) | 5-1-2014 | 410-180-0310(T) | 12-3-2013 | Repeal | 1-1-2014 |
| 410-141-0520 | 7-1-2014 | Amend | 7-1-2014 | 410-180-0312 | 12-3-2013 | Adopt | 1-1-2014 |
| 410-141-0520(T) | 7-1-2014 | Repeal | 7-1-2014 | 410-180-0315 | 12-3-2013 | Adopt | 1-1-2014 |
| 410-141-0740 | 8-1-2014 | Amend | 8-1-2014 | 410-180-0315(T) | 12-3-2013 | Repeal | 1-1-2014 |
| 410-141-0860 | 1-1-2014 | Amend(T) | 2-1-2014 | 410-180-0320 | 12-3-2013 | Adopt | 1-1-2014 |
| 410-141-0860 | 4-4-2014 | Amend | 5-1-2014 | 410-180-0320(T) | 12-3-2013 | Repeal | 1-1-2014 |
| 410-141-0860(T) | 4-4-2014 | Repeal | 5-1-2014 | 410-180-0325 | 1-15-2014 | Adopt | 2-1-2014 |
| 410-141-3010 | 8-1-2014 | Amend | 8-1-2014 | 410-180-0325(T) | 1-15-2014 | Repeal | 2-1-2014 |
| 410-141-3015 | 8-1-2014 | Amend | 8-1-2014 | 410-180-0326 | 1-15-2014 | Adopt | 2-1-2014 |
| 410-141-3050 | 8-1-2014 | Amend | 8-1-2014 | 410-180-0327 | 12-3-2013 | Adopt | 1-1-2014 |
| 410-141-3060 | 11-29-2013 | Amend | 1-1-2014 | 410-180-0327(T) | 12-3-2013 | Repeal | 1-1-2014 |
| 410-141-3060 | 7-1-2014 | Amend(T) | 8-1-2014 | 410-180-0340 | 12-3-2013 | Adopt | 1-1-2014 |
| 410-141-3065 | 1-31-2014 | Adopt | 3-1-2014 | 410-180-0340(T) | 12-3-2013 | Repeal | 1-1-2014 |
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| 410-180-0350 | 12-3-2013 | Adopt | 1-1-2014 | 410-200-0140 | 3-28-2014 | Adopt | 5-1-2014 |
| 410-180-0350(T) | 12-3-2013 | Repeal | 1-1-2014 | 410-200-0140(T) | 1-15-2014 | Suspend | 2-1-2014 |
| 410-180-0355 | 12-3-2013 | Adopt | 1-1-2014 | 410-200-0140(T) | 3-28-2014 | Repeal | 5-1-2014 |
| 410-180-0355(T) | 12-3-2013 | Repeal | 1-1-2014 | 410-200-0145 | 1-15-2014 | Adopt(T) | 2-1-2014 |
| 410-180-0360 | 12-3-2013 | Adopt | 1-1-2014 | 410-200-0145 | 3-28-2014 | Adopt | 5-1-2014 |
| 410-180-0370 | 12-3-2013 | Adopt | 1-1-2014 | 410-200-0145 | 8-15-2014 | Amend(T) | 9-1-2014 |
| 410-180-0370(T) | 12-3-2013 | Repeal | 1-1-2014 | 410-200-0145(T) | 1-15-2014 | Suspend | 2-1-2014 |
| 410-180-0375 | 12-3-2013 | Adopt | 1-1-2014 | 410-200-0145(T) | 3-28-2014 | Repeal | 5-1-2014 |
| 410-180-0375(T) | 12-3-2013 | Repeal | 1-1-2014 | 410-200-0146 | 1-15-2014 | Adopt(T) | 2-1-2014 |
| 410-180-0380 | 12-3-2013 | Adopt | 1-1-2014 | 410-200-0146 | 3-28-2014 | Adopt | 5-1-2014 |
| 410-180-0380(T) | 12-3-2013 | Repeal | 1-1-2014 | 410-200-0146 | 8-15-2014 | Amend(T) | 9-1-2014 |
| 410-200-0010 | 1-15-2014 | Adopt(T) | 2-1-2014 | 410-200-0146(T) | 1-15-2014 | Suspend | 2-1-2014 |
| 410-200-0010 | 3-28-2014 | Adopt | 5-1-2014 | 410-200-0146(T) | 3-28-2014 | Repeal | 5-1-2014 |
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| 410-200-0015 | 1-15-2014 | Adopt(T) | 2-1-2014 | 410-200-0200(T) | 1-15-2014 | Suspend | 2-1-2014 |
| 410-200-0015 | 3-28-2014 | Adopt | 5-1-2014 | 410-200-0200(T) | 3-28-2014 | Repeal | 5-1-2014 |
| 410-200-0015(T) | 1-15-2014 | Suspend | 2-1-2014 | 410-200-0205 | 1-15-2014 | Adopt(T) | 2-1-2014 |
| 410-200-0015(T) | 3-28-2014 | Repeal | 5-1-2014 | 410-200-0205 | 3-28-2014 | Adopt | 5-1-2014 |
| 410-200-0100 | 1-15-2014 | Adopt(T) | 2-1-2014 | 410-200-0205(T) | 1-15-2014 | Suspend | 2-1-2014 |
| 410-200-0100 | 3-28-2014 | Adopt | 5-1-2014 | 410-200-0205(T) | 3-28-2014 | Repeal | 5-1-2014 |
| 410-200-0100(T) | 1-15-2014 | Suspend | 2-1-2014 | 410-200-0210 | 1-15-2014 | Adopt(T) | 2-1-2014 |
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| 410-200-0105 | 1-15-2014 | Adopt(T) | 2-1-2014 | 410-200-0210(T) | 1-15-2014 | Suspend | 2-1-2014 |
| 410-200-0105 | 3-28-2014 | Adopt | 5-1-2014 | 410-200-0210(T) | 3-28-2014 | Repeal | 5-1-2014 |
| 410-200-0105(T) | 1-15-2014 | Suspend | 2-1-2014 | 410-200-0215 | 1-15-2014 | Adopt(T) | 2-1-2014 |
| 410-200-0105(T) | 3-28-2014 | Repeal | 5-1-2014 | 410-200-0215 | 3-28-2014 | Adopt | 5-1-2014 |
| 410-200-0110 | 1-15-2014 | Adopt(T) | 2-1-2014 | 410-200-0215(T) | 1-15-2014 | Suspend | 2-1-2014 |
| 410-200-0110 | 3-28-2014 | Adopt | 5-1-2014 | 410-200-0215(T) | 3-28-2014 | Repeal | 5-1-2014 |
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| 410-200-0110(T) | 3-28-2014 | Repeal | 5-1-2014 | 410-200-0220 | 3-28-2014 | Adopt | 5-1-2014 |
| 410-200-0111 | 1-15-2014 | Adopt(T) | 2-1-2014 | 410-200-0220(T) | 1-15-2014 | Suspend | 2-1-2014 |
| 410-200-0111 | 3-28-2014 | Adopt | 5-1-2014 | 410-200-0220(T) | 3-28-2014 | Repeal | 5-1-2014 |
| 410-200-0111(T) | 1-15-2014 | Suspend | 2-1-2014 | 410-200-0225 | 1-15-2014 | Adopt(T) | 2-1-2014 |
| 410-200-0111(T) | 3-28-2014 | Repeal | 5-1-2014 | 410-200-0225 | 3-28-2014 | Adopt | 5-1-2014 |
| 410-200-0115 | 1-15-2014 | Adopt(T) | 2-1-2014 | 410-200-0225(T) | 1-15-2014 | Suspend | 2-1-2014 |
| 410-200-0115 | 3-28-2014 | Adopt | 5-1-2014 | 410-200-0225(T) | 3-28-2014 | Repeal | 5-1-2014 |
| 410-200-0115(T) | 1-15-2014 | Suspend | 2-1-2014 | 410-200-0230 | 1-15-2014 | Adopt(T) | 2-1-2014 |
| 410-200-0115(T) | 3-28-2014 | Repeal | 5-1-2014 | 410-200-0230 | 3-28-2014 | Adopt | 5-1-2014 |
| 410-200-0120 | 1-15-2014 | Adopt(T) | 2-1-2014 | 410-200-0230(T) | 1-15-2014 | Suspend | 2-1-2014 |
| 410-200-0120 | 3-28-2014 | Adopt | 5-1-2014 | 410-200-0230(T) | 3-28-2014 | Repeal | 5-1-2014 |
| 410-200-0120(T) | 1-15-2014 | Suspend | 2-1-2014 | 410-200-0235 | 1-15-2014 | Adopt(T) | 2-1-2014 |
| 410-200-0120(T) | 3-28-2014 | Repeal | 5-1-2014 | 410-200-0235 | 3-28-2014 | Adopt | 5-1-2014 |
| 410-200-0125 | 1-15-2014 | Adopt(T) | 2-1-2014 | 410-200-0235(T) | 1-15-2014 | Suspend | 2-1-2014 |
| 410-200-0125 | 3-28-2014 | Adopt | 5-1-2014 | 410-200-0235(T) | 3-28-2014 | Repeal | 5-1-2014 |
| 410-200-0125(T) | 1-15-2014 | Suspend | 2-1-2014 | 410-200-0240 | 1-15-2014 | Adopt(T) | 2-1-2014 |
| 410-200-0125(T) | 3-28-2014 | Repeal | 5-1-2014 | 410-200-0240 | 3-28-2014 | Adopt | 5-1-2014 |
| 410-200-0130 | 1-15-2014 | Adopt(T) | 2-1-2014 | 410-200-0240(T) | 1-15-2014 | Suspend | 2-1-2014 |
| 410-200-0130 | 3-28-2014 | Adopt | 5-1-2014 | 410-200-0240(T) | 3-28-2014 | Repeal | 5-1-2014 |
| 410-200-0130(T) | 1-15-2014 | Suspend | 2-1-2014 | 410-200-0305 | 1-15-2014 | Adopt(T) | 2-1-2014 |
| 410-200-0130(T) | 3-28-2014 | Repeal | 5-1-2014 | 410-200-0305 | 3-28-2014 | Adopt | 5-1-2014 |
| 410-200-0135 | 1-15-2014 | Adopt(T) | 2-1-2014 | 410-200-0305(T) | 1-15-2014 | Suspend | 2-1-2014 |
| 410-200-0135 | 3-28-2014 | Adopt | 5-1-2014 | 410-200-0305(T) | 3-28-2014 | Repeal | 5-1-2014 |
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| 410-200-0310(T) | 3-28-2014 | Repeal | 5-1-2014 | 411-001-0100 | 1-1-2014 | Amend | 2-1-2014 |
| 410-200-0315 | 1-15-2014 | Adopt(T) | 2-1-2014 | 411-001-0110 | 1-1-2014 | Amend | 2-1-2014 |
| 410-200-0315 | 3-28-2014 | Adopt | 5-1-2014 | 411-001-0118 | 1-1-2014 | Amend | 2-1-2014 |
| 410-200-0315 | 4-14-2014 | Amend(T) | 5-1-2014 | 411-001-0120 | 1-1-2014 | Amend | 2-1-2014 |
| 410-200-0315 | 9-23-2014 | Amend | 11-1-2014 | 411-001-0120 | 5-9-2014 | Amend(T) | 6-1-2014 |
| 410-200-0315(T) | 1-15-2014 | Suspend | 2-1-2014 | 411-001-0120 | 9-1-2014 | Amend | 10-1-2014 |
| 410-200-0315(T) | 3-28-2014 | Repeal | 5-1-2014 | 411-001-0120(T) | 9-1-2014 | Repeal | 10-1-2014 |
| 410-200-0315(T) | 9-23-2014 | Repeal | 11-1-2014 | 411-001-0510 | 12-15-2013 | Amend | 1-1-2014 |
| 410-200-0400 | 1-15-2014 | Adopt(T) | 2-1-2014 | 411-001-0510 | 6-4-2014 | Amend | 7-1-2014 |
| 410-200-0400 | 3-28-2014 | Adopt | 5-1-2014 | 411-001-0510(T) | 12-15-2013 | Repeal | 1-1-2014 |
| 410-200-0400(T) | 1-15-2014 | Suspend | 2-1-2014 | 411-015-0005 | 12-15-2013 | Amend | 1-1-2014 |
| 410-200-0400(T) | 3-28-2014 | Repeal | 5-1-2014 | 411-015-0005 | 4-21-2014 | Amend(T) | 6-1-2014 |
| 410-200-0405 | 1-15-2014 | Adopt(T) | 2-1-2014 | 411-015-0005 | 10-1-2014 | Amend | 11-1-2014 |
| 410-200-0405 | 3-28-2014 | Adopt | 5-1-2014 | 411-015-0005(T) | 12-15-2013 | Repeal | 1-1-2014 |
| 410-200-0405(T) | 1-15-2014 | Suspend | 2-1-2014 | 411-015-0005(T) | 10-1-2014 | Repeal | 11-1-2014 |
| 410-200-0405(T) | 3-28-2014 | Repeal | 5-1-2014 | 411-015-0006 | 4-21-2014 | Amend(T) | 6-1-2014 |
| 410-200-0406(T) | 1-15-2014 | Suspend | 2-1-2014 | 411-015-0006 | 10-1-2014 | Amend | 11-1-2014 |
| 410-200-0406(T) | 3-28-2014 | Repeal | 5-1-2014 | 411-015-0006(T) | 10-1-2014 | Repeal | 11-1-2014 |
| 410-200-0410 | 1-15-2014 | Adopt(T) | 2-1-2014 | 411-015-0008 | 12-15-2013 | Amend | 1-1-2014 |
| 410-200-0410 | 3-28-2014 | Adopt | 5-1-2014 | 411-015-0008 | 10-1-2014 | Amend | 11-1-2014 |
| 410-200-0410(T) | 1-15-2014 | Suspend | 2-1-2014 | 411-015-0008(T) | 12-15-2013 | Repeal | 1-1-2014 |
| 410-200-0410(T) | 3-28-2014 | Repeal | 5-1-2014 | 411-015-0015 | 12-15-2013 | Amend | 1-1-2014 |
| 410-200-0415 | 1-15-2014 | Adopt(T) | 2-1-2014 | 411-015-0015 | 4-21-2014 | Amend(T) | 6-1-2014 |
| 410-200-0415 | 3-28-2014 | Adopt | 5-1-2014 | 411-015-0015 | 10-1-2014 | Amend | 11-1-2014 |
| 410-200-0415(T) | 1-15-2014 | Suspend | 2-1-2014 | 411-015-0015(T) | 12-15-2013 | Repeal | 1-1-2014 |
| 410-200-0415(T) | 3-28-2014 | Repeal | 5-1-2014 | 411-015-0015(T) | 10-1-2014 | Repeal | 11-1-2014 |
| 410-200-0420 | 1-15-2014 | Adopt(T) | 2-1-2014 | 411-015-0100 | 12-15-2013 | Amend | 1-1-2014 |
| 410-200-0420 | 3-28-2014 | Adopt | 5-1-2014 | 411-015-0100 | 4-21-2014 | Amend(T) | 6-1-2014 |
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| 410-200-0425 | 1-15-2014 | Adopt(T) | 2-1-2014 | 411-015-0100(T) | 10-1-2014 | Repeal | 11-1-2014 |
| 410-200-0425 | 3-28-2014 | Adopt | 5-1-2014 | 411-027-0005 | 3-20-2014 | Amend(T) | 5-1-2014 |
| 410-200-0425(T) | 1-15-2014 | Suspend | 2-1-2014 | 411-027-0005 | 9-2-2014 | Amend | 10-1-2014 |
| 410-200-0425(T) | 3-28-2014 | Repeal | 5-1-2014 | 411-027-0005(T) | 9-2-2014 | Repeal | 10-1-2014 |
| 410-200-0435 | 1-15-2014 | Adopt(T) | 2-1-2014 | 411-027-0020 | 3-20-2014 | Amend(T) | 5-1-2014 |
| 410-200-0435 | 3-28-2014 | Adopt | 5-1-2014 | 411-027-0020 | 9-2-2014 | Amend | 10-1-2014 |
| 410-200-0435(T) | 1-15-2014 | Suspend | 2-1-2014 | 411-027-0020(T) | 9-2-2014 | Repeal | 10-1-2014 |
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| 410-200-0440 | 1-15-2014 | Adopt(T) | 2-1-2014 | 411-027-0025 | 9-2-2014 | Amend | 10-1-2014 |
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| 410-200-0440(T) | 1-15-2014 | Suspend | 2-1-2014 | 411-027-0050 | 9-2-2014 | Amend | 10-1-2014 |
| 410-200-0440(T) | 3-28-2014 | Repeal | 5-1-2014 | 411-027-0075 | 9-2-2014 | Amend | 10-1-2014 |
| 410-200-0500 | 1-15-2014 | Adopt(T) | 2-1-2014 | 411-027-0150 | 9-2-2014 | Amend | 10-1-2014 |
| 410-200-0500 | 3-28-2014 | Adopt | 5-1-2014 | 411-028-0000 | 12-15-2013 | Adopt | 1-1-2014 |
| 410-200-0500(T) | 1-15-2014 | Suspend | 2-1-2014 | 411-028-0000(T) | 12-15-2013 | Repeal | 1-1-2014 |
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| 410-200-0505 | 1-15-2014 | Adopt(T) | 2-1-2014 | 411-028-0010 | 4-21-2014 | Amend(T) | 6-1-2014 |
| 410-200-0505 | 3-28-2014 | Adopt | 5-1-2014 | 411-028-0010 | 10-1-2014 | Amend | 11-1-2014 |
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| 410-200-0510 | 1-15-2014 | Adopt(T) | 2-1-2014 | 411-028-0020 | 12-15-2013 | Adopt | 1-1-2014 |
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| 411-030-0020 | 10-1-2014 | Amend | 11-1-2014 | 411-035-0065 | 6-4-2014 | Adopt | 7-1-2014 |
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| 411-030-0070 | 5-1-2014 | Amend | 6-1-2014 | 411-035-0095 | 6-4-2014 | Adopt | 7-1-2014 |
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| 411-034-0000 | 12-15-2013 | Amend | 1-1-2014 | 411-040-0040 | 6-4-2014 | Adopt | 7-1-2014 |
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| 411-034-0010 | 5-1-2014 | Amend(T) | 6-1-2014 | 411-045-0010(T) | 12-15-2013 | Repeal | 1-1-2014 |
| 411-034-0010 | 10-1-2014 | Amend | 11-1-2014 | 411-045-0050 | 12-15-2013 | Amend | 1-1-2014 |
| 411-034-0010(T) | 12-15-2013 | Repeal | 1-1-2014 | 411-045-0050(T) | 12-15-2013 | Repeal | 1-1-2014 |
| 411-034-0010(T) | 5-1-2014 | Suspend | 6-1-2014 | 411-046-0100 | 6-23-2014 | Adopt | 8-1-2014 |
| 411-034-0010(T) | 10-1-2014 | Repeal | 11-1-2014 | 411-046-0110 | 6-23-2014 | Adopt | 8-1-2014 |
| 411-034-0020 | 12-15-2013 | Amend | 1-1-2014 | 411-046-0120 | 6-23-2014 | Adopt | 8-1-2014 |
| 411-034-0020(T) | 12-15-2013 | Repeal | 1-1-2014 | 411-046-0130 | 6-23-2014 | Adopt | 8-1-2014 |
| 411-034-0030 | 12-15-2013 | Amend | 1-1-2014 | 411-046-0140 | 6-23-2014 | Adopt | 8-1-2014 |
| 411-034-0030 | 4-21-2014 | Amend(T) | 6-1-2014 | 411-046-0150 | 6-23-2014 | Adopt | 8-1-2014 |
| 411-034-0030 | 10-1-2014 | Amend | 11-1-2014 | 411-046-0160 | 6-23-2014 | Adopt | 8-1-2014 |
| 411-034-0030(T) | 12-15-2013 | Repeal | 1-1-2014 | 411-046-0170 | 6-23-2014 | Adopt | 8-1-2014 |
| 411-034-0030(T) | 10-1-2014 | Repeal | 11-1-2014 | 411-046-0180 | 6-23-2014 | Adopt | 8-1-2014 |
| 411-034-0035 | 12-15-2013 | Amend | 1-1-2014 | 411-046-0190 | 6-23-2014 | Adopt | 8-1-2014 |
| 411-034-0035(T) | 12-15-2013 | Repeal | 1-1-2014 | 411-046-0200 | 6-23-2014 | Adopt | 8-1-2014 |
| 411-034-0040 | 12-15-2013 | Amend | 1-1-2014 | 411-046-0210 | 6-23-2014 | Adopt | 8-1-2014 |
| 411-034-0040(T) | 12-15-2013 | Repeal | 1-1-2014 | 411-046-0220 | 6-23-2014 | Adopt | 8-1-2014 |
| 411-034-0050 | 12-15-2013 | Amend | 1-1-2014 | 411-048-0150 | 12-15-2013 | Amend | 1-1-2014 |
| 411-034-0050(T) | 12-15-2013 | Repeal | 1-1-2014 | 411-048-0150(T) | 12-15-2013 | Repeal | 1-1-2014 |
| 411-034-0055 | 12-15-2013 | Amend | 1-1-2014 | 411-048-0160 | 12-15-2013 | Amend | 1-1-2014 |
| 411-034-0055(T) | 12-15-2013 | Repeal | 1-1-2014 | 411-048-0160 | 5-1-2014 | Amend(T) | 6-1-2014 |
| 411-034-0070 | 12-15-2013 | Amend | 1-1-2014 | 411-048-0160 | 10-1-2014 | Amend | 11-1-2014 |
| 411-034-0070(T) | 12-15-2013 | Repeal | 1-1-2014 | 411-048-0160(T) | 12-15-2013 | Repeal | 1-1-2014 |
| 411-034-0090 | 12-15-2013 | Amend | 1-1-2014 | 411-048-0160(T) | 10-1-2014 | Repeal | 11-1-2014 |
| 411-034-0090(T) | 12-15-2013 | Repeal | 1-1-2014 | 411-048-0170 | 12-15-2013 | Amend | 1-1-2014 |
| 411-035-0000 | 6-4-2014 | Adopt | 7-1-2014 | 411-048-0170 | 5-1-2014 | Amend(T) | 6-1-2014 |
| 411-035-0010 | 6-4-2014 | Adopt | 7-1-2014 | 411-048-0170 | 10-1-2014 | Amend | 11-1-2014 |
| 411-035-0015 | 6-4-2014 | Adopt | 7-1-2014 | 411-048-0170(T) | 12-15-2013 | Repeal | 1-1-2014 |

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| 411-050-0602 | 4-1-2014 | Amend | 5-1-2014 | 411-070-0437(T) | 4-1-2014 | Repeal | 4-1-2014 |
| 411-050-0610 | 4-1-2014 | Amend | 5-1-2014 | 411-070-0442 | 4-1-2014 | Amend | 4-1-2014 |
| 411-050-0625 | 4-1-2014 | Amend | 5-1-2014 | 411-070-0442 | 7-1-2014 | Amend | 8-1-2014 |
| 411-050-0630 | 4-1-2014 | Amend | 5-1-2014 | 411-070-0442(T) | 4-1-2014 | Repeal | 4-1-2014 |
| 411-050-0640 | 4-1-2014 | Amend | 5-1-2014 | 411-070-0452 | 12-28-2013 | Amend | 2-1-2014 |
| 411-050-0640(T) | 4-1-2014 | Repeal | 5-1-2014 | 411-070-0452 | 7-1-2014 | Amend | 8-1-2014 |
| 411-050-0642 | 4-1-2014 | Amend | 5-1-2014 | 411-070-0452(T) | 12-28-2013 | Repeal | 2-1-2014 |
| 411-050-0645 | 4-1-2014 | Amend | 5-1-2014 | 411-085-0005 | 4-1-2014 | Amend | 5-1-2014 |
| 411-050-0650 | 4-1-2014 | Amend | 5-1-2014 | 411-085-0025 | 4-1-2014 | Amend | 5-1-2014 |
| 411-050-0660 | 4-1-2014 | Amend | 5-1-2014 | 411-085-0025(T) | 4-1-2014 | Repeal | 5-1-2014 |
| 411-050-0685 | 4-1-2014 | Amend | 5-1-2014 | 411-085-0210 | 4-1-2014 | Amend | 5-1-2014 |
| 411-065-0000 | 12-15-2013 | Amend | 1-1-2014 | 411-085-0210(T) | 4-1-2014 | Repeal | 5-1-2014 |
| 411-065-0000(T) | 12-15-2013 | Repeal | 1-1-2014 | 411-086-0100 | 3-31-2014 | Amend | 5-1-2014 |
| 411-069-0000 | 4-1-2014 | Amend | 5-1-2014 | 411-086-0100(T) | 3-31-2014 | Repeal | 5-1-2014 |
| 411-069-0000(T) | 4-1-2014 | Repeal | 5-1-2014 | 411-088-0020 | 4-1-2014 | Amend | 5-1-2014 |
| 411-069-0010 | 4-1-2014 | Amend | 5-1-2014 | 411-088-0070 | 4-1-2014 | Amend | 5-1-2014 |
| 411-069-0010(T) | 4-1-2014 | Repeal | 5-1-2014 | 411-088-0070(T) | 4-1-2014 | Repeal | 5-1-2014 |
| 411-069-0020 | 4-1-2014 | Amend | 5-1-2014 | 411-088-0080 | 4-1-2014 | Amend | 5-1-2014 |
| 411-069-0020(T) | 4-1-2014 | Repeal | 5-1-2014 | 411-089-0030 | 4-1-2014 | Amend | 5-1-2014 |
| 411-069-0030 | 4-1-2014 | Amend | 5-1-2014 | 411-200-0010 | 2-1-2014 | Amend | 3-1-2014 |
| 411-069-0030(T) | 4-1-2014 | Repeal | 5-1-2014 | 411-200-0020 | 2-1-2014 | Amend | 3-1-2014 |
| 411-069-0040 | 4-1-2014 | Amend | 5-1-2014 | 411-200-0030 | 2-1-2014 | Amend | 3-1-2014 |
| 411-069-0040(T) | 4-1-2014 | Repeal | 5-1-2014 | 411-200-0035 | 2-1-2014 | Amend | 3-1-2014 |
| 411-069-0050 | 4-1-2014 | Amend | 5-1-2014 | 411-200-0040 | 2-1-2014 | Amend | 3-1-2014 |
| 411-069-0050(T) | 4-1-2014 | Repeal | 5-1-2014 | 411-300-0100 | 12-28-2013 | Amend | 2-1-2014 |
| 411-069-0060 | 4-1-2014 | Amend | 5-1-2014 | 411-300-0110 | 12-28-2013 | Amend | 2-1-2014 |
| 411-069-0060(T) | 4-1-2014 | Repeal | 5-1-2014 | 411-300-0110 | 8-20-2014 | Amend(T) | 10-1-2014 |
| 411-069-0070 | 4-1-2014 | Amend | 5-1-2014 | 411-300-0110(T) | 12-28-2013 | Repeal | 2-1-2014 |
| 411-069-0070(T) | 4-1-2014 | Repeal | 5-1-2014 | 411-300-0120 | 12-28-2013 | Amend | 2-1-2014 |
| 411-069-0080 | 4-1-2014 | Amend | 5-1-2014 | 411-300-0120 | 8-20-2014 | Amend(T) | 10-1-2014 |
| 411-069-0080(T) | 4-1-2014 | Repeal | 5-1-2014 | 411-300-0120(T) | 12-28-2013 | Repeal | 2-1-2014 |
| 411-069-0090 | 4-1-2014 | Amend | 5-1-2014 | 411-300-0130 | 12-28-2013 | Amend | 2-1-2014 |
| 411-069-0090(T) | 4-1-2014 | Repeal | 5-1-2014 | 411-300-0130 | 8-20-2014 | Amend(T) | 10-1-2014 |
| 411-069-0100 | 4-1-2014 | Amend | 5-1-2014 | 411-300-0130(T) | 12-28-2013 | Repeal | 2-1-2014 |
| 411-069-0100(T) | 4-1-2014 | Repeal | 5-1-2014 | 411-300-0140 | 12-28-2013 | Amend | 2-1-2014 |
| 411-069-0110 | 4-1-2014 | Amend | 5-1-2014 | 411-300-0140 | 8-20-2014 | Suspend | 10-1-2014 |
| 411-069-0110(T) | 4-1-2014 | Repeal | 5-1-2014 | 411-300-0140(T) | 12-28-2013 | Repeal | 2-1-2014 |
| 411-069-0120 | 4-1-2014 | Amend | 5-1-2014 | 411-300-0150 | 12-28-2013 | Amend | 2-1-2014 |
| 411-069-0120(T) | 4-1-2014 | Repeal | 5-1-2014 | 411-300-0150 | 8-20-2014 | Amend(T) | 10-1-2014 |
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| 411-069-0130(T) | 4-1-2014 | Repeal | 5-1-2014 | 411-300-0155 | 12-28-2013 | Amend | 2-1-2014 |
| 411-069-0140 | 4-1-2014 | Amend | 5-1-2014 | 411-300-0155 | 8-20-2014 | Suspend | 10-1-2014 |
| 411-069-0140(T) | 4-1-2014 | Repeal | 5-1-2014 | 411-300-0165 | 8-20-2014 | Adopt(T) | 10-1-2014 |
| 411-069-0150 | 4-1-2014 | Amend | 5-1-2014 | 411-300-0170 | 12-28-2013 | Amend | 2-1-2014 |
| 411-069-0150(T) | 4-1-2014 | Repeal | 5-1-2014 | 411-300-0170 | 8-20-2014 | Amend(T) | 10-1-2014 |
| 411-069-0160 | 4-1-2014 | Amend | 5-1-2014 | 411-300-0190 | 12-28-2013 | Amend | 2-1-2014 |
| 411-069-0160(T) | 4-1-2014 | Repeal | 5-1-2014 | 411-300-0190 | 8-20-2014 | Amend(T) | 10-1-2014 |
| 411-069-0170 | 4-1-2014 | Amend | 5-1-2014 | 411-300-0200 | 12-28-2013 | Amend | 2-1-2014 |
| 411-069-0170(T) | 4-1-2014 | Repeal | 5-1-2014 | 411-300-0200 | 8-20-2014 | Amend(T) | 10-1-2014 |
| 411-070-0005 | 4-1-2014 | Amend | 4-1-2014 | 411-300-0205 | 12-28-2013 | Amend | 2-1-2014 |
| 411-070-0005(T) | 4-1-2014 | Repeal | 4-1-2014 | 411-300-0205 | 8-20-2014 | Amend(T) | 10-1-2014 |
| 411-070-0033 | 12-15-2013 | Amend | 1-1-2014 | 411-300-0210 | 12-28-2013 | Amend | 2-1-2014 |
| 411-070-0033(T) | 12-15-2013 | Repeal | 1-1-2014 | 411-300-0210 | 8-20-2014 | Suspend | 10-1-2014 |
| 411-070-0300 | 4-1-2014 | Amend | 4-1-2014 | 411-300-0220 | 12-28-2013 | Amend | 2-1-2014 |
| 411-070-0300(T) | 4-1-2014 | Repeal | 4-1-2014 | 411-300-0220 | 8-20-2014 | Amend(T) | 10-1-2014 |

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| 411-308-0010(T) | 12-28-2013 | Repeal | 2-1-2014 | 411-320-0070(T) | 12-28-2013 | Repeal | 2-1-2014 |
| 411-308-0020 | 12-28-2013 | Amend | 2-1-2014 | 411-320-0080 | 12-28-2013 | Amend | 2-1-2014 |
| 411-308-0020 | 7-1-2014 | Amend(T) | 8-1-2014 | 411-320-0080 | 7-1-2014 | Amend(T) | 8-1-2014 |
| 411-308-0020(T) | 12-28-2013 | Repeal | 2-1-2014 | 411-320-0090 | 12-28-2013 | Amend | 2-1-2014 |
| 411-308-0030 | 12-28-2013 | Amend | 2-1-2014 | 411-320-0090 | 7-1-2014 | Amend(T) | 8-1-2014 |
| 411-308-0030 | 7-1-2014 | Amend(T) | 8-1-2014 | 411-320-0090(T) | 12-28-2013 | Repeal | 2-1-2014 |
| 411-308-0030(T) | 12-28-2013 | Repeal | 2-1-2014 | 411-320-0100 | 12-28-2013 | Amend | 2-1-2014 |
| 411-308-0040 | 12-28-2013 | Amend | 2-1-2014 | 411-320-0100 | 7-1-2014 | Amend(T) | 8-1-2014 |
| 411-308-0050 | 12-28-2013 | Amend | 2-1-2014 | 411-320-0100(T) | 12-28-2013 | Repeal | 2-1-2014 |
| 411-308-0050 | 7-1-2014 | Amend(T) | 8-1-2014 | 411-320-0110 | 12-28-2013 | Amend | 2-1-2014 |
| 411-308-0050(T) | 12-28-2013 | Repeal | 2-1-2014 | 411-320-0110 | 7-1-2014 | Amend(T) | 8-1-2014 |
| 411-308-0060 | 12-28-2013 | Amend | 2-1-2014 | 411-320-0110(T) | 12-28-2013 | Repeal | 2-1-2014 |
| 411-308-0060 | 7-1-2014 | Amend(T) | 8-1-2014 | 411-320-0120 | 12-28-2013 | Amend | 2-1-2014 |
| 411-308-0060(T) | 12-28-2013 | Repeal | 2-1-2014 | 411-320-0120 | 7-1-2014 | Amend(T) | 8-1-2014 |
| 411-308-0070 | 12-28-2013 | Amend | 2-1-2014 | 411-320-0120(T) | 12-28-2013 | Repeal | 2-1-2014 |
| 411-308-0070 | 7-1-2014 | Amend(T) | 8-1-2014 | 411-320-0130 | 12-28-2013 | Amend | 2-1-2014 |
| 411-308-0070(T) | 12-28-2013 | Repeal | 2-1-2014 | 411-320-0130 | 7-1-2014 | Amend(T) | 8-1-2014 |
| 411-308-0080 | 12-28-2013 | Amend | 2-1-2014 | 411-320-0130(T) | 12-28-2013 | Repeal | 2-1-2014 |
| 411-308-0080 | 7-1-2014 | Amend(T) | 8-1-2014 | 411-320-0140 | 12-28-2013 | Amend | 2-1-2014 |
| 411-308-0080(T) | 12-28-2013 | Repeal | 2-1-2014 | 411-320-0150 | 12-28-2013 | Amend | 2-1-2014 |
| 411-308-0090 | 12-28-2013 | Amend | 2-1-2014 | 411-320-0160 | 12-28-2013 | Amend | 2-1-2014 |
| 411-308-0100 | 12-28-2013 | Amend | 2-1-2014 | 411-320-0170 | 12-28-2013 | Amend | 2-1-2014 |
| 411-308-0100 | 7-1-2014 | Amend(T) | 8-1-2014 | 411-320-0170 | 7-1-2014 | Amend(T) | 8-1-2014 |
| 411-308-0100(T) | 12-28-2013 | Repeal | 2-1-2014 | 411-320-0175 | 12-28-2013 | Amend | 2-1-2014 |
| 411-308-0110 | 12-28-2013 | Amend | 2-1-2014 | 411-320-0175 | 7-1-2014 | Amend(T) | 8-1-2014 |
| 411-308-0120 | 12-28-2013 | Amend | 2-1-2014 | 411-320-0180 | 12-28-2013 | Amend | 2-1-2014 |
| 411-308-0120 | 7-1-2014 | Amend(T) | 8-1-2014 | 411-320-0190 | 12-28-2013 | Amend | 2-1-2014 |
| 411-308-0120(T) | 12-28-2013 | Repeal | 2-1-2014 | 411-320-0200 | 12-28-2013 | Amend | 2-1-2014 |
| 411-308-0130 | 12-28-2013 | Amend | 2-1-2014 | 411-323-0010 | 7-1-2014 | Amend(T) | 8-1-2014 |
| 411-308-0130 | 7-1-2014 | Amend(T) | 8-1-2014 | 411-323-0020 | 7-1-2014 | Amend(T) | 8-1-2014 |
| 411-308-0135 | 7-1-2014 | Adopt(T) | 8-1-2014 | 411-323-0030 | 7-1-2014 | Amend(T) | 8-1-2014 |
| 411-308-0140 | 12-28-2013 | Amend | 2-1-2014 | 411-323-0035 | 7-1-2014 | Amend(T) | 8-1-2014 |
| 411-308-0150 | 12-28-2013 | Amend | 2-1-2014 | 411-323-0050 | 7-1-2014 | Amend(T) | 8-1-2014 |
| 411-317-0000 | 7-1-2014 | Adopt(T) | 8-1-2014 | 411-323-0060 | 7-1-2014 | Amend(T) | 8-1-2014 |
| 411-318-0000 | 7-1-2014 | Adopt(T) | 8-1-2014 | 411-323-0070 | 7-1-2014 | Amend(T) | 8-1-2014 |
| 411-318-0005 | 7-1-2014 | Adopt(T) | 8-1-2014 | 411-325-0010 | 12-28-2013 | Amend | 2-1-2014 |
| 411-318-0010 | 7-1-2014 | Adopt(T) | 8-1-2014 | 411-325-0020 | 12-28-2013 | Amend | 2-1-2014 |
| 411-318-0015 | 7-1-2014 | Adopt(T) | 8-1-2014 | 411-325-0020 | 7-1-2014 | Amend(T) | 8-1-2014 |
| 411-318-0020 | 7-1-2014 | Adopt(T) | 8-1-2014 | 411-325-0020(T) | 12-28-2013 | Repeal | 2-1-2014 |
| 411-318-0025 | 7-1-2014 | Adopt(T) | 8-1-2014 | 411-325-0030 | 12-28-2013 | Amend | 2-1-2014 |
| 411-318-0030 | 7-1-2014 | Adopt(T) | 8-1-2014 | 411-325-0040 | 12-28-2013 | Amend | 2-1-2014 |
| 411-320-0010 | 12-28-2013 | Amend | 2-1-2014 | 411-325-0050 | 12-28-2013 | Amend | 2-1-2014 |
| 411-320-0020 | 12-28-2013 | Amend | 2-1-2014 | 411-325-0060 | 12-28-2013 | Amend | 2-1-2014 |
| 411-320-0020 | 7-1-2014 | Amend(T) | 8-1-2014 | 411-325-0060 | 7-1-2014 | Amend(T) | 8-1-2014 |
| 411-320-0020(T) | 12-28-2013 | Repeal | 2-1-2014 | 411-325-0070 | 12-28-2013 | Amend | 2-1-2014 |
| 411-320-0030 | 12-28-2013 | Amend | 2-1-2014 | 411-325-0090 | 12-28-2013 | Amend | 2-1-2014 |
| 411-320-0030(T) | 12-28-2013 | Repeal | 2-1-2014 | 411-325-0110 | 12-28-2013 | Amend | 2-1-2014 |
| 411-320-0040 | 12-28-2013 | Amend | 2-1-2014 | 411-325-0110 | 7-1-2014 | Amend(T) | 8-1-2014 |
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| 411-320-0050 | 12-28-2013 | Amend | 2-1-2014 | 411-325-0140 | 12-28-2013 | Amend | 2-1-2014 |
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| 411-320-0060 | 7-1-2014 | Amend(T) | 8-1-2014 | 411-325-0170 | 12-28-2013 | Amend | 2-1-2014 |
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| 411-325-0200 | 12-28-2013 | Amend | 2-1-2014 | 411-328-0750 | 12-28-2013 | Amend | 2-1-2014 |
| 411-325-0220 | 12-28-2013 | Amend | 2-1-2014 | 411-328-0750 | 7-1-2014 | Amend(T) | 8-1-2014 |
| 411-325-0230 | 12-28-2013 | Amend | 2-1-2014 | 411-328-0760 | 12-28-2013 | Amend | 2-1-2014 |
| 411-325-0240 | 12-28-2013 | Amend | 2-1-2014 | 411-328-0760 | 7-1-2014 | Amend(T) | 8-1-2014 |
| 411-325-0250 | 12-28-2013 | Amend | 2-1-2014 | 411-328-0770 | 12-28-2013 | Amend | 2-1-2014 |
| 411-325-0260 | 12-28-2013 | Amend | 2-1-2014 | 411-328-0770 | 7-1-2014 | Amend(T) | 8-1-2014 |
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| 411-325-0280 | 12-28-2013 | Amend | 2-1-2014 | 411-328-0790 | 12-28-2013 | Amend | 2-1-2014 |
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| 411-325-0320 | 12-28-2013 | Amend | 2-1-2014 | 411-328-0800 | 7-1-2014 | Suspend | 8-1-2014 |
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| 411-325-0330 | 12-28-2013 | Amend | 2-1-2014 | 411-330-0010 | 12-28-2013 | Amend | 2-1-2014 |
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| 411-325-0360 | 12-28-2013 | Amend | 2-1-2014 | 411-330-0030 | 12-28-2013 | Amend | 2-1-2014 |
| 411-325-0370 | 12-28-2013 | Amend | 2-1-2014 | 411-330-0030 | 7-1-2014 | Amend(T) | 8-1-2014 |
| 411-325-0380 | 12-28-2013 | Amend | 2-1-2014 | 411-330-0030(T) | 12-28-2013 | Repeal | 2-1-2014 |
| 411-325-0390 | 12-28-2013 | Amend | 2-1-2014 | 411-330-0040 | 12-28-2013 | Amend | 2-1-2014 |
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| 411-325-0400 | 12-28-2013 | Amend | 2-1-2014 | 411-330-0050 | 12-28-2013 | Amend | 2-1-2014 |
| 411-325-0400 | 7-1-2014 | Suspend | 8-1-2014 | 411-330-0050 | 7-1-2014 | Amend(T) | 8-1-2014 |
| 411-325-0400(T) | 12-28-2013 | Repeal | 2-1-2014 | 411-330-0050(T) | 12-28-2013 | Repeal | 2-1-2014 |
| 411-325-0410 | 12-28-2013 | Amend | 2-1-2014 | 411-330-0060 | 12-28-2013 | Amend | 2-1-2014 |
| 411-325-0420 | 12-28-2013 | Amend | 2-1-2014 | 411-330-0060 | 7-1-2014 | Amend(T) | 8-1-2014 |
| 411-325-0430 | 12-28-2013 | Amend | 2-1-2014 | 411-330-0060(T) | 12-28-2013 | Repeal | 2-1-2014 |
| 411-325-0430 | 7-1-2014 | Amend(T) | 8-1-2014 | 411-330-0065 | 12-28-2013 | Amend | 2-1-2014 |
| 411-325-0440 | 12-28-2013 | Amend | 2-1-2014 | 411-330-0070 | 12-28-2013 | Amend | 2-1-2014 |
| 411-325-0440(T) | 12-28-2013 | Repeal | 2-1-2014 | 411-330-0070 | 7-1-2014 | Amend(T) | 8-1-2014 |
| 411-325-0460 | 12-28-2013 | Amend | 2-1-2014 | 411-330-0070(T) | 12-28-2013 | Repeal | 2-1-2014 |
| 411-325-0460 | 7-1-2014 | Amend(T) | 8-1-2014 | 411-330-0080 | 12-28-2013 | Amend | 2-1-2014 |
| 411-325-0470 | 12-28-2013 | Amend | 2-1-2014 | 411-330-0080 | 7-1-2014 | Amend(T) | 8-1-2014 |
| 411-325-0480 | 12-28-2013 | Amend | 2-1-2014 | 411-330-0080(T) | 12-28-2013 | Repeal | 2-1-2014 |
| 411-328-0550 | 12-28-2013 | Amend | 2-1-2014 | 411-330-0090 | 12-28-2013 | Amend | 2-1-2014 |
| 411-328-0560 | 12-28-2013 | Amend | 2-1-2014 | 411-330-0090 | 7-1-2014 | Amend(T) | 8-1-2014 |
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| 411-328-0560(T) | 12-28-2013 | Repeal | 2-1-2014 | 411-330-0100 | 12-28-2013 | Amend | 2-1-2014 |
| 411-328-0570 | 12-28-2013 | Amend | 2-1-2014 | 411-330-0100 | 7-1-2014 | Amend(T) | 8-1-2014 |
| 411-328-0620 | 12-28-2013 | Amend | 2-1-2014 | 411-330-0110 | 12-28-2013 | Amend | 2-1-2014 |
| 411-328-0630 | 12-28-2013 | Amend | 2-1-2014 | 411-330-0110 | 7-1-2014 | Amend(T) | 8-1-2014 |
| 411-328-0640 | 12-28-2013 | Amend | 2-1-2014 | 411-330-0110(T) | 12-28-2013 | Repeal | 2-1-2014 |
| 411-328-0650 | 12-28-2013 | Amend | 2-1-2014 | 411-330-0120 | 12-28-2013 | Amend | 2-1-2014 |
| 411-328-0660 | 12-28-2013 | Amend | 2-1-2014 | 411-330-0130 | 12-28-2013 | Amend | 2-1-2014 |
| 411-328-0680 | 12-28-2013 | Amend | 2-1-2014 | 411-330-0130 | 7-1-2014 | Amend(T) | 8-1-2014 |
| 411-328-0690 | 12-28-2013 | Amend | 2-1-2014 | 411-330-0140 | 12-28-2013 | Amend | 2-1-2014 |
| 411-328-0700 | 12-28-2013 | Amend | 2-1-2014 | 411-330-0150 | 12-28-2013 | Amend | 2-1-2014 |
| 411-328-0700 | 7-1-2014 | Amend(T) | 8-1-2014 | 411-330-0160 | 12-28-2013 | Amend | 2-1-2014 |
| 411-328-0710 | 12-28-2013 | Amend | 2-1-2014 | 411-330-0170 | 12-28-2013 | Amend | 2-1-2014 |
| 411-328-0715 | 12-28-2013 | Amend | 2-1-2014 | 411-335-0010 | 1-1-2014 | Suspend | 2-1-2014 |
| 411-328-0720 | 12-28-2013 | Amend | 2-1-2014 | 411-335-0010 | 4-1-2014 | Repeal | 5-1-2014 |
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| 411-335-0030 | 4-1-2014 | Repeal | 5-1-2014 | 411-340-0040 | 12-28-2013 | Amend | 2-1-2014 |
| 411-335-0040 | 1-1-2014 | Suspend | 2-1-2014 | 411-340-0050 | 12-28-2013 | Amend | 2-1-2014 |
| 411-335-0040 | 4-1-2014 | Repeal | 5-1-2014 | 411-340-0060 | 12-28-2013 | Amend | 2-1-2014 |
| 411-335-0060 | 1-1-2014 | Suspend | 2-1-2014 | 411-340-0060 | 7-1-2014 | Amend(T) | 8-1-2014 |
| 411-335-0060 | 4-1-2014 | Repeal | 5-1-2014 | 411-340-0070 | 12-28-2013 | Amend | 2-1-2014 |
| 411-335-0120 | 1-1-2014 | Suspend | 2-1-2014 | 411-340-0080 | 12-28-2013 | Amend | 2-1-2014 |
| 411-335-0120 | 4-1-2014 | Repeal | 5-1-2014 | 411-340-0090 | 12-28-2013 | Amend | 2-1-2014 |
| 411-335-0130 | 1-1-2014 | Suspend | 2-1-2014 | 411-340-0100 | 12-28-2013 | Amend | 2-1-2014 |
| 411-335-0130 | 4-1-2014 | Repeal | 5-1-2014 | 411-340-0100 | 7-1-2014 | Amend(T) | 8-1-2014 |
| 411-335-0150 | 1-1-2014 | Suspend | 2-1-2014 | 411-340-0100(T) | 12-28-2013 | Repeal | 2-1-2014 |
| 411-335-0150 | 4-1-2014 | Repeal | 5-1-2014 | 411-340-0110 | 12-28-2013 | Amend | 2-1-2014 |
| 411-335-0160 | 1-1-2014 | Suspend | 2-1-2014 | 411-340-0110 | 7-1-2014 | Amend(T) | 8-1-2014 |
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| 411-335-0170 | 4-1-2014 | Repeal | 5-1-2014 | 411-340-0120 | 7-1-2014 | Amend(T) | 8-1-2014 |
| 411-335-0180 | 1-1-2014 | Suspend | 2-1-2014 | 411-340-0120(T) | 12-28-2013 | Repeal | 2-1-2014 |
| 411-335-0180 | 4-1-2014 | Repeal | 5-1-2014 | 411-340-0125 | 12-28-2013 | Amend | 2-1-2014 |
| 411-335-0190 | 1-1-2014 | Suspend | 2-1-2014 | 411-340-0125(T) | 12-28-2013 | Repeal | 2-1-2014 |
| 411-335-0190 | 4-1-2014 | Repeal | 5-1-2014 | 411-340-0130 | 12-28-2013 | Amend | 2-1-2014 |
| 411-335-0200 | 1-1-2014 | Suspend | 2-1-2014 | 411-340-0130 | 7-1-2014 | Amend(T) | 8-1-2014 |
| 411-335-0200 | 4-1-2014 | Repeal | 5-1-2014 | 411-340-0130(T) | 12-28-2013 | Repeal | 2-1-2014 |
| 411-335-0210 | 1-1-2014 | Suspend | 2-1-2014 | 411-340-0135 | 7-1-2014 | Adopt(T) | 8-1-2014 |
| 411-335-0210 | 4-1-2014 | Repeal | 5-1-2014 | 411-340-0140 | 12-28-2013 | Amend | 2-1-2014 |
| 411-335-0220 | 1-1-2014 | Suspend | 2-1-2014 | 411-340-0150 | 12-28-2013 | Amend | 2-1-2014 |
| 411-335-0220 | 4-1-2014 | Repeal | 5-1-2014 | 411-340-0150 | 7-1-2014 | Amend(T) | 8-1-2014 |
| 411-335-0230 | 1-1-2014 | Suspend | 2-1-2014 | 411-340-0150(T) | 12-28-2013 | Repeal | 2-1-2014 |
| 411-335-0230 | 4-1-2014 | Repeal | 5-1-2014 | 411-340-0160 | 12-28-2013 | Amend | 2-1-2014 |
| 411-335-0240 | 1-1-2014 | Suspend | 2-1-2014 | 411-340-0160 | 7-1-2014 | Amend(T) | 8-1-2014 |
| 411-335-0240 | 4-1-2014 | Repeal | 5-1-2014 | 411-340-0170 | 12-28-2013 | Amend | 2-1-2014 |
| 411-335-0250 | 1-1-2014 | Suspend | 2-1-2014 | 411-340-0170 | 7-1-2014 | Amend(T) | 8-1-2014 |
| 411-335-0250 | 4-1-2014 | Repeal | 5-1-2014 | 411-340-0180 | 12-28-2013 | Amend | 2-1-2014 |
| 411-335-0260 | 1-1-2014 | Suspend | 2-1-2014 | 411-341-1300 | 7-1-2014 | Repeal | 8-1-2014 |
| 411-335-0260 | 4-1-2014 | Repeal | 5-1-2014 | 411-341-1310 | 7-1-2014 | Repeal | 8-1-2014 |
| 411-335-0270 | 1-1-2014 | Suspend | 2-1-2014 | 411-341-1320 | 7-1-2014 | Repeal | 8-1-2014 |
| 411-335-0270 | 4-1-2014 | Repeal | 5-1-2014 | 411-341-1330 | 7-1-2014 | Repeal | 8-1-2014 |
| 411-335-0280 | 1-1-2014 | Suspend | 2-1-2014 | 411-341-1340 | 7-1-2014 | Repeal | 8-1-2014 |
| 411-335-0280 | 4-1-2014 | Repeal | 5-1-2014 | 411-341-1350 | 7-1-2014 | Repeal | 8-1-2014 |
| 411-335-0290 | 1-1-2014 | Suspend | 2-1-2014 | 411-341-1360 | 7-1-2014 | Repeal | 8-1-2014 |
| 411-335-0290 | 4-1-2014 | Repeal | 5-1-2014 | 411-341-1370 | 7-1-2014 | Repeal | 8-1-2014 |
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| 411-335-0330 | 1-1-2014 | Suspend | 2-1-2014 | 411-345-0020(T) | 12-28-2013 | Repeal | 2-1-2014 |
| 411-335-0330 | 4-1-2014 | Repeal | 5-1-2014 | 411-345-0025 | 7-1-2014 | Amend(T) | 8-1-2014 |
| 411-335-0340 | 1-1-2014 | Suspend | 2-1-2014 | 411-345-0027 | 7-1-2014 | Adopt(T) | 8-1-2014 |
| 411-335-0340 | 4-1-2014 | Repeal | 5-1-2014 | 411-345-0030 | 7-1-2014 | Amend(T) | 8-1-2014 |
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| 411-335-0360 | 1-1-2014 | Suspend | 2-1-2014 | 411-345-0090 | 7-1-2014 | Amend(T) | 8-1-2014 |
| 411-335-0360 | 4-1-2014 | Repeal | 5-1-2014 | 411-345-0095 | 12-28-2013 | Amend | 2-1-2014 |
| 411-340-0010 | 12-28-2013 | Amend | 2-1-2014 | 411-345-0095 | 7-1-2014 | Amend(T) | 8-1-2014 |
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| 411-345-0140 | 7-1-2014 | Amend(T) | 8-1-2014 | 411-350-0075 | 8-20-2014 | Adopt(T) | 10-1-2014 |
| 411-345-0140(T) | 12-28-2013 | Repeal | 2-1-2014 | 411-350-0080 | 12-28-2013 | Amend | 2-1-2014 |
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| 411-345-0180 | 12-28-2013 | Amend | 2-1-2014 | 411-350-0110 | 8-20-2014 | Amend(T) | 10-1-2014 |
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| 411-345-0190 | 12-28-2013 | Amend | 2-1-2014 | 411-350-0115 | 8-20-2014 | Amend(T) | 10-1-2014 |
| 411-345-0190 | 7-1-2014 | Amend(T) | 8-1-2014 | 411-350-0118 | 12-28-2013 | Amend | 2-1-2014 |
| 411-345-0200 | 12-28-2013 | Amend | 2-1-2014 | 411-350-0118 | 8-20-2014 | Suspend | 10-1-2014 |
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| 411-345-0230 | 12-28-2013 | Amend | 2-1-2014 | 411-350-0120 | 8-20-2014 | Amend(T) | 10-1-2014 |
| 411-345-0230 | 7-1-2014 | Amend(T) | 8-1-2014 | 411-355-0000 | 12-28-2013 | Amend | 2-1-2014 |
| 411-345-0240 | 12-28-2013 | Amend | 2-1-2014 | 411-355-0010 | 12-28-2013 | Amend | 2-1-2014 |
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| 411-345-0250 | 12-28-2013 | Amend | 2-1-2014 | 411-355-0020 | 12-28-2013 | Amend | 2-1-2014 |
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| 411-345-0260 | 12-28-2013 | Amend | 2-1-2014 | 411-355-0030 | 12-28-2013 | Amend | 2-1-2014 |
| 411-345-0260 | 7-1-2014 | Amend(T) | 8-1-2014 | 411-355-0030(T) | 12-28-2013 | Repeal | 2-1-2014 |
| 411-345-0270 | 12-28-2013 | Amend | 2-1-2014 | 411-355-0040 | 12-28-2013 | Amend | 2-1-2014 |
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| 411-346-0100 | 12-28-2013 | Amend | 2-1-2014 | 411-355-0050 | 12-28-2013 | Amend | 2-1-2014 |
| 411-346-0110 | 12-28-2013 | Amend | 2-1-2014 | 411-355-0060 | 12-28-2013 | Amend | 2-1-2014 |
| 411-346-0110 | 7-1-2014 | Amend(T) | 8-1-2014 | 411-355-0070 | 12-28-2013 | Amend | 2-1-2014 |
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| 411-346-0120 | 12-28-2013 | Amend | 2-1-2014 | 411-355-0090 | 12-28-2013 | Amend | 2-1-2014 |
| 411-346-0130 | 12-28-2013 | Amend | 2-1-2014 | 411-355-0100 | 12-28-2013 | Amend | 2-1-2014 |
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| 413-015-0220 | 5-27-2014 | Amend | 7-1-2014 | 413-070-0800 | 1-1-2014 | Amend | 2-1-2014 |
| 413-015-0225 | 5-27-2014 | Amend | 7-1-2014 | 413-070-0810 | 1-1-2014 | Amend | 2-1-2014 |
| 413-015-0400 | 5-27-2014 | Amend | 7-1-2014 | 413-070-0830 | 1-1-2014 | Amend | 2-1-2014 |
| 413-015-0403 | 5-27-2014 | Amend | 7-1-2014 | 413-070-0840 | 1-1-2014 | Amend | 2-1-2014 |
| 413-015-0404 | 5-27-2014 | Adopt | 7-1-2014 | 413-070-0855 | 1-1-2014 | Amend | 2-1-2014 |
| 413-015-0405 | 5-27-2014 | Amend | 7-1-2014 | 413-070-0860 | 1-1-2014 | Amend | 2-1-2014 |
| 413-015-0409 | 5-27-2014 | Amend | 7-1-2014 | 413-070-0870 | 1-1-2014 | Amend | 2-1-2014 |
| 413-015-0409 | 7-1-2014 | Amend(T) | 8-1-2014 | 413-070-0880 | 1-1-2014 | Amend | 2-1-2014 |
| 413-015-0415 | 5-27-2014 | Amend | 7-1-2014 | 413-070-0900 | 2-1-2014 | Amend | 3-1-2014 |
| 413-015-0415 | 7-1-2014 | Amend(T) | 8-1-2014 | 413-070-0905 | 2-1-2014 | Amend | 3-1-2014 |
| 413-015-0420 | 5-27-2014 | Amend | 7-1-2014 | 413-070-0905 | 6-3-2014 | Amend | 7-1-2014 |
| 413-015-0420 | 7-1-2014 | Amend(T) | 8-1-2014 | 413-070-0905 | 8-4-2014 | Amend(T) | 9-1-2014 |
| 413-015-0422 | 5-27-2014 | Adopt | 7-1-2014 | 413-070-0909 | 2-1-2014 | Amend | 3-1-2014 |
| 413-015-0425 | 5-27-2014 | Amend | 7-1-2014 | 413-070-0917 | 2-1-2014 | Amend | 3-1-2014 |
| 413-015-0428 | 5-27-2014 | Adopt | 7-1-2014 | 413-070-0919 | 2-1-2014 | Amend | 3-1-2014 |
| 413-015-0430 | 5-27-2014 | Repeal | 7-1-2014 | 413-070-0925 | 2-1-2014 | Amend | 3-1-2014 |
| 413-015-0432 | 5-27-2014 | Adopt | 7-1-2014 | 413-070-0934 | 2-1-2014 | Amend | 3-1-2014 |
| 413-015-0432 | 7-1-2014 | Amend(T) | 8-1-2014 | 413-070-0939 | 2-1-2014 | Amend | 3-1-2014 |
| 413-015-0435 | 5-27-2014 | Amend | 7-1-2014 | 413-070-0949 | 2-1-2014 | Amend | 3-1-2014 |
| 413-015-0437 | 5-27-2014 | Adopt | 7-1-2014 | 413-070-0959 | 2-1-2014 | Amend | 3-1-2014 |
| 413-015-0440 | 5-27-2014 | Amend | 7-1-2014 | 413-070-0964 | 2-1-2014 | Amend | 3-1-2014 |
| 413-015-0445 | 5-27-2014 | Amend | 7-1-2014 | 413-070-0969 | 2-1-2014 | Amend | 3-1-2014 |
| 413-015-0450 | 5-27-2014 | Amend | 7-1-2014 | 413-070-0974 | 2-1-2014 | Amend | 3-1-2014 |
| 413-015-0455 | 5-27-2014 | Amend | 7-1-2014 | 413-080-0050 | 5-27-2014 | Amend | 7-1-2014 |
| 413-015-0470 | 5-27-2014 | Amend | 7-1-2014 | 413-080-0052 | 5-27-2014 | Amend | 7-1-2014 |
| 413-015-0475 | 5-27-2014 | Amend | 7-1-2014 | 413-080-0054 | 5-27-2014 | Amend | 7-1-2014 |
| 413-015-0520 | 5-27-2014 | Amend | 7-1-2014 | 413-080-0055 | 5-27-2014 | Amend | 7-1-2014 |
| 413-015-0525 | 5-27-2014 | Amend | 7-1-2014 | 413-080-0059 | 5-27-2014 | Amend | 7-1-2014 |
| 413-015-0535 | 5-27-2014 | Amend | 7-1-2014 | 413-100-0400 | 1-1-2014 | Amend(T) | 2-1-2014 |
| 413-015-0540 | 7-1-2014 | Amend(T) | 8-1-2014 | 413-100-0400 | 6-12-2014 | Amend | 7-1-2014 |
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| 413-100-0420 | 6-12-2014 | Amend | 7-1-2014 | 413-120-0195 | 8-4-2014 | Amend(T) | 9-1-2014 |
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| 413-100-0430 | 1-1-2014 | Amend(T) | 2-1-2014 | 413-120-0510 | 8-4-2014 | Amend(T) | 9-1-2014 |
| 413-100-0430 | 6-12-2014 | Amend | 7-1-2014 | 413-120-0710 | 6-3-2014 | Amend | 7-1-2014 |
| 413-100-0430(T) | 6-12-2014 | Repeal | 7-1-2014 | 413-120-0710 | 8-4-2014 | Amend(T) | 9-1-2014 |
| 413-100-0432 | 6-12-2014 | Adopt | 7-1-2014 | 413-120-0900 | 5-1-2014 | Amend | 6-1-2014 |
| 413-100-0435 | 1-1-2014 | Adopt(T) | 2-1-2014 | 413-120-0905 | 5-1-2014 | Amend | 6-1-2014 |
| 413-100-0435 | 6-12-2014 | Adopt | 7-1-2014 | 413-120-0910 | 5-1-2014 | Amend | 6-1-2014 |
| 413-100-0435(T) | 6-12-2014 | Repeal | 7-1-2014 | 413-120-0920 | 5-1-2014 | Amend | 6-1-2014 |
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| 413-100-0440 | 6-12-2014 | Repeal | 7-1-2014 | 413-120-0930 | 5-1-2014 | Amend | 6-1-2014 |
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| 413-100-0445 | 6-12-2014 | Amend | 7-1-2014 | 413-120-0945 | 5-1-2014 | Amend | 6-1-2014 |
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| 413-100-0450 | 1-1-2014 | Suspend | 2-1-2014 | 413-120-0960 | 5-1-2014 | Amend | 6-1-2014 |
| 413-100-0450 | 6-12-2014 | Repeal | 7-1-2014 | 413-120-0970 | 5-1-2014 | Amend | 6-1-2014 |
| 413-100-0451 | 6-12-2014 | Adopt | 7-1-2014 | 413-130-0000 | 2-1-2014 | Amend | 3-1-2014 |
| 413-100-0455 | 1-1-2014 | Amend(T) | 2-1-2014 | 413-130-0010 | 2-1-2014 | Amend | 3-1-2014 |
| 413-100-0455 | 6-12-2014 | Amend | 7-1-2014 | 413-130-0015 | 2-1-2014 | Amend | 3-1-2014 |
| 413-100-0455(T) | 6-12-2014 | Repeal | 7-1-2014 | 413-130-0020 | 2-1-2014 | Amend | 3-1-2014 |
| 413-100-0457 | 2-4-2014 | Adopt(T) | 3-1-2014 | 413-130-0040 | 2-1-2014 | Amend | 3-1-2014 |
| 413-100-0457 | 6-12-2014 | Adopt | 7-1-2014 | 413-130-0050 | 2-1-2014 | Amend | 3-1-2014 |
| 413-100-0457(T) | 6-12-2014 | Repeal | 7-1-2014 | 413-130-0055 | 2-1-2014 | Amend | 3-1-2014 |
| 413-100-0460 | 1-1-2014 | Amend(T) | 2-1-2014 | 413-130-0070 | 2-1-2014 | Amend | 3-1-2014 |
| 413-100-0460 | 6-12-2014 | Amend | 7-1-2014 | 413-130-0075 | 2-1-2014 | Amend | 3-1-2014 |
| 413-100-0460(T) | 6-12-2014 | Repeal | 7-1-2014 | 413-130-0077 | 2-1-2014 | Amend | 3-1-2014 |
| 413-100-0470 | 1-1-2014 | Suspend | 2-1-2014 | 413-130-0077 | 8-1-2014 | Amend | 9-1-2014 |
| 413-100-0470 | 6-12-2014 | Repeal | 7-1-2014 | 413-130-0080 | 2-1-2014 | Amend | 3-1-2014 |
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| 413-100-0480 | 6-12-2014 | Repeal | 7-1-2014 | 413-130-0125 | 2-1-2014 | Amend | 3-1-2014 |
| 413-100-0490 | 1-1-2014 | Suspend | 2-1-2014 | 413-130-0130 | 2-1-2014 | Amend | 3-1-2014 |
| 413-100-0490 | 6-12-2014 | Repeal | 7-1-2014 | 413-140-0000 | 1-1-2014 | Amend | 2-1-2014 |
| 413-100-0500 | 1-1-2014 | Suspend | 2-1-2014 | 413-140-0010 | 1-1-2014 | Amend | 2-1-2014 |
| 413-100-0500 | 6-12-2014 | Repeal | 7-1-2014 | 413-140-0026 | 1-1-2014 | Amend | 2-1-2014 |
| 413-100-0510 | 1-1-2014 | Suspend | 2-1-2014 | 413-140-0030 | 1-1-2014 | Amend | 2-1-2014 |
| 413-100-0510 | 6-12-2014 | Repeal | 7-1-2014 | 413-140-0031 | 1-1-2014 | Adopt | 2-1-2014 |
| 413-100-0520 | 1-1-2014 | Suspend | 2-1-2014 | 413-140-0032 | 1-1-2014 | Adopt | 2-1-2014 |
| 413-100-0520 | 6-12-2014 | Repeal | 7-1-2014 | 413-140-0033 | 1-1-2014 | Adopt | 2-1-2014 |
| 413-100-0530 | 1-1-2014 | Amend(T) | 2-1-2014 | 413-140-0035 | 1-1-2014 | Amend | 2-1-2014 |
| 413-100-0530 | 6-12-2014 | Amend | 7-1-2014 | 413-140-0040 | 1-1-2014 | Amend | 2-1-2014 |
| 413-100-0530(T) | 6-12-2014 | Repeal | 7-1-2014 | 413-140-0045 | 1-1-2014 | Repeal | 2-1-2014 |
| 413-100-0540 | 1-1-2014 | Suspend | 2-1-2014 | 413-140-0047 | 1-1-2014 | Adopt | 2-1-2014 |
| 413-100-0540 | 6-12-2014 | Repeal | 7-1-2014 | 413-140-0055 | 1-1-2014 | Repeal | 2-1-2014 |
| 413-100-0550 | 1-1-2014 | Suspend | 2-1-2014 | 413-140-0065 | 1-1-2014 | Amend | 2-1-2014 |
| 413-100-0550 | 6-12-2014 | Repeal | 7-1-2014 | 413-140-0080 | 1-1-2014 | Repeal | 2-1-2014 |
| 413-100-0560 | 1-1-2014 | Suspend | 2-1-2014 | 413-140-0110 | 1-1-2014 | Amend | 2-1-2014 |
| 413-100-0560 | 6-12-2014 | Repeal | 7-1-2014 | 413-140-0120 | 1-1-2014 | Repeal | 2-1-2014 |
| 413-100-0580 | 12-31-2013 | Renumber | 2-1-2014 | 413-200-0409 | 5-27-2014 | Amend | 7-1-2014 |
| 413-100-0590 | 12-31-2013 | Renumber | 2-1-2014 | 413-200-0414 | 7-1-2014 | Amend(T) | 8-1-2014 |
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| 413-310-0070 | 4-1-2014 | Repeal | 5-1-2014 | 413-330-0800 | 4-1-2014 | Repeal | 5-1-2014 |
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| 413-310-0130 | 4-1-2014 | Repeal | 5-1-2014 | 413-350-0030 | 8-1-2014 | Repeal | 9-1-2014 |
| 413-330-0000 | 1-1-2014 | Suspend | 2-1-2014 | 413-350-0040 | 8-1-2014 | Repeal | 9-1-2014 |
| 413-330-0000 | 4-1-2014 | Repeal | 5-1-2014 | 413-350-0050 | 8-1-2014 | Repeal | 9-1-2014 |
| 413-330-0010 | 1-1-2014 | Suspend | 2-1-2014 | 413-350-0060 | 8-1-2014 | Repeal | 9-1-2014 |
| 413-330-0010 | 4-1-2014 | Repeal | 5-1-2014 | 413-350-0070 | 8-1-2014 | Repeal | 9-1-2014 |
| 413-330-0020 | 1-1-2014 | Suspend | 2-1-2014 | 413-350-0080 | 8-1-2014 | Repeal | 9-1-2014 |
| 413-330-0020 | 4-1-2014 | Repeal | 5-1-2014 | 413-350-0090 | 8-1-2014 | Repeal | 9-1-2014 |
| 413-330-0030 | 1-1-2014 | Suspend | 2-1-2014 | 414-002-0005 | 1-15-2014 | Adopt | 2-1-2014 |
| 413-330-0030 | 4-1-2014 | Repeal | 5-1-2014 | 414-002-0010 | 1-15-2014 | Adopt | 2-1-2014 |
| 413-330-0040 | 1-1-2014 | Suspend | 2-1-2014 | 414-061-0050 | 8-7-2014 | Amend(T) | 9-1-2014 |
| 413-330-0040 | 4-1-2014 | Repeal | 5-1-2014 | 414-205-0010 | 8-7-2014 | Amend(T) | 9-1-2014 |
| 413-330-0050 | 1-1-2014 | Suspend | 2-1-2014 | 414-205-0035 | 8-7-2014 | Amend(T) | 9-1-2014 |
| 413-330-0050 | 4-1-2014 | Repeal | 5-1-2014 | 414-205-0040 | 8-7-2014 | Amend(T) | 9-1-2014 |
| 413-330-0060 | 1-1-2014 | Suspend | 2-1-2014 | 414-205-0100 | 8-7-2014 | Amend(T) | 9-1-2014 |
| 413-330-0060 | 4-1-2014 | Repeal | 5-1-2014 | 414-300-0005 | 8-7-2014 | Amend(T) | 9-1-2014 |
| 413-330-0080 | 1-1-2014 | Suspend | 2-1-2014 | 414-300-0015 | 8-7-2014 | Amend(T) | 9-1-2014 |
| 413-330-0080 | 4-1-2014 | Repeal | 5-1-2014 | 414-300-0070 | 8-7-2014 | Amend(T) | 9-1-2014 |
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| 413-330-0087 | 4-1-2014 | Repeal | 5-1-2014 | 414-350-0030 | 8-7-2014 | Amend(T) | 9-1-2014 |
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| 413-330-0098 | 4-1-2014 | Repeal | 5-1-2014 | 414-800-0010 | 1-15-2014 | Adopt(T) | 2-1-2014 |
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| 413-330-0230 | 4-1-2014 | Repeal | 5-1-2014 | 414-800-0020 | 7-7-2014 | Adopt | 8-1-2014 |
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| 413-330-0310 | 4-1-2014 | Repeal | 5-1-2014 | 414-800-0110 | 7-7-2014 | Adopt | 8-1-2014 |
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| 415-012-0057 | 12-20-2013 | Adopt(T) | 2-1-2014 | 436-009-0008 | 4-1-2014 | Amend | 4-1-2014 |
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| 415-012-0058 | 12-20-2013 | Adopt(T) | 2-1-2014 | 436-009-0010 | 4-15-2014 | Amend(T) | 5-1-2014 |
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| 415-065-0025 | 4-24-2014 | Repeal | 6-1-2014 | 436-009-0020 | 4-1-2014 | Amend | 4-1-2014 |
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| 415-065-0055 | 4-24-2014 | Amend | 6-1-2014 | 436-009-0030 | 4-1-2014 | Amend | 4-1-2014 |
| 415-065-0060 | 4-24-2014 | Amend | 6-1-2014 | 436-009-0035 | 4-1-2014 | Amend | 4-1-2014 |
| 415-065-0065 | 4-24-2014 | Repeal | 6-1-2014 | 436-009-0040 | 4-1-2014 | Amend | 4-1-2014 |
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| 416-530-0000 | 1-15-2014 | Amend | 2-1-2014 | 436-009-0090 | 4-1-2014 | Amend | 4-1-2014 |
| 416-530-0010 | 1-15-2014 | Amend | 2-1-2014 | 436-009-0095 | 4-1-2014 | Repeal | 4-1-2014 |
| 416-530-0020 | 1-15-2014 | Amend | 2-1-2014 | 436-009-0110 | 4-1-2014 | Amend | 4-1-2014 |
| 416-530-0030 | 1-15-2014 | Amend | 2-1-2014 | 436-009-0114 | 4-1-2014 | Repeal | 4-1-2014 |
| 416-530-0035 | 1-15-2014 | Amend | 2-1-2014 | 436-009-0115 | 4-1-2014 | Repeal | 4-1-2014 |
| 416-530-0040 | 1-15-2014 | Amend | 2-1-2014 | 436-009-0120 | 4-1-2014 | Repeal | 4-1-2014 |
| 416-530-0050 | 1-15-2014 | Amend | 2-1-2014 | 436-009-0125 | 4-1-2014 | Repeal | 4-1-2014 |
| 416-530-0060 | 1-15-2014 | Amend | 2-1-2014 | 436-009-0130 | 4-1-2014 | Repeal | 4-1-2014 |
| 416-530-0070 | 1-15-2014 | Amend | 2-1-2014 | 436-009-0135 | 4-1-2014 | Repeal | 4-1-2014 |
| 416-530-0080 | 1-15-2014 | Amend | 2-1-2014 | 436-009-0140 | 4-1-2014 | Repeal | 4-1-2014 |
| 416-530-0090 | 1-15-2014 | Amend | 2-1-2014 | 436-009-0145 | 4-1-2014 | Repeal | 4-1-2014 |
| 416-530-0100 | 1-15-2014 | Amend | 2-1-2014 | 436-009-0155 | 4-1-2014 | Repeal | 4-1-2014 |
| 416-530-0110 | 1-15-2014 | Amend | 2-1-2014 | 436-009-0160 | 4-1-2014 | Repeal | 4-1-2014 |
| 416-530-0125 | 1-15-2014 | Amend | 2-1-2014 | 436-009-0165 | 4-1-2014 | Repeal | 4-1-2014 |
| 416-530-0130 | 1-15-2014 | Amend | 2-1-2014 | 436-009-0170 | 4-1-2014 | Repeal | 4-1-2014 |
| 416-530-0140 | 1-15-2014 | Amend | 2-1-2014 | 436-009-0175 | 4-1-2014 | Repeal | 4-1-2014 |
| 416-530-0150 | 1-15-2014 | Amend | 2-1-2014 | 436-009-0177 | 4-1-2014 | Repeal | 4-1-2014 |
| 416-530-0160 | 1-15-2014 | Amend | 2-1-2014 | 436-009-0180 | 4-1-2014 | Repeal | 4-1-2014 |
| 416-530-0170 | 1-15-2014 | Amend | 2-1-2014 | 436-009-0185 | 4-1-2014 | Repeal | 4-1-2014 |
| 416-530-0200 | 1-15-2014 | Amend | 2-1-2014 | 436-009-0200 | 4-1-2014 | Repeal | 4-1-2014 |
| 436-001-0030 | 3-28-2014 | Amend | 4-1-2014 | 436-009-0205 | 4-1-2014 | Repeal | 4-1-2014 |
| 436-008-0001 | 1-1-2015 | Adopt | 8-1-2014 | 436-009-0206 | 4-1-2014 | Repeal | 4-1-2014 |
| 436-008-0004 | 1-1-2015 | Adopt | 8-1-2014 | 436-009-0207 | 4-1-2014 | Repeal | 4-1-2014 |
| 436-008-0005 | 1-1-2015 | Adopt | 8-1-2014 | 436-009-0210 | 4-1-2014 | Repeal | 4-1-2014 |
| 436-008-0010 | 1-1-2015 | Adopt | 8-1-2014 | 436-009-0215 | 4-1-2014 | Repeal | 4-1-2014 |
| 436-008-0015 | 1-1-2015 | Adopt | 8-1-2014 | 436-009-0220 | 4-1-2014 | Repeal | 4-1-2014 |
| 436-008-0020 | 1-1-2015 | Adopt | 8-1-2014 | 436-009-0225 | 4-1-2014 | Repeal | 4-1-2014 |
| 436-008-0025 | 1-1-2015 | Adopt | 8-1-2014 | 436-009-0230 | 4-1-2014 | Repeal | 4-1-2014 |
| 436-008-0030 | 1-1-2015 | Adopt | 8-1-2014 | 436-009-0235 | 4-1-2014 | Repeal | 4-1-2014 |
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| 436-009-0255 | 4-1-2014 | Repeal | 4-1-2014 | 436-160-0040(T) | 10-1-2014 | Suspend | 8-1-2014 |
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| 436-009-0285 | 4-1-2014 | Repeal | 4-1-2014 | 436-160-0410 | 7-1-2014 | Amend | 3-1-2014 |
| 436-009-0290 | 4-1-2014 | Repeal | 4-1-2014 | 436-160-0410 | 7-1-2014 | Amend(T) | 7-1-2014 |
| 436-009-0998 | 4-1-2014 | Amend | 4-1-2014 | 436-160-0410 | 10-1-2014 | Amend | 8-1-2014 |
| 436-010-0005 | 4-1-2014 | Amend | 4-1-2014 | 436-160-0410(T) | 10-1-2014 | Repeal | 8-1-2014 |
| 436-010-0230 | 4-1-2014 | Amend | 4-1-2014 | 436-160-0415 | 7-1-2014 | Amend(T) | 7-1-2014 |
| 436-010-0240 | 4-1-2014 | Amend | 4-1-2014 | 436-160-0415 | 10-1-2014 | Amend | 8-1-2014 |
| 436-010-0270 | 4-1-2014 | Amend | 4-1-2014 | 436-160-0415(T) | 10-1-2014 | Repeal | 8-1-2014 |
| 436-010-0280 | 4-1-2014 | Amend | 4-1-2014 | 436-160-0420 | 7-1-2014 | Amend(T) | 7-1-2014 |
| 436-010-0290 | 4-1-2014 | Amend | 4-1-2014 | 436-160-0420 | 10-1-2014 | Amend | 8-1-2014 |
| 436-010-0330 | 4-1-2014 | Amend | 4-1-2014 | 436-160-0420(T) | 10-1-2014 | Repeal | 8-1-2014 |
| 436-050-0003 | 9-15-2014 | Amend | 9-1-2014 | 436-160-0430 | 7-1-2014 | Amend(T) | 7-1-2014 |
| 436-050-0165 | 9-15-2014 | Amend | 9-1-2014 | 436-160-0430(T) | 10-1-2014 | Suspend | 8-1-2014 |
| 436-050-0170 | 9-15-2014 | Amend | 9-1-2014 | 436-160-0440 | 7-1-2014 | Amend(T) | 7-1-2014 |
| 436-050-0175 | 9-15-2014 | Amend | 9-1-2014 | 436-160-0440(T) | 10-1-2014 | Suspend | 8-1-2014 |
| 436-050-0180 | 9-15-2014 | Amend | 9-1-2014 | 436-160-0445 | 7-1-2014 | Amend(T) | 7-1-2014 |
| 436-050-0185 | 9-15-2014 | Amend | 9-1-2014 | 436-160-0445(T) | 10-1-2014 | Suspend | 8-1-2014 |
| 436-050-0190 | 9-15-2014 | Amend | 9-1-2014 | 437-002-0005 | 12-12-2013 | Amend | 1-1-2014 |
| 436-050-0200 | 9-15-2014 | Amend | 9-1-2014 | 437-002-0080 | 12-12-2013 | Amend | 1-1-2014 |
| 436-050-0260 | 9-15-2014 | Amend | 9-1-2014 | 437-002-0140 | 12-12-2013 | Amend | 1-1-2014 |
| 436-050-0270 | 9-15-2014 | Amend | 9-1-2014 | 437-002-0240 | 5-14-2014 | Amend | 6-1-2014 |
| 436-050-0280 | 9-15-2014 | Amend | 9-1-2014 | 437-002-0312 | 12-12-2013 | Amend | 1-1-2014 |
| 436-050-0290 | 9-15-2014 | Amend | 9-1-2014 | 437-003-0001 | 12-12-2013 | Amend | 1-1-2014 |
| 436-050-0300 | 9-15-2014 | Amend | 9-1-2014 | 437-004-0100 | 8-8-2014 | Amend | 9-1-2014 |
| 436-050-0340 | 9-15-2014 | Amend | 9-1-2014 | 437-004-0150 | 8-8-2014 | Amend | 9-1-2014 |
| 436-160-0001 | 7-1-2014 | Amend(T) | 7-1-2014 | 437-004-0720 | 8-8-2014 | Amend | 9-1-2014 |
| 436-160-0001 | 10-1-2014 | Amend | 8-1-2014 | 437-004-0725 | 8-8-2014 | Amend | 9-1-2014 |
| 436-160-0001(T) | 10-1-2014 | Repeal | 8-1-2014 | 437-004-0950 | 8-8-2014 | Amend | 9-1-2014 |
| 436-160-0004 | 7-1-2014 | Amend(T) | 7-1-2014 | 437-004-1430 | 8-8-2014 | Amend | 9-1-2014 |
| 436-160-0004 | 10-1-2014 | Amend | 8-1-2014 | 437-004-1440 | 8-8-2014 | Amend | 9-1-2014 |
| 436-160-0004(T) | 10-1-2014 | Repeal | 8-1-2014 | 437-004-1450 | 8-8-2014 | Amend | 9-1-2014 |
| 436-160-0005 | 7-1-2014 | Amend(T) | 7-1-2014 | 437-004-1460 | 8-8-2014 | Amend | 9-1-2014 |
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| 436-160-0011 | 7-1-2014 | Adopt(T) | 7-1-2014 | 437-004-1680 | 8-8-2014 | Amend | 9-1-2014 |
| 436-160-0011(T) | 10-1-2014 | Suspend | 8-1-2014 | 437-004-9800 | 8-8-2014 | Amend | 9-1-2014 |
| 436-160-0012 | 7-1-2014 | Adopt(T) | 7-1-2014 | 437-004-9850 | 8-8-2014 | Amend | 9-1-2014 |
| 436-160-0012(T) | 10-1-2014 | Suspend | 8-1-2014 | 437-007-0780 | 5-29-2014 | Amend | 7-1-2014 |
| 436-160-0013 | 7-1-2014 | Adopt(T) | 7-1-2014 | 438-005-0035 | 4-1-2014 | Amend | 1-1-2014 |
| 436-160-0013(T) | 10-1-2014 | Suspend | 8-1-2014 | 438-005-0046 | 4-1-2014 | Amend | 1-1-2014 |
| 436-160-0014 | 7-1-2014 | Adopt(T) | 7-1-2014 | 438-005-0046 | 9-1-2014 | Amend | 8-1-2014 |
| 436-160-0014(T) | 10-1-2014 | Suspend | 8-1-2014 | 438-006-0020 | 4-1-2014 | Amend | 1-1-2014 |
| 436-160-0015 | 7-1-2014 | Adopt(T) | 7-1-2014 | 438-006-0031 | 4-1-2014 | Amend | 1-1-2014 |
| 436-160-0015(T) | 10-1-2014 | Suspend | 8-1-2014 | 438-006-0036 | 4-1-2014 | Amend | 1-1-2014 |
| 436-160-0016 | 7-1-2014 | Adopt(T) | 7-1-2014 | 438-006-0045 | 4-1-2014 | Amend | 1-1-2014 |
| 436-160-0016(T) | 10-1-2014 | Suspend | 8-1-2014 | 438-006-0062 | 4-1-2014 | Amend | 1-1-2014 |
| 436-160-0017 | 7-1-2014 | Adopt(T) | 7-1-2014 | 438-006-0075 | 4-1-2014 | Amend | 1-1-2014 |
| 436-160-0017(T) | 10-1-2014 | Suspend | 8-1-2014 | 438-006-0105 | 4-1-2014 | Repeal | 1-1-2014 |
| 436-160-0018 | 7-1-2014 | Adopt(T) | 7-1-2014 | 438-007-0005 | 4-1-2014 | Amend | 1-1-2014 |
| 436-160-0018(T) | 10-1-2014 | Suspend | 8-1-2014 | 438-007-0018 | 4-1-2014 | Amend | 1-1-2014 |
| 436-160-0019 | 7-1-2014 | Adopt(T) | 7-1-2014 | 438-007-0020 | 4-1-2014 | Amend | 1-1-2014 |
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| 440-045-0020 | 1-1-2015 | Amend | 11-1-2014 | 442-005-0040 | 2-1-2014 | Repeal | 3-1-2014 |
| 440-045-0025 | 1-1-2015 | Amend | 11-1-2014 | 442-005-0050 | 2-1-2014 | Repeal | 3-1-2014 |
| 441-025-0120 | 10-6-2014 | Adopt | 11-1-2014 | 442-005-0060 | 2-1-2014 | Repeal | 3-1-2014 |
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| 441-025-0123 | 10-6-2014 | Adopt | 11-1-2014 | 442-005-0090 | 2-1-2014 | Repeal | 3-1-2014 |
| 441-025-0124 | 10-6-2014 | Adopt | 11-1-2014 | 442-005-0100 | 2-1-2014 | Repeal | 3-1-2014 |
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| 441-025-0126 | 10-6-2014 | Adopt | 11-1-2014 | 442-005-0120 | 2-1-2014 | Repeal | 3-1-2014 |
| 441-505-2000 | 2-12-2014 | Adopt | 3-1-2014 | 442-005-0130 | 2-1-2014 | Repeal | 3-1-2014 |
| 441-730-0010 | 1-1-2014 | Amend(T) | 2-1-2014 | 442-005-0140 | 2-1-2014 | Repeal | 3-1-2014 |
| 441-730-0010 | 8-25-2014 | Amend | 10-1-2014 | 442-005-0150 | 2-1-2014 | Repeal | 3-1-2014 |
| 441-730-0025 | 1-1-2014 | Amend(T) | 2-1-2014 | 442-005-0160 | 2-1-2014 | Repeal | 3-1-2014 |
| 441-730-0025 | 8-27-2014 | Amend | 10-1-2014 | 442-005-0170 | 2-1-2014 | Repeal | 3-1-2014 |
| 441-730-0030 | 1-1-2014 | Amend(T) | 2-1-2014 | 442-005-0180 | 2-1-2014 | Repeal | 3-1-2014 |
| 441-730-0030 | 8-25-2014 | Amend | 10-1-2014 | 442-005-0190 | 2-1-2014 | Repeal | 3-1-2014 |
| 441-850-0005 | 1-1-2015 | Amend | 11-1-2014 | 442-005-0200 | 2-1-2014 | Repeal | 3-1-2014 |
| 441-850-0035 | 1-1-2015 | Amend | 11-1-2014 | 442-005-0210 | 2-1-2014 | Repeal | 3-1-2014 |
| 441-860-0020 | 1-1-2015 | Amend | 11-1-2014 | 442-005-0220 | 2-1-2014 | Repeal | 3-1-2014 |
| 441-860-0040 | 1-1-2015 | Amend | 11-1-2014 | 442-005-0230 | 2-1-2014 | Repeal | 3-1-2014 |
| 441-860-0045 | 1-1-2015 | Amend | 11-1-2014 | 442-005-0235 | 2-1-2014 | Repeal | 3-1-2014 |
| 441-860-0050 | 1-1-2015 | Amend | 11-1-2014 | 442-005-0240 | 2-1-2014 | Repeal | 3-1-2014 |
| 441-860-0070 | 1-1-2015 | Amend | 11-1-2014 | 442-005-0250 | 2-1-2014 | Repeal | 3-1-2014 |
| 441-860-0130 | 1-1-2015 | Amend | 11-1-2014 | 442-005-0260 | 2-1-2014 | Repeal | 3-1-2014 |
| 441-865-0020 | 1-1-2015 | Amend | 11-1-2014 | 442-005-0270 | 2-1-2014 | Repeal | 3-1-2014 |
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| 441-865-0030 | 1-1-2015 | Amend | 11-1-2014 | 442-005-0280 | 2-1-2014 | Repeal | 3-1-2014 |
| 441-870-0080 | 1-1-2015 | Amend | 11-1-2014 | 442-005-0290 | 2-1-2014 | Repeal | 3-1-2014 |
| 441-875-0030 | 1-1-2015 | Amend | 11-1-2014 | 442-005-0300 | 2-1-2014 | Repeal | 3-1-2014 |
| 441-875-0040 | 1-1-2015 | Amend | 11-1-2014 | 442-005-0310 | 2-1-2014 | Repeal | 3-1-2014 |
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| 441-880-0200 | 1-1-2015 | Amend | 11-1-2014 | 442-005-0330 | 2-1-2014 | Repeal | 3-1-2014 |
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| 442-010-0180 | 2-1-2014 | Repeal | 3-1-2014 | 459-035-0050 | 3-31-2014 | Amend | 5-1-2014 |
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| 442-010-0230 | 2-1-2014 | Repeal | 3-1-2014 | 459-050-0037 | 7-25-2014 | Amend | 9-1-2014 |
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| 442-010-0260 | 2-1-2014 | Repeal | 3-1-2014 | 459-050-0077 | 7-25-2014 | Amend | 9-1-2014 |
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| 443-003-0060 | 1-1-2014 | Adopt(T) | 2-1-2014 | 461-001-0000(T) | 7-1-2014 | Repeal | 8-1-2014 |
| 443-003-0065 | 1-1-2014 | Adopt(T) | 2-1-2014 | 461-001-0000(T) | 10-1-2014 | Repeal | 11-1-2014 |
| 443-003-0070 | 1-1-2014 | Adopt(T) | 2-1-2014 | 461-001-0030 | 1-1-2014 | Amend | 2-1-2014 |
| 443-003-0070 | 2-26-2014 | Adopt(T) | 4-1-2014 | 461-025-0301 | 7-1-2014 | Amend | 8-1-2014 |
| 443-003-0075 | 1-1-2014 | Adopt(T) | 2-1-2014 | 461-025-0310 | 4-1-2014 | Amend | 5-1-2014 |
| 443-003-0080 | 1-1-2014 | Adopt(T) | 2-1-2014 | 461-025-0315 | 1-1-2014 | Amend | 2-1-2014 |
| 443-003-0085 | 1-1-2014 | Adopt(T) | 2-1-2014 | 461-025-0316 | 4-1-2014 | Amend | 5-1-2014 |
| 443-003-0090 | 1-1-2014 | Adopt(T) | 2-1-2014 | 461-025-0375 | 1-1-2014 | Amend | 2-1-2014 |
| 443-003-0095 | 1-1-2014 | Adopt(T) | 2-1-2014 | 461-101-0010 | 1-1-2014 | Amend | 2-1-2014 |
| 443-003-0100 | 1-1-2014 | Adopt(T) | 2-1-2014 | 461-101-0010 | 6-26-2014 | Amend(T) | 8-1-2014 |
| 443-003-0105 | 1-1-2014 | Adopt(T) | 2-1-2014 | 461-101-0010 | 7-1-2014 | Amend | 8-1-2014 |
| 443-003-0110 | 1-1-2014 | Adopt(T) | 2-1-2014 | 461-101-0010 | 7-1-2014 | Amend(T) | 8-1-2014 |
| 443-003-0115 | 1-1-2014 | Adopt(T) | 2-1-2014 | 461-101-0010 | 10-1-2014 | Amend | 11-1-2014 |
| 443-003-0120 | 1-1-2014 | Adopt(T) | 2-1-2014 | 461-101-0010(T) | 1-1-2014 | Repeal | 2-1-2014 |
| 443-003-0125 | 1-1-2014 | Adopt(T) | 2-1-2014 | 461-101-0010(T) | 7-1-2014 | Repeal | 8-1-2014 |
| 459-001-0005 | 3-31-2014 | Amend | 5-1-2014 | 461-101-0010(T) | 10-1-2014 | Repeal | 11-1-2014 |
| 459-001-0030 | 1-31-2014 | Amend | 3-1-2014 | 461-105-0100 | 1-1-2014 | Amend | 2-1-2014 |
| 459-005-0001 | 9-29-2014 | Amend | 11-1-2014 | 461-105-0130 | 1-1-2014 | Amend | 2-1-2014 |
| 459-005-0220 | 3-31-2014 | Amend | 5-1-2014 | 461-110-0210 | 1-1-2014 | Amend | 2-1-2014 |
| 459-005-0510 | 3-31-2014 | Adopt | 5-1-2014 | 461-110-0210 | 7-1-2014 | Amend | 8-1-2014 |
| 459-005-0520 | 3-31-2014 | Adopt | 5-1-2014 | 461-110-0210(T) | 1-1-2014 | Repeal | 2-1-2014 |
| 459-005-0525 | 1-31-2014 | Amend | 3-1-2014 | 461-110-0330 | 1-1-2014 | Amend | 2-1-2014 |
| 459-005-0545 | 1-31-2014 | Amend | 3-1-2014 | 461-110-0330(T) | 1-1-2014 | Repeal | 2-1-2014 |
| 459-005-0610 | 11-22-2013 | Amend | 1-1-2014 | 461-110-0340 | 1-1-2014 | Amend | 2-1-2014 |
| 459-007-0009 | 7-25-2014 | Adopt | 9-1-2014 | 461-110-0340 | 7-1-2014 | Repeal | 8-1-2014 |
| 459-010-0003 | 9-29-2014 | Amend | 11-1-2014 | 461-110-0340(T) | 1-1-2014 | Repeal | 2-1-2014 |
| 459-010-0010 | 9-29-2014 | Amend | 11-1-2014 | 461-110-0350 | 1-8-2014 | Amend(T) | 2-1-2014 |
| 459-010-0035 | 9-29-2014 | Amend | 11-1-2014 | 461-110-0350 | 7-1-2014 | Amend | 8-1-2014 |
| 459-015-0010 | 7-25-2014 | Amend | 9-1-2014 | 461-110-0350(T) | 7-1-2014 | Repeal | 8-1-2014 |
| 459-015-0055 | 7-25-2014 | Amend | 9-1-2014 | 461-110-0370 | 10-1-2014 | Amend | 11-1-2014 |

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| 461-110-0410 | 7-1-2014 | Amend | 8-1-2014 | 461-125-0150(T) | 1-1-2014 | Repeal | 2-1-2014 |
| 461-110-0530 | 1-1-2014 | Amend | 2-1-2014 | 461-125-0170 | 10-1-2014 | Amend | 11-1-2014 |
| 461-110-0530 | 7-1-2014 | Amend | 8-1-2014 | 461-125-0370 | 8-1-2014 | Amend(T) | 9-1-2014 |
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| 461-110-0630 | 1-1-2014 | Amend | 2-1-2014 | 461-125-0370 | 10-1-2014 | Amend(T) | 11-1-2014 |
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| 461-115-0016 | 7-1-2014 | Amend | 8-1-2014 | 461-130-0328 | 1-1-2014 | Amend | 2-1-2014 |
| 461-115-0016 | 10-1-2014 | Amend(T) | 11-1-2014 | 461-130-0328(T) | 1-1-2014 | Repeal | 2-1-2014 |
| 461-115-0030 | 1-1-2014 | Amend | 2-1-2014 | 461-135-0010 | 1-1-2014 | Amend | 2-1-2014 |
| 461-115-0030 | 7-1-2014 | Amend | 8-1-2014 | 461-135-0010 | 7-1-2014 | Amend | 8-1-2014 |
| 461-115-0030(T) | 1-1-2014 | Repeal | 2-1-2014 | 461-135-0010(T) | 1-1-2014 | Repeal | 2-1-2014 |
| 461-115-0050 | 1-1-2014 | Amend | 2-1-2014 | 461-135-0070 | 1-1-2014 | Amend | 2-1-2014 |
| 461-115-0050 | 7-1-2014 | Amend | 8-1-2014 | 461-135-0070(T) | 1-1-2014 | Repeal | 2-1-2014 |
| 461-115-0050(T) | 1-1-2014 | Repeal | 2-1-2014 | 461-135-0075 | 10-1-2014 | Amend | 11-1-2014 |
| 461-115-0071 | 1-1-2014 | Amend | 2-1-2014 | 461-135-0080 | 1-1-2014 | Amend | 2-1-2014 |
| 461-115-0071 | 7-16-2014 | Amend(T) | 9-1-2014 | 461-135-0080(T) | 1-1-2014 | Repeal | 2-1-2014 |
| 461-115-0071(T) | 1-1-2014 | Repeal | 2-1-2014 | 461-135-0095 | 1-1-2014 | Repeal | 2-1-2014 |
| 461-115-0150 | 1-1-2014 | Amend | 2-1-2014 | 461-135-0096 | 1-1-2014 | Repeal | 2-1-2014 |
| 461-115-0230 | 7-1-2014 | Amend | 8-1-2014 | 461-135-0150 | 7-1-2014 | Repeal | 8-1-2014 |
| 461-115-0430 | 1-1-2014 | Amend | 2-1-2014 | 461-135-0170 | 1-1-2014 | Repeal | 2-1-2014 |
| 461-115-0430 | 7-1-2014 | Amend | 8-1-2014 | 461-135-0405 | 4-10-2014 | Amend(T) | 5-1-2014 |
| 461-115-0430(T) | 1-1-2014 | Repeal | 2-1-2014 | 461-135-0405 | 10-1-2014 | Amend | 11-1-2014 |
| 461-115-0530 | 1-1-2014 | Repeal | 2-1-2014 | 461-135-0407 | 5-1-2014 | Amend(T) | 6-1-2014 |
| 461-115-0705 | 1-1-2014 | Repeal | 2-1-2014 | 461-135-0407 | 10-1-2014 | Amend | 11-1-2014 |
| 461-120-0010 | 7-1-2014 | Amend | 8-1-2014 | 461-135-0407(T) | 10-1-2014 | Repeal | 11-1-2014 |
| 461-120-0030 | 1-1-2014 | Amend | 2-1-2014 | 461-135-0505 | 1-1-2014 | Amend | 2-1-2014 |
| 461-120-0030 | 7-1-2014 | Amend | 8-1-2014 | 461-135-0505 | 1-1-2014 | Amend(T) | 2-1-2014 |
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| 461-120-0050 | 1-1-2014 | Amend | 2-1-2014 | 461-135-0505(T) | 4-1-2014 | Repeal | 5-1-2014 |
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| 461-120-0125 | 7-1-2014 | Amend | 8-1-2014 | 461-135-0832 | 7-1-2014 | Amend | 8-1-2014 |
| 461-120-0125(T) | 1-1-2014 | Repeal | 2-1-2014 | 461-135-0835 | 1-1-2014 | Amend | 2-1-2014 |
| 461-120-0210 | 1-1-2014 | Amend | 2-1-2014 | 461-135-0835 | 7-1-2014 | Amend | 8-1-2014 |
| 461-120-0210 | 7-1-2014 | Amend | 8-1-2014 | 461-135-0841 | 1-1-2014 | Amend | 2-1-2014 |
| 461-120-0210(T) | 1-1-2014 | Repeal | 2-1-2014 | 461-135-0845 | 1-1-2014 | Amend | 2-1-2014 |
| 461-120-0310 | 1-1-2014 | Amend | 2-1-2014 | 461-135-0875 | 1-1-2014 | Amend | 2-1-2014 |
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| 461-120-0315 | 1-1-2014 | Amend | 2-1-2014 | 461-135-0875(T) | 1-1-2014 | Repeal | 2-1-2014 |
| 461-120-0315 | 7-1-2014 | Amend | 8-1-2014 | 461-135-0900 | 1-1-2014 | Amend | 2-1-2014 |
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| 461-120-0330 | 1-1-2014 | Amend | 2-1-2014 | 461-135-0930 | 1-1-2014 | Amend | 2-1-2014 |
| 461-120-0345 | 1-1-2014 | Amend | 2-1-2014 | 461-135-0930(T) | 1-1-2014 | Repeal | 2-1-2014 |
| 461-120-0345(T) | 1-1-2014 | Repeal | 2-1-2014 | 461-135-0950 | 1-1-2014 | Amend | 2-1-2014 |
| 461-120-0350 | 1-1-2014 | Amend | 2-1-2014 | 461-135-0950 | 4-1-2014 | Amend | 5-1-2014 |
| 461-120-0350(T) | 1-1-2014 | Repeal | 2-1-2014 | 461-135-0950(T) | 1-1-2014 | Repeal | 2-1-2014 |
| 461-120-0510 | 1-1-2014 | Amend | 2-1-2014 | 461-135-0990 | 7-1-2014 | Amend | 8-1-2014 |
| 461-120-0510 | 7-1-2014 | Amend | 8-1-2014 | 461-135-1060 | 1-1-2014 | Repeal | 2-1-2014 |
| 461-120-0510(T) | 1-1-2014 | Repeal | 2-1-2014 | 461-135-1070 | 1-1-2014 | Amend | 2-1-2014 |
| 461-120-0630 | 1-1-2014 | Amend | 2-1-2014 | 461-135-1070(T) | 1-1-2014 | Repeal | 2-1-2014 |
| 461-120-0630(T) | 1-1-2014 | Repeal | 2-1-2014 | 461-135-1100 | 1-1-2014 | Repeal | 2-1-2014 |
| 461-125-0030 | 10-1-2014 | Amend | 11-1-2014 | 461-135-1101 | 1-1-2014 | Repeal | 2-1-2014 |
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| 461-135-1149 | 1-1-2014 | Repeal | 2-1-2014 | 461-145-0380 | 7-1-2014 | Amend | 8-1-2014 |
| 461-135-1260 | 6-26-2014 | Amend(T) | 8-1-2014 | 461-145-0380(T) | 1-1-2014 | Repeal | 2-1-2014 |
| 461-135-1260 | 10-1-2014 | Amend | 11-1-2014 | 461-145-0410 | 1-1-2014 | Amend | 2-1-2014 |
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| 461-140-0040 | 1-1-2014 | Amend | 2-1-2014 | 461-145-0430 | 1-1-2014 | Amend | 2-1-2014 |
| 461-140-0040 | 7-1-2014 | Amend | 8-1-2014 | 461-145-0430(T) | 1-1-2014 | Repeal | 2-1-2014 |
| 461-140-0040 | 9-19-2014 | Amend(T) | 11-1-2014 | 461-145-0433 | 1-1-2014 | Amend | 2-1-2014 |
| 461-140-0040(T) | 1-1-2014 | Repeal | 2-1-2014 | 461-145-0433(T) | 1-1-2014 | Repeal | 2-1-2014 |
| 461-140-0120 | 1-1-2014 | Amend | 2-1-2014 | 461-145-0440 | 1-1-2014 | Amend | 2-1-2014 |
| 461-140-0120(T) | 1-1-2014 | Repeal | 2-1-2014 | 461-145-0440(T) | 1-1-2014 | Repeal | 2-1-2014 |
| 461-140-0210 | 1-1-2014 | Amend | 2-1-2014 | 461-145-0455 | 1-1-2014 | Amend | 2-1-2014 |
| 461-140-0210(T) | 1-1-2014 | Repeal | 2-1-2014 | 461-145-0455(T) | 1-1-2014 | Repeal | 2-1-2014 |
| 461-140-0270 | 1-1-2014 | Amend | 2-1-2014 | 461-145-0460 | 1-1-2014 | Amend | 2-1-2014 |
| 461-140-0270(T) | 1-1-2014 | Repeal | 2-1-2014 | 461-145-0460 | 10-1-2014 | Amend | 11-1-2014 |
| 461-140-0300 | 1-1-2014 | Amend | 2-1-2014 | 461-145-0460(T) | 1-1-2014 | Repeal | 2-1-2014 |
| 461-145-0040 | 1-1-2014 | Amend | 2-1-2014 | 461-145-0470 | 1-1-2014 | Amend | 2-1-2014 |
| 461-145-0040(T) | 1-1-2014 | Repeal | 2-1-2014 | 461-145-0470(T) | 1-1-2014 | Repeal | 2-1-2014 |
| 461-145-0050 | 1-1-2014 | Amend | 2-1-2014 | 461-145-0505 | 1-1-2014 | Amend | 2-1-2014 |
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| 461-145-0080 | 1-1-2014 | Amend | 2-1-2014 | 461-145-0510 | 1-1-2014 | Amend | 2-1-2014 |
| 461-145-0080(T) | 1-1-2014 | Repeal | 2-1-2014 | 461-145-0510(T) | 1-1-2014 | Repeal | 2-1-2014 |
| 461-145-0086 | 1-1-2014 | Amend | 2-1-2014 | 461-145-0540 | 1-1-2014 | Amend | 2-1-2014 |
| 461-145-0086(T) | 1-1-2014 | Repeal | 2-1-2014 | 461-145-0540(T) | 1-1-2014 | Repeal | 2-1-2014 |
| 461-145-0090 | 1-1-2014 | Amend | 2-1-2014 | 461-145-0580 | 1-1-2014 | Amend | 2-1-2014 |
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| 461-145-0130 | 1-1-2014 | Amend | 2-1-2014 | 461-145-0820 | 1-1-2014 | Amend | 2-1-2014 |
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| 461-145-0150 | 1-1-2014 | Amend | 2-1-2014 | 461-145-0830 | 1-1-2014 | Amend | 2-1-2014 |
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| 461-145-0220 | 1-1-2014 | Amend | 2-1-2014 | 461-145-0860 | 1-1-2014 | Amend | 2-1-2014 |
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| 461-145-0230 | 1-1-2014 | Amend | 2-1-2014 | 461-145-0870 | 1-1-2014 | Repeal | 2-1-2014 |
| 461-145-0230(T) | 1-1-2014 | Repeal | 2-1-2014 | 461-145-0910 | 1-1-2014 | Amend | 2-1-2014 |
| 461-145-0250 | 1-1-2014 | Amend | 2-1-2014 | 461-145-0910(T) | 1-1-2014 | Repeal | 2-1-2014 |
| 461-145-0250(T) | 1-1-2014 | Repeal | 2-1-2014 | 461-145-0920 | 1-1-2014 | Amend | 2-1-2014 |
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| 461-145-0280 | 4-1-2014 | Amend | 5-1-2014 | 461-145-0930 | 1-1-2014 | Amend | 2-1-2014 |
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| 461-145-0300 | 1-1-2014 | Amend | 2-1-2014 | 461-150-0020 | 1-1-2014 | Amend | 2-1-2014 |
| 461-145-0300(T) | 1-1-2014 | Repeal | 2-1-2014 | 461-150-0020(T) | 1-1-2014 | Repeal | 2-1-2014 |
| 461-145-0330 | 1-1-2014 | Amend | 2-1-2014 | 461-150-0055 | 1-1-2014 | Repeal | 2-1-2014 |
| 461-145-0330(T) | 1-1-2014 | Repeal | 2-1-2014 | 461-150-0060 | 1-1-2014 | Amend | 2-1-2014 |
| 461-145-0340 | 1-1-2014 | Amend | 2-1-2014 | 461-150-0060(T) | 1-1-2014 | Repeal | 2-1-2014 |
| 461-145-0340 | 7-1-2014 | Amend | 8-1-2014 | 461-150-0070 | 1-1-2014 | Amend | 2-1-2014 |
| 461-145-0340(T) | 1-1-2014 | Repeal | 2-1-2014 | 461-150-0070(T) | 1-1-2014 | Repeal | 2-1-2014 |
| 461-145-0360 | 1-1-2014 | Amend | 2-1-2014 | 461-150-0080 | 1-1-2014 | Amend | 2-1-2014 |
| 461-145-0360(T) | 1-1-2014 | Repeal | 2-1-2014 | 461-150-0080(T) | 1-1-2014 | Repeal | 2-1-2014 |
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| 461-155-0030(T) | 1-1-2014 | Repeal | 2-1-2014 | 461-160-0620(T) | 10-1-2014 | Repeal | 11-1-2014 |
| 461-155-0150 | 3-31-2014 | Amend | 5-1-2014 | 461-160-0630 | 1-1-2014 | Amend | 2-1-2014 |
| 461-155-0180 | 1-1-2014 | Amend | 2-1-2014 | 461-160-0630(T) | 1-1-2014 | Repeal | 2-1-2014 |
| 461-155-0180 | 2-1-2014 | Amend | 3-1-2014 | 461-160-0700 | 1-1-2014 | Repeal | 2-1-2014 |
| 461-155-0180(T) | 1-1-2014 | Repeal | 2-1-2014 | 461-160-0780 | 1-1-2014 | Amend | 2-1-2014 |
| 461-155-0190 | 10-1-2014 | Amend | 11-1-2014 | 461-165-0030 | 1-1-2014 | Amend | 2-1-2014 |
| 461-155-0225 | 1-1-2014 | Amend | 2-1-2014 | 461-165-0030(T) | 1-1-2014 | Repeal | 2-1-2014 |
| 461-155-0225(T) | 1-1-2014 | Repeal | 2-1-2014 | 461-165-0070 | 1-1-2014 | Amend | 2-1-2014 |
| 461-155-0235 | 1-1-2014 | Repeal | 2-1-2014 | 461-165-0120 | 1-1-2014 | Amend | 2-1-2014 |
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| 461-155-0250 | 7-1-2014 | Amend(T) | 8-1-2014 | 461-165-0180 | 3-1-2014 | Amend(T) | 3-1-2014 |
| 461-155-0250 | 10-1-2014 | Amend | 11-1-2014 | 461-165-0180 | 4-1-2014 | Amend(T) | 5-1-2014 |
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| 461-155-0270 | 1-1-2014 | Amend | 2-1-2014 | 461-165-0180 | 8-13-2014 | Amend(T) | 9-1-2014 |
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| 461-155-0290 | 3-7-2014 | Amend | 4-1-2014 | 461-165-0180(T) | 7-1-2014 | Repeal | 8-1-2014 |
| 461-155-0290(T) | 3-7-2014 | Repeal | 4-1-2014 | 461-170-0010 | 7-1-2014 | Amend | 8-1-2014 |
| 461-155-0291 | 3-1-2014 | Amend(T) | 3-1-2014 | 461-170-0011 | 1-1-2014 | Amend | 2-1-2014 |
| 461-155-0291 | 3-7-2014 | Amend | 4-1-2014 | 461-170-0011 | 6-26-2014 | Amend(T) | 8-1-2014 |
| 461-155-0291(T) | 3-7-2014 | Repeal | 4-1-2014 | 461-170-0011 | 10-1-2014 | Amend | 11-1-2014 |
| 461-155-0295 | 3-1-2014 | Amend(T) | 3-1-2014 | 461-170-0011(T) | 1-1-2014 | Repeal | 2-1-2014 |
| 461-155-0295 | 3-7-2014 | Amend | 4-1-2014 | 461-170-0011(T) | 10-1-2014 | Repeal | 11-1-2014 |
| 461-155-0295(T) | 3-7-2014 | Repeal | 4-1-2014 | 461-170-0130 | 1-1-2014 | Amend | 2-1-2014 |
| 461-155-0300 | 1-1-2014 | Amend | 2-1-2014 | 461-170-0130(T) | 1-1-2014 | Repeal | 2-1-2014 |
| 461-155-0350 | 1-1-2014 | Amend | 2-1-2014 | 461-170-0200 | 1-1-2014 | Amend | 2-1-2014 |
| 461-155-0350(T) | 1-1-2014 | Repeal | 2-1-2014 | 461-170-0200(T) | 1-1-2014 | Repeal | 2-1-2014 |
| 461-155-0360 | 7-1-2014 | Amend | 8-1-2014 | 461-175-0200 | 1-1-2014 | Amend | 2-1-2014 |
| 461-155-0670 | 1-1-2014 | Amend | 2-1-2014 | 461-175-0200(T) | 1-1-2014 | Repeal | 2-1-2014 |
| 461-155-0670(T) | 1-1-2014 | Repeal | 2-1-2014 | 461-175-0203(T) | 1-1-2014 | Repeal | 2-1-2014 |
| 461-160-0015 | 1-1-2014 | Amend | 2-1-2014 | 461-175-0206 | 1-1-2014 | Amend | 2-1-2014 |
| 461-160-0015 | 10-1-2014 | Amend(T) | 11-1-2014 | 461-175-0210 | 1-1-2014 | Amend | 2-1-2014 |
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| 461-160-0040 | 1-1-2014 | Amend | 2-1-2014 | 461-175-0230 | 4-1-2014 | Amend | 5-1-2014 |
| 461-160-0040(T) | 1-1-2014 | Repeal | 2-1-2014 | 461-175-0270 | 1-1-2014 | Amend | 2-1-2014 |
| 461-160-0060 | 1-1-2014 | Amend | 2-1-2014 | 461-175-0270(T) | 1-1-2014 | Repeal | 2-1-2014 |
| 461-160-0060(T) | 1-1-2014 | Repeal | 2-1-2014 | 461-175-0305 | 1-1-2014 | Amend | 2-1-2014 |
| 461-160-0100 | 1-1-2014 | Amend | 2-1-2014 | 461-175-0305(T) | 1-1-2014 | Repeal | 2-1-2014 |
| 461-160-0100(T) | 1-1-2014 | Repeal | 2-1-2014 | 461-180-0010 | 1-1-2014 | Amend | 2-1-2014 |
| 461-160-0120 | 1-1-2014 | Repeal | 2-1-2014 | 461-180-0010(T) | 1-1-2014 | Repeal | 2-1-2014 |
| 461-160-0125 | 1-1-2014 | Repeal | 2-1-2014 | 461-180-0020 | 1-1-2014 | Amend | 2-1-2014 |
| 461-160-0160 | 1-1-2014 | Amend | 2-1-2014 | 461-180-0020(T) | 1-1-2014 | Repeal | 2-1-2014 |
| 461-160-0160(T) | 1-1-2014 | Repeal | 2-1-2014 | 461-180-0050 | 1-1-2014 | Amend | 2-1-2014 |
| 461-160-0190 | 1-1-2014 | Repeal | 2-1-2014 | 461-180-0050(T) | 1-1-2014 | Repeal | 2-1-2014 |
| 461-160-0200 | 1-1-2014 | Repeal | 2-1-2014 | 461-180-0065 | 1-1-2014 | Amend | 2-1-2014 |
| 461-160-0420 | 5-20-2014 | Amend(T) | 7-1-2014 | 461-180-0065(T) | 1-1-2014 | Repeal | 2-1-2014 |
| 461-160-0420 | 10-1-2014 | Amend | 11-1-2014 | 461-180-0085 | 1-1-2014 | Amend | 2-1-2014 |
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| 461-160-0550 | 7-1-2014 | Amend | 8-1-2014 | 461-180-0090 | 7-1-2014 | Amend | 8-1-2014 |
| 461-160-0551 | 7-1-2014 | Amend | 8-1-2014 | 461-180-0090(T) | 1-1-2014 | Repeal | 2-1-2014 |
| 461-160-0580 | 1-1-2014 | Amend | 2-1-2014 | 461-180-0097(T) | 1-1-2014 | Repeal | 2-1-2014 |
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| 461-160-0620 | 2-1-2014 | Amend | 3-1-2014 | 461-180-0100(T) | 1-1-2014 | Repeal | 2-1-2014 |
| 461-160-0620 | 7-1-2014 | Amend | 8-1-2014 | 461-180-0105 | 1-1-2014 | Amend | 2-1-2014 |

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| 461-195-0301 | 1-1-2014 | Amend | 2-1-2014 | 571-001-0015 | 6-30-2014 | Repeal | 8-1-2014 |
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| 471-020-0035 | 2-28-2014 | Amend | 4-1-2014 | 571-002-0035 | 6-30-2014 | Repeal | 8-1-2014 |
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| 471-030-0036 | 2-23-2014 | Amend | 2-1-2014 | 571-002-0045 | 6-30-2014 | Repeal | 8-1-2014 |
| 471-030-0036 | 2-23-2014 | Amend | 2-1-2014 | 571-003-0000 | 6-30-2014 | Repeal | 8-1-2014 |
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| 573-076-0120 | 6-4-2014 | Amend | 7-1-2014 | 576-010-0011 | 6-30-2014 | Repeal | 8-1-2014 |
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| 577-050-0050 | 6-23-2014 | Adopt | 8-1-2014 | 581-017-0200 | 2-19-2014 | Adopt | 4-1-2014 |
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| 577-050-0070 | 6-23-2014 | Adopt | 8-1-2014 | 581-017-0210 | 2-19-2014 | Adopt | 4-1-2014 |
| 577-060-0020 | 6-23-2014 | Amend | 8-1-2014 | 581-017-0215 | 2-19-2014 | Adopt | 4-1-2014 |
| 578-041-0030 | 9-15-2014 | Amend | 8-1-2014 | 581-017-0220 | 2-19-2014 | Adopt | 4-1-2014 |
| 578-041-0040 | 9-15-2014 | Amend | 8-1-2014 | 581-017-0300 | 11-22-2013 | Adopt(T) | 1-1-2014 |
| 578-072-0020 | 9-15-2014 | Amend | 8-1-2014 | 581-017-0301 | 6-24-2014 | Adopt | 8-1-2014 |
| 578-072-0030 | 9-15-2014 | Amend | 8-1-2014 | 581-017-0305 | 11-22-2013 | Adopt(T) | 1-1-2014 |
| 578-072-0040 | 9-15-2014 | Amend | 8-1-2014 | 581-017-0306 | 6-24-2014 | Adopt | 8-1-2014 |
| 578-072-0050 | 9-15-2014 | Amend | 8-1-2014 | 581-017-0308 | 11-22-2013 | Adopt(T) | 1-1-2014 |
| 578-072-0060 | 9-15-2014 | Amend | 8-1-2014 | 581-017-0309 | 6-24-2014 | Adopt | 8-1-2014 |
| 578-072-0070 | 9-15-2014 | Amend | 8-1-2014 | 581-017-0311 | 11-22-2013 | Adopt(T) | 1-1-2014 |
| 578-072-0080 | 9-15-2014 | Amend | 8-1-2014 | 581-017-0312 | 6-24-2014 | Adopt | 8-1-2014 |
| 579-020-0006 | 5-8-2014 | Amend | 6-1-2014 | 581-017-0314 | 11-22-2013 | Adopt(T) | 1-1-2014 |
| 579-040-0005 | 12-6-2013 | Amend | 1-1-2014 | 581-017-0315 | 6-24-2014 | Adopt | 8-1-2014 |
| 579-040-0007 | 12-6-2013 | Amend | 1-1-2014 | 581-017-0317 | 11-22-2013 | Adopt(T) | 1-1-2014 |
| 579-040-0010 | 12-6-2013 | Amend | 1-1-2014 | 581-017-0318 | 6-24-2014 | Adopt | 8-1-2014 |
| 579-040-0013 | 12-6-2013 | Amend | 1-1-2014 | 581-017-0320 | 11-22-2013 | Adopt(T) | 1-1-2014 |
| 579-040-0015 | 12-6-2013 | Amend | 1-1-2014 | 581-017-0321 | 6-24-2014 | Adopt | 8-1-2014 |
| 579-040-0020 | 12-6-2013 | Repeal | 1-1-2014 | 581-017-0323 | 11-22-2013 | Adopt(T) | 1-1-2014 |
| 579-040-0030 | 12-6-2013 | Amend | 1-1-2014 | 581-017-0324 | 6-24-2014 | Adopt | 8-1-2014 |
| 579-040-0035 | 12-6-2013 | Amend | 1-1-2014 | 581-017-0326 | 11-22-2013 | Adopt(T) | 1-1-2014 |
| 579-040-0045 | 12-6-2013 | Amend | 1-1-2014 | 581-017-0327 | 6-24-2014 | Adopt | 8-1-2014 |
| 579-070-0010 | 12-6-2013 | Amend | 1-1-2014 | 581-017-0329 | 11-22-2013 | Adopt(T) | 1-1-2014 |
| 579-070-0030 | 12-6-2013 | Amend | 1-1-2014 | 581-017-0330 | 6-24-2014 | Adopt | 8-1-2014 |
| 579-070-0035 | 12-6-2013 | Amend | 1-1-2014 | 581-017-0332 | 11-22-2013 | Adopt(T) | 1-1-2014 |
| 579-070-0041 | 12-6-2013 | Amend | 1-1-2014 | 581-017-0333 | 6-24-2014 | Adopt | 8-1-2014 |
| 579-070-0042 | 12-6-2013 | Amend | 1-1-2014 | 581-017-0335 | 2-19-2014 | Adopt(T) | 4-1-2014 |
| 579-070-0045 | 12-6-2013 | Amend | 1-1-2014 | 581-017-0335 | 6-24-2014 | Adopt | 8-1-2014 |
| 580-021-0030 | 11-20-2013 | Amend(T) | 1-1-2014 | 581-017-0338 | 2-19-2014 | Adopt(T) | 4-1-2014 |
| 580-021-0030 | 3-21-2014 | Amend | 5-1-2014 | 581-017-0338 | 6-24-2014 | Adopt | 8-1-2014 |
| 580-040-0040 | 6-13-2014 | Amend | 7-1-2014 | 581-017-0341 | 2-19-2014 | Adopt(T) | 4-1-2014 |
| 581-002-0200 | 6-27-2014 | Adopt | 8-1-2014 | 581-017-0341 | 6-24-2014 | Adopt | 8-1-2014 |
| 581-015-2000 | 12-18-2013 | Amend | 2-1-2014 | 581-017-0344 | 2-19-2014 | Adopt(T) | 4-1-2014 |
| 581-015-2000 | 9-8-2014 | Amend(T) | 10-1-2014 | 581-017-0344 | 6-24-2014 | Adopt | 8-1-2014 |
| 581-015-2005 | 9-3-2014 | Amend(T) | 10-1-2014 | 581-017-0347 | 2-19-2014 | Adopt(T) | 4-1-2014 |
| 581-015-2010 | 9-3-2014 | Amend(T) | 10-1-2014 | 581-017-0347 | 6-24-2014 | Adopt | 8-1-2014 |
| 581-015-2040 | 9-3-2014 | Amend(T) | 10-1-2014 | 581-017-0350 | 2-19-2014 | Adopt(T) | 4-1-2014 |
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| 581-017-0353 | 6-24-2014 | Adopt | 8-1-2014 | 581-018-0405 | 11-22-2013 | Adopt(T) | 1-1-2014 |
| 581-017-0356 | 2-19-2014 | Adopt(T) | 4-1-2014 | 581-018-0406 | 6-24-2014 | Adopt | 8-1-2014 |
| 581-017-0356 | 6-24-2014 | Adopt | 8-1-2014 | 581-018-0410 | 11-22-2013 | Adopt(T) | 1-1-2014 |
| 581-017-0359 | 2-19-2014 | Adopt(T) | 4-1-2014 | 581-018-0411 | 6-24-2014 | Adopt | 8-1-2014 |
| 581-017-0359 | 6-24-2014 | Adopt | 8-1-2014 | 581-018-0415 | 11-22-2013 | Adopt(T) | 1-1-2014 |
| 581-017-0362 | 2-19-2014 | Adopt(T) | 4-1-2014 | 581-018-0416 | 6-24-2014 | Adopt | 8-1-2014 |
| 581-017-0362 | 6-24-2014 | Adopt | 8-1-2014 | 581-018-0420 | 11-22-2013 | Adopt(T) | 1-1-2014 |
| 581-018-0005 | 12-18-2013 | Adopt | 2-1-2014 | 581-018-0421 | 6-24-2014 | Adopt | 8-1-2014 |
| 581-018-0010 | 12-18-2013 | Adopt | 2-1-2014 | 581-018-0424 | 11-22-2013 | Adopt(T) | 1-1-2014 |
| 581-018-0020 | 12-18-2013 | Adopt | 2-1-2014 | 581-018-0425 | 6-24-2014 | Adopt | 8-1-2014 |
| 581-018-0100 | 12-18-2013 | Adopt | 2-1-2014 | 581-018-0430 | 12-18-2013 | Adopt(T) | 2-1-2014 |
| 581-018-0105 | 12-18-2013 | Adopt | 2-1-2014 | 581-018-0431 | 6-24-2014 | Adopt | 8-1-2014 |
| 581-018-0110 | 12-18-2013 | Adopt | 2-1-2014 | 581-018-0433 | 12-18-2013 | Adopt(T) | 2-1-2014 |
| 581-018-0115 | 12-18-2013 | Adopt | 2-1-2014 | 581-018-0434 | 6-24-2014 | Adopt | 8-1-2014 |
| 581-018-0120 | 12-18-2013 | Adopt | 2-1-2014 | 581-018-0436 | 12-18-2013 | Adopt(T) | 2-1-2014 |
| 581-018-0125 | 12-18-2013 | Adopt | 2-1-2014 | 581-018-0437 | 6-24-2014 | Adopt | 8-1-2014 |
| 581-018-0200 | 12-18-2013 | Adopt | 2-1-2014 | 581-018-0439 | 12-18-2013 | Adopt(T) | 2-1-2014 |
| 581-018-0205 | 12-18-2013 | Adopt | 2-1-2014 | 581-018-0440 | 6-24-2014 | Adopt | 8-1-2014 |
| 581-018-0210 | 12-18-2013 | Adopt | 2-1-2014 | 581-018-0442 | 12-18-2013 | Adopt(T) | 2-1-2014 |
| 581-018-0215 | 12-18-2013 | Adopt | 2-1-2014 | 581-018-0443 | 6-24-2014 | Adopt | 8-1-2014 |
| 581-018-0220 | 12-18-2013 | Adopt | 2-1-2014 | 581-018-0500 | 2-19-2014 | Adopt(T) | 4-1-2014 |
| 581-018-0225 | 12-18-2013 | Adopt | 2-1-2014 | 581-018-0500 | 6-24-2014 | Adopt | 8-1-2014 |
| 581-018-0250 | 12-18-2013 | Adopt | 2-1-2014 | 581-018-0503 | 2-19-2014 | Adopt(T) | 4-1-2014 |
| 581-018-0255 | 12-18-2013 | Adopt | 2-1-2014 | 581-018-0503 | 6-24-2014 | Adopt | 8-1-2014 |
| 581-018-0260 | 12-18-2013 | Adopt | 2-1-2014 | 581-018-0506 | 2-19-2014 | Adopt(T) | 4-1-2014 |
| 581-018-0265 | 12-18-2013 | Adopt | 2-1-2014 | 581-018-0506 | 6-24-2014 | Adopt | 8-1-2014 |
| 581-018-0270 | 12-18-2013 | Adopt | 2-1-2014 | 581-018-0509 | 2-19-2014 | Adopt(T) | 4-1-2014 |
| 581-018-0275 | 12-18-2013 | Adopt | 2-1-2014 | 581-018-0509 | 6-24-2014 | Adopt | 8-1-2014 |
| 581-018-0300 | 2-19-2014 | Adopt | 4-1-2014 | 581-018-0512 | 2-19-2014 | Adopt(T) | 4-1-2014 |
| 581-018-0305 | 2-19-2014 | Adopt | 4-1-2014 | 581-018-0512 | 6-24-2014 | Adopt | 8-1-2014 |
| 581-018-0310 | 2-19-2014 | Adopt | 4-1-2014 | 581-018-0515 | 2-19-2014 | Adopt(T) | 4-1-2014 |
| 581-018-0315 | 2-19-2014 | Adopt | 4-1-2014 | 581-018-0515 | 6-24-2014 | Adopt | 8-1-2014 |
| 581-018-0320 | 2-19-2014 | Adopt | 4-1-2014 | 581-018-0520 | 3-28-2014 | Adopt(T) | 5-1-2014 |
| 581-018-0325 | 2-19-2014 | Adopt | 4-1-2014 | 581-018-0520 | 6-24-2014 | Adopt | 8-1-2014 |
| 581-018-0327 | 2-19-2014 | Adopt(T) | 4-1-2014 | 581-018-0523 | 3-28-2014 | Adopt(T) | 5-1-2014 |
| 581-018-0327 | 6-24-2014 | Adopt | 8-1-2014 | 581-018-0523 | 6-24-2014 | Adopt | 8-1-2014 |
| 581-018-0330 | 2-19-2014 | Adopt(T) | 4-1-2014 | 581-018-0526 | 3-28-2014 | Adopt(T) | 5-1-2014 |
| 581-018-0330 | 6-24-2014 | Adopt | 8-1-2014 | 581-018-0526 | 6-24-2014 | Adopt | 8-1-2014 |
| 581-018-0333 | 2-19-2014 | Adopt(T) | 4-1-2014 | 581-018-0529 | 3-28-2014 | Adopt(T) | 5-1-2014 |
| 581-018-0333 | 6-24-2014 | Adopt | 8-1-2014 | 581-018-0529 | 6-24-2014 | Adopt | 8-1-2014 |
| 581-018-0336 | 2-19-2014 | Adopt(T) | 4-1-2014 | 581-018-0532 | 3-28-2014 | Adopt(T) | 5-1-2014 |
| 581-018-0336 | 6-24-2014 | Adopt | 8-1-2014 | 581-018-0532 | 6-24-2014 | Adopt | 8-1-2014 |
| 581-018-0380 | 11-22-2013 | Adopt(T) | 1-1-2014 | 581-018-0535 | 3-28-2014 | Adopt(T) | 5-1-2014 |
| 581-018-0381 | 6-24-2014 | Adopt | 8-1-2014 | 581-018-0535 | 6-24-2014 | Adopt | 8-1-2014 |
| 581-018-0385 | 11-22-2013 | Adopt(T) | 1-1-2014 | 581-018-0540 | 2-19-2014 | Adopt(T) | 4-1-2014 |
| 581-018-0386 | 6-24-2014 | Adopt | 8-1-2014 | 581-018-0540 | 3-4-2014 | Adopt(T) | 4-1-2014 |
| 581-018-0390 | 11-22-2013 | Adopt(T) | 1-1-2014 | 581-018-0540 | 6-24-2014 | Adopt | 8-1-2014 |
| 581-018-0391 | 6-24-2014 | Adopt | 8-1-2014 | 581-018-0543 | 2-19-2014 | Adopt(T) | 4-1-2014 |
| 581-018-0394 | 6-24-2014 | Adopt | 8-1-2014 | 581-018-0543 | 3-4-2014 | Adopt(T) | 4-1-2014 |
| 581-018-0395 | 11-22-2013 | Adopt(T) | 1-1-2014 | 581-018-0543 | 6-24-2014 | Adopt | 8-1-2014 |
| 581-018-0396 | 6-24-2014 | Adopt | 8-1-2014 | 581-018-0546 | 2-19-2014 | Adopt(T) | 4-1-2014 |
| 581-018-0397 | 11-22-2013 | Adopt(T) | 1-1-2014 | 581-018-0546 | 3-4-2014 | Adopt(T) | 4-1-2014 |
| 581-018-0398 | 6-24-2014 | Adopt | 8-1-2014 | 581-018-0546 | 6-24-2014 | Adopt | 8-1-2014 |
| 581-018-0399 | 11-22-2013 | Adopt(T) | 1-1-2014 | 581-018-0549 | 2-19-2014 | Adopt(T) | 4-1-2014 |
| 581-018-0400 | 11-22-2013 | Adopt(T) | 1-1-2014 | 581-018-0549 | 3-4-2014 | Adopt(T) | 4-1-2014 |

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| 581-018-0552 | 2-19-2014 | Adopt(T) | 4-1-2014 | 581-021-0568 | 2-19-2014 | Adopt | 4-1-2014 |
| 581-018-0552 | 3-4-2014 | Adopt(T) | 4-1-2014 | 581-021-0568 | 3-4-2014 | Amend | 4-1-2014 |
| 581-018-0552 | 6-24-2014 | Adopt | 8-1-2014 | 581-021-0569 | 2-19-2014 | Adopt | 4-1-2014 |
| 581-018-0553 | 2-19-2014 | Adopt(T) | 4-1-2014 | 581-021-0569 | 3-4-2014 | Amend | 4-1-2014 |
| 581-018-0553 | 3-4-2014 | Adopt(T) | 4-1-2014 | 581-021-0570 | 2-19-2014 | Adopt | 4-1-2014 |
| 581-018-0553 | 6-24-2014 | Adopt | 8-1-2014 | 581-021-0570 | 3-4-2014 | Amend | 4-1-2014 |
| 581-018-0556 | 2-19-2014 | Adopt(T) | 4-1-2014 | 581-022-0606 | 12-18-2013 | Amend | 2-1-2014 |
| 581-018-0556 | 3-4-2014 | Adopt(T) | 4-1-2014 | 581-022-0610 | 6-24-2014 | Amend | 8-1-2014 |
| 581-018-0556 | 6-24-2014 | Adopt | 8-1-2014 | 581-023-0015 | 12-18-2013 | Amend | 2-1-2014 |
| 581-018-0575 | 3-28-2014 | Adopt(T) | 5-1-2014 | 581-023-0040 | 9-3-2014 | Amend | 10-1-2014 |
| 581-018-0575 | 6-24-2014 | Adopt | 8-1-2014 | 581-023-0102 | 7-1-2014 | Adopt | 4-1-2014 |
| 581-018-0578 | 3-28-2014 | Adopt(T) | 5-1-2014 | 581-026-0005 | 2-19-2014 | Adopt | 4-1-2014 |
| 581-018-0578 | 6-24-2014 | Adopt | 8-1-2014 | 581-026-0055 | 2-19-2014 | Adopt | 4-1-2014 |
| 581-018-0581 | 3-28-2014 | Adopt(T) | 5-1-2014 | 581-026-0060 | 2-19-2014 | Adopt | 4-1-2014 |
| 581-018-0581 | 6-24-2014 | Adopt | 8-1-2014 | 581-026-0110 | 2-19-2014 | Adopt | 4-1-2014 |
| 581-018-0584 | 3-28-2014 | Adopt(T) | 5-1-2014 | 581-026-0125 | 2-19-2014 | Adopt | 4-1-2014 |
| 581-018-0584 | 6-24-2014 | Adopt | 8-1-2014 | 581-026-0130 | 2-19-2014 | Adopt | 4-1-2014 |
| 581-018-0587 | 3-28-2014 | Adopt(T) | 5-1-2014 | 581-045-0001 | 4-23-2014 | Am. & Ren. | 6-1-2014 |
| 581-018-0587 | 6-24-2014 | Adopt | 8-1-2014 | 581-045-0003 | 4-23-2014 | Am. & Ren. | 6-1-2014 |
| 581-018-0590 | 3-28-2014 | Adopt(T) | 5-1-2014 | 581-045-0006 | 4-23-2014 | Am. & Ren. | 6-1-2014 |
| 581-018-0590 | 6-24-2014 | Adopt | 8-1-2014 | 581-045-0007 | 4-23-2014 | Am. & Ren. | 6-1-2014 |
| 581-020-0301 | 2-19-2014 | Am. & Ren. | 4-1-2014 | 581-045-0008 | 4-23-2014 | Am. & Ren. | 6-1-2014 |
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| 581-020-0334 | 2-19-2014 | Am. & Ren. | 4-1-2014 | 581-045-0014 | 4-23-2014 | Am. & Ren. | 6-1-2014 |
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| 581-020-0338 | 2-19-2014 | Am. & Ren. | 4-1-2014 | 581-045-0019 | 4-23-2014 | Am. & Ren. | 6-1-2014 |
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| 581-020-0359 | 12-18-2013 | Amend | 2-1-2014 | 581-045-0033 | 4-23-2014 | Am. & Ren. | 6-1-2014 |
| 581-020-0359 | 2-19-2014 | Am. & Ren. | 4-1-2014 | 581-045-0034 | 4-23-2014 | Am. & Ren. | 6-1-2014 |
| 581-020-0361 | 2-19-2014 | Am. & Ren. | 4-1-2014 | 581-045-0036 | 4-23-2014 | Am. & Ren. | 6-1-2014 |
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| 581-020-0395 | 2-19-2014 | Am. & Ren. | 4-1-2014 | 581-045-0060 | 4-23-2014 | Am. & Ren. | 6-1-2014 |
| 581-021-0019 | 7-1-2014 | Amend | 8-1-2014 | 581-045-0061 | 4-23-2014 | Am. & Ren. | 6-1-2014 |
| 581-021-0031 | 3-12-2014 | Adopt(T) | 4-1-2014 | 581-045-0062 | 4-23-2014 | Am. & Ren. | 6-1-2014 |
| 581-021-0031 | 6-3-2014 | Adopt | 7-1-2014 | 581-045-0063 | 4-23-2014 | Am. & Ren. | 6-1-2014 |
| 581-021-0037 | 6-3-2014 | Amend | 7-1-2014 | 581-045-0064 | 4-23-2014 | Am. & Ren. | 6-1-2014 |
| 581-021-0500 | 2-19-2014 | Amend | 4-1-2014 | 581-045-0065 | 4-23-2014 | Am. & Ren. | 6-1-2014 |
| 581-021-0550 | 2-19-2014 | Amend | 4-1-2014 | 581-045-0066 | 4-23-2014 | Am. & Ren. | 6-1-2014 |
| 581-021-0550 | 3-4-2014 | Amend | 4-1-2014 | 581-045-0067 | 4-23-2014 | Am. & Ren. | 6-1-2014 |
| 581-021-0553 | 2-19-2014 | Amend | 4-1-2014 | 581-045-0068 | 4-23-2014 | Am. & Ren. | 6-1-2014 |
| 581-021-0553 | 3-4-2014 | Amend | 4-1-2014 | 581-045-0190 | 4-23-2014 | Am. & Ren. | 6-1-2014 |
| 581-021-0556 | 2-19-2014 | Amend | 4-1-2014 | 581-045-0200 | 4-23-2014 | Am. & Ren. | 6-1-2014 |
| 581-021-0556 | 3-4-2014 | Amend | 4-1-2014 | 581-045-0210 | 4-23-2014 | Am. & Ren. | 6-1-2014 |
| 581-021-0559 | 2-19-2014 | Amend | 4-1-2014 | 581-045-0586 | 2-19-2014 | Amend | 4-1-2014 |
| 581-021-0559 | 3-4-2014 | Amend | 4-1-2014 | 581-053-0003 | 9-3-2014 | Amend | 10-1-2014 |
| 581-021-0563 | 2-19-2014 | Amend | 4-1-2014 | 581-053-0004 | 9-3-2014 | Amend | 10-1-2014 |
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| 581-053-0240 | 9-3-2014 | Amend | 10-1-2014 | 584-023-0005 | 9-24-2014 | Amend(T) | 11-1-2014 |
| 581-053-0250 | 9-3-2014 | Amend | 10-1-2014 | 584-023-0030 | 3-15-2014 | Adopt(T) | 4-1-2014 |
| 581-053-0440 | 9-3-2014 | Amend | 10-1-2014 | 584-023-0030 | 8-5-2014 | Adopt | 9-1-2014 |
| 581-053-0540 | 9-3-2014 | Amend | 10-1-2014 | 584-036-0067 | 8-5-2014 | Repeal | 9-1-2014 |
| 581-053-0630 | 9-3-2014 | Amend | 10-1-2014 | 584-036-0070 | 3-15-2014 | Amend | 4-1-2014 |
| 581-053-0640 | 9-3-2014 | Amend | 10-1-2014 | 584-036-0080 | 8-5-2014 | Amend | 9-1-2014 |
| 581-054-0007 | 2-19-2014 | Repeal | 4-1-2014 | 584-050-0020 | 8-5-2014 | Amend | 9-1-2014 |
| 583-001-0000 | 7-16-2014 | Amend(T) | 9-1-2014 | 584-050-0030 | 3-15-2014 | Amend | 4-1-2014 |
| 583-001-0005 | 7-16-2014 | Amend(T) | 9-1-2014 | 584-050-0040 | 8-5-2014 | Amend | 9-1-2014 |
| 583-001-0010 | 7-16-2014 | Adopt(T) | 9-1-2014 | 584-050-0060 | 3-15-2014 | Amend | 4-1-2014 |
| 583-030-0005 | 7-16-2014 | Amend(T) | 9-1-2014 | 584-050-0066 | 3-15-2014 | Amend | 4-1-2014 |
| 583-030-0009 | 7-16-2014 | Amend(T) | 9-1-2014 | 584-060-0001 | 8-5-2014 | Repeal | 9-1-2014 |
| 583-030-0010 | 7-16-2014 | Amend(T) | 9-1-2014 | 584-060-0012 | 3-15-2014 | Amend | 4-1-2014 |
| 583-030-0011 | 7-16-2014 | Amend(T) | 9-1-2014 | 584-060-0012 | 8-6-2014 | Amend(T) | 9-1-2014 |
| 583-030-0015 | 7-16-2014 | Amend(T) | 9-1-2014 | 584-060-0013 | 3-15-2014 | Amend | 4-1-2014 |
| 583-030-0016 | 7-16-2014 | Amend(T) | 9-1-2014 | 584-060-0014 | 3-15-2014 | Amend | 4-1-2014 |
| 583-030-0020 | 7-16-2014 | Amend(T) | 9-1-2014 | 584-060-0022 | 8-5-2014 | Repeal | 9-1-2014 |
| 583-030-0025 | 7-16-2014 | Amend(T) | 9-1-2014 | 584-060-0051 | 3-15-2014 | Amend | 4-1-2014 |
| 583-030-0030 | 7-16-2014 | Amend(T) | 9-1-2014 | 584-060-0052 | 3-15-2014 | Amend | 4-1-2014 |
| 583-030-0032 | 7-16-2014 | Amend(T) | 9-1-2014 | 584-060-0062 | 8-5-2014 | Amend | 9-1-2014 |
| 583-030-0035 | 7-16-2014 | Amend(T) | 9-1-2014 | 584-060-0182 | 8-6-2014 | Amend(T) | 9-1-2014 |
| 583-030-0036 | 7-16-2014 | Amend(T) | 9-1-2014 | 584-060-0200 | 3-15-2014 | Amend | 4-1-2014 |
| 583-030-0038 | 7-16-2014 | Amend(T) | 9-1-2014 | 584-060-0220 | 8-5-2014 | Amend(T) | 9-1-2014 |
| 583-030-0039 | 7-16-2014 | Amend(T) | 9-1-2014 | 584-060-0250 | 8-5-2014 | Amend | 9-1-2014 |
| 583-030-0041 | 7-16-2014 | Amend(T) | 9-1-2014 | 584-060-0250 | 8-6-2014 | Amend(T) | 9-1-2014 |
| 583-030-0042 | 7-16-2014 | Amend(T) | 9-1-2014 | 584-060-0501 | 8-5-2014 | Adopt | 9-1-2014 |
| 583-030-0043 | 7-16-2014 | Amend(T) | 9-1-2014 | 584-060-0525 | 3-15-2014 | Adopt(T) | 4-1-2014 |
| 583-030-0044 | 7-16-2014 | Amend(T) | 9-1-2014 | 584-060-0525 | 8-5-2014 | Adopt | 9-1-2014 |
| 583-030-0045 | 7-16-2014 | Amend(T) | 9-1-2014 | 584-060-0530 | 3-15-2014 | Adopt(T) | 4-1-2014 |
| 583-030-0046 | 7-16-2014 | Amend(T) | 9-1-2014 | 584-060-0530 | 8-5-2014 | Adopt | 9-1-2014 |
| 583-030-0049 | 7-16-2014 | Amend(T) | 9-1-2014 | 584-066-0015 | 3-15-2014 | Adopt | 4-1-2014 |
| 583-040-0005 | 7-16-2014 | Suspend | 9-1-2014 | 584-066-0020 | 4-8-2014 | Adopt(T) | 5-1-2014 |
| 583-040-0010 | 7-16-2014 | Suspend | 9-1-2014 | 584-066-0020 | 8-5-2014 | Adopt | 9-1-2014 |
| 583-040-0025 | 7-16-2014 | Suspend | 9-1-2014 | 584-070-0012 | 3-15-2014 | Amend(T) | 4-1-2014 |
| 583-050-0006 | 7-16-2014 | Amend(T) | 9-1-2014 | 584-070-0012 | 8-5-2014 | Amend | 9-1-2014 |
| 583-050-0011 | 7-16-2014 | Amend(T) | 9-1-2014 | 584-070-0211 | 3-15-2014 | Amend | 4-1-2014 |
| 583-050-0014 | 7-16-2014 | Amend(T) | 9-1-2014 | 584-070-0271 | 3-15-2014 | Amend | 4-1-2014 |
| 583-050-0016 | 7-16-2014 | Amend(T) | 9-1-2014 | 584-070-0271 | 8-5-2014 | Amend | 9-1-2014 |
| 583-050-0026 | 7-16-2014 | Amend(T) | 9-1-2014 | 584-080-0008 | 3-15-2014 | Amend(T) | 4-1-2014 |
| 583-050-0027 | 7-16-2014 | Amend(T) | 9-1-2014 | 584-080-0008 | 8-5-2014 | Amend | 9-1-2014 |
| 583-050-0028 | 7-16-2014 | Amend(T) | 9-1-2014 | 584-080-0012 | 3-15-2014 | Amend | 4-1-2014 |
| 583-050-0036 | 7-16-2014 | Amend(T) | 9-1-2014 | 584-080-0012 | 8-5-2014 | Amend | 9-1-2014 |
| 583-050-0040 | 7-16-2014 | Amend(T) | 9-1-2014 | 584-080-0022 | 3-15-2014 | Amend | 4-1-2014 |
| 583-070-0002 | 7-16-2014 | Amend(T) | 9-1-2014 | 584-100-0061 | 3-15-2014 | Amend(T) | 4-1-2014 |
| 583-070-0011 | 7-16-2014 | Amend(T) | 9-1-2014 | 584-100-0061 | 8-5-2014 | Amend | 9-1-2014 |
| 583-070-0015 | 7-16-2014 | Amend(T) | 9-1-2014 | 584-100-0066 | 3-15-2014 | Amend(T) | 4-1-2014 |
| 583-070-0020 | 7-16-2014 | Amend(T) | 9-1-2014 | 584-100-0066 | 8-5-2014 | Amend | 9-1-2014 |
| 584-001-0015 | 8-5-2014 | Repeal | 9-1-2014 | 584-100-0071 | 3-15-2014 | Amend(T) | 4-1-2014 |
| 584-001-0016 | 8-5-2014 | Adopt | 9-1-2014 | 584-100-0071 | 8-5-2014 | Amend | 9-1-2014 |
| 584-017-1025 | 8-5-2014 | Amend | 9-1-2014 | 589-002-0120 | 12-16-2013 | Amend(T) | 2-1-2014 |

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| 589-002-0120 | 3-20-2014 | Amend | 5-1-2014 | 619-005-0040 | 9-8-2014 | Repeal | 10-1-2014 |
| 589-006-0050 | 3-14-2014 | Amend(T) | 4-1-2014 | 619-005-0050 | 9-8-2014 | Repeal | 10-1-2014 |
| 589-006-0050 | 7-22-2014 | Amend | 9-1-2014 | 619-005-0060 | 9-8-2014 | Repeal | 10-1-2014 |
| 589-006-0100 | 3-14-2014 | Amend(T) | 4-1-2014 | 629-028-0002 | 7-1-2014 | Adopt | 7-1-2014 |
| 589-006-0100 | 7-22-2014 | Amend | 9-1-2014 | 629-028-0003 | 7-1-2014 | Adopt | 7-1-2014 |
| 589-006-0150 | 3-14-2014 | Amend(T) | 4-1-2014 | 629-028-0004 | 7-1-2014 | Adopt | 7-1-2014 |
| 589-006-0150 | 7-22-2014 | Amend | 9-1-2014 | 629-028-0005 | 7-1-2014 | Am. & Ren. | 7-1-2014 |
| 589-006-0200 | 3-14-2014 | Amend(T) | 4-1-2014 | 629-028-0010 | 7-1-2014 | Amend | 7-1-2014 |
| 589-006-0200 | 7-22-2014 | Amend | 9-1-2014 | 629-028-0015 | 7-1-2014 | Amend | 7-1-2014 |
| 589-006-0300 | 3-14-2014 | Amend(T) | 4-1-2014 | 629-028-0020 | 7-1-2014 | Amend | 7-1-2014 |
| 589-006-0300 | 7-22-2014 | Amend | 9-1-2014 | 629-028-0025 | 7-1-2014 | Amend | 7-1-2014 |
| 589-006-0350 | 3-14-2014 | Amend(T) | 4-1-2014 | 629-048-0001 | 7-11-2014 | Amend | 8-1-2014 |
| 589-006-0350 | 7-22-2014 | Amend | 9-1-2014 | 629-048-0005 | 7-11-2014 | Amend | 8-1-2014 |
| 589-006-0400 | 3-14-2014 | Amend(T) | 4-1-2014 | 629-048-0130 | 7-11-2014 | Amend | 8-1-2014 |
| 589-006-0400 | 7-22-2014 | Amend | 9-1-2014 | 629-048-0200 | 7-11-2014 | Amend | 8-1-2014 |
| 589-007-0400 | 3-14-2014 | Amend(T) | 4-1-2014 | 629-048-0210 | 7-11-2014 | Amend | 8-1-2014 |
| 589-007-0400 | 7-22-2014 | Amend | 9-1-2014 | 629-048-0230 | 7-11-2014 | Amend | 8-1-2014 |
| 589-007-0500 | 3-14-2014 | Amend(T) | 4-1-2014 | 629-048-0310 | 7-11-2014 | Amend | 8-1-2014 |
| 589-007-0500 | 7-22-2014 | Amend | 9-1-2014 | 629-048-0450 | 7-11-2014 | Amend | 8-1-2014 |
| 589-008-0100 | 4-24-2014 | Amend(T) | 6-1-2014 | 629-048-0500 | 7-11-2014 | Amend | 8-1-2014 |
| 589-008-0100 | 7-22-2014 | Amend | 9-1-2014 | 629-060-0000 | 1-1-2014 | Am. & Ren. | 1-1-2014 |
| 603-052-0051 | 7-29-2014 | Amend | 9-1-2014 | 629-060-0005 | 1-1-2014 | Am. & Ren. | 1-1-2014 |
| 603-052-0075 | 4-29-2014 | Amend | 6-1-2014 | 629-061-0000 | 1-1-2014 | Am. & Ren. | 1-1-2014 |
| 603-052-0120 | 4-29-2014 | Amend | 6-1-2014 | 629-061-0005 | 1-1-2014 | Am. & Ren. | 1-1-2014 |
| 603-052-0126 | 2-14-2014 | Amend | 3-1-2014 | 629-061-0015 | 1-1-2014 | Am. & Ren. | 1-1-2014 |
| 603-052-0127 | 2-14-2014 | Amend | 3-1-2014 | 629-061-0020 | 1-1-2014 | Am. & Ren. | 1-1-2014 |
| 603-052-0129 | 2-14-2014 | Amend | 3-1-2014 | 629-061-0025 | 1-1-2014 | Repeal | 1-1-2014 |
| 603-052-0150 | 2-14-2014 | Amend | 3-1-2014 | 629-061-0035 | 1-1-2014 | Am. & Ren. | 1-1-2014 |
| 603-052-0385 | 8-20-2014 | Amend | 10-1-2014 | 629-061-0040 | 1-1-2014 | Repeal | 1-1-2014 |
| 603-052-0825 | 4-29-2014 | Amend | 6-1-2014 | 629-061-0045 | 1-1-2014 | Repeal | 1-1-2014 |
| 603-052-0882 | 7-7-2014 | Amend(T) | 8-1-2014 | 629-061-0050 | 1-1-2014 | Repeal | 1-1-2014 |
| 603-052-1025 | 2-20-2014 | Amend | 4-1-2014 | 629-061-0060 | 1-1-2014 | Am. & Ren. | 1-1-2014 |
| 603-052-1200 | 2-20-2014 | Amend | 4-1-2014 | 629-061-0065 | 1-1-2014 | Am. & Ren. | 1-1-2014 |
| 603-052-1205 | 5-1-2014 | Amend | 6-1-2014 | 629-061-0075 | 1-1-2014 | Repeal | 1-1-2014 |
| 603-052-1211 | 2-20-2014 | Amend | 4-1-2014 | 629-165-0005 | 1-1-2014 | Adopt | 1-1-2014 |
| 603-052-1221 | 2-14-2014 | Amend | 3-1-2014 | 629-165-0010 | 1-1-2014 | Adopt | 1-1-2014 |
| 603-052-1221 | 7-29-2014 | Amend | 9-1-2014 | 629-165-0200 | 1-1-2014 | Adopt | 1-1-2014 |
| 603-052-1230 | 4-29-2014 | Amend | 6-1-2014 | 629-165-0210 | 1-1-2014 | Adopt | 1-1-2014 |
| 603-052-1230 | 8-22-2014 | Amend | 10-1-2014 | 632-030-0025 | 9-10-2014 | Amend(T) | 10-1-2014 |
| 603-052-1241 | 1-15-2014 | Adopt | 2-1-2014 | 632-035-0005 | 4-2-2014 | Amend | 5-1-2014 |
| 603-052-1245 | 4-29-2014 | Amend | 6-1-2014 | 632-035-0010 | 4-2-2014 | Amend | 5-1-2014 |
| 603-052-1250 | 4-29-2014 | Amend | 6-1-2014 | 632-035-0015 | 4-2-2014 | Amend | 5-1-2014 |
| 603-052-1250 | 8-22-2014 | Repeal | 10-1-2014 | 632-035-0016 | 4-2-2014 | Amend | 5-1-2014 |
| 603-052-1320 | 2-14-2014 | Amend | 3-1-2014 | 632-035-0017 | 4-2-2014 | Amend | 5-1-2014 |
| 603-054-0016 | 5-1-2014 | Amend | 6-1-2014 | 632-035-0020 | 4-2-2014 | Amend | 5-1-2014 |
| 603-054-0017 | 5-1-2014 | Amend | 6-1-2014 | 632-035-0025 | 4-2-2014 | Amend | 5-1-2014 |
| 603-054-0018 | 5-1-2014 | Amend | 6-1-2014 | 632-035-0030 | 4-2-2014 | Amend | 5-1-2014 |
| 603-054-0024 | 5-1-2014 | Amend | 6-1-2014 | 632-035-0035 | 4-2-2014 | Amend | 5-1-2014 |
| 603-054-0030 | 5-1-2014 | Amend | 6-1-2014 | 632-035-0040 | 4-2-2014 | Amend | 5-1-2014 |
| 603-056-0095 | 7-28-2014 | Amend | 9-1-2014 | 632-035-0045 | 4-2-2014 | Amend | 5-1-2014 |
| 603-057-0387 | 6-26-2014 | Adopt(T) | 8-1-2014 | 632-035-0050 | 4-2-2014 | Amend | 5-1-2014 |
| 603-057-0387 | 7-8-2014 | Adopt(T) | 8-1-2014 | 632-035-0055 | 4-2-2014 | Amend | 5-1-2014 |
| 603-100-0010 | 2-24-2014 | Amend | 4-1-2014 | 632-035-0060 | 4-2-2014 | Amend | 5-1-2014 |
| 619-005-0010 | 9-8-2014 | Repeal | 10-1-2014 | 632-037-0005 | 4-2-2014 | Amend | 5-1-2014 |
| 619-005-0020 | 9-8-2014 | Repeal | 10-1-2014 | 632-037-0010 | 4-2-2014 | Amend | 5-1-2014 |
| 619-005-0030 | 9-8-2014 | Repeal | 10-1-2014 | 632-037-0015 | 4-2-2014 | Amend | 5-1-2014 |

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| 632-037-0020 | 4-2-2014 | Amend | 5-1-2014 | 635-004-0375 | 8-5-2014 | Amend | 9-1-2014 |
| 632-037-0025 | 4-2-2014 | Amend | 5-1-2014 | 635-004-0375 | 9-20-2014 | Amend(T) | 11-1-2014 |
| 632-037-0030 | 4-2-2014 | Amend | 5-1-2014 | 635-004-0375(T) | 7-22-2014 | Suspend | 9-1-2014 |
| 632-037-0035 | 4-2-2014 | Amend | 5-1-2014 | 635-004-0375(T) | 8-1-2014 | Suspend | 9-1-2014 |
| 632-037-0040 | 4-2-2014 | Amend | 5-1-2014 | 635-004-0375(T) | 9-15-2014 | Suspend | 10-1-2014 |
| 632-037-0045 | 4-2-2014 | Amend | 5-1-2014 | 635-004-0505 | 1-1-2014 | Amend(T) | 1-1-2014 |
| 632-037-0050 | 4-2-2014 | Amend | 5-1-2014 | 635-004-0585 | 5-1-2014 | Amend | 6-1-2014 |
| 632-037-0055 | 4-2-2014 | Amend | 5-1-2014 | 635-005-0355 | 6-13-2014 | Amend(T) | 7-1-2014 |
| 632-037-0060 | 4-2-2014 | Amend | 5-1-2014 | 635-005-0420 | 8-15-2014 | Amend | 9-1-2014 |
| 632-037-0075 | 4-2-2014 | Amend | 5-1-2014 | 635-005-0440 | 8-15-2014 | Amend | 9-1-2014 |
| 632-037-0077 | 4-2-2014 | Amend | 5-1-2014 | 635-005-0465 | 12-1-2013 | Amend(T) | 1-1-2014 |
| 632-037-0080 | 4-2-2014 | Amend | 5-1-2014 | 635-005-0465 | 8-15-2014 | Amend | 9-1-2014 |
| 632-037-0085 | 4-2-2014 | Amend | 5-1-2014 | 635-005-0480 | 8-15-2014 | Amend | 9-1-2014 |
| 632-037-0095 | 4-2-2014 | Amend | 5-1-2014 | 635-005-0485 | 8-15-2014 | Amend | 9-1-2014 |
| 632-037-0100 | 4-2-2014 | Amend | 5-1-2014 | 635-005-0491 | 8-15-2014 | Adopt | 9-1-2014 |
| 632-037-0105 | 4-2-2014 | Amend | 5-1-2014 | 635-005-0705 | 12-9-2013 | Amend(T) | 1-1-2014 |
| 632-037-0110 | 4-2-2014 | Amend | 5-1-2014 | 635-006-0210 | 1-1-2014 | Amend | 2-1-2014 |
| 632-037-0115 | 4-2-2014 | Amend | 5-1-2014 | 635-006-0212 | 8-1-2014 | Amend(T) | 9-1-2014 |
| 632-037-0117 | 4-2-2014 | Repeal | 5-1-2014 | 635-006-0213 | 1-1-2014 | Amend | 2-1-2014 |
| 632-037-0118 | 4-2-2014 | Amend | 5-1-2014 | 635-006-0215 | 8-1-2014 | Amend(T) | 9-1-2014 |
| 632-037-0120 | 4-2-2014 | Amend | 5-1-2014 | 635-006-0225 | 8-1-2014 | Amend(T) | 9-1-2014 |
| 632-037-0125 | 4-2-2014 | Amend | 5-1-2014 | 635-006-0232 | 1-13-2014 | Amend | 2-1-2014 |
| 632-037-0130 | 4-2-2014 | Amend | 5-1-2014 | 635-008-0050 | 8-7-2014 | Amend | 9-1-2014 |
| 632-037-0135 | 4-2-2014 | Amend | 5-1-2014 | 635-008-0055 | 8-7-2014 | Amend | 9-1-2014 |
| 632-037-0140 | 4-2-2014 | Amend | 5-1-2014 | 635-008-0060 | 8-7-2014 | Amend | 9-1-2014 |
| 632-037-0145 | 4-2-2014 | Amend | 5-1-2014 | 635-008-0067 | 8-7-2014 | Amend | 9-1-2014 |
| 632-037-0150 | 4-2-2014 | Amend | 5-1-2014 | 635-008-0070 | 8-7-2014 | Amend | 9-1-2014 |
| 632-037-0155 | 4-2-2014 | Amend | 5-1-2014 | 635-008-0075 | 8-7-2014 | Amend | 9-1-2014 |
| 635-003-0003 | 5-8-2014 | Amend(T) | 6-1-2014 | 635-008-0080 | 8-7-2014 | Amend | 9-1-2014 |
| 635-003-0003 | 6-10-2014 | Amend | 7-1-2014 | 635-008-0085 | 8-7-2014 | Amend | 9-1-2014 |
| 635-003-0003 | 6-24-2014 | Amend | 8-1-2014 | 635-008-0090 | 8-7-2014 | Amend | 9-1-2014 |
| 635-003-0003(T) | 6-10-2014 | Repeal | 7-1-2014 | 635-008-0095 | 8-7-2014 | Amend | 9-1-2014 |
| 635-003-0003(T) | 6-24-2014 | Repeal | 8-1-2014 | 635-008-0103 | 8-7-2014 | Adopt | 9-1-2014 |
| 635-003-0077 | 6-10-2014 | Amend | 7-1-2014 | 635-008-0105 | 8-7-2014 | Amend | 9-1-2014 |
| 635-003-0077 | 6-24-2014 | Amend | 8-1-2014 | 635-008-0110 | 8-7-2014 | Amend | 9-1-2014 |
| 635-003-0078 | 6-10-2014 | Amend | 7-1-2014 | 635-008-0115 | 8-7-2014 | Amend | 9-1-2014 |
| 635-003-0078 | 6-24-2014 | Amend | 8-1-2014 | 635-008-0117 | 8-7-2014 | Adopt | 9-1-2014 |
| 635-003-0085 | 6-10-2014 | Amend | 7-1-2014 | 635-008-0120 | 8-7-2014 | Amend | 9-1-2014 |
| 635-003-0085 | 6-24-2014 | Amend | 8-1-2014 | 635-008-0121 | 8-7-2014 | Adopt | 9-1-2014 |
| 635-004-0215 | 1-1-2014 | Amend | 2-1-2014 | 635-008-0122 | 8-7-2014 | Adopt | 9-1-2014 |
| 635-004-0275 | 12-9-2013 | Amend(T) | 1-1-2014 | 635-008-0123 | 8-7-2014 | Amend | 9-1-2014 |
| 635-004-0275 | 1-1-2014 | Amend | 2-1-2014 | 635-008-0124 | 8-7-2014 | Adopt | 9-1-2014 |
| 635-004-0275 | 4-23-2014 | Amend(T) | 6-1-2014 | 635-008-0126 | 8-7-2014 | Adopt | 9-1-2014 |
| 635-004-0275 | 8-4-2014 | Amend(T) | 9-1-2014 | 635-008-0127 | 8-7-2014 | Amend | 9-1-2014 |
| 635-004-0275(T) | 12-9-2013 | Suspend | 1-1-2014 | 635-008-0130 | 8-7-2014 | Amend | 9-1-2014 |
| 635-004-0275(T) | 4-23-2014 | Suspend | 6-1-2014 | 635-008-0135 | 8-7-2014 | Amend | 9-1-2014 |
| 635-004-0275(T) | 8-4-2014 | Suspend | 9-1-2014 | 635-008-0140 | 8-7-2014 | Amend | 9-1-2014 |
| 635-004-0320 | 1-1-2014 | Amend | 2-1-2014 | 635-008-0145 | 8-7-2014 | Amend | 9-1-2014 |
| 635-004-0350 | 1-1-2014 | Amend | 2-1-2014 | 635-008-0147 | 8-7-2014 | Amend | 9-1-2014 |
| 635-004-0355 | 8-1-2014 | Amend(T) | 9-1-2014 | 635-008-0148 | 8-7-2014 | Renumber | 9-1-2014 |
| 635-004-0355 | 10-13-2014 | Amend(T) | 11-1-2014 | 635-008-0149 | 8-7-2014 | Am. & Ren. | 9-1-2014 |
| 635-004-0355(T) | 10-13-2014 | Suspend | 11-1-2014 | 635-008-0151 | 7-4-2014 | Amend | 7-1-2014 |
| 635-004-0360 | 1-1-2014 | Amend | 2-1-2014 | 635-008-0151 | 8-7-2014 | Am. & Ren. | 9-1-2014 |
| 635-004-0375 | 6-25-2014 | Amend(T) | 8-1-2014 | 635-008-0153 | 8-7-2014 | Amend | 9-1-2014 |
| 635-004-0375 | 7-22-2014 | Amend(T) | 9-1-2014 | 635-008-0154 | 8-7-2014 | Amend | 9-1-2014 |
| 635-004-0375 | 8-1-2014 | Amend(T) | 9-1-2014 | 635-008-0155 | 8-7-2014 | Amend | 9-1-2014 |

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| 635-008-0163 | 8-7-2014 | Amend | 9-1-2014 | 635-019-0090 | 5-31-2014 | Amend(T) | 7-1-2014 |
| 635-008-0164 | 8-7-2014 | Adopt | 9-1-2014 | 635-019-0090 | 6-1-2014 | Amend(T) | 7-1-2014 |
| 635-008-0165 | 8-7-2014 | Amend | 9-1-2014 | 635-019-0090 | 6-18-2014 | Amend(T) | 8-1-2014 |
| 635-008-0170 | 8-7-2014 | Amend | 9-1-2014 | 635-019-0090 | 6-19-2014 | Amend(T) | 8-1-2014 |
| 635-008-0175 | 8-7-2014 | Amend | 9-1-2014 | 635-019-0090 | 6-21-2014 | Amend(T) | 7-1-2014 |
| 635-008-0180 | 8-7-2014 | Repeal | 9-1-2014 | 635-019-0090 | 6-27-2014 | Amend(T) | 8-1-2014 |
| 635-008-0185 | 8-7-2014 | Amend | 9-1-2014 | 635-019-0090 | 7-5-2014 | Amend(T) | 8-1-2014 |
| 635-008-0190 | 8-7-2014 | Amend | 9-1-2014 | 635-019-0090 | 7-5-2014 | Amend(T) | 8-1-2014 |
| 635-008-0197 | 8-7-2014 | Amend | 9-1-2014 | 635-019-0090 | 7-21-2014 | Amend(T) | 9-1-2014 |
| 635-008-0200 | 8-7-2014 | Amend | 9-1-2014 | 635-019-0090(T) | 5-31-2014 | Suspend | 7-1-2014 |
| 635-011-0100 | 12-10-2013 | Amend(T) | 1-1-2014 | 635-019-0090(T) | 6-1-2014 | Suspend | 7-1-2014 |
| 635-011-0100 | 1-1-2014 | Amend | 2-1-2014 | 635-019-0090(T) | 6-18-2014 | Suspend | 8-1-2014 |
| 635-011-0104 | 12-1-2013 | Amend(T) | 1-1-2014 | 635-019-0090(T) | 6-19-2014 | Suspend | 8-1-2014 |
| 635-011-0104 | 12-9-2013 | Amend | 1-1-2014 | 635-019-0090(T) | 6-21-2014 | Suspend | 7-1-2014 |
| 635-011-0104 | 6-1-2014 | Amend(T) | 7-1-2014 | 635-019-0090(T) | 6-27-2014 | Suspend | 8-1-2014 |
| 635-011-0104(T) | 12-9-2013 | Repeal | 1-1-2014 | 635-019-0090(T) | 7-5-2014 | Suspend | 8-1-2014 |
| 635-013-0003 | 5-8-2014 | Amend(T) | 6-1-2014 | 635-019-0090(T) | 7-5-2014 | Suspend | 8-1-2014 |
| 635-013-0003 | 6-10-2014 | Amend | 7-1-2014 | 635-019-0090(T) | 7-21-2014 | Suspend | 9-1-2014 |
| 635-013-0003 | 6-24-2014 | Amend | 8-1-2014 | 635-021-0080 | 1-1-2014 | Amend | 2-1-2014 |
| 635-013-0003(T) | 6-10-2014 | Repeal | 7-1-2014 | 635-021-0090 | 1-1-2014 | Amend | 2-1-2014 |
| 635-013-0003(T) | 6-24-2014 | Repeal | 8-1-2014 | 635-021-0090 | 6-11-2014 | Amend(T) | 7-1-2014 |
| 635-013-0004 | 1-1-2014 | Amend | 2-1-2014 | 635-021-0090 | 7-11-2014 | Amend(T) | 8-1-2014 |
| 635-013-0007 | 6-10-2014 | Amend | 7-1-2014 | 635-021-0090 | 8-9-2014 | Amend(T) | 9-1-2014 |
| 635-013-0007 | 6-24-2014 | Amend | 8-1-2014 | 635-021-0090 | 11-1-2014 | Amend(T) | 11-1-2014 |
| 635-014-0080 | 1-1-2014 | Amend | 2-1-2014 | 635-021-0090(T) | 7-11-2014 | Suspend | 8-1-2014 |
| 635-014-0090 | 1-1-2014 | Amend | 2-1-2014 | 635-021-0090(T) | 8-9-2014 | Suspend | 9-1-2014 |
| 635-014-0090 | 6-30-2014 | Amend(T) | 8-1-2014 | 635-021-0090(T) | 11-1-2014 | Suspend | 11-1-2014 |
| 635-014-0090 | 8-4-2014 | Amend | 9-1-2014 | 635-023-0080 | 1-1-2014 | Amend | 2-1-2014 |
| 635-014-0090 | 8-4-2014 | Amend(T) | 9-1-2014 | 635-023-0090 | 1-1-2014 | Amend | 2-1-2014 |
| 635-014-0090 | 9-17-2014 | Amend(T) | 11-1-2014 | 635-023-0090 | 3-1-2014 | Amend(T) | 3-1-2014 |
| 635-014-0090 | 10-15-2014 | Amend(T) | 11-1-2014 | 635-023-0095 | 1-1-2014 | Amend | 2-1-2014 |
| 635-014-0090(T) | 8-4-2014 | Suspend | 9-1-2014 | 635-023-0095 | 1-1-2014 | Amend(T) | 1-1-2014 |
| 635-014-0090(T) | 9-17-2014 | Suspend | 11-1-2014 | 635-023-0095 | 2-1-2014 | Amend(T) | 3-1-2014 |
| 635-014-0090(T) | 10-15-2014 | Suspend | 11-1-2014 | 635-023-0095 | 2-24-2014 | Amend(T) | 4-1-2014 |
| 635-016-0080 | 1-1-2014 | Amend | 2-1-2014 | 635-023-0095 | 5-1-2014 | Amend(T) | 5-1-2014 |
| 635-016-0090 | 1-1-2014 | Amend | 2-1-2014 | 635-023-0095 | 6-13-2014 | Amend(T) | 7-1-2014 |
| 635-016-0090 | 8-4-2014 | Amend | 9-1-2014 | 635-023-0095 | 7-11-2014 | Amend(T) | 8-1-2014 |
| 635-017-0080 | 1-1-2014 | Amend | 2-1-2014 | 635-023-0095 | 7-14-2014 | Amend(T) | 8-1-2014 |
| 635-017-0090 | 1-1-2014 | Amend | 2-1-2014 | 635-023-0095(T) | 1-1-2014 | Suspend | 1-1-2014 |
| 635-017-0090 | 6-10-2014 | Amend(T) | 7-1-2014 | 635-023-0095(T) | 2-1-2014 | Suspend | 3-1-2014 |
| 635-017-0090 | 6-13-2014 | Amend(T) | 7-1-2014 | 635-023-0095(T) | 2-24-2014 | Suspend | 4-1-2014 |
| 635-017-0090 | 6-23-2014 | Amend(T) | 8-1-2014 | 635-023-0095(T) | 5-1-2014 | Suspend | 5-1-2014 |
| 635-017-0090 | 9-26-2014 | Amend(T) | 11-1-2014 | 635-023-0095(T) | 6-13-2014 | Suspend | 7-1-2014 |
| 635-017-0090 | 10-15-2014 | Amend(T) | 11-1-2014 | 635-023-0095(T) | 7-11-2014 | Suspend | 8-1-2014 |
| 635-017-0090(T) | 6-13-2014 | Suspend | 7-1-2014 | 635-023-0095(T) | 7-14-2014 | Suspend | 8-1-2014 |
| 635-017-0090(T) | 6-23-2014 | Suspend | 8-1-2014 | 635-023-0125 | 1-1-2014 | Amend | 2-1-2014 |
| 635-017-0090(T) | 9-26-2014 | Suspend | 11-1-2014 | 635-023-0125 | 3-1-2014 | Amend(T) | 3-1-2014 |
| 635-017-0090(T) | 10-15-2014 | Suspend | 11-1-2014 | 635-023-0125 | 4-4-2014 | Amend(T) | 5-1-2014 |
| 635-017-0095 | 1-1-2014 | Amend | 2-1-2014 | 635-023-0125 | 4-19-2014 | Amend(T) | 6-1-2014 |
| 635-018-0080 | 1-1-2014 | Amend | 2-1-2014 | 635-023-0125 | 5-9-2014 | Amend(T) | 6-1-2014 |
| 635-018-0090 | 1-1-2014 | Amend | 2-1-2014 | 635-023-0125 | 5-15-2014 | Amend(T) | 6-1-2014 |
| 635-018-0090 | 4-15-2014 | Amend(T) | 4-1-2014 | 635-023-0125 | 5-31-2014 | Amend(T) | 7-1-2014 |
| 635-018-0090 | 8-1-2014 | Amend(T) | 8-1-2014 | 635-023-0125(T) | 4-4-2014 | Suspend | 5-1-2014 |
| 635-019-0080 | 1-1-2014 | Amend | 2-1-2014 | 635-023-0125(T) | 4-19-2014 | Suspend | 6-1-2014 |
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| 635-023-0125(T) | 5-31-2014 | Suspend | 7-1-2014 | 635-041-0065(T) | 6-3-2014 | Suspend | 7-1-2014 |
| 635-023-0128 | 1-1-2014 | Amend | 2-1-2014 | 635-041-0065(T) | 6-10-2014 | Suspend | 7-1-2014 |
| 635-023-0128 | 6-16-2014 | Amend(T) | 7-1-2014 | 635-041-0065(T) | 6-16-2014 | Suspend | 7-1-2014 |
| 635-023-0128 | 7-3-2014 | Amend(T) | 8-1-2014 | 635-041-0075 | 8-1-2014 | Amend(T) | 9-1-2014 |
| 635-023-0128 | 7-11-2014 | Amend(T) | 8-1-2014 | 635-041-0075 | 8-18-2014 | Amend(T) | 9-1-2014 |
| 635-023-0128(T) | 7-3-2014 | Suspend | 8-1-2014 | 635-041-0075 | 9-23-2014 | Amend(T) | 11-1-2014 |
| 635-023-0128(T) | 7-11-2014 | Suspend | 8-1-2014 | 635-041-0075 | 9-25-2014 | Amend(T) | 11-1-2014 |
| 635-023-0130 | 1-1-2014 | Amend | 2-1-2014 | 635-041-0075 | 10-3-2014 | Amend(T) | 11-1-2014 |
| 635-023-0130 | 8-1-2014 | Amend(T) | 9-1-2014 | 635-041-0075 | 10-13-2014 | Amend(T) | 11-1-2014 |
| 635-023-0130 | 8-1-2014 | Amend(T) | 9-1-2014 | 635-041-0075(T) | 8-18-2014 | Suspend | 9-1-2014 |
| 635-023-0130 | 9-6-2014 | Amend(T) | 10-1-2014 | 635-041-0075(T) | 9-23-2014 | Suspend | 11-1-2014 |
| 635-023-0130 | 10-3-2014 | Amend(T) | 11-1-2014 | 635-041-0075(T) | 9-25-2014 | Suspend | 11-1-2014 |
| 635-023-0130(T) | 8-1-2014 | Suspend | 9-1-2014 | 635-041-0075(T) | 10-3-2014 | Suspend | 11-1-2014 |
| 635-023-0130(T) | 9-6-2014 | Suspend | 10-1-2014 | 635-041-0075(T) | 10-13-2014 | Suspend | 11-1-2014 |
| 635-023-0130(T) | 10-3-2014 | Suspend | 11-1-2014 | 635-041-0076 | 6-16-2014 | Amend(T) | 7-1-2014 |
| 635-023-0134 | 1-1-2014 | Amend | 2-1-2014 | 635-041-0076 | 6-30-2014 | Amend(T) | 8-1-2014 |
| 635-023-0134 | 4-26-2014 | Amend(T) | 6-1-2014 | 635-041-0076 | 7-14-2014 | Amend(T) | 8-1-2014 |
| 635-023-0134 | 7-21-2014 | Amend(T) | 9-1-2014 | 635-041-0076 | 7-21-2014 | Amend(T) | 9-1-2014 |
| 635-023-0134 | 9-1-2014 | Amend(T) | 9-1-2014 | 635-041-0076 | 7-28-2014 | Amend(T) | 9-1-2014 |
| 635-023-0134(T) | 7-21-2014 | Suspend | 9-1-2014 | 635-041-0076(T) | 6-30-2014 | Suspend | 8-1-2014 |
| 635-023-0134(T) | 9-1-2014 | Suspend | 9-1-2014 | 635-041-0076(T) | 7-14-2014 | Suspend | 8-1-2014 |
| 635-023-0140 | 2-1-2014 | Adopt(T) | 3-1-2014 | 635-041-0076(T) | 7-21-2014 | Suspend | 9-1-2014 |
| 635-023-0140 | 2-10-2014 | Adopt | 3-1-2014 | 635-041-0076(T) | 7-28-2014 | Suspend | 9-1-2014 |
| 635-023-0140(T) | 2-10-2014 | Repeal | 3-1-2014 | 635-042-0010 | 8-13-2014 | Amend(T) | 9-1-2014 |
| 635-039-0080 | 1-1-2014 | Amend | 2-1-2014 | 635-042-0022 | 4-1-2014 | Amend(T) | 5-1-2014 |
| 635-039-0080 | 5-1-2014 | Amend | 6-1-2014 | 635-042-0022 | 5-7-2014 | Amend(T) | 6-1-2014 |
| 635-039-0085 | 5-1-2014 | Amend | 6-1-2014 | 635-042-0022 | 5-20-2014 | Amend(T) | 6-1-2014 |
| 635-039-0085 | 6-27-2014 | Amend(T) | 8-1-2014 | 635-042-0022 | 5-28-2014 | Amend(T) | 7-1-2014 |
| 635-039-0085 | 8-21-2014 | Amend(T) | 10-1-2014 | 635-042-0022 | 6-4-2014 | Amend(T) | 7-1-2014 |
| 635-039-0085(T) | 8-21-2014 | Suspend | 10-1-2014 | 635-042-0022(T) | 5-7-2014 | Suspend | 6-1-2014 |
| 635-039-0090 | 1-1-2014 | Amend | 2-1-2014 | 635-042-0022(T) | 5-20-2014 | Suspend | 6-1-2014 |
| 635-041-0045 | 3-12-2014 | Amend(T) | 4-1-2014 | 635-042-0022(T) | 5-28-2014 | Suspend | 7-1-2014 |
| 635-041-0045 | 5-6-2014 | Amend(T) | 6-1-2014 | 635-042-0022(T) | 6-4-2014 | Suspend | 7-1-2014 |
| 635-041-0045 | 8-1-2014 | Amend(T) | 9-1-2014 | 635-042-0022(T) | 6-16-2014 | Suspend | 7-1-2014 |
| 635-041-0045(T) | 5-6-2014 | Suspend | 6-1-2014 | 635-042-0027 | 6-16-2014 | Amend(T) | 7-1-2014 |
| 635-041-0061 | 2-1-2014 | Amend(T) | 3-1-2014 | 635-042-0027 | 7-7-2014 | Amend(T) | 8-1-2014 |
| 635-041-0061 | 3-1-2014 | Amend(T) | 4-1-2014 | 635-042-0027 | 7-14-2014 | Amend(T) | 8-1-2014 |
| 635-041-0061 | 3-12-2014 | Amend(T) | 4-1-2014 | 635-042-0027 | 7-28-2014 | Amend(T) | 9-1-2014 |
| 635-041-0061(T) | 3-1-2014 | Suspend | 4-1-2014 | 635-042-0027(T) | 7-7-2014 | Suspend | 8-1-2014 |
| 635-041-0061(T) | 3-12-2014 | Suspend | 4-1-2014 | 635-042-0027(T) | 7-14-2014 | Suspend | 8-1-2014 |
| 635-041-0061(T) | 7-14-2014 | Suspend | 8-1-2014 | 635-042-0027(T) | 7-28-2014 | Suspend | 9-1-2014 |
| 635-041-0065 | 2-1-2014 | Amend(T) | 3-1-2014 | 635-042-0031 | 8-3-2014 | Amend(T) | 9-1-2014 |
| 635-041-0065 | 2-26-2014 | Amend(T) | 4-1-2014 | 635-042-0031 | 8-13-2014 | Amend(T) | 9-1-2014 |
| 635-041-0065 | 3-1-2014 | Amend(T) | 4-1-2014 | 635-042-0031 | 8-26-2014 | Amend(T) | 10-1-2014 |
| 635-041-0065 | 3-12-2014 | Amend(T) | 4-1-2014 | 635-042-0031 | 9-12-2014 | Amend(T) | 10-1-2014 |
| 635-041-0065 | 5-6-2014 | Amend(T) | 6-1-2014 | 635-042-0031 | 9-19-2014 | Amend(T) | 11-1-2014 |
| 635-041-0065 | 5-20-2014 | Amend(T) | 7-1-2014 | 635-042-0031 | 9-25-2014 | Amend(T) | 11-1-2014 |
| 635-041-0065 | 5-28-2014 | Amend(T) | 7-1-2014 | 635-042-0031(T) | 8-13-2014 | Suspend | 9-1-2014 |
| 635-041-0065 | 6-3-2014 | Amend(T) | 7-1-2014 | 635-042-0031(T) | 8-26-2014 | Suspend | 10-1-2014 |
| 635-041-0065 | 6-10-2014 | Amend(T) | 7-1-2014 | 635-042-0031(T) | 9-12-2014 | Suspend | 10-1-2014 |
| 635-041-0065(T) | 2-26-2014 | Suspend | 4-1-2014 | 635-042-0031(T) | 9-19-2014 | Suspend | 11-1-2014 |
| 635-041-0065(T) | 3-1-2014 | Suspend | 4-1-2014 | 635-042-0031(T) | 9-25-2014 | Suspend | 11-1-2014 |
| 635-041-0065(T) | 3-12-2014 | Suspend | 4-1-2014 | 635-042-0032 | 10-1-2014 | Amend(T) | 11-1-2014 |
| 635-041-0065(T) | 5-6-2014 | Suspend | 6-1-2014 | 635-042-0032 | 10-13-2014 | Amend(T) | 11-1-2014 |
| 635-041-0065(T) | 5-20-2014 | Suspend | 7-1-2014 | 635-042-0032(T) | 10-13-2014 | Suspend | 11-1-2014 |

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| 635-042-0130 | 2-10-2014 | Amend(T) | 3-1-2014 | 635-050-0189 | 6-11-2014 | Amend | 7-1-2014 |
| 635-042-0145 | 2-10-2014 | Amend(T) | 3-1-2014 | 635-051-0000 | 8-4-2014 | Amend | 9-1-2014 |
| 635-042-0145 | 3-10-2014 | Amend(T) | 4-1-2014 | 635-051-0048 | 8-4-2014 | Amend | 9-1-2014 |
| 635-042-0145 | 3-17-2014 | Amend(T) | 4-1-2014 | 635-052-0000 | 8-4-2014 | Amend | 9-1-2014 |
| 635-042-0145 | 4-22-2014 | Amend(T) | 6-1-2014 | 635-053-0000 | 8-4-2014 | Amend | 9-1-2014 |
| 635-042-0145 | 4-24-2014 | Amend(T) | 6-1-2014 | 635-054-0000 | 8-4-2014 | Amend | 9-1-2014 |
| 635-042-0145 | 5-8-2014 | Amend(T) | 6-1-2014 | 635-054-0045 | 6-30-2014 | Adopt(T) | 8-1-2014 |
| 635-042-0145 | 5-20-2014 | Amend(T) | 6-1-2014 | 635-054-0050 | 6-30-2014 | Adopt(T) | 8-1-2014 |
| 635-042-0145 | 5-28-2014 | Amend(T) | 7-1-2014 | 635-054-0055 | 6-30-2014 | Adopt(T) | 8-1-2014 |
| 635-042-0145 | 6-4-2014 | Amend(T) | 7-1-2014 | 635-054-0060 | 6-30-2014 | Adopt(T) | 8-1-2014 |
| 635-042-0145 | 8-5-2014 | Amend(T) | 9-1-2014 | 635-055-0002 | 3-11-2014 | Amend | 4-1-2014 |
| 635-042-0145(T) | 3-10-2014 | Suspend | 4-1-2014 | 635-055-0030 | 3-11-2014 | Amend | 4-1-2014 |
| 635-042-0145(T) | 3-17-2014 | Suspend | 4-1-2014 | 635-055-0035 | 3-11-2014 | Amend | 4-1-2014 |
| 635-042-0145(T) | 4-22-2014 | Suspend | 6-1-2014 | 635-055-0037 | 3-11-2014 | Amend | 4-1-2014 |
| 635-042-0145(T) | 4-24-2014 | Suspend | 6-1-2014 | 635-056-0000 | 3-11-2014 | Amend | 4-1-2014 |
| 635-042-0145(T) | 5-8-2014 | Suspend | 6-1-2014 | 635-056-0002 | 3-11-2014 | Adopt | 4-1-2014 |
| 635-042-0145(T) | 5-20-2014 | Suspend | 6-1-2014 | 635-056-0002 | 9-11-2014 | Amend | 10-1-2014 |
| 635-042-0145(T) | 5-28-2014 | Suspend | 7-1-2014 | 635-056-0050 | 3-11-2014 | Amend | 4-1-2014 |
| 635-042-0145(T) | 6-4-2014 | Suspend | 7-1-2014 | 635-056-0050 | 9-11-2014 | Amend | 10-1-2014 |
| 635-042-0160 | 2-10-2014 | Amend(T) | 3-1-2014 | 635-056-0060 | 3-11-2014 | Amend | 4-1-2014 |
| 635-042-0160 | 4-24-2014 | Amend(T) | 6-1-2014 | 635-056-0060 | 4-16-2014 | Amend(T) | 5-1-2014 |
| 635-042-0160 | 5-8-2014 | Amend(T) | 6-1-2014 | 635-056-0060 | 9-11-2014 | Amend | 10-1-2014 |
| 635-042-0160 | 8-18-2014 | Amend(T) | 9-1-2014 | 635-056-0060(T) | 9-11-2014 | Repeal | 10-1-2014 |
| 635-042-0160 | 9-19-2014 | Amend(T) | 11-1-2014 | 635-056-0075 | 4-1-2014 | Amend(T) | 5-1-2014 |
| 635-042-0160(T) | 4-24-2014 | Suspend | 6-1-2014 | 635-056-0075 | 9-11-2014 | Amend | 10-1-2014 |
| 635-042-0160(T) | 5-8-2014 | Suspend | 6-1-2014 | 635-056-0130 | 3-11-2014 | Amend | 4-1-2014 |
| 635-042-0160(T) | 9-19-2014 | Suspend | 11-1-2014 | 635-056-0130 | 9-11-2014 | Amend | 10-1-2014 |
| 635-042-0170 | 2-10-2014 | Amend(T) | 3-1-2014 | 635-056-0140 | 3-11-2014 | Amend | 4-1-2014 |
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| 635-042-0170 | 5-8-2014 | Amend(T) | 6-1-2014 | 635-056-0150 | 3-11-2014 | Amend | 4-1-2014 |
| 635-042-0170 | 8-18-2014 | Amend(T) | 9-1-2014 | 635-060-0000 | 8-4-2014 | Amend | 9-1-2014 |
| 635-042-0170 | 9-19-2014 | Amend(T) | 11-1-2014 | 635-065-0001 | 12-20-2013 | Amend | 2-1-2014 |
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| 635-042-0170(T) | 9-19-2014 | Suspend | 11-1-2014 | 635-065-0015 | 6-10-2014 | Amend | 7-1-2014 |
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| 635-042-0180 | 8-18-2014 | Amend(T) | 9-1-2014 | 635-065-0401 | 12-20-2013 | Amend | 2-1-2014 |
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| 635-043-0151 | 8-29-2014 | Adopt(T) | 10-1-2014 | 635-065-0705 | 8-26-2014 | Amend(T) | 10-1-2014 |
| 635-045-0000 | 6-10-2014 | Amend | 7-1-2014 | 635-065-0740 | 12-20-2013 | Amend | 2-1-2014 |
| 635-045-0000 | 8-4-2014 | Amend | 9-1-2014 | 635-065-0760 | 12-20-2013 | Amend | 2-1-2014 |
| 635-045-0002 | 6-10-2014 | Amend | 7-1-2014 | 635-065-0765 | 12-20-2013 | Amend | 2-1-2014 |
| 635-050-0070 | 6-11-2014 | Amend | 7-1-2014 | 635-065-0772 | 3-13-2014 | Amend(T) | 4-1-2014 |
| 635-050-0080 | 6-11-2014 | Amend | 7-1-2014 | 635-065-0772 | 6-10-2014 | Amend | 7-1-2014 |
| 635-050-0090 | 6-11-2014 | Amend | 7-1-2014 | 635-065-0772(T) | 6-10-2014 | Repeal | 7-1-2014 |
| 635-050-0100 | 6-11-2014 | Amend | 7-1-2014 | 635-066-0000 | 12-20-2013 | Amend | 2-1-2014 |
| 635-050-0110 | 6-11-2014 | Amend | 7-1-2014 | 635-066-0010 | 12-20-2013 | Amend | 2-1-2014 |
| 635-050-0120 | 6-11-2014 | Amend | 7-1-2014 | 635-067-0000 | 12-20-2013 | Amend | 2-1-2014 |
| 635-050-0130 | 6-11-2014 | Amend | 7-1-2014 | 635-067-0000 | 6-10-2014 | Amend | 7-1-2014 |
| 635-050-0140 | 6-11-2014 | Amend | 7-1-2014 | 635-067-0030 | 8-28-2014 | Amend(T) | 9-1-2014 |
| 635-050-0150 | 6-11-2014 | Amend | 7-1-2014 | 635-067-0041 | 12-20-2013 | Amend | 2-1-2014 |
| 635-050-0170 | 6-11-2014 | Amend | 7-1-2014 | 635-068-0000 | 2-27-2014 | Amend | 4-1-2014 |
| 635-050-0180 | 6-11-2014 | Amend | 7-1-2014 | 635-068-0000 | 6-10-2014 | Amend | 7-1-2014 |

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| 635-069-0000 | 1-22-2014 | Amend | 3-1-2014 | 635-500-0420 | 6-24-2014 | Repeal | 8-1-2014 |
| 635-069-0000 | 6-10-2014 | Amend | 7-1-2014 | 635-500-0425 | 6-10-2014 | Repeal | 7-1-2014 |
| 635-070-0000 | 3-11-2014 | Amend | 4-1-2014 | 635-500-0425 | 6-24-2014 | Repeal | 8-1-2014 |
| 635-070-0000 | 6-10-2014 | Amend | 7-1-2014 | 635-500-0500 | 6-10-2014 | Amend | 7-1-2014 |
| 635-070-0020 | 2-12-2014 | Amend(T) | 3-1-2014 | 635-500-0500 | 6-24-2014 | Amend | 8-1-2014 |
| 635-070-0020 | 3-11-2014 | Amend | 4-1-2014 | 635-500-0505 | 6-10-2014 | Repeal | 7-1-2014 |
| 635-070-0020 | 6-10-2014 | Amend | 7-1-2014 | 635-500-0505 | 6-24-2014 | Repeal | 8-1-2014 |
| 635-070-0020(T) | 2-12-2014 | Suspend | 3-1-2014 | 635-500-0515 | 6-10-2014 | Repeal | 7-1-2014 |
| 635-071-0000 | 3-11-2014 | Amend | 4-1-2014 | 635-500-0515 | 6-24-2014 | Repeal | 8-1-2014 |
| 635-071-0000 | 6-10-2014 | Amend | 7-1-2014 | 635-500-0520 | 6-10-2014 | Repeal | 7-1-2014 |
| 635-072-0000 | 12-20-2013 | Amend | 2-1-2014 | 635-500-0520 | 6-24-2014 | Repeal | 8-1-2014 |
| 635-073-0000 | 1-22-2014 | Amend | 3-1-2014 | 635-500-0600 | 6-10-2014 | Amend | 7-1-2014 |
| 635-073-0000 | 6-10-2014 | Amend | 7-1-2014 | 635-500-0600 | 6-24-2014 | Amend | 8-1-2014 |
| 635-073-0000 | 7-7-2014 | Amend(T) | 8-1-2014 | 635-500-0605 | 6-10-2014 | Repeal | 7-1-2014 |
| 635-073-0015 | 6-10-2014 | Amend | 7-1-2014 | 635-500-0605 | 6-24-2014 | Repeal | 8-1-2014 |
| 635-073-0060 | 8-8-2014 | Amend(T) | 9-1-2014 | 635-500-0610 | 6-10-2014 | Repeal | 7-1-2014 |
| 635-075-0005 | 6-10-2014 | Amend | 7-1-2014 | 635-500-0610 | 6-24-2014 | Repeal | 8-1-2014 |
| 635-075-0010 | 6-10-2014 | Amend | 7-1-2014 | 635-500-0620 | 6-10-2014 | Repeal | 7-1-2014 |
| 635-075-0011 | 6-10-2014 | Amend | 7-1-2014 | 635-500-0620 | 6-24-2014 | Repeal | 8-1-2014 |
| 635-075-0020 | 6-10-2014 | Amend | 7-1-2014 | 635-500-0625 | 6-10-2014 | Repeal | 7-1-2014 |
| 635-095-0100 | 7-4-2014 | Amend | 7-1-2014 | 635-500-0625 | 6-24-2014 | Repeal | 8-1-2014 |
| 635-095-0105 | 7-4-2014 | Amend | 7-1-2014 | 635-500-0630 | 6-10-2014 | Repeal | 7-1-2014 |
| 635-095-0125 | 7-4-2014 | Amend | 7-1-2014 | 635-500-0630 | 6-24-2014 | Repeal | 8-1-2014 |
| 635-095-0125 | 7-7-2014 | Amend(T) | 8-1-2014 | 635-500-4010 | 6-10-2014 | Amend | 7-1-2014 |
| 635-110-0000 | 1-14-2014 | Amend | 2-1-2014 | 635-500-4010 | 6-24-2014 | Amend | 8-1-2014 |
| 635-110-0010 | 1-14-2014 | Amend | 2-1-2014 | 635-500-4030 | 6-10-2014 | Repeal | 7-1-2014 |
| 635-110-0010(T) | 1-14-2014 | Repeal | 2-1-2014 | 635-500-4030 | 6-24-2014 | Repeal | 8-1-2014 |
| 635-110-0020 | 1-14-2014 | Amend | 2-1-2014 | 635-500-4040 | 6-10-2014 | Repeal | 7-1-2014 |
| 635-110-0030 | 1-14-2014 | Amend | 2-1-2014 | 635-500-4040 | 6-24-2014 | Repeal | 8-1-2014 |
| 635-200-0040 | 6-11-2014 | Amend | 7-1-2014 | 635-500-4060 | 6-10-2014 | Repeal | 7-1-2014 |
| 635-435-0000 | 8-29-2014 | Amend(T) | 10-1-2014 | 635-500-4060 | 6-24-2014 | Repeal | 8-1-2014 |
| 635-500-0130 | 6-10-2014 | Repeal | 7-1-2014 | 635-500-4070 | 6-10-2014 | Repeal | 7-1-2014 |
| 635-500-0130 | 6-24-2014 | Repeal | 8-1-2014 | 635-500-4070 | 6-24-2014 | Repeal | 8-1-2014 |
| 635-500-0135 | 6-10-2014 | Repeal | 7-1-2014 | 635-500-4310 | 6-10-2014 | Amend | 7-1-2014 |
| 635-500-0135 | 6-24-2014 | Repeal | 8-1-2014 | 635-500-4310 | 6-24-2014 | Amend | 8-1-2014 |
| 635-500-0140 | 6-10-2014 | Repeal | 7-1-2014 | 635-500-4330 | 6-10-2014 | Repeal | 7-1-2014 |
| 635-500-0140 | 6-24-2014 | Repeal | 8-1-2014 | 635-500-4330 | 6-24-2014 | Repeal | 8-1-2014 |
| 635-500-0145 | 6-10-2014 | Repeal | 7-1-2014 | 635-500-4340 | 6-10-2014 | Repeal | 7-1-2014 |
| 635-500-0145 | 6-24-2014 | Repeal | 8-1-2014 | 635-500-4340 | 6-24-2014 | Repeal | 8-1-2014 |
| 635-500-0150 | 6-10-2014 | Repeal | 7-1-2014 | 635-500-4350 | 6-10-2014 | Repeal | 7-1-2014 |
| 635-500-0150 | 6-24-2014 | Repeal | 8-1-2014 | 635-500-4350 | 6-24-2014 | Repeal | 8-1-2014 |
| 635-500-0175 | 6-10-2014 | Repeal | 7-1-2014 | 635-500-4370 | 6-10-2014 | Repeal | 7-1-2014 |
| 635-500-0175 | 6-24-2014 | Repeal | 8-1-2014 | 635-500-4370 | 6-24-2014 | Repeal | 8-1-2014 |
| 635-500-0200 | 6-10-2014 | Amend | 7-1-2014 | 635-500-4380 | 6-10-2014 | Repeal | 7-1-2014 |
| 635-500-0200 | 6-24-2014 | Amend | 8-1-2014 | 635-500-4380 | 6-24-2014 | Repeal | 8-1-2014 |
| 635-500-0385 | 6-10-2014 | Amend | 7-1-2014 | 635-500-4510 | 6-10-2014 | Amend | 7-1-2014 |
| 635-500-0385 | 6-24-2014 | Amend | 8-1-2014 | 635-500-4510 | 6-24-2014 | Amend | 8-1-2014 |
| 635-500-0390 | 6-10-2014 | Repeal | 7-1-2014 | 635-500-4530 | 6-10-2014 | Repeal | 7-1-2014 |
| 635-500-0390 | 6-24-2014 | Repeal | 8-1-2014 | 635-500-4530 | 6-24-2014 | Repeal | 8-1-2014 |
| 635-500-0400 | 6-10-2014 | Repeal | 7-1-2014 | 635-500-4540 | 6-10-2014 | Repeal | 7-1-2014 |
| 635-500-0400 | 6-24-2014 | Repeal | 8-1-2014 | 635-500-4540 | 6-24-2014 | Repeal | 8-1-2014 |
| 635-500-0405 | 6-10-2014 | Repeal | 7-1-2014 | 635-500-4550 | 6-10-2014 | Repeal | 7-1-2014 |
| 635-500-0405 | 6-24-2014 | Repeal | 8-1-2014 | 635-500-4550 | 6-24-2014 | Repeal | 8-1-2014 |
| 635-500-0415 | 6-10-2014 | Repeal | 7-1-2014 | 635-500-4560 | 6-10-2014 | Repeal | 7-1-2014 |
| 635-500-0415 | 6-24-2014 | Repeal | 8-1-2014 | 635-500-4560 | 6-24-2014 | Repeal | 8-1-2014 |
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| 635-500-4590 | 6-10-2014 | Repeal | 7-1-2014 | 644-010-0020 | 7-23-2014 | Amend | 9-1-2014 |
| 635-500-4590 | 6-24-2014 | Repeal | 8-1-2014 | 644-010-0025 | 7-1-2014 | Amend | 8-1-2014 |
| 635-500-4600 | 6-10-2014 | Repeal | 7-1-2014 | 644-010-0025 | 7-23-2014 | Amend | 9-1-2014 |
| 635-500-4600 | 6-24-2014 | Repeal | 8-1-2014 | 644-030-0020 | 7-1-2014 | Amend | 8-1-2014 |
| 635-500-4810 | 6-10-2014 | Amend | 7-1-2014 | 646-010-0020 | 5-5-2014 | Amend | 6-1-2014 |
| 635-500-4810 | 6-24-2014 | Amend | 8-1-2014 | 646-030-0020 | 5-5-2014 | Amend | 6-1-2014 |
| 635-500-4830 | 6-10-2014 | Repeal | 7-1-2014 | 646-040-0000 | 5-5-2014 | Amend | 6-1-2014 |
| 635-500-4830 | 6-24-2014 | Repeal | 8-1-2014 | 647-010-0010 | 5-5-2014 | Amend | 6-1-2014 |
| 635-500-4840 | 6-10-2014 | Repeal | 7-1-2014 | 655-015-0020 | 5-6-2014 | Amend | 6-1-2014 |
| 635-500-4840 | 6-24-2014 | Repeal | 8-1-2014 | 656-030-0020 | 1-24-2014 | Amend | 3-1-2014 |
| 635-500-4850 | 6-10-2014 | Repeal | 7-1-2014 | 656-030-0040 | 1-24-2014 | Amend | 3-1-2014 |
| 635-500-4850 | 6-24-2014 | Repeal | 8-1-2014 | 656-040-0010 | 1-24-2014 | Amend | 3-1-2014 |
| 635-500-4860 | 6-10-2014 | Repeal | 7-1-2014 | 660-006-0025 | 1-1-2014 | Amend | 2-1-2014 |
| 635-500-4860 | 6-24-2014 | Repeal | 8-1-2014 | 660-006-0026 | 1-1-2014 | Amend | 2-1-2014 |
| 635-500-4880 | 6-10-2014 | Repeal | 7-1-2014 | 660-006-0055 | 1-1-2014 | Amend | 2-1-2014 |
| 635-500-4880 | 6-24-2014 | Repeal | 8-1-2014 | 660-012-0005 | 8-15-2014 | Amend | 9-1-2014 |
| 635-500-4890 | 6-10-2014 | Repeal | 7-1-2014 | 660-012-0015 | 8-15-2014 | Amend | 9-1-2014 |
| 635-500-4890 | 6-24-2014 | Repeal | 8-1-2014 | 660-012-0016 | 8-15-2014 | Amend | 9-1-2014 |
| 635-500-5010 | 6-10-2014 | Amend | 7-1-2014 | 660-012-0020 | 8-15-2014 | Amend | 9-1-2014 |
| 635-500-5010 | 6-24-2014 | Amend | 8-1-2014 | 660-012-0025 | 8-15-2014 | Amend | 9-1-2014 |
| 635-500-5030 | 6-10-2014 | Repeal | 7-1-2014 | 660-012-0030 | 8-15-2014 | Amend | 9-1-2014 |
| 635-500-5030 | 6-24-2014 | Repeal | 8-1-2014 | 660-012-0035 | 8-15-2014 | Amend | 9-1-2014 |
| 635-500-5040 | 6-10-2014 | Repeal | 7-1-2014 | 660-012-0045 | 8-15-2014 | Amend | 9-1-2014 |
| 635-500-5040 | 6-24-2014 | Repeal | 8-1-2014 | 660-012-0055 | 8-15-2014 | Amend | 9-1-2014 |
| 635-500-5050 | 6-10-2014 | Repeal | 7-1-2014 | 660-018-0020 | 1-1-2014 | Amend | 2-1-2014 |
| 635-500-5050 | 6-24-2014 | Repeal | 8-1-2014 | 660-018-0040 | 1-1-2014 | Amend | 2-1-2014 |
| 635-500-5070 | 6-10-2014 | Repeal | 7-1-2014 | 660-033-0030 | 1-1-2014 | Amend | 2-1-2014 |
| 635-500-5070 | 6-24-2014 | Repeal | 8-1-2014 | 660-033-0120 | 1-1-2014 | Amend | 2-1-2014 |
| 635-500-5080 | 6-10-2014 | Repeal | 7-1-2014 | 660-033-0120 | 10-14-2014 | Amend | 11-1-2014 |
| 635-500-5080 | 6-24-2014 | Repeal | 8-1-2014 | 660-033-0130 | 1-1-2014 | Amend | 2-1-2014 |
| 635-500-5210 | 6-10-2014 | Amend | 7-1-2014 | 660-033-0130 | 10-14-2014 | Amend | 11-1-2014 |
| 635-500-5210 | 6-24-2014 | Amend | 8-1-2014 | 660-033-0140 | 1-1-2014 | Amend | 2-1-2014 |
| 635-500-5230 | 6-10-2014 | Repeal | 7-1-2014 | 661-010-0000 | 2-26-2014 | Amend | 4-1-2014 |
| 635-500-5230 | 6-24-2014 | Repeal | 8-1-2014 | 661-010-0021 | 1-1-2014 | Amend | 2-1-2014 |
| 635-500-5240 | 6-10-2014 | Repeal | 7-1-2014 | 661-010-0025 | 1-1-2014 | Amend | 2-1-2014 |
| 635-500-5240 | 6-24-2014 | Repeal | 8-1-2014 | 661-010-0030 | 1-1-2014 | Amend | 2-1-2014 |
| 635-500-5250 | 6-10-2014 | Repeal | 7-1-2014 | 661-010-0050 | 1-1-2014 | Amend | 2-1-2014 |
| 635-500-5250 | 6-24-2014 | Repeal | 8-1-2014 | 661-010-0067 | 1-1-2014 | Amend | 2-1-2014 |
| 635-500-5270 | 6-10-2014 | Repeal | 7-1-2014 | 661-010-0071 | 1-1-2014 | Amend | 2-1-2014 |
| 635-500-5270 | 6-24-2014 | Repeal | 8-1-2014 | 661-010-0073 | 1-1-2014 | Amend | 2-1-2014 |
| 635-500-5280 | 6-10-2014 | Repeal | 7-1-2014 | 661-010-0075 | 1-1-2014 | Amend | 2-1-2014 |
| 635-500-5280 | 6-24-2014 | Repeal | 8-1-2014 | 690-022-0020 | 4-1-2014 | Adopt(T) | 5-1-2014 |
| 635-500-5290 | 6-10-2014 | Repeal | 7-1-2014 | 690-022-0020 | 9-26-2014 | Adopt | 11-1-2014 |
| 635-500-5290 | 6-24-2014 | Repeal | 8-1-2014 | 690-022-0025 | 4-1-2014 | Adopt(T) | 5-1-2014 |
| 635-500-5400 | 6-10-2014 | Repeal | 7-1-2014 | 690-022-0025 | 9-26-2014 | Adopt | 11-1-2014 |
| 635-500-5400 | 6-24-2014 | Repeal | 8-1-2014 | 690-022-0030 | 4-1-2014 | Adopt(T) | 5-1-2014 |
| 635-500-6775 | 6-10-2014 | Adopt | 7-1-2014 | 690-022-0030 | 9-26-2014 | Adopt | 11-1-2014 |
| 635-500-6775 | 6-24-2014 | Adopt | 8-1-2014 | 695-040-0010 | 8-6-2014 | Amend | 9-1-2014 |
| 642-010-0010 | 7-1-2014 | Amend | 5-1-2014 | 695-040-0020 | 8-6-2014 | Amend | 9-1-2014 |
| 644-010-0005 | 7-1-2014 | Amend | 8-1-2014 | 695-040-0030 | 8-6-2014 | Amend | 9-1-2014 |
| 644-010-0005 | 7-23-2014 | Amend | 9-1-2014 | 695-040-0040 | 8-6-2014 | Repeal | 9-1-2014 |
| 644-010-0010 | 7-1-2014 | Amend | 8-1-2014 | 695-040-0050 | 8-6-2014 | Repeal | 9-1-2014 |
| 644-010-0010 | 7-23-2014 | Amend | 9-1-2014 | 695-040-0060 | 8-6-2014 | Repeal | 9-1-2014 |
| 644-010-0015 | 7-1-2014 | Amend | 8-1-2014 | 695-040-0070 | 8-6-2014 | Repeal | 9-1-2014 |
| 644-010-0015 | 7-23-2014 | Amend | 9-1-2014 | 695-040-0080 | 8-6-2014 | Repeal | 9-1-2014 |

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| 695-040-0100 | 8-6-2014 | Adopt | 9-1-2014 | 734-051-3050 | 6-30-2014 | Amend | 8-1-2014 |
| 695-040-0110 | 8-6-2014 | Adopt | 9-1-2014 | 734-051-3050 | 7-9-2014 | Amend | 8-1-2014 |
| 695-040-0120 | 8-6-2014 | Adopt | 9-1-2014 | 734-051-3060 | 6-30-2014 | Amend | 8-1-2014 |
| 695-040-0130 | 8-6-2014 | Adopt | 9-1-2014 | 734-051-3060 | 7-9-2014 | Amend | 8-1-2014 |
| 695-040-0140 | 8-6-2014 | Adopt | 9-1-2014 | 734-051-3070 | 6-30-2014 | Amend | 8-1-2014 |
| 695-040-0150 | 8-6-2014 | Adopt | 9-1-2014 | 734-051-3070 | 7-9-2014 | Amend | 8-1-2014 |
| 710-001-0000 | 2-11-2014 | Adopt | 3-1-2014 | 734-051-4020 | 6-30-2014 | Amend | 8-1-2014 |
| 710-001-0005 | 2-11-2014 | Adopt | 3-1-2014 | 734-051-4020 | 7-9-2014 | Amend | 8-1-2014 |
| 710-005-0005 | 2-11-2014 | Adopt | 3-1-2014 | 734-051-5060 | 6-30-2014 | Amend | 8-1-2014 |
| 710-010-0000 | 7-1-2014 | Adopt(T) | 8-1-2014 | 734-051-5060 | 7-9-2014 | Amend | 8-1-2014 |
| 715-001-0020 | 2-19-2014 | Adopt(T) | 4-1-2014 | 734-051-5120 | 6-30-2014 | Amend | 8-1-2014 |
| 715-001-0025 | 2-19-2014 | Adopt(T) | 4-1-2014 | 734-051-5120 | 7-9-2014 | Amend | 8-1-2014 |
| 715-010-0015 | 10-15-2014 | Amend(T) | 11-1-2014 | 734-051-7010 | 6-30-2014 | Amend | 8-1-2014 |
| 715-013-0010 | 6-25-2014 | Adopt(T) | 8-1-2014 | 734-051-7010 | 7-9-2014 | Amend | 8-1-2014 |
| 715-013-0050 | 6-25-2014 | Adopt(T) | 8-1-2014 | 734-051-8010 | 1-1-2014 | Adopt(T) | 2-1-2014 |
| 715-013-0055 | 6-25-2014 | Adopt(T) | 8-1-2014 | 734-051-8010(T) | 6-30-2014 | Repeal | 8-1-2014 |
| 731-012-0030 | 4-23-2014 | Amend | 6-1-2014 | 734-051-8010(T) | 7-9-2014 | Repeal | 8-1-2014 |
| 731-012-0030 | 7-10-2014 | Amend | 8-1-2014 | 734-051-8015 | 1-1-2014 | Adopt(T) | 2-1-2014 |
| 731-035-0010 | 12-20-2013 | Amend | 2-1-2014 | 734-051-8015(T) | 6-30-2014 | Repeal | 8-1-2014 |
| 731-035-0020 | 12-20-2013 | Amend | 2-1-2014 | 734-051-8015(T) | 7-9-2014 | Repeal | 8-1-2014 |
| 731-035-0050 | 12-20-2013 | Amend | 2-1-2014 | 734-051-8020 | 1-1-2014 | Adopt(T) | 2-1-2014 |
| 731-035-0060 | 12-20-2013 | Amend | 2-1-2014 | 734-051-8020(T) | 6-30-2014 | Repeal | 8-1-2014 |
| 731-035-0080 | 12-20-2013 | Amend | 2-1-2014 | 734-051-8020(T) | 7-9-2014 | Repeal | 8-1-2014 |
| 731-147-0010 | 1-1-2014 | Amend | 2-1-2014 | 734-051-8025 | 1-1-2014 | Adopt(T) | 2-1-2014 |
| 731-147-0040 | 1-1-2014 | Amend | 2-1-2014 | 734-051-8025(T) | 6-30-2014 | Repeal | 8-1-2014 |
| 731-149-0010 | 1-1-2014 | Amend | 2-1-2014 | 734-051-8025(T) | 7-9-2014 | Repeal | 8-1-2014 |
| 734-020-0010 | 2-21-2014 | Amend | 4-1-2014 | 734-051-8030 | 1-1-2014 | Adopt(T) | 2-1-2014 |
| 734-026-0010 | 11-25-2013 | Amend | 1-1-2014 | 734-051-8030(T) | 6-30-2014 | Repeal | 8-1-2014 |
| 734-026-0020 | 11-25-2013 | Amend | 1-1-2014 | 734-051-8030(T) | 7-9-2014 | Repeal | 8-1-2014 |
| 734-026-0030 | 11-25-2013 | Amend | 1-1-2014 | 734-055-0017 | 11-25-2013 | Repeal | 1-1-2014 |
| 734-035-0010 | 6-25-2014 | Amend(T) | 8-1-2014 | 735-010-0020 | 8-29-2014 | Amend | 10-1-2014 |
| 734-035-0010 | 7-10-2014 | Amend(T) | 8-1-2014 | 735-010-0250 | 12-20-2013 | Adopt | 2-1-2014 |
| 734-035-0200 | 6-25-2014 | Adopt(T) | 8-1-2014 | 735-018-0010 | 12-20-2013 | Amend | 2-1-2014 |
| 734-035-0200 | 7-9-2014 | Adopt(T) | 8-1-2014 | 735-018-0010 | 3-25-2014 | Amend | 5-1-2014 |
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| 734-051-1040 | 7-9-2014 | Amend | 8-1-2014 | 735-020-0010 | 5-19-2014 | Amend | 7-1-2014 |
| 734-051-1065 | 6-30-2014 | Adopt | 8-1-2014 | 735-022-0000 | 5-19-2014 | Amend | 7-1-2014 |
| 734-051-1065 | 7-9-2014 | Adopt | 8-1-2014 | 735-022-0010 | 5-19-2014 | Repeal | 7-1-2014 |
| 734-051-1070 | 6-30-2014 | Amend | 8-1-2014 | 735-022-0030 | 5-19-2014 | Amend | 7-1-2014 |
| 734-051-1070 | 7-9-2014 | Amend | 8-1-2014 | 735-022-0050 | 5-19-2014 | Amend | 7-1-2014 |
| 734-051-2010 | 6-30-2014 | Amend | 8-1-2014 | 735-022-0060 | 5-19-2014 | Amend | 7-1-2014 |
| 734-051-2010 | 7-9-2014 | Amend | 8-1-2014 | 735-022-0090 | 5-19-2014 | Amend | 7-1-2014 |
| 734-051-2020 | 6-30-2014 | Amend | 8-1-2014 | 735-028-0000 | 4-1-2014 | Amend(T) | 5-1-2014 |
| 734-051-2020 | 7-9-2014 | Amend | 8-1-2014 | 735-028-0000 | 6-24-2014 | Amend | 8-1-2014 |
| 734-051-3010 | 6-30-2014 | Amend | 8-1-2014 | 735-028-0000 | 7-9-2014 | Amend | 8-1-2014 |
| 734-051-3010 | 7-9-2014 | Amend | 8-1-2014 | 735-028-0005 | 4-1-2014 | Adopt(T) | 5-1-2014 |
| 734-051-3015 | 6-30-2014 | Adopt | 8-1-2014 | 735-028-0005 | 6-24-2014 | Adopt | 8-1-2014 |
| 734-051-3015 | 7-9-2014 | Adopt | 8-1-2014 | 735-028-0005 | 7-9-2014 | Adopt | 8-1-2014 |
| 734-051-3020 | 6-30-2014 | Amend | 8-1-2014 | 735-028-0040 | 4-1-2014 | Amend(T) | 5-1-2014 |
| 734-051-3020 | 7-9-2014 | Amend | 8-1-2014 | 735-028-0040 | 6-24-2014 | Amend | 8-1-2014 |
| 734-051-3040 | 6-30-2014 | Amend | 8-1-2014 | 735-028-0040 | 7-9-2014 | Amend | 8-1-2014 |

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| 735-040-0100 | 9-19-2014 | Amend | 11-1-2014 | 740-065-0025 | 9-22-2014 | Adopt | 11-1-2014 |
| 735-046-0000 | 5-19-2014 | Amend | 7-1-2014 | 740-065-0030 | 9-22-2014 | Adopt | 11-1-2014 |
| 735-050-0120 | 11-25-2013 | Amend | 1-1-2014 | 740-065-0035 | 9-22-2014 | Adopt | 11-1-2014 |
| 735-050-0120(T) | 11-25-2013 | Repeal | 1-1-2014 | 740-065-0040 | 9-22-2014 | Adopt | 11-1-2014 |
| 735-062-0007 | 1-1-2014 | Amend | 2-1-2014 | 740-065-0045 | 9-22-2014 | Adopt | 11-1-2014 |
| 735-062-0010 | 1-1-2014 | Amend | 2-1-2014 | 740-065-0050 | 9-22-2014 | Adopt | 11-1-2014 |
| 735-062-0385 | 1-1-2014 | Amend | 2-1-2014 | 740-100-0010 | 4-23-2014 | Amend | 6-1-2014 |
| 735-064-0070 | 1-1-2014 | Amend | 2-1-2014 | 740-100-0010 | 7-10-2014 | Amend | 8-1-2014 |
| 735-070-0082 | 1-1-2014 | Adopt | 2-1-2014 | 740-100-0065 | 4-23-2014 | Amend | 6-1-2014 |
| 735-070-0085 | 11-25-2013 | Amend | 1-1-2014 | 740-100-0065 | 7-10-2014 | Amend | 8-1-2014 |
| 735-070-0085(T) | 11-25-2013 | Repeal | 1-1-2014 | 740-100-0070 | 4-23-2014 | Amend | 6-1-2014 |
| 735-070-0185 | 1-1-2014 | Amend | 2-1-2014 | 740-100-0070 | 7-10-2014 | Amend | 8-1-2014 |
| 735-070-0190 | 1-1-2014 | Amend | 2-1-2014 | 740-100-0080 | 4-23-2014 | Amend | 6-1-2014 |
| 735-072-0035 | 1-1-2014 | Amend | 2-1-2014 | 740-100-0080 | 7-10-2014 | Amend | 8-1-2014 |
| 735-090-0020 | 9-19-2014 | Amend | 11-1-2014 | 740-100-0085 | 4-23-2014 | Amend | 6-1-2014 |
| 735-090-0042 | 9-19-2014 | Amend | 11-1-2014 | 740-100-0085 | 7-10-2014 | Amend | 8-1-2014 |
| 735-090-0120 | 9-19-2014 | Amend | 11-1-2014 | 740-100-0090 | 4-23-2014 | Amend | 6-1-2014 |
| 735-118-0000 | 9-1-2014 | Amend | 10-1-2014 | 740-100-0090 | 7-10-2014 | Amend | 8-1-2014 |
| 735-118-0010 | 9-1-2014 | Amend | 10-1-2014 | 740-110-0010 | 4-23-2014 | Amend | 6-1-2014 |
| 735-118-0020 | 9-1-2014 | Amend | 10-1-2014 | 740-110-0010 | 7-10-2014 | Amend | 8-1-2014 |
| 735-118-0030 | 9-1-2014 | Amend | 10-1-2014 | 740-200-0010 | 1-1-2014 | Amend | 2-1-2014 |
| 735-118-0040 | 9-1-2014 | Amend | 10-1-2014 | 740-200-0020 | 1-1-2014 | Amend | 2-1-2014 |
| 735-118-0050 | 9-1-2014 | Adopt | 10-1-2014 | 740-200-0040 | 1-1-2014 | Amend | 2-1-2014 |
| 735-150-0037 | 5-19-2014 | Amend(T) | 7-1-2014 | 740-200-0040 | 9-22-2014 | Amend | 11-1-2014 |
| 735-150-0045 | 1-1-2014 | Amend | 2-1-2014 | 741-040-0040 | 12-20-2013 | Amend | 2-1-2014 |
| 735-150-0105 | 1-1-2014 | Amend | 2-1-2014 | 800-010-0020 | 2-1-2014 | Amend | 3-1-2014 |
| 735-150-0140 | 5-19-2014 | Amend | 7-1-2014 | 800-010-0025 | 2-1-2014 | Amend | 3-1-2014 |
| 735-152-0037 | 1-1-2014 | Amend | 2-1-2014 | 800-010-0040 | 2-1-2014 | Amend | 3-1-2014 |
| 736-010-0040 | 3-6-2014 | Amend | 4-1-2014 | 800-010-0041 | 2-1-2014 | Amend | 3-1-2014 |
| 736-018-0045 | 8-31-2014 | Amend | 9-1-2014 | 800-010-0050 | 2-1-2014 | Amend | 3-1-2014 |
| 736-040-0065 | 7-1-2014 | Amend | 8-1-2014 | 800-015-0015 | 2-1-2014 | Amend | 3-1-2014 |
| 736-040-0070 | 7-1-2014 | Amend | 8-1-2014 | 800-020-0025 | 2-1-2014 | Amend | 3-1-2014 |
| 737-015-0010 | 3-1-2014 | Amend | 3-1-2014 | 800-020-0065 | 2-1-2014 | Amend | 3-1-2014 |
| 737-015-0020 | 3-1-2014 | Amend | 3-1-2014 | 800-025-0020 | 2-1-2014 | Amend | 3-1-2014 |
| 737-015-0030 | 3-1-2014 | Amend | 3-1-2014 | 800-025-0040 | 2-1-2014 | Amend | 3-1-2014 |
| 737-015-0035 | 3-1-2014 | Adopt | 3-1-2014 | 800-025-0060 | 2-1-2014 | Amend | 3-1-2014 |
| 737-015-0070 | 3-1-2014 | Amend | 3-1-2014 | 801-001-0035 | 3-1-2014 | Amend | 3-1-2014 |
| 737-015-0074 | 3-1-2014 | Adopt | 3-1-2014 | 801-010-0050 | 3-1-2014 | Amend | 3-1-2014 |
| 737-015-0076 | 3-1-2014 | Adopt | 3-1-2014 | 801-010-0085 | 3-1-2014 | Amend | 3-1-2014 |
| 737-015-0085 | 3-1-2014 | Adopt | 3-1-2014 | 804-003-0000 | 12-12-2013 | Amend | 1-1-2014 |
| 737-015-0090 | 3-1-2014 | Amend | 3-1-2014 | 804-022-0005 | 12-12-2013 | Amend | 1-1-2014 |
| 737-015-0100 | 3-1-2014 | Amend | 3-1-2014 | 804-022-0010 | 12-12-2013 | Amend | 1-1-2014 |
| 737-015-0105 | 3-1-2014 | Adopt | 3-1-2014 | 804-025-0010 | 12-12-2013 | Amend | 1-1-2014 |
| 737-015-0110 | 3-1-2014 | Amend | 3-1-2014 | 806-010-0010 | 7-24-2014 | Amend | 9-1-2014 |
| 737-015-0120 | 3-1-2014 | Adopt | 3-1-2014 | 806-010-0020 | 7-24-2014 | Amend | 9-1-2014 |
| 737-015-0130 | 3-1-2014 | Adopt | 3-1-2014 | 806-010-0035 | 1-1-2014 | Amend | 2-1-2014 |
| 737-025-0010 | 2-26-2014 | Amend | 4-1-2014 | 806-010-0040 | 7-24-2014 | Amend | 9-1-2014 |
| 740-010-0010 | 9-22-2014 | Amend | 11-1-2014 | 806-010-0045 | 1-1-2014 | Amend | 2-1-2014 |
| 740-030-0045 | 9-22-2014 | Adopt | 11-1-2014 | 806-010-0060 | 5-22-2014 | Amend | 7-1-2014 |
| 740-050-0610 | 9-22-2014 | Amend | 11-1-2014 | 806-010-0075 | 7-24-2014 | Amend | 9-1-2014 |
| 740-055-0045 | 9-22-2014 | Adopt | 11-1-2014 | 806-010-0105 | 4-24-2014 | Amend | 6-1-2014 |
| 740-065-0000 | 9-22-2014 | Adopt | 11-1-2014 | 806-010-0130 | 7-24-2014 | Amend | 9-1-2014 |
| 740-065-0005 | 9-22-2014 | Adopt | 11-1-2014 | 806-010-0145 | 4-24-2014 | Amend | 6-1-2014 |
| 740-065-0010 | 9-22-2014 | Adopt | 11-1-2014 | 808-001-0020 | 4-1-2014 | Amend(T) | 5-1-2014 |
| 740-065-0015 | 9-22-2014 | Adopt | 11-1-2014 | 808-001-0020 | 10-1-2014 | Amend | 11-1-2014 |
| 740-065-0020 | 9-22-2014 | Adopt | 11-1-2014 | 808-001-0020(T) | 10-1-2014 | Repeal | 11-1-2014 |

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| 808-002-0240 | 2-1-2014 | Amend | 3-1-2014 | 812-003-0320 | 1-1-2014 | Amend | 2-1-2014 |
| 808-002-0330 | 4-1-2014 | Amend(T) | 5-1-2014 | 812-003-0340 | 5-5-2014 | Amend(T) | 6-1-2014 |
| 808-002-0330 | 10-1-2014 | Amend | 11-1-2014 | 812-003-0340 | 7-1-2014 | Amend | 8-1-2014 |
| 808-002-0330(T) | 10-1-2014 | Repeal | 11-1-2014 | 812-003-0340(T) | 7-1-2014 | Repeal | 8-1-2014 |
| 808-002-0360 | 6-1-2014 | Amend | 7-1-2014 | 812-003-0350 | 5-5-2014 | Amend(T) | 6-1-2014 |
| 808-003-0035 | 3-1-2014 | Amend | 4-1-2014 | 812-003-0350 | 7-1-2014 | Amend | 8-1-2014 |
| 808-003-0040 | 3-1-2014 | Amend | 4-1-2014 | 812-003-0350(T) | 7-1-2014 | Repeal | 8-1-2014 |
| 808-003-0040 | 3-1-2014 | Amend(T) | 4-1-2014 | 812-003-0360 | 5-5-2014 | Amend(T) | 6-1-2014 |
| 808-003-0040 | 9-25-2014 | Amend(T) | 11-1-2014 | 812-003-0360 | 7-1-2014 | Amend | 8-1-2014 |
| 808-003-0045 | 3-1-2014 | Amend | 4-1-2014 | 812-003-0360(T) | 7-1-2014 | Repeal | 8-1-2014 |
| 808-003-0045 | 3-1-2014 | Amend(T) | 4-1-2014 | 812-003-0370 | 5-5-2014 | Amend(T) | 6-1-2014 |
| 808-003-0045 | 9-25-2014 | Amend(T) | 11-1-2014 | 812-003-0370 | 7-1-2014 | Amend | 8-1-2014 |
| 808-003-0060 | 3-1-2014 | Amend | 4-1-2014 | 812-003-0370(T) | 7-1-2014 | Repeal | 8-1-2014 |
| 808-003-0065 | 3-1-2014 | Amend(T) | 4-1-2014 | 812-003-0380 | 5-5-2014 | Amend(T) | 6-1-2014 |
| 808-003-0065 | 9-25-2014 | Amend(T) | 11-1-2014 | 812-003-0380 | 7-1-2014 | Amend | 8-1-2014 |
| 808-009-0315 | 6-1-2014 | Adopt | 7-1-2014 | 812-003-0380(T) | 7-1-2014 | Repeal | 8-1-2014 |
| 809-050-0050 | 9-15-2014 | Amend(T) | 10-1-2014 | 812-003-0390 | 1-1-2014 | Amend | 2-1-2014 |
| 811-010-0110 | 8-11-2014 | Amend | 9-1-2014 | 812-003-0390 | 4-30-2014 | Amend | 6-1-2014 |
| 811-010-0110 | 9-5-2014 | Amend | 10-1-2014 | 812-003-0400 | 1-1-2014 | Amend | 2-1-2014 |
| 811-015-0005 | 11-27-2013 | Amend | 1-1-2014 | 812-003-0430 | 1-1-2014 | Amend | 2-1-2014 |
| 811-015-0005 | 8-7-2014 | Amend | 9-1-2014 | 812-003-0440 | 1-1-2014 | Amend | 2-1-2014 |
| 811-015-0005 | 9-5-2014 | Amend | 10-1-2014 | 812-005-0200 | 4-30-2014 | Amend | 6-1-2014 |
| 811-015-0036 | 6-4-2014 | Repeal | 7-1-2014 | 812-005-0210 | 4-30-2014 | Amend | 6-1-2014 |
| 811-035-0015 | 1-29-2014 | Amend | 3-1-2014 | 812-005-0250 | 4-30-2014 | Amend | 6-1-2014 |
| 812-002-0120 | 1-1-2014 | Amend | 2-1-2014 | 812-005-0800 | 7-1-2014 | Amend | 8-1-2014 |
| 812-002-0120 | 7-1-2014 | Amend | 8-1-2014 | 812-006-0200 | 5-5-2014 | Amend(T) | 6-1-2014 |
| 812-002-0640 | 4-30-2014 | Amend | 6-1-2014 | 812-006-0200 | 7-1-2014 | Amend | 8-1-2014 |
| 812-003-0100 | 4-30-2014 | Amend | 6-1-2014 | 812-006-0200(T) | 7-1-2014 | Repeal | 8-1-2014 |
| 812-003-0120 | 7-1-2014 | Amend | 8-1-2014 | 812-006-0205 | 5-5-2014 | Adopt(T) | 6-1-2014 |
| 812-003-0130 | 1-1-2014 | Repeal | 2-1-2014 | 812-006-0205 | 7-1-2014 | Adopt | 8-1-2014 |
| 812-003-0131 | 1-1-2014 | Amend | 2-1-2014 | 812-006-0205(T) | 7-1-2014 | Repeal | 8-1-2014 |
| 812-003-0140 | 1-1-2014 | Repeal | 2-1-2014 | 812-008-0030 | 1-1-2014 | Amend | 2-1-2014 |
| 812-003-0141 | 1-1-2014 | Repeal | 2-1-2014 | 812-008-0040 | 1-1-2014 | Amend | 2-1-2014 |
| 812-003-0142 | 5-5-2014 | Adopt(T) | 6-1-2014 | 812-009-0340 | 7-1-2014 | Amend | 8-1-2014 |
| 812-003-0142 | 7-1-2014 | Adopt | 8-1-2014 | 812-012-0110 | 1-1-2014 | Amend | 2-1-2014 |
| 812-003-0142(T) | 7-1-2014 | Repeal | 8-1-2014 | 812-020-0050 | 7-1-2014 | Amend | 8-1-2014 |
| 812-003-0150 | 1-1-2014 | Repeal | 2-1-2014 | 812-020-0055 | 7-1-2014 | Amend | 8-1-2014 |
| 812-003-0152 | 1-1-2014 | Amend | 2-1-2014 | 812-020-0060 | 7-1-2014 | Amend | 8-1-2014 |
| 812-003-0153 | 1-1-2014 | Amend | 2-1-2014 | 812-020-0062 | 7-1-2014 | Amend | 8-1-2014 |
| 812-003-0160 | 4-30-2014 | Amend | 6-1-2014 | 812-020-0065 | 7-1-2014 | Amend | 8-1-2014 |
| 812-003-0170 | 1-1-2014 | Repeal | 2-1-2014 | 812-020-0070 | 7-1-2014 | Amend | 8-1-2014 |
| 812-003-0171 | 1-1-2014 | Amend | 2-1-2014 | 812-020-0071 | 4-30-2014 | Amend | 6-1-2014 |
| 812-003-0175 | 1-1-2014 | Amend | 2-1-2014 | 812-020-0071 | 7-1-2014 | Amend | 8-1-2014 |
| 812-003-0180 | 1-1-2014 | Amend | 2-1-2014 | 812-020-0072 | 7-1-2014 | Amend | 8-1-2014 |
| 812-003-0190 | 4-30-2014 | Amend | 6-1-2014 | 812-020-0080 | 7-1-2014 | Amend | 8-1-2014 |
| 812-003-0220 | 1-1-2014 | Repeal | 2-1-2014 | 812-020-0085 | 7-1-2014 | Amend | 8-1-2014 |
| 812-003-0221 | 1-1-2014 | Amend | 2-1-2014 | 812-020-0087 | 7-1-2014 | Amend | 8-1-2014 |
| 812-003-0240 | 1-1-2014 | Amend | 2-1-2014 | 812-020-0090 | 7-1-2014 | Amend | 8-1-2014 |
| 812-003-0250 | 1-1-2014 | Amend | 2-1-2014 | 812-021-0005 | 1-1-2014 | Amend | 2-1-2014 |
| 812-003-0260 | 1-1-2014 | Amend | 2-1-2014 | 812-021-0021 | 1-1-2014 | Amend | 2-1-2014 |
| 812-003-0260 | 4-30-2014 | Amend | 6-1-2014 | 812-021-0045 | 1-1-2014 | Amend | 2-1-2014 |
| 812-003-0260 | 5-5-2014 | Amend(T) | 6-1-2014 | 812-021-0047 | 1-1-2014 | Amend | 2-1-2014 |
| 812-003-0260 | 7-1-2014 | Amend | 8-1-2014 | 812-022-0000 | 4-30-2014 | Amend | 6-1-2014 |
| 812-003-0260(T) | 7-1-2014 | Repeal | 8-1-2014 | 812-022-0005 | 4-30-2014 | Amend | 6-1-2014 |
| 812-003-0290 | 1-1-2014 | Amend | 2-1-2014 | 812-022-0010 | 2-6-2014 | Amend | 3-1-2014 |

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| 812-022-0010 | 7-1-2014 | Amend | 8-1-2014 | 812-032-0120 | 1-1-2014 | Adopt | 2-1-2014 |
| 812-022-0010(T) | 2-6-2014 | Repeal | 3-1-2014 | 812-032-0120 | 4-30-2014 | Amend | 6-1-2014 |
| 812-022-0010(T) | 7-1-2014 | Repeal | 8-1-2014 | 812-032-0123 | 1-1-2014 | Adopt | 2-1-2014 |
| 812-022-0010(T) | 7-1-2014 | Repeal | 8-1-2014 | 812-032-0123 | 4-30-2014 | Amend | 6-1-2014 |
| 812-022-0011 | 4-30-2014 | Amend | 6-1-2014 | 812-032-0130 | 1-1-2014 | Adopt | 2-1-2014 |
| 812-022-0015 | 11-26-2013 | Amend(T) | 1-1-2014 | 812-032-0130 | 4-30-2014 | Amend | 6-1-2014 |
| 812-022-0015 | 2-6-2014 | Amend | 3-1-2014 | 812-032-0135 | 1-1-2014 | Adopt | 2-1-2014 |
| 812-022-0015 | 7-1-2014 | Amend | 8-1-2014 | 812-032-0135 | 4-30-2014 | Amend | 6-1-2014 |
| 812-022-0015(T) | 2-6-2014 | Repeal | 3-1-2014 | 812-032-0140 | 1-1-2014 | Adopt | 2-1-2014 |
| 812-022-0016 | 4-30-2014 | Amend | 6-1-2014 | 812-032-0140 | 4-30-2014 | Amend | 6-1-2014 |
| 812-022-0018 | 4-30-2014 | Amend | 6-1-2014 | 812-032-0150 | 1-1-2014 | Adopt | 2-1-2014 |
| 812-022-0021 | 11-26-2013 | Amend(T) | 1-1-2014 | 812-032-0150 | 4-30-2014 | Amend | 6-1-2014 |
| 812-022-0021 | 2-6-2014 | Amend | 3-1-2014 | 813-001-0007 | 12-18-2013 | Amend | 2-1-2014 |
| 812-022-0021 | 3-26-2014 | Amend(T) | 5-1-2014 | 813-001-0007 | 12-18-2013 | Amend | 2-1-2014 |
| 812-022-0021 | 7-1-2014 | Amend | 8-1-2014 | 813-001-0007 | 4-17-2014 | Amend(T) | 6-1-2014 |
| 812-022-0021(T) | 2-6-2014 | Repeal | 3-1-2014 | 813-001-0007 | 10-9-2014 | Amend | 11-1-2014 |
| 812-022-0021(T) | 7-1-2014 | Repeal | 8-1-2014 | 813-001-0007(T) | 12-18-2013 | Amend | 2-1-2014 |
| 812-022-0022 | 3-26-2014 | Adopt(T) | 5-1-2014 | 813-001-0007(T) | 12-18-2013 | Repeal | 2-1-2014 |
| 812-022-0022 | 7-1-2014 | Adopt | 8-1-2014 | 813-001-0007(T) | 10-9-2014 | Repeal | 11-1-2014 |
| 812-022-0022(T) | 7-1-2014 | Repeal | 8-1-2014 | 813-005-0001 | 12-18-2013 | Amend | 2-1-2014 |
| 812-022-0022(T) | 7-1-2014 | Repeal | 8-1-2014 | 813-005-0001(T) | 12-18-2013 | Repeal | 2-1-2014 |
| 812-022-0025 | 12-12-2013 | Amend(T) | 1-1-2014 | 813-005-0005 | 12-18-2013 | Amend | 2-1-2014 |
| 812-022-0025 | 2-6-2014 | Amend | 3-1-2014 | 813-005-0005 | 4-17-2014 | Amend(T) | 6-1-2014 |
| 812-022-0025(T) | 2-6-2014 | Repeal | 3-1-2014 | 813-005-0005 | 10-9-2014 | Amend | 11-1-2014 |
| 812-022-0026 | 12-12-2013 | Amend(T) | 1-1-2014 | 813-005-0005(T) | 12-18-2013 | Repeal | 2-1-2014 |
| 812-022-0026 | 2-6-2014 | Amend | 3-1-2014 | 813-005-0005(T) | 10-9-2014 | Repeal | 11-1-2014 |
| 812-022-0026(T) | 2-6-2014 | Repeal | 3-1-2014 | 813-005-0016 | 12-18-2013 | Amend | 2-1-2014 |
| 812-022-0027 | 12-12-2013 | Amend(T) | 1-1-2014 | 813-005-0016(T) | 12-18-2013 | Repeal | 2-1-2014 |
| 812-022-0027 | 2-6-2014 | Amend | 3-1-2014 | 813-005-0020 | 12-18-2013 | Adopt | 2-1-2014 |
| 812-022-0027(T) | 2-6-2014 | Repeal | 3-1-2014 | 813-005-0020 | 4-17-2014 | Amend(T) | 6-1-2014 |
| 812-022-0028 | 2-6-2014 | Amend | 3-1-2014 | 813-005-0020 | 10-9-2014 | Amend | 11-1-2014 |
| 812-022-0028(T) | 2-6-2014 | Repeal | 3-1-2014 | 813-005-0020(T) | 12-18-2013 | Repeal | 2-1-2014 |
| 812-022-0029 | 2-6-2014 | Adopt | 3-1-2014 | 813-005-0020(T) | 10-9-2014 | Repeal | 11-1-2014 |
| 812-022-0029(T) | 2-6-2014 | Repeal | 3-1-2014 | 813-005-0030 | 12-18-2013 | Adopt | 2-1-2014 |
| 812-022-0033 | 4-30-2014 | Amend | 6-1-2014 | 813-005-0030(T) | 12-18-2013 | Repeal | 2-1-2014 |
| 812-022-0034 | 2-6-2014 | Adopt | 3-1-2014 | 813-005-0040 | 12-18-2013 | Adopt | 2-1-2014 |
| 812-022-0034(T) | 2-6-2014 | Repeal | 3-1-2014 | 813-005-0040(T) | 12-18-2013 | Repeal | 2-1-2014 |
| 812-022-0035 | 2-6-2014 | Adopt | 3-1-2014 | 813-005-0050 | 12-18-2013 | Adopt | 2-1-2014 |
| 812-022-0035(T) | 2-6-2014 | Repeal | 3-1-2014 | 813-005-0050(T) | 12-18-2013 | Repeal | 2-1-2014 |
| 812-022-0036 | 4-30-2014 | Amend | 6-1-2014 | 813-005-0060 | 12-18-2013 | Adopt | 2-1-2014 |
| 812-022-0037 | 4-30-2014 | Amend | 6-1-2014 | 813-005-0060(T) | 12-18-2013 | Repeal | 2-1-2014 |
| 812-022-0040 | 4-30-2014 | Amend | 6-1-2014 | 813-005-0070 | 12-18-2013 | Adopt | 2-1-2014 |
| 812-022-0042 | 4-30-2014 | Amend | 6-1-2014 | 813-005-0070(T) | 12-18-2013 | Repeal | 2-1-2014 |
| 812-022-0045 | 4-30-2014 | Amend | 6-1-2014 | 813-006-0005 | 12-18-2013 | Amend | 2-1-2014 |
| 812-022-0047 | 4-30-2014 | Amend | 6-1-2014 | 813-006-0005(T) | 12-18-2013 | Repeal | 2-1-2014 |
| 812-025-0000 | 1-1-2014 | Amend | 2-1-2014 | 813-006-0010 | 12-18-2013 | Amend | 2-1-2014 |
| 812-025-0005 | 1-1-2014 | Amend | 2-1-2014 | 813-006-0010(T) | 12-18-2013 | Repeal | 2-1-2014 |
| 812-025-0010 | 1-1-2014 | Amend | 2-1-2014 | 813-006-0015 | 12-18-2013 | Amend | 2-1-2014 |
| 812-030-0000 | 1-1-2014 | Amend | 2-1-2014 | 813-006-0015(T) | 12-18-2013 | Repeal | 2-1-2014 |
| 812-030-0240 | 1-1-2014 | Amend | 2-1-2014 | 813-006-0020 | 12-18-2013 | Amend | 2-1-2014 |
| 812-032-0000 | 1-1-2014 | Adopt | 2-1-2014 | 813-006-0020(T) | 12-18-2013 | Repeal | 2-1-2014 |
| 812-032-0000 | 4-30-2014 | Amend | 6-1-2014 | 813-006-0025 | 12-18-2013 | Amend | 2-1-2014 |
| 812-032-0100 | 1-1-2014 | Adopt | 2-1-2014 | 813-006-0025(T) | 12-18-2013 | Repeal | 2-1-2014 |
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| 813-006-0040 | 12-18-2013 | Adopt | 2-1-2014 | 813-051-0030 | 1-27-2014 | Amend(T) | 3-1-2014 |
| 813-006-0040(T) | 12-18-2013 | Repeal | 2-1-2014 | 813-051-0030(T) | 2-10-2014 | Suspend | 3-1-2014 |
| 813-041-0000 | 10-9-2014 | Amend | 11-1-2014 | 813-051-0040 | 1-27-2014 | Amend(T) | 3-1-2014 |
| 813-041-0006 | 10-9-2014 | Adopt | 11-1-2014 | 813-051-0040(T) | 2-10-2014 | Suspend | 3-1-2014 |
| 813-041-0010 | 10-9-2014 | Amend | 11-1-2014 | 813-051-0050 | 1-27-2014 | Amend(T) | 3-1-2014 |
| 813-041-0015 | 10-9-2014 | Amend | 11-1-2014 | 813-051-0050(T) | 2-10-2014 | Suspend | 3-1-2014 |
| 813-041-0020 | 10-9-2014 | Amend | 11-1-2014 | 813-051-0060 | 1-27-2014 | Amend(T) | 3-1-2014 |
| 813-041-0027 | 10-9-2014 | Amend | 11-1-2014 | 813-051-0060(T) | 2-10-2014 | Suspend | 3-1-2014 |
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| 813-046-0000(T) | 2-10-2014 | Suspend | 3-1-2014 | 813-051-0080 | 1-27-2014 | Amend(T) | 3-1-2014 |
| 813-046-0011 | 1-27-2014 | Amend(T) | 3-1-2014 | 813-051-0080(T) | 2-10-2014 | Suspend | 3-1-2014 |
| 813-046-0011(T) | 2-10-2014 | Suspend | 3-1-2014 | 813-051-0090 | 1-27-2014 | Amend(T) | 3-1-2014 |
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| 813-046-0030 | 1-27-2014 | ReNUMBER | 3-1-2014 | 813-051-0100(T) | 2-10-2014 | Suspend | 3-1-2014 |
| 813-046-0040 | 1-27-2014 | Amend(T) | 3-1-2014 | 813-055-0001 | 12-18-2013 | Amend | 2-1-2014 |
| 813-046-0040(T) | 2-10-2014 | Suspend | 3-1-2014 | 813-055-0001 | 6-5-2014 | Amend(T) | 7-1-2014 |
| 813-046-0045 | 1-27-2014 | Amend(T) | 3-1-2014 | 813-055-0001(T) | 12-18-2013 | Repeal | 2-1-2014 |
| 813-046-0045(T) | 2-10-2014 | Suspend | 3-1-2014 | 813-055-0010 | 12-18-2013 | Amend | 2-1-2014 |
| 813-046-0050 | 1-27-2014 | Amend(T) | 3-1-2014 | 813-055-0010(T) | 12-18-2013 | Repeal | 2-1-2014 |
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| 813-046-0061 | 1-27-2014 | Amend(T) | 3-1-2014 | 813-055-0020(T) | 12-18-2013 | Repeal | 2-1-2014 |
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| 813-046-0065 | 1-27-2014 | Amend(T) | 3-1-2014 | 813-055-0040(T) | 12-18-2013 | Repeal | 2-1-2014 |
| 813-046-0065(T) | 2-10-2014 | Suspend | 3-1-2014 | 813-055-0050 | 12-18-2013 | Amend | 2-1-2014 |
| 813-046-0070 | 1-27-2014 | Amend(T) | 3-1-2014 | 813-055-0050(T) | 12-18-2013 | Repeal | 2-1-2014 |
| 813-046-0070(T) | 2-10-2014 | Suspend | 3-1-2014 | 813-055-0060 | 12-18-2013 | Repeal | 2-1-2014 |
| 813-046-0081 | 1-27-2014 | Amend(T) | 3-1-2014 | 813-055-0065 | 12-18-2013 | Adopt | 2-1-2014 |
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| 813-049-0001 | 1-27-2014 | Amend(T) | 3-1-2014 | 813-055-0085 | 12-18-2013 | Amend | 2-1-2014 |
| 813-049-0001(T) | 2-10-2014 | Suspend | 3-1-2014 | 813-055-0085(T) | 12-18-2013 | Repeal | 2-1-2014 |
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| 813-049-0035 | 1-27-2014 | Adopt(T) | 3-1-2014 | 813-090-0005 | 6-5-2014 | Amend(T) | 7-1-2014 |
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| 813-110-0005 | 6-5-2014 | Amend(T) | 7-1-2014 | 813-130-0090 | 12-18-2013 | Amend | 2-1-2014 |
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| 813-110-0010 | 12-18-2013 | Amend | 2-1-2014 | 813-130-0100 | 12-18-2013 | Amend | 2-1-2014 |
| 813-110-0010(T) | 12-18-2013 | Repeal | 2-1-2014 | 813-130-0100(T) | 12-18-2013 | Repeal | 2-1-2014 |
| 813-110-0012 | 12-18-2013 | Repeal | 2-1-2014 | 813-130-0110 | 12-18-2013 | Amend | 2-1-2014 |
| 813-110-0013 | 12-18-2013 | Amend | 2-1-2014 | 813-130-0110(T) | 12-18-2013 | Repeal | 2-1-2014 |
| 813-110-0013(T) | 12-18-2013 | Repeal | 2-1-2014 | 813-130-0120 | 12-18-2013 | Amend | 2-1-2014 |
| 813-110-0015 | 12-18-2013 | Amend | 2-1-2014 | 813-130-0120(T) | 12-18-2013 | Repeal | 2-1-2014 |
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| 813-110-0020 | 12-18-2013 | Amend | 2-1-2014 | 813-130-0140 | 12-18-2013 | Repeal | 2-1-2014 |
| 813-110-0020(T) | 12-18-2013 | Repeal | 2-1-2014 | 813-130-0150 | 12-18-2013 | Amend | 2-1-2014 |
| 813-110-0021 | 12-18-2013 | Amend | 2-1-2014 | 813-130-0150(T) | 12-18-2013 | Repeal | 2-1-2014 |
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| 813-110-0025 | 12-18-2013 | Amend | 2-1-2014 | 813-145-0020 | 1-27-2014 | Amend(T) | 3-1-2014 |
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| 813-110-0030 | 12-18-2013 | Amend | 2-1-2014 | 813-145-0040 | 1-27-2014 | Amend(T) | 3-1-2014 |
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| 813-110-0032 | 12-18-2013 | Adopt | 2-1-2014 | 813-145-0050 | 1-27-2014 | Amend(T) | 3-1-2014 |
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| 813-110-0033 | 12-18-2013 | Repeal | 2-1-2014 | 813-145-0060 | 1-27-2014 | Amend(T) | 3-1-2014 |
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| 813-130-0020 | 12-18-2013 | Amend | 2-1-2014 | 813-200-0017 | 1-27-2014 | Adopt(T) | 3-1-2014 |
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| 813-202-0040(T) | 2-10-2014 | Suspend | 3-1-2014 | 813-210-0030 | 1-27-2014 | Renumber | 3-1-2014 |
| 813-202-0050 | 1-27-2014 | Amend(T) | 3-1-2014 | 813-210-0040 | 1-27-2014 | Suspend | 3-1-2014 |
| 813-202-0050(T) | 2-10-2014 | Suspend | 3-1-2014 | 813-210-0040(T) | 2-10-2014 | Suspend | 3-1-2014 |
| 813-202-0060 | 1-27-2014 | Amend(T) | 3-1-2014 | 813-210-0050 | 1-27-2014 | Amend(T) | 3-1-2014 |
| 813-202-0060(T) | 2-10-2014 | Suspend | 3-1-2014 | 813-210-0050(T) | 2-10-2014 | Suspend | 3-1-2014 |
| 813-202-0070 | 1-27-2014 | Adopt(T) | 3-1-2014 | 813-210-0052 | 1-27-2014 | Amend(T) | 3-1-2014 |
| 813-202-0070(T) | 2-10-2014 | Suspend | 3-1-2014 | 813-210-0052(T) | 2-10-2014 | Suspend | 3-1-2014 |
| 813-205-0000 | 12-18-2013 | Amend | 2-1-2014 | 813-210-0055 | 1-27-2014 | Suspend | 3-1-2014 |
| 813-205-0000(T) | 12-18-2013 | Repeal | 2-1-2014 | 813-210-0055(T) | 2-10-2014 | Suspend | 3-1-2014 |
| 813-205-0010 | 12-18-2013 | Repeal | 2-1-2014 | 813-210-0056 | 1-27-2014 | Adopt(T) | 3-1-2014 |
| 813-205-0020 | 12-18-2013 | Amend | 2-1-2014 | 813-210-0056(T) | 2-10-2014 | Suspend | 3-1-2014 |
| 813-205-0020(T) | 12-18-2013 | Repeal | 2-1-2014 | 813-210-0060 | 1-27-2014 | Amend(T) | 3-1-2014 |
| 813-205-0030 | 12-18-2013 | Amend | 2-1-2014 | 813-210-0060(T) | 2-10-2014 | Suspend | 3-1-2014 |
| 813-205-0030(T) | 12-18-2013 | Repeal | 2-1-2014 | 813-210-0065 | 1-27-2014 | Suspend | 3-1-2014 |
| 813-205-0040 | 12-18-2013 | Amend | 2-1-2014 | 813-210-0065(T) | 2-10-2014 | Suspend | 3-1-2014 |
| 813-205-0040(T) | 12-18-2013 | Repeal | 2-1-2014 | 813-210-0075 | 1-27-2014 | Adopt(T) | 3-1-2014 |
| 813-205-0050 | 12-18-2013 | Amend | 2-1-2014 | 813-210-0075(T) | 2-10-2014 | Suspend | 3-1-2014 |
| 813-205-0050(T) | 12-18-2013 | Repeal | 2-1-2014 | 813-210-0085 | 1-27-2014 | Adopt(T) | 3-1-2014 |
| 813-205-0051 | 12-18-2013 | Amend | 2-1-2014 | 813-210-0085(T) | 2-10-2014 | Suspend | 3-1-2014 |
| 813-205-0051(T) | 12-18-2013 | Repeal | 2-1-2014 | 813-220-0001 | 1-27-2014 | Amend(T) | 3-1-2014 |
| 813-205-0052 | 12-18-2013 | Amend | 2-1-2014 | 813-220-0001(T) | 2-10-2014 | Suspend | 3-1-2014 |
| 813-205-0052(T) | 12-18-2013 | Repeal | 2-1-2014 | 813-220-0005 | 1-27-2014 | Amend(T) | 3-1-2014 |
| 813-205-0060 | 12-18-2013 | Amend | 2-1-2014 | 813-220-0005(T) | 2-10-2014 | Suspend | 3-1-2014 |
| 813-205-0060(T) | 12-18-2013 | Repeal | 2-1-2014 | 813-220-0010 | 1-27-2014 | Amend(T) | 3-1-2014 |
| 813-205-0070 | 12-18-2013 | Amend | 2-1-2014 | 813-220-0010(T) | 2-10-2014 | Suspend | 3-1-2014 |
| 813-205-0070(T) | 12-18-2013 | Repeal | 2-1-2014 | 813-220-0015 | 1-27-2014 | Amend(T) | 3-1-2014 |
| 813-205-0080 | 12-18-2013 | Amend | 2-1-2014 | 813-220-0015(T) | 2-10-2014 | Suspend | 3-1-2014 |
| 813-205-0080(T) | 12-18-2013 | Repeal | 2-1-2014 | 813-220-0020 | 1-27-2014 | Amend(T) | 3-1-2014 |
| 813-205-0082 | 12-18-2013 | Adopt | 2-1-2014 | 813-220-0020(T) | 2-10-2014 | Suspend | 3-1-2014 |
| 813-205-0082(T) | 12-18-2013 | Repeal | 2-1-2014 | 813-220-0030 | 1-27-2014 | Amend(T) | 3-1-2014 |
| 813-205-0085 | 12-18-2013 | Amend | 2-1-2014 | 813-220-0030(T) | 2-10-2014 | Suspend | 3-1-2014 |

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| 813-220-0050(T) | 2-10-2014 | Suspend | 3-1-2014 | 813-360-0060 | 6-24-2014 | Adopt | 8-1-2014 |
| 813-220-0060 | 1-27-2014 | Amend(T) | 3-1-2014 | 817-005-0005 | 3-1-2014 | Amend | 4-1-2014 |
| 813-220-0060(T) | 2-10-2014 | Suspend | 3-1-2014 | 817-010-0007 | 3-1-2014 | Amend | 4-1-2014 |
| 813-220-0070 | 1-27-2014 | Suspend | 3-1-2014 | 817-010-0009 | 3-1-2014 | Repeal | 4-1-2014 |
| 813-220-0070(T) | 2-10-2014 | Suspend | 3-1-2014 | 817-010-0014 | 1-1-2014 | Amend | 2-1-2014 |
| 813-220-0080 | 1-27-2014 | Adopt(T) | 3-1-2014 | 817-010-0021 | 3-1-2014 | Amend | 4-1-2014 |
| 813-220-0080(T) | 2-10-2014 | Suspend | 3-1-2014 | 817-010-0035 | 3-1-2014 | Amend | 4-1-2014 |
| 813-240-0001 | 1-27-2014 | Amend(T) | 3-1-2014 | 817-010-0040 | 3-1-2014 | Amend | 4-1-2014 |
| 813-240-0001(T) | 2-10-2014 | Suspend | 3-1-2014 | 817-010-0055 | 3-1-2014 | Amend | 4-1-2014 |
| 813-240-0005 | 1-27-2014 | Amend(T) | 3-1-2014 | 817-010-0060 | 3-1-2014 | Amend | 4-1-2014 |
| 813-240-0005(T) | 2-10-2014 | Suspend | 3-1-2014 | 817-010-0065 | 3-1-2014 | Amend | 4-1-2014 |
| 813-240-0010 | 1-27-2014 | Amend(T) | 3-1-2014 | 817-010-0068 | 3-1-2014 | Amend | 4-1-2014 |
| 813-240-0010(T) | 2-10-2014 | Suspend | 3-1-2014 | 817-010-0069 | 3-1-2014 | Amend | 4-1-2014 |
| 813-240-0015 | 1-27-2014 | Amend(T) | 3-1-2014 | 817-010-0075 | 3-1-2014 | Amend | 4-1-2014 |
| 813-240-0015(T) | 2-10-2014 | Suspend | 3-1-2014 | 817-010-0085 | 3-1-2014 | Amend | 4-1-2014 |
| 813-240-0020 | 1-27-2014 | Amend(T) | 3-1-2014 | 817-010-0095 | 3-1-2014 | Amend | 4-1-2014 |
| 813-240-0020(T) | 2-10-2014 | Suspend | 3-1-2014 | 817-010-0101 | 3-1-2014 | Amend | 4-1-2014 |
| 813-240-0030 | 1-27-2014 | ReNUMBER | 3-1-2014 | 817-010-0106 | 3-1-2014 | Amend | 4-1-2014 |
| 813-240-0041 | 1-27-2014 | Amend(T) | 3-1-2014 | 817-010-0110 | 3-1-2014 | Amend | 4-1-2014 |
| 813-240-0041(T) | 2-10-2014 | Suspend | 3-1-2014 | 817-010-0300 | 3-1-2014 | Repeal | 4-1-2014 |
| 813-240-0050 | 1-27-2014 | Amend(T) | 3-1-2014 | 817-015-0010 | 3-1-2014 | Repeal | 4-1-2014 |
| 813-240-0050(T) | 2-10-2014 | Suspend | 3-1-2014 | 817-015-0030 | 3-1-2014 | Amend | 4-1-2014 |
| 813-240-0060 | 1-27-2014 | Amend(T) | 3-1-2014 | 817-015-0065 | 3-1-2014 | Amend | 4-1-2014 |
| 813-240-0060(T) | 2-10-2014 | Suspend | 3-1-2014 | 817-020-0001 | 3-1-2014 | Amend | 4-1-2014 |
| 813-240-0070 | 1-27-2014 | Amend(T) | 3-1-2014 | 817-020-0006 | 3-1-2014 | Amend | 4-1-2014 |
| 813-240-0070(T) | 2-10-2014 | Suspend | 3-1-2014 | 817-020-0007 | 3-1-2014 | Amend | 4-1-2014 |
| 813-240-0080 | 1-27-2014 | Amend(T) | 3-1-2014 | 817-020-0009 | 3-1-2014 | Amend | 4-1-2014 |
| 813-240-0080(T) | 2-10-2014 | Suspend | 3-1-2014 | 817-020-0305 | 3-1-2014 | Amend | 4-1-2014 |
| 813-240-0090 | 1-27-2014 | Suspend | 3-1-2014 | 817-020-0325 | 3-1-2014 | Adopt | 4-1-2014 |
| 813-240-0090(T) | 2-10-2014 | Suspend | 3-1-2014 | 817-020-0350 | 3-1-2014 | Adopt | 4-1-2014 |
| 813-250-0000 | 1-27-2014 | Amend(T) | 3-1-2014 | 817-030-0003 | 3-1-2014 | Amend | 4-1-2014 |
| 813-250-0000(T) | 2-10-2014 | Suspend | 3-1-2014 | 817-030-0005 | 3-1-2014 | Amend | 4-1-2014 |
| 813-250-0005 | 1-27-2014 | Adopt(T) | 3-1-2014 | 817-030-0028 | 1-1-2014 | Adopt | 2-1-2014 |
| 813-250-0005(T) | 2-10-2014 | Suspend | 3-1-2014 | 817-030-0030 | 3-1-2014 | Amend | 4-1-2014 |
| 813-250-0015 | 1-27-2014 | Adopt(T) | 3-1-2014 | 817-030-0065 | 1-1-2014 | Amend | 2-1-2014 |
| 813-250-0015(T) | 2-10-2014 | Suspend | 3-1-2014 | 817-030-0071 | 3-1-2014 | Amend | 4-1-2014 |
| 813-250-0020 | 1-27-2014 | Amend(T) | 3-1-2014 | 817-030-0080 | 3-1-2014 | Amend | 4-1-2014 |
| 813-250-0020(T) | 2-10-2014 | Suspend | 3-1-2014 | 817-035-0010 | 3-1-2014 | Amend | 4-1-2014 |
| 813-250-0030 | 1-27-2014 | Amend(T) | 3-1-2014 | 817-035-0048 | 3-1-2014 | Amend | 4-1-2014 |
| 813-250-0030(T) | 2-10-2014 | Suspend | 3-1-2014 | 817-035-0050 | 3-1-2014 | Amend | 4-1-2014 |
| 813-250-0040 | 1-27-2014 | Amend(T) | 3-1-2014 | 817-035-0052 | 3-1-2014 | Amend | 4-1-2014 |
| 813-250-0040(T) | 2-10-2014 | Suspend | 3-1-2014 | 817-035-0068 | 3-1-2014 | Amend | 4-1-2014 |
| 813-250-0055 | 1-27-2014 | Adopt(T) | 3-1-2014 | 817-035-0070 | 3-1-2014 | Amend | 4-1-2014 |
| 813-250-0055(T) | 2-10-2014 | Suspend | 3-1-2014 | 817-035-0090 | 3-1-2014 | Amend | 4-1-2014 |
| 813-250-0060 | 1-27-2014 | Adopt(T) | 3-1-2014 | 817-035-0093 | 3-1-2014 | Adopt | 4-1-2014 |
| 813-250-0060(T) | 2-10-2014 | Suspend | 3-1-2014 | 817-035-0095 | 3-1-2014 | Adopt | 4-1-2014 |
| 813-250-0070 | 1-27-2014 | Adopt(T) | 3-1-2014 | 817-035-0110 | 3-1-2014 | Amend | 4-1-2014 |
| 813-250-0070(T) | 2-10-2014 | Suspend | 3-1-2014 | 817-060-0010 | 3-1-2014 | Amend | 4-1-2014 |
| 813-300-0010 | 12-18-2013 | Amend(T) | 2-1-2014 | 817-060-0020 | 3-1-2014 | Amend | 4-1-2014 |
| 813-300-0010 | 6-12-2014 | Amend | 7-1-2014 | 817-060-0030 | 3-1-2014 | Amend | 4-1-2014 |
| 813-360-0000 | 6-24-2014 | Adopt | 8-1-2014 | 817-060-0050 | 3-1-2014 | Amend | 4-1-2014 |
| 813-360-0010 | 6-24-2014 | Adopt | 8-1-2014 | 817-080-0005 | 3-1-2014 | Repeal | 4-1-2014 |
| 813-360-0020 | 6-24-2014 | Adopt | 8-1-2014 | 817-090-0025 | 3-1-2014 | Amend | 4-1-2014 |
| 813-360-0030 | 6-24-2014 | Adopt | 8-1-2014 | 817-090-0045 | 3-1-2014 | Amend | 4-1-2014 |
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| 817-090-0065 | 3-1-2014 | Amend | 4-1-2014 | 820-010-0227(T) | 7-16-2014 | Repeal | 9-1-2014 |
| 817-090-0070 | 3-1-2014 | Amend | 4-1-2014 | 820-010-0228 | 12-5-2013 | Amend(T) | 1-1-2014 |
| 817-090-0075 | 3-1-2014 | Amend | 4-1-2014 | 820-010-0228 | 2-14-2014 | Amend(T) | 3-1-2014 |
| 817-090-0085 | 3-1-2014 | Amend | 4-1-2014 | 820-010-0228 | 7-16-2014 | Amend | 9-1-2014 |
| 817-090-0090 | 3-1-2014 | Amend | 4-1-2014 | 820-010-0228(T) | 12-5-2013 | Suspend | 1-1-2014 |
| 817-090-0105 | 3-1-2014 | Amend | 4-1-2014 | 820-010-0228(T) | 12-5-2013 | Suspend | 1-1-2014 |
| 817-090-0110 | 3-1-2014 | Amend | 4-1-2014 | 820-010-0228(T) | 7-16-2014 | Repeal | 9-1-2014 |
| 817-090-0115 | 3-1-2014 | Amend | 4-1-2014 | 820-010-0260(T) | 12-5-2013 | Suspend | 1-1-2014 |
| 817-100-0005 | 3-1-2014 | Amend | 4-1-2014 | 820-010-0260(T) | 12-5-2013 | Suspend | 1-1-2014 |
| 817-120-0005 | 3-1-2014 | Amend | 4-1-2014 | 820-010-0305 | 12-5-2013 | Amend(T) | 1-1-2014 |
| 818-001-0087 | 8-1-2014 | Amend | 8-1-2014 | 820-010-0305 | 2-26-2014 | Amend | 4-1-2014 |
| 818-012-0005 | 8-1-2014 | Amend | 8-1-2014 | 820-010-0305(T) | 12-5-2013 | Suspend | 1-1-2014 |
| 818-012-0030 | 8-1-2014 | Amend | 8-1-2014 | 820-010-0305(T) | 12-5-2013 | Suspend | 1-1-2014 |
| 818-012-0040 | 8-1-2014 | Amend | 8-1-2014 | 820-010-0305(T) | 2-26-2014 | Repeal | 4-1-2014 |
| 818-021-0060 | 8-1-2014 | Amend | 8-1-2014 | 820-010-0420 | 2-14-2014 | Amend(T) | 3-1-2014 |
| 818-021-0070 | 8-1-2014 | Amend | 8-1-2014 | 820-010-0420 | 7-16-2014 | Amend | 9-1-2014 |
| 818-026-0050 | 8-1-2014 | Amend | 8-1-2014 | 820-010-0420(T) | 7-16-2014 | Repeal | 9-1-2014 |
| 818-026-0055 | 8-1-2014 | Amend | 8-1-2014 | 820-010-0442 | 12-5-2013 | Amend(T) | 1-1-2014 |
| 818-026-0060 | 8-1-2014 | Amend | 8-1-2014 | 820-010-0442 | 2-26-2014 | Amend | 4-1-2014 |
| 818-026-0065 | 8-1-2014 | Amend | 8-1-2014 | 820-010-0442(T) | 12-5-2013 | Suspend | 1-1-2014 |
| 818-026-0070 | 8-1-2014 | Amend | 8-1-2014 | 820-010-0442(T) | 12-5-2013 | Suspend | 1-1-2014 |
| 818-035-0025 | 8-1-2014 | Amend | 8-1-2014 | 820-010-0442(T) | 2-26-2014 | Repeal | 4-1-2014 |
| 818-035-0030 | 8-1-2014 | Amend | 8-1-2014 | 820-010-0620 | 12-5-2013 | Amend(T) | 1-1-2014 |
| 818-035-0040 | 8-1-2014 | Amend | 8-1-2014 | 820-010-0620 | 2-26-2014 | Amend | 4-1-2014 |
| 818-042-0040 | 8-1-2014 | Amend | 8-1-2014 | 820-010-0620(T) | 12-5-2013 | Suspend | 1-1-2014 |
| 818-042-0050 | 8-1-2014 | Amend | 8-1-2014 | 820-010-0620(T) | 12-5-2013 | Suspend | 1-1-2014 |
| 818-042-0060 | 8-1-2014 | Amend | 8-1-2014 | 820-010-0620(T) | 2-26-2014 | Repeal | 4-1-2014 |
| 818-042-0090 | 8-1-2014 | Amend | 8-1-2014 | 820-010-0621 | 12-5-2013 | Amend(T) | 1-1-2014 |
| 818-042-0120 | 8-1-2014 | Amend | 8-1-2014 | 820-010-0621 | 2-26-2014 | Amend | 4-1-2014 |
| 818-042-0130 | 8-1-2014 | Amend | 8-1-2014 | 820-010-0621(T) | 12-5-2013 | Suspend | 1-1-2014 |
| 820-001-0020 | 12-5-2013 | Amend(T) | 1-1-2014 | 820-010-0621(T) | 12-5-2013 | Suspend | 1-1-2014 |
| 820-001-0020 | 2-26-2014 | Amend | 4-1-2014 | 820-010-0621(T) | 2-26-2014 | Repeal | 4-1-2014 |
| 820-001-0020(T) | 12-5-2013 | Suspend | 1-1-2014 | 820-010-0622 | 7-16-2014 | Amend | 9-1-2014 |
| 820-001-0020(T) | 12-5-2013 | Suspend | 1-1-2014 | 833-020-0051 | 1-8-2014 | Amend | 2-1-2014 |
| 820-001-0020(T) | 2-26-2014 | Repeal | 4-1-2014 | 833-020-0075 | 7-1-2014 | Amend(T) | 7-1-2014 |
| 820-001-0025 | 12-5-2013 | Amend(T) | 1-1-2014 | 833-030-0021 | 9-5-2014 | Amend | 10-1-2014 |
| 820-001-0025 | 2-26-2014 | Amend | 4-1-2014 | 833-040-0021 | 1-8-2014 | Amend | 2-1-2014 |
| 820-001-0030 | 7-16-2014 | Adopt | 9-1-2014 | 833-040-0021 | 9-5-2014 | Amend | 10-1-2014 |
| 820-001-0035 | 7-16-2014 | Adopt | 9-1-2014 | 833-050-0061 | 6-11-2014 | Amend | 7-1-2014 |
| 820-001-0040 | 7-16-2014 | Adopt | 9-1-2014 | 833-050-0071 | 9-5-2014 | Amend | 10-1-2014 |
| 820-010-0010 | 12-5-2013 | Amend(T) | 1-1-2014 | 833-050-0131 | 6-11-2014 | Amend | 7-1-2014 |
| 820-010-0010 | 2-26-2014 | Amend | 4-1-2014 | 833-060-0012 | 1-8-2014 | Amend | 2-1-2014 |
| 820-010-0010(T) | 12-5-2013 | Suspend | 1-1-2014 | 833-100-0021 | 6-11-2014 | Amend | 7-1-2014 |
| 820-010-0010(T) | 12-5-2013 | Suspend | 1-1-2014 | 836-007-0001 | 12-31-2013 | Adopt(T) | 2-1-2014 |
| 820-010-0010(T) | 2-26-2014 | Repeal | 4-1-2014 | 836-007-0001 | 6-20-2014 | Adopt | 8-1-2014 |
| 820-010-0225 | 2-14-2014 | Amend(T) | 3-1-2014 | 836-010-0011 | 1-1-2014 | Amend | 2-1-2014 |
| 820-010-0225 | 7-16-2014 | Amend | 9-1-2014 | 836-010-0013 | 4-24-2014 | Adopt(T) | 6-1-2014 |
| 820-010-0225(T) | 7-16-2014 | Repeal | 9-1-2014 | 836-010-0013 | 10-6-2014 | Adopt | 11-1-2014 |
| 820-010-0226 | 2-14-2014 | Amend(T) | 3-1-2014 | 836-010-0051 | 1-1-2014 | Adopt | 2-1-2014 |
| 820-010-0226 | 7-16-2014 | Amend | 9-1-2014 | 836-010-0150 | 7-17-2014 | Adopt | 9-1-2014 |
| 820-010-0226(T) | 7-16-2014 | Repeal | 9-1-2014 | 836-011-0000 | 2-14-2014 | Amend | 3-1-2014 |
| 820-010-0227 | 12-5-2013 | Amend(T) | 1-1-2014 | 836-011-0050 | 2-14-2014 | Adopt | 3-1-2014 |
| 820-010-0227 | 2-14-2014 | Amend(T) | 3-1-2014 | 836-020-0770 | 1-1-2014 | Amend | 2-1-2014 |
| 820-010-0227 | 7-16-2014 | Amend | 9-1-2014 | 836-020-0775 | 1-1-2014 | Amend | 2-1-2014 |
| 820-010-0227(T) | 12-5-2013 | Suspend | 1-1-2014 | 836-020-0780 | 1-1-2014 | Amend | 2-1-2014 |

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| 836-020-0806 | 1-1-2014 | Amend | 2-1-2014 | 836-053-0431 | 4-16-2014 | Amend(T) | 6-1-2014 |
| 836-027-0005 | 1-1-2014 | Amend | 2-1-2014 | 836-053-0431 | 7-30-2014 | Amend | 9-1-2014 |
| 836-027-0005 | 1-8-2014 | Amend | 2-1-2014 | 836-053-0431 | 10-6-2014 | Amend | 11-1-2014 |
| 836-027-0010 | 1-1-2014 | Amend | 2-1-2014 | 836-053-0440 | 1-1-2014 | Repeal | 2-1-2014 |
| 836-027-0010 | 1-8-2014 | Amend | 2-1-2014 | 836-053-0460 | 1-1-2014 | Repeal | 2-1-2014 |
| 836-027-0030 | 1-1-2014 | Amend | 2-1-2014 | 836-053-0465 | 1-1-2014 | Amend | 2-1-2014 |
| 836-027-0030 | 1-8-2014 | Amend | 2-1-2014 | 836-053-0465 | 4-11-2014 | Amend(T) | 5-1-2014 |
| 836-027-0035 | 1-1-2014 | Amend | 2-1-2014 | 836-053-0465 | 10-6-2014 | Amend | 11-1-2014 |
| 836-027-0035 | 1-8-2014 | Amend | 2-1-2014 | 836-053-0471 | 1-1-2014 | Repeal | 2-1-2014 |
| 836-027-0045 | 1-1-2014 | Amend | 2-1-2014 | 836-053-0472 | 1-1-2014 | Adopt | 2-1-2014 |
| 836-027-0045 | 1-8-2014 | Amend | 2-1-2014 | 836-053-0473 | 1-1-2014 | Adopt | 2-1-2014 |
| 836-027-0050 | 1-1-2014 | Amend | 2-1-2014 | 836-053-0475 | 1-1-2014 | Amend | 2-1-2014 |
| 836-027-0050 | 1-8-2014 | Amend | 2-1-2014 | 836-053-0510 | 1-1-2014 | Amend | 2-1-2014 |
| 836-027-0100 | 1-1-2014 | Amend | 2-1-2014 | 836-053-0700 | 1-1-2014 | Repeal | 2-1-2014 |
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| 836-027-0125 | 1-1-2014 | Adopt | 2-1-2014 | 836-053-0750 | 1-1-2014 | Repeal | 2-1-2014 |
| 836-027-0125 | 1-8-2014 | Adopt | 2-1-2014 | 836-053-0760 | 1-1-2014 | Repeal | 2-1-2014 |
| 836-027-0140 | 1-1-2014 | Adopt | 2-1-2014 | 836-053-0780 | 1-1-2014 | Repeal | 2-1-2014 |
| 836-027-0140 | 1-8-2014 | Adopt | 2-1-2014 | 836-053-0785 | 1-1-2014 | Repeal | 2-1-2014 |
| 836-042-0045 | 10-1-2014 | Amend | 11-1-2014 | 836-053-0790 | 1-1-2014 | Repeal | 2-1-2014 |
| 836-052-0142 | 12-5-2013 | Amend(T) | 1-1-2014 | 836-053-0800 | 1-1-2014 | Repeal | 2-1-2014 |
| 836-052-0142 | 5-19-2014 | Amend | 7-1-2014 | 836-053-0825 | 1-1-2014 | Amend | 2-1-2014 |
| 836-052-0676 | 1-1-2014 | Amend | 2-1-2014 | 836-053-0830 | 1-1-2014 | Amend | 2-1-2014 |
| 836-052-0800 | 1-1-2014 | Amend | 2-1-2014 | 836-053-0835 | 1-1-2014 | Adopt | 2-1-2014 |
| 836-052-0830 | 1-1-2014 | Repeal | 2-1-2014 | 836-053-0851 | 1-1-2014 | Amend | 2-1-2014 |
| 836-052-0860 | 1-1-2014 | Amend | 2-1-2014 | 836-053-0900 | 1-1-2014 | Amend | 2-1-2014 |
| 836-053-0000 | 1-1-2014 | Amend | 2-1-2014 | 836-053-0910 | 1-1-2014 | Amend | 2-1-2014 |
| 836-053-0001 | 1-1-2014 | Amend | 2-1-2014 | 836-053-1000 | 1-1-2014 | Amend | 2-1-2014 |
| 836-053-0002 | 1-1-2014 | Adopt | 2-1-2014 | 836-053-1020 | 1-1-2014 | Amend | 2-1-2014 |
| 836-053-0003 | 1-1-2014 | Amend | 2-1-2014 | 836-053-1030 | 1-1-2014 | Amend | 2-1-2014 |
| 836-053-0005 | 1-1-2014 | Amend | 2-1-2014 | 836-053-1035 | 1-1-2014 | Amend | 2-1-2014 |
| 836-053-0007 | 1-1-2014 | Amend | 2-1-2014 | 836-053-1040 | 1-1-2014 | Repeal | 2-1-2014 |
| 836-053-0008 | 1-1-2014 | Adopt | 2-1-2014 | 836-053-1070 | 1-1-2014 | Amend | 2-1-2014 |
| 836-053-0009 | 1-1-2014 | Adopt | 2-1-2014 | 836-053-1080 | 1-1-2014 | Amend | 2-1-2014 |
| 836-053-0021 | 1-1-2014 | Amend | 2-1-2014 | 836-053-1100 | 1-1-2014 | Amend | 2-1-2014 |
| 836-053-0030 | 1-1-2014 | Amend | 2-1-2014 | 836-053-1110 | 1-1-2014 | Amend | 2-1-2014 |
| 836-053-0040 | 1-1-2014 | Repeal | 2-1-2014 | 836-053-1130 | 1-1-2014 | Amend | 2-1-2014 |
| 836-053-0050 | 1-1-2014 | Amend | 2-1-2014 | 836-053-1140 | 1-1-2014 | Amend | 2-1-2014 |
| 836-053-0060 | 1-1-2014 | Repeal | 2-1-2014 | 836-053-1170 | 1-1-2014 | Amend | 2-1-2014 |
| 836-053-0063 | 1-1-2014 | Adopt | 2-1-2014 | 836-053-1180 | 1-1-2014 | Adopt | 2-1-2014 |
| 836-053-0065 | 1-1-2014 | Amend | 2-1-2014 | 836-053-1190 | 1-1-2014 | Amend | 2-1-2014 |
| 836-053-0066 | 4-11-2014 | Adopt(T) | 5-1-2014 | 836-053-1200 | 1-1-2014 | Amend | 2-1-2014 |
| 836-053-0066 | 10-6-2014 | Adopt | 11-1-2014 | 836-053-1315 | 1-1-2014 | Amend | 2-1-2014 |
| 836-053-0070 | 1-1-2014 | Amend | 2-1-2014 | 836-053-1320 | 1-1-2014 | Amend | 2-1-2014 |
| 836-053-0081 | 1-1-2014 | Repeal | 2-1-2014 | 836-053-1325 | 1-1-2014 | Amend | 2-1-2014 |
| 836-053-0210 | 1-1-2014 | Repeal | 2-1-2014 | 836-053-1330 | 1-1-2014 | Amend | 2-1-2014 |
| 836-053-0211 | 1-1-2014 | Adopt | 2-1-2014 | 836-053-1335 | 1-1-2014 | Amend | 2-1-2014 |
| 836-053-0220 | 1-1-2014 | Repeal | 2-1-2014 | 836-053-1340 | 1-1-2014 | Amend | 2-1-2014 |
| 836-053-0221 | 1-1-2014 | Adopt | 2-1-2014 | 836-053-1342 | 1-1-2014 | Amend | 2-1-2014 |
| 836-053-0250 | 1-1-2014 | Repeal | 2-1-2014 | 836-053-1345 | 1-1-2014 | Amend | 2-1-2014 |
| 836-053-0410 | 1-1-2014 | Amend | 2-1-2014 | 836-053-1350 | 1-1-2014 | Amend | 2-1-2014 |
| 836-053-0415 | 1-1-2014 | Amend | 2-1-2014 | 836-053-1355 | 1-1-2014 | Amend | 2-1-2014 |
| 836-053-0430 | 1-1-2014 | Repeal | 2-1-2014 | 836-053-1360 | 1-1-2014 | Amend | 2-1-2014 |
| 836-053-0431 | 1-1-2014 | Adopt | 2-1-2014 | 836-053-1365 | 1-1-2014 | Amend | 2-1-2014 |
| 836-053-0431 | 2-4-2014 | Amend(T) | 3-1-2014 | 836-053-1400 | 1-1-2014 | Amend | 2-1-2014 |

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| 836-053-1401 | 1-1-2014 | Repeal | 2-1-2014 | 837-012-0370 | 7-1-2014 | Amend | 8-1-2014 |
| 836-053-1410 | 1-1-2014 | Amend | 2-1-2014 | 837-012-0500 | 7-1-2014 | Amend | 8-1-2014 |
| 836-053-1415 | 1-1-2014 | Amend | 2-1-2014 | 837-012-0505 | 7-1-2014 | Amend | 8-1-2014 |
| 836-071-0267 | 7-21-2014 | Amend | 9-1-2014 | 837-012-0510 | 7-1-2014 | Amend | 8-1-2014 |
| 836-071-0405 | 1-1-2014 | Adopt | 2-1-2014 | 837-012-0515 | 7-1-2014 | Amend | 8-1-2014 |
| 836-071-0410 | 1-1-2014 | Adopt | 2-1-2014 | 837-012-0520 | 7-1-2014 | Amend | 8-1-2014 |
| 836-071-0415 | 1-1-2014 | Adopt | 2-1-2014 | 837-012-0525 | 7-1-2014 | Amend | 8-1-2014 |
| 836-071-0420 | 1-1-2014 | Adopt | 2-1-2014 | 837-012-0530 | 7-1-2014 | Amend | 8-1-2014 |
| 836-071-0425 | 1-1-2014 | Adopt | 2-1-2014 | 837-012-0535 | 7-1-2014 | Amend | 8-1-2014 |
| 836-071-0430 | 1-1-2014 | Adopt | 2-1-2014 | 837-012-0540 | 7-1-2014 | Amend | 8-1-2014 |
| 836-075-0045 | 1-1-2014 | Adopt | 2-1-2014 | 837-012-0545 | 7-1-2014 | Amend | 8-1-2014 |
| 836-080-0050 | 1-1-2014 | Amend | 2-1-2014 | 837-012-0550 | 7-1-2014 | Amend | 8-1-2014 |
| 836-080-0055 | 1-1-2014 | Amend | 2-1-2014 | 837-012-0555 | 7-1-2014 | Amend | 8-1-2014 |
| 836-080-0080 | 1-1-2014 | Amend | 2-1-2014 | 837-012-0560 | 7-1-2014 | Amend | 8-1-2014 |
| 836-080-0200 | 8-15-2014 | Adopt | 9-1-2014 | 837-012-0565 | 7-1-2014 | Amend | 8-1-2014 |
| 836-081-0005 | 1-1-2014 | Amend | 2-1-2014 | 837-012-0570 | 7-1-2014 | Amend | 8-1-2014 |
| 836-082-0050 | 1-1-2014 | Amend | 2-1-2014 | 837-012-0600 | 7-1-2014 | Amend | 8-1-2014 |
| 836-082-0055 | 1-1-2014 | Amend | 2-1-2014 | 837-012-0605 | 7-1-2014 | Amend | 8-1-2014 |
| 836-085-0001 | 1-1-2014 | Amend | 2-1-2014 | 837-012-0610 | 7-1-2014 | Amend | 8-1-2014 |
| 836-085-0005 | 1-1-2014 | Amend | 2-1-2014 | 837-012-0615 | 7-1-2014 | Amend | 8-1-2014 |
| 836-085-0010 | 1-1-2014 | Amend | 2-1-2014 | 837-012-0620 | 7-1-2014 | Amend | 8-1-2014 |
| 836-085-0025 | 1-1-2014 | Amend | 2-1-2014 | 837-012-0625 | 7-1-2014 | Amend | 8-1-2014 |
| 836-085-0035 | 1-1-2014 | Amend | 2-1-2014 | 837-012-0630 | 7-1-2014 | Amend | 8-1-2014 |
| 836-085-0045 | 1-1-2014 | Amend | 2-1-2014 | 837-012-0635 | 7-1-2014 | Amend | 8-1-2014 |
| 836-085-0050 | 1-1-2014 | Amend | 2-1-2014 | 837-012-0640 | 7-1-2014 | Amend | 8-1-2014 |
| 836-100-0011 | 1-1-2014 | Repeal | 2-1-2014 | 837-012-0645 | 7-1-2014 | Amend | 8-1-2014 |
| 836-100-0016 | 1-1-2014 | Repeal | 2-1-2014 | 837-012-0650 | 7-1-2014 | Amend | 8-1-2014 |
| 836-100-0020 | 1-1-2014 | Repeal | 2-1-2014 | 837-012-0655 | 7-1-2014 | Amend | 8-1-2014 |
| 836-100-0025 | 1-1-2014 | Repeal | 2-1-2014 | 837-012-0660 | 7-1-2014 | Amend | 8-1-2014 |
| 836-100-0030 | 1-1-2014 | Repeal | 2-1-2014 | 837-012-0665 | 7-1-2014 | Amend | 8-1-2014 |
| 836-100-0035 | 1-1-2014 | Repeal | 2-1-2014 | 837-012-0670 | 7-1-2014 | Amend | 8-1-2014 |
| 836-100-0040 | 1-1-2014 | Repeal | 2-1-2014 | 837-012-0675 | 7-1-2014 | Amend | 8-1-2014 |
| 836-100-0045 | 1-1-2014 | Repeal | 2-1-2014 | 837-012-0700 | 7-1-2014 | Amend | 8-1-2014 |
| 836-100-0100 | 1-1-2014 | Amend | 2-1-2014 | 837-012-0710 | 7-1-2014 | Amend | 8-1-2014 |
| 836-100-0105 | 1-1-2014 | Amend | 2-1-2014 | 837-012-0720 | 7-1-2014 | Amend | 8-1-2014 |
| 836-100-0110 | 1-1-2014 | Amend | 2-1-2014 | 837-012-0730 | 7-1-2014 | Amend | 8-1-2014 |
| 836-100-0115 | 1-1-2014 | Amend | 2-1-2014 | 837-012-0740 | 7-1-2014 | Amend | 8-1-2014 |
| 836-200-0400 | 1-2-2014 | Adopt(T) | 2-1-2014 | 837-012-0750 | 7-1-2014 | Amend | 8-1-2014 |
| 836-200-0401 | 7-21-2014 | Adopt | 9-1-2014 | 837-012-0760 | 7-1-2014 | Amend | 8-1-2014 |
| 836-200-0405 | 1-2-2014 | Adopt(T) | 2-1-2014 | 837-012-0770 | 7-1-2014 | Amend | 8-1-2014 |
| 836-200-0406 | 7-21-2014 | Adopt | 9-1-2014 | 837-012-0780 | 7-1-2014 | Amend | 8-1-2014 |
| 836-200-0410 | 1-2-2014 | Adopt(T) | 2-1-2014 | 837-012-0790 | 7-1-2014 | Amend | 8-1-2014 |
| 836-200-0411 | 7-21-2014 | Adopt | 9-1-2014 | 837-012-0800 | 7-1-2014 | Amend | 8-1-2014 |
| 836-200-0415 | 1-2-2014 | Adopt(T) | 2-1-2014 | 837-012-0810 | 7-1-2014 | Amend | 8-1-2014 |
| 836-200-0416 | 7-21-2014 | Adopt | 9-1-2014 | 837-012-0820 | 7-1-2014 | Amend | 8-1-2014 |
| 836-200-0420 | 1-2-2014 | Adopt(T) | 2-1-2014 | 837-012-0830 | 7-1-2014 | Amend | 8-1-2014 |
| 836-200-0421 | 7-21-2014 | Adopt | 9-1-2014 | 837-012-0835 | 7-1-2014 | Amend | 8-1-2014 |
| 837-012-0305 | 7-1-2014 | Amend | 8-1-2014 | 837-012-0840 | 7-1-2014 | Amend | 8-1-2014 |
| 837-012-0310 | 7-1-2014 | Amend | 8-1-2014 | 837-012-0850 | 7-1-2014 | Amend | 8-1-2014 |
| 837-012-0315 | 7-1-2014 | Amend | 8-1-2014 | 837-012-0855 | 7-1-2014 | Amend | 8-1-2014 |
| 837-012-0320 | 7-1-2014 | Amend | 8-1-2014 | 837-012-0860 | 7-1-2014 | Amend | 8-1-2014 |
| 837-012-0325 | 7-1-2014 | Amend | 8-1-2014 | 837-012-0865 | 7-1-2014 | Amend | 8-1-2014 |
| 837-012-0330 | 7-1-2014 | Amend | 8-1-2014 | 837-012-0870 | 7-1-2014 | Amend | 8-1-2014 |
| 837-012-0340 | 7-1-2014 | Amend | 8-1-2014 | 837-012-0875 | 7-1-2014 | Amend | 8-1-2014 |
| 837-012-0350 | 7-1-2014 | Amend | 8-1-2014 | 837-012-0880 | 7-1-2014 | Amend | 8-1-2014 |
| 837-012-0360 | 7-1-2014 | Amend | 8-1-2014 | 837-012-0890 | 7-1-2014 | Amend | 8-1-2014 |

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| 837-012-0900 | 7-1-2014 | Amend | 8-1-2014 | 839-005-0300 | 12-30-2013 | Adopt | 2-1-2014 |
| 837-012-0910 | 7-1-2014 | Amend | 8-1-2014 | 839-005-0305 | 12-30-2013 | Adopt | 2-1-2014 |
| 837-012-0920 | 7-1-2014 | Amend | 8-1-2014 | 839-005-0310 | 12-30-2013 | Adopt | 2-1-2014 |
| 837-012-0930 | 7-1-2014 | Repeal | 8-1-2014 | 839-005-0315 | 12-30-2013 | Adopt | 2-1-2014 |
| 837-012-0940 | 7-1-2014 | Amend | 8-1-2014 | 839-005-0320 | 12-30-2013 | Adopt | 2-1-2014 |
| 837-012-0950 | 7-1-2014 | Amend | 8-1-2014 | 839-005-0325 | 12-30-2013 | Adopt | 2-1-2014 |
| 837-012-0960 | 7-1-2014 | Amend | 8-1-2014 | 839-005-0400 | 12-30-2013 | Adopt | 2-1-2014 |
| 837-012-0970 | 7-1-2014 | Amend | 8-1-2014 | 839-006-0205 | 12-30-2013 | Amend | 2-1-2014 |
| 837-012-1000 | 7-1-2014 | Amend | 8-1-2014 | 839-006-0212 | 12-30-2013 | Amend | 2-1-2014 |
| 837-012-1010 | 7-1-2014 | Amend | 8-1-2014 | 839-006-0270 | 12-30-2013 | Amend | 2-1-2014 |
| 837-012-1020 | 7-1-2014 | Amend | 8-1-2014 | 839-006-0290 | 12-30-2013 | Amend | 2-1-2014 |
| 837-012-1030 | 7-1-2014 | Amend | 8-1-2014 | 839-006-0291 | 12-30-2013 | Adopt | 2-1-2014 |
| 837-012-1040 | 7-1-2014 | Amend | 8-1-2014 | 839-006-0292 | 12-30-2013 | Adopt | 2-1-2014 |
| 837-012-1050 | 7-1-2014 | Amend | 8-1-2014 | 839-006-0295 | 12-30-2013 | Amend | 2-1-2014 |
| 837-012-1060 | 7-1-2014 | Amend | 8-1-2014 | 839-006-0305 | 12-30-2013 | Amend | 2-1-2014 |
| 837-012-1070 | 7-1-2014 | Amend | 8-1-2014 | 839-006-0307 | 12-30-2013 | Am. & Ren. | 2-1-2014 |
| 837-012-1080 | 7-1-2014 | Amend | 8-1-2014 | 839-006-0332 | 12-30-2013 | Renumber | 2-1-2014 |
| 837-012-1090 | 7-1-2014 | Amend | 8-1-2014 | 839-006-0345 | 12-30-2013 | Adopt | 2-1-2014 |
| 837-012-1100 | 7-1-2014 | Amend | 8-1-2014 | 839-006-0450 | 12-16-2013 | Amend(T) | 1-1-2014 |
| 837-012-1110 | 7-1-2014 | Amend | 8-1-2014 | 839-006-0450 | 2-19-2014 | Amend(T) | 4-1-2014 |
| 837-012-1120 | 7-1-2014 | Amend | 8-1-2014 | 839-006-0450 | 5-30-2014 | Amend | 7-1-2014 |
| 837-012-1130 | 7-1-2014 | Amend | 8-1-2014 | 839-006-0450(T) | 2-19-2014 | Suspend | 4-1-2014 |
| 837-012-1140 | 7-1-2014 | Amend | 8-1-2014 | 839-009-0210 | 12-31-2013 | Amend | 2-1-2014 |
| 837-012-1150 | 7-1-2014 | Amend | 8-1-2014 | 839-009-0230 | 12-31-2013 | Amend | 2-1-2014 |
| 837-012-1160 | 7-1-2014 | Amend | 8-1-2014 | 839-009-0240 | 12-31-2013 | Amend | 2-1-2014 |
| 837-040-0010 | 7-1-2014 | Amend | 6-1-2014 | 839-009-0250 | 12-31-2013 | Amend | 2-1-2014 |
| 837-040-0020 | 7-1-2014 | Amend | 6-1-2014 | 839-009-0270 | 12-31-2013 | Amend | 2-1-2014 |
| 837-040-0140 | 7-1-2014 | Amend | 6-1-2014 | 839-009-0280 | 12-31-2013 | Amend | 2-1-2014 |
| 837-085-0040 | 1-9-2014 | Amend | 2-1-2014 | 839-009-0325 | 12-31-2013 | Amend | 2-1-2014 |
| 837-085-0090 | 1-9-2014 | Amend | 2-1-2014 | 839-009-0330 | 12-31-2013 | Amend | 2-1-2014 |
| 837-085-0280 | 1-9-2014 | Amend | 2-1-2014 | 839-009-0340 | 12-31-2013 | Amend | 2-1-2014 |
| 837-090-1030 | 7-1-2014 | Amend | 8-1-2014 | 839-009-0345 | 12-31-2013 | Amend | 2-1-2014 |
| 839-001-0300 | 5-5-2014 | Amend | 6-1-2014 | 839-009-0362 | 12-31-2013 | Amend | 2-1-2014 |
| 839-001-0440 | 1-1-2014 | Amend | 2-1-2014 | 839-009-0363 | 12-31-2013 | Amend | 2-1-2014 |
| 839-001-0450 | 1-1-2014 | Amend | 2-1-2014 | 839-009-0380 | 12-31-2013 | Amend | 2-1-2014 |
| 839-003-0005 | 12-30-2013 | Amend | 2-1-2014 | 839-009-0390 | 12-31-2013 | Amend | 2-1-2014 |
| 839-003-0020 | 12-30-2013 | Amend | 2-1-2014 | 839-009-0430 | 12-31-2013 | Amend | 2-1-2014 |
| 839-003-0031 | 12-30-2013 | Amend | 2-1-2014 | 839-010-0000 | 12-30-2013 | Amend | 2-1-2014 |
| 839-003-0090 | 12-30-2013 | Amend | 2-1-2014 | 839-010-0300 | 12-30-2013 | Adopt | 2-1-2014 |
| 839-003-0100 | 12-30-2013 | Amend | 2-1-2014 | 839-010-0305 | 12-30-2013 | Adopt | 2-1-2014 |
| 839-003-0235 | 12-30-2013 | Amend | 2-1-2014 | 839-010-0310 | 12-30-2013 | Adopt | 2-1-2014 |
| 839-003-0245 | 12-30-2013 | Amend | 2-1-2014 | 839-015-0155 | 1-21-2014 | Amend(T) | 3-1-2014 |
| 839-005-0003 | 12-30-2013 | Amend | 2-1-2014 | 839-015-0155 | 4-10-2014 | Amend | 5-1-2014 |
| 839-005-0011 | 12-30-2013 | Amend | 2-1-2014 | 839-019-0004 | 1-1-2014 | Amend | 2-1-2014 |
| 839-005-0030 | 12-30-2013 | Amend | 2-1-2014 | 839-019-0010 | 1-1-2014 | Amend | 2-1-2014 |
| 839-005-0060 | 12-30-2013 | Amend | 2-1-2014 | 839-019-0100 | 1-1-2014 | Amend | 2-1-2014 |
| 839-005-0065 | 12-30-2013 | Amend | 2-1-2014 | 839-020-0004 | 1-1-2014 | Amend | 2-1-2014 |
| 839-005-0070 | 12-30-2013 | Amend | 2-1-2014 | 839-020-0025 | 1-1-2014 | Amend | 2-1-2014 |
| 839-005-0075 | 12-30-2013 | Amend | 2-1-2014 | 839-020-0040 | 1-1-2014 | Amend | 2-1-2014 |
| 839-005-0080 | 12-30-2013 | Amend | 2-1-2014 | 839-020-0050 | 1-1-2014 | Amend | 2-1-2014 |
| 839-005-0085 | 12-30-2013 | Amend | 2-1-2014 | 839-020-0070 | 1-1-2014 | Amend | 2-1-2014 |
| 839-005-0160 | 12-30-2013 | Amend | 2-1-2014 | 839-020-1010 | 1-1-2014 | Amend | 2-1-2014 |
| 839-005-0170 | 12-30-2013 | Amend | 2-1-2014 | 839-021-0006 | 1-1-2014 | Amend | 2-1-2014 |
| 839-005-0200 | 12-30-2013 | Amend | 2-1-2014 | 839-021-0067 | 1-1-2014 | Amend | 2-1-2014 |
| 839-005-0205 | 7-3-2014 | Amend | 8-1-2014 | 839-021-0070 | 1-1-2014 | Amend | 2-1-2014 |
| 839-005-0206 | 12-30-2013 | Amend | 2-1-2014 | 839-021-0072 | 1-1-2014 | Amend | 2-1-2014 |

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| 839-021-0097 | 1-1-2014 | Amend | 2-1-2014 | 839-025-0700 | 4-2-2014 | Amend | 5-1-2014 |
| 839-021-0102 | 1-1-2014 | Amend | 2-1-2014 | 839-025-0700 | 7-1-2014 | Amend | 7-1-2014 |
| 839-021-0104 | 1-1-2014 | Amend | 2-1-2014 | 839-025-0700 | 10-1-2014 | Amend | 11-1-2014 |
| 839-021-0175 | 1-1-2014 | Amend | 2-1-2014 | 839-030-0010 | 10-3-2014 | Amend | 11-1-2014 |
| 839-021-0220 | 1-1-2014 | Amend | 2-1-2014 | 839-050-0000 | 4-15-2014 | Amend | 5-1-2014 |
| 839-021-0221 | 1-1-2014 | Amend | 2-1-2014 | 839-050-0010 | 4-15-2014 | Amend | 5-1-2014 |
| 839-021-0246 | 1-1-2014 | Amend | 2-1-2014 | 839-050-0020 | 4-15-2014 | Amend | 5-1-2014 |
| 839-021-0248 | 1-1-2014 | Amend | 2-1-2014 | 839-050-0030 | 4-15-2014 | Amend | 5-1-2014 |
| 839-021-0255 | 1-1-2014 | Amend | 2-1-2014 | 839-050-0040 | 4-15-2014 | Amend | 5-1-2014 |
| 839-021-0265 | 1-1-2014 | Amend | 2-1-2014 | 839-050-0050 | 4-15-2014 | Amend | 5-1-2014 |
| 839-021-0280 | 1-1-2014 | Amend | 2-1-2014 | 839-050-0060 | 4-15-2014 | Amend | 5-1-2014 |
| 839-021-0290 | 1-1-2014 | Amend | 2-1-2014 | 839-050-0070 | 4-15-2014 | Amend | 5-1-2014 |
| 839-021-0292 | 1-1-2014 | Amend | 2-1-2014 | 839-050-0080 | 4-15-2014 | Amend | 5-1-2014 |
| 839-021-0294 | 1-1-2014 | Amend | 2-1-2014 | 839-050-0080 | 9-4-2014 | Amend | 10-1-2014 |
| 839-021-0297 | 1-1-2014 | Amend | 2-1-2014 | 839-050-0090 | 4-15-2014 | Amend | 5-1-2014 |
| 839-021-0315 | 1-1-2014 | Amend | 2-1-2014 | 839-050-0100 | 4-15-2014 | Amend | 5-1-2014 |
| 839-021-0320 | 1-1-2014 | Amend | 2-1-2014 | 839-050-0110 | 4-15-2014 | Amend | 5-1-2014 |
| 839-021-0325 | 1-1-2014 | Amend | 2-1-2014 | 839-050-0120 | 4-15-2014 | Amend | 5-1-2014 |
| 839-021-0330 | 1-1-2014 | Amend | 2-1-2014 | 839-050-0130 | 4-15-2014 | Amend | 5-1-2014 |
| 839-021-0335 | 1-1-2014 | Amend | 2-1-2014 | 839-050-0140 | 4-15-2014 | Amend | 5-1-2014 |
| 839-021-0340 | 1-1-2014 | Amend | 2-1-2014 | 839-050-0150 | 4-15-2014 | Amend | 5-1-2014 |
| 839-021-0345 | 1-1-2014 | Amend | 2-1-2014 | 839-050-0160 | 4-15-2014 | Amend | 5-1-2014 |
| 839-021-0350 | 1-1-2014 | Amend | 2-1-2014 | 839-050-0170 | 4-15-2014 | Amend | 5-1-2014 |
| 839-021-0355 | 1-1-2014 | Amend | 2-1-2014 | 839-050-0180 | 4-15-2014 | Amend | 5-1-2014 |
| 839-021-0360 | 1-1-2014 | Amend | 2-1-2014 | 839-050-0190 | 4-15-2014 | Amend | 5-1-2014 |
| 839-021-0365 | 1-1-2014 | Amend | 2-1-2014 | 839-050-0200 | 4-15-2014 | Amend | 5-1-2014 |
| 839-021-0370 | 1-1-2014 | Amend | 2-1-2014 | 839-050-0210 | 4-15-2014 | Amend | 5-1-2014 |
| 839-021-0490 | 1-1-2014 | Amend | 2-1-2014 | 839-050-0220 | 4-15-2014 | Amend | 5-1-2014 |
| 839-022-0000 | 1-1-2014 | Repeal | 2-1-2014 | 839-050-0230 | 4-15-2014 | Amend | 5-1-2014 |
| 839-022-0010 | 1-1-2014 | Repeal | 2-1-2014 | 839-050-0230 | 9-4-2014 | Amend | 10-1-2014 |
| 839-022-0100 | 1-1-2014 | Repeal | 2-1-2014 | 839-050-0240 | 4-15-2014 | Amend | 5-1-2014 |
| 839-022-0105 | 1-1-2014 | Repeal | 2-1-2014 | 839-050-0250 | 4-15-2014 | Amend | 5-1-2014 |
| 839-022-0110 | 1-1-2014 | Repeal | 2-1-2014 | 839-050-0255 | 4-15-2014 | Amend | 5-1-2014 |
| 839-022-0115 | 1-1-2014 | Repeal | 2-1-2014 | 839-050-0260 | 4-15-2014 | Amend | 5-1-2014 |
| 839-022-0120 | 1-1-2014 | Repeal | 2-1-2014 | 839-050-0270 | 4-15-2014 | Amend | 5-1-2014 |
| 839-022-0125 | 1-1-2014 | Repeal | 2-1-2014 | 839-050-0280 | 4-15-2014 | Amend | 5-1-2014 |
| 839-022-0130 | 1-1-2014 | Repeal | 2-1-2014 | 839-050-0290 | 4-15-2014 | Amend | 5-1-2014 |
| 839-022-0135 | 1-1-2014 | Repeal | 2-1-2014 | 839-050-0300 | 4-15-2014 | Amend | 5-1-2014 |
| 839-022-0140 | 1-1-2014 | Repeal | 2-1-2014 | 839-050-0310 | 4-15-2014 | Amend | 5-1-2014 |
| 839-022-0145 | 1-1-2014 | Repeal | 2-1-2014 | 839-050-0320 | 4-15-2014 | Amend | 5-1-2014 |
| 839-022-0150 | 1-1-2014 | Repeal | 2-1-2014 | 839-050-0330 | 4-15-2014 | Amend | 5-1-2014 |
| 839-022-0155 | 1-1-2014 | Repeal | 2-1-2014 | 839-050-0330 | 9-4-2014 | Amend | 10-1-2014 |
| 839-022-0160 | 1-1-2014 | Repeal | 2-1-2014 | 839-050-0340 | 4-15-2014 | Amend | 5-1-2014 |
| 839-022-0165 | 1-1-2014 | Repeal | 2-1-2014 | 839-050-0340 | 9-4-2014 | Amend | 10-1-2014 |
| 839-025-0004 | 1-1-2014 | Amend | 2-1-2014 | 839-050-0350 | 4-15-2014 | Amend | 5-1-2014 |
| 839-025-0010 | 1-1-2014 | Amend | 2-1-2014 | 839-050-0360 | 4-15-2014 | Amend | 5-1-2014 |
| 839-025-0013 | 1-1-2014 | Amend | 2-1-2014 | 839-050-0370 | 4-15-2014 | Amend | 5-1-2014 |
| 839-025-0020 | 1-1-2014 | Amend | 2-1-2014 | 839-050-0380 | 4-15-2014 | Amend | 5-1-2014 |
| 839-025-0035 | 1-1-2014 | Amend | 2-1-2014 | 839-050-0400 | 4-15-2014 | Amend | 5-1-2014 |
| 839-025-0043 | 1-1-2014 | Amend | 2-1-2014 | 839-050-0410 | 4-15-2014 | Amend | 5-1-2014 |
| 839-025-0085 | 1-1-2014 | Amend | 2-1-2014 | 839-050-0420 | 4-15-2014 | Amend | 5-1-2014 |
| 839-025-0090 | 1-1-2014 | Amend | 2-1-2014 | 839-050-0430 | 4-15-2014 | Amend | 5-1-2014 |
| 839-025-0095 | 1-1-2014 | Amend | 2-1-2014 | 839-050-0440 | 4-15-2014 | Amend | 5-1-2014 |
| 839-025-0230 | 1-1-2014 | Amend | 2-1-2014 | 839-050-0440 | 9-4-2014 | Repeal | 10-1-2014 |
| 839-025-0530 | 1-1-2014 | Amend | 2-1-2014 | 839-050-0445 | 4-15-2014 | Amend | 5-1-2014 |

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| 845-003-0200 | 10-1-2014 | Amend | 10-1-2014 | 848-001-0005 | 1-1-2014 | Amend | 1-1-2014 |
| 845-003-0210 | 10-1-2014 | Amend | 10-1-2014 | 848-005-0020 | 1-1-2014 | Amend | 1-1-2014 |
| 845-003-0220 | 10-1-2014 | Amend | 10-1-2014 | 848-005-0030 | 1-1-2014 | Amend | 1-1-2014 |
| 845-003-0270 | 10-1-2014 | Amend | 10-1-2014 | 848-010-0010 | 1-1-2014 | Amend | 1-1-2014 |
| 845-003-0331 | 10-1-2014 | Amend | 10-1-2014 | 848-010-0015 | 1-1-2014 | Amend | 1-1-2014 |
| 845-003-0340 | 10-1-2014 | Repeal | 10-1-2014 | 848-010-0020 | 1-1-2014 | Amend | 1-1-2014 |
| 845-003-0345 | 10-1-2014 | Adopt | 10-1-2014 | 848-010-0026 | 1-1-2014 | Amend | 1-1-2014 |
| 845-003-0460 | 10-1-2014 | Amend | 10-1-2014 | 848-010-0033 | 1-1-2014 | Amend | 1-1-2014 |
| 845-003-0590 | 10-1-2014 | Amend | 10-1-2014 | 848-010-0035 | 1-1-2014 | Amend | 1-1-2014 |
| 845-003-0670 | 10-1-2014 | Amend | 10-1-2014 | 848-010-0044 | 1-1-2014 | Amend | 1-1-2014 |
| 845-004-0001 | 1-1-2014 | Amend | 1-1-2014 | 848-015-0030 | 1-1-2014 | Amend | 1-1-2014 |
| 845-005-0311 | 1-1-2014 | Amend | 1-1-2014 | 848-020-0000 | 1-1-2014 | Amend | 1-1-2014 |
| 845-005-0325 | 8-15-2014 | Amend | 9-1-2014 | 848-020-0060 | 1-1-2014 | Amend | 1-1-2014 |
| 845-005-0329 | 6-1-2014 | Adopt | 6-1-2014 | 848-035-0010 | 4-1-2014 | Amend | 4-1-2014 |
| 845-005-0331 | 6-1-2014 | Amend | 6-1-2014 | 848-035-0015 | 4-1-2014 | Amend | 4-1-2014 |
| 845-005-0431 | 3-1-2014 | Amend | 3-1-2014 | 848-035-0020 | 4-1-2014 | Amend | 4-1-2014 |
| 845-005-0440 | 3-1-2014 | Amend | 3-1-2014 | 848-035-0030 | 4-1-2014 | Amend | 4-1-2014 |
| 845-006-0309 | 6-1-2014 | Adopt | 6-1-2014 | 848-035-0035 | 4-1-2014 | Amend | 4-1-2014 |
| 845-006-0335 | 1-1-2014 | Amend | 1-1-2014 | 848-035-0040 | 4-1-2014 | Amend | 4-1-2014 |
| 845-006-0392 | 1-1-2014 | Amend | 1-1-2014 | 848-040-0105 | 1-1-2014 | Amend | 1-1-2014 |
| 845-006-0396 | 1-1-2014 | Amend | 1-1-2014 | 848-040-0110 | 1-1-2014 | Amend | 1-1-2014 |
| 845-006-0452 | 3-1-2014 | Amend | 3-1-2014 | 848-040-0117 | 1-1-2014 | Amend | 1-1-2014 |
| 845-009-0020 | 9-1-2014 | Amend | 9-1-2014 | 848-040-0147 | 1-1-2014 | Amend | 1-1-2014 |
| 845-009-0130 | 6-1-2014 | Amend | 6-1-2014 | 848-040-0150 | 1-1-2014 | Amend | 1-1-2014 |
| 845-013-0001 | 1-1-2014 | Amend | 1-1-2014 | 848-045-0010 | 1-1-2014 | Amend | 1-1-2014 |
| 845-013-0030 | 8-15-2014 | Amend | 9-1-2014 | 850-030-0035 | 7-10-2014 | Amend | 8-1-2014 |
| 845-020-0020 | 5-1-2014 | Amend | 5-1-2014 | 850-035-0230 | 7-10-2014 | Amend | 8-1-2014 |
| 847-001-0024 | 1-14-2014 | Adopt | 2-1-2014 | 850-060-0226 | 4-9-2014 | Amend | 5-1-2014 |
| 847-001-0045 | 4-9-2014 | Adopt | 5-1-2014 | 850-060-0226 | 7-10-2014 | Amend | 8-1-2014 |
| 847-005-0005 | 4-9-2014 | Amend | 5-1-2014 | 851-021-0005 | 1-1-2014 | Amend | 1-1-2014 |
| 847-008-0003 | 4-9-2014 | Amend | 5-1-2014 | 851-021-0010 | 1-1-2014 | Amend | 1-1-2014 |
| 847-008-0010 | 10-8-2014 | Amend | 11-1-2014 | 851-021-0025 | 1-1-2014 | Amend | 1-1-2014 |
| 847-008-0040 | 10-8-2014 | Amend | 11-1-2014 | 851-021-0050 | 1-1-2014 | Amend | 1-1-2014 |
| 847-008-0058 | 10-8-2014 | Adopt | 11-1-2014 | 851-021-0120 | 1-1-2014 | Amend | 1-1-2014 |
| 847-008-0070 | 1-14-2014 | Amend | 2-1-2014 | 851-050-0000 | 1-1-2014 | Amend | 1-1-2014 |
| 847-010-0053 | 1-14-2014 | Repeal | 2-1-2014 | 851-050-0001 | 1-1-2014 | Amend | 1-1-2014 |
| 847-010-0060 | 1-14-2014 | Amend | 2-1-2014 | 851-050-0002 | 1-1-2014 | Amend | 1-1-2014 |
| 847-020-0110 | 1-14-2014 | Amend | 2-1-2014 | 851-050-0005 | 7-1-2014 | Amend(T) | 8-1-2014 |
| 847-020-0182 | 10-8-2014 | Amend | 11-1-2014 | 851-050-0005 | 11-1-2014 | Amend | 11-1-2014 |
| 847-020-0183 | 4-9-2014 | Amend | 5-1-2014 | 851-054-0010 | 1-1-2014 | Amend | 1-1-2014 |
| 847-020-0183 | 10-8-2014 | Amend | 11-1-2014 | 851-054-0020 | 1-1-2014 | Amend | 1-1-2014 |
| 847-035-0030 | 10-8-2014 | Amend | 11-1-2014 | 851-054-0021 | 1-1-2014 | Amend | 1-1-2014 |
| 847-050-0020 | 1-14-2014 | Amend | 2-1-2014 | 851-054-0030 | 1-1-2014 | Adopt | 1-1-2014 |
| 847-050-0023 | 1-14-2014 | Amend | 2-1-2014 | 851-054-0035 | 1-1-2014 | Adopt | 1-1-2014 |
| 847-050-0023 | 10-8-2014 | Amend | 11-1-2014 | 851-054-0040 | 1-1-2014 | Amend | 1-1-2014 |
| 847-050-0025 | 1-14-2014 | Amend | 2-1-2014 | 851-056-0020 | 1-1-2014 | Amend | 1-1-2014 |
| 847-050-0026 | 1-14-2014 | Repeal | 2-1-2014 | 851-056-0022 | 1-1-2014 | Amend | 1-1-2014 |
| 847-050-0043 | 4-9-2014 | Amend | 5-1-2014 | 851-061-0020 | 1-1-2014 | Amend | 1-1-2014 |
| 847-070-0019 | 1-14-2014 | Amend | 2-1-2014 | 851-061-0030 | 1-1-2014 | Amend | 1-1-2014 |
| 847-070-0036 | 1-14-2014 | Repeal | 2-1-2014 | 851-061-0080 | 1-1-2014 | Amend | 1-1-2014 |
| 847-070-0037 | 1-14-2014 | Amend | 2-1-2014 | 851-061-0090 | 1-1-2014 | Amend | 1-1-2014 |
| 847-070-0037 | 10-8-2014 | Amend | 11-1-2014 | 851-062-0010 | 1-1-2014 | Amend | 1-1-2014 |
| 847-070-0045 | 4-9-2014 | Amend | 5-1-2014 | 851-062-0010 | 8-1-2014 | Amend | 8-1-2014 |
| 847-080-0002 | 1-14-2014 | Amend | 2-1-2014 | 851-062-0050 | 1-1-2014 | Amend | 1-1-2014 |
| 847-080-0021 | 4-9-2014 | Amend | 5-1-2014 | 851-062-0050 | 8-1-2014 | Amend | 8-1-2014 |

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| 851-062-0130 | 1-1-2014 | Amend | 1-1-2014 | 859-200-0030 | 3-5-2014 | Adopt | 4-1-2014 |
| 851-070-0005 | 4-1-2014 | Amend | 4-1-2014 | 859-200-0035 | 3-5-2014 | Adopt | 4-1-2014 |
| 851-070-0040 | 4-1-2014 | Amend | 4-1-2014 | 859-200-0040 | 3-5-2014 | Adopt | 4-1-2014 |
| 851-070-0080 | 4-1-2014 | Amend | 4-1-2014 | 859-200-0045 | 3-5-2014 | Adopt | 4-1-2014 |
| 851-070-0090 | 4-1-2014 | Amend | 4-1-2014 | 859-200-0050 | 3-5-2014 | Adopt | 4-1-2014 |
| 851-070-0100 | 4-1-2014 | Amend | 4-1-2014 | 859-200-0055 | 3-5-2014 | Adopt | 4-1-2014 |
| 852-010-0080 | 1-3-2014 | Amend | 2-1-2014 | 859-200-0060 | 3-5-2014 | Adopt | 4-1-2014 |
| 852-050-0005 | 1-3-2014 | Amend | 2-1-2014 | 859-200-0065 | 3-5-2014 | Adopt | 4-1-2014 |
| 852-050-0016 | 1-3-2014 | Amend | 2-1-2014 | 859-200-0070 | 3-5-2014 | Adopt | 4-1-2014 |
| 855-007-0080 | 1-24-2014 | Amend | 3-1-2014 | 859-200-0075 | 3-5-2014 | Adopt | 4-1-2014 |
| 855-011-0020 | 1-24-2014 | Amend | 3-1-2014 | 859-200-0080 | 3-5-2014 | Adopt | 4-1-2014 |
| 855-019-0130 | 4-25-2014 | Amend(T) | 6-1-2014 | 859-200-0085 | 3-5-2014 | Adopt | 4-1-2014 |
| 855-019-0150 | 2-28-2014 | Amend(T) | 4-1-2014 | 859-200-0090 | 3-5-2014 | Adopt | 4-1-2014 |
| 855-019-0150 | 6-18-2014 | Amend | 8-1-2014 | 859-200-0095 | 3-5-2014 | Adopt | 4-1-2014 |
| 855-019-0205 | 1-24-2014 | Amend | 3-1-2014 | 859-200-0100 | 3-5-2014 | Adopt | 4-1-2014 |
| 855-019-0270 | 1-24-2014 | Amend | 3-1-2014 | 859-200-0105 | 3-5-2014 | Adopt | 4-1-2014 |
| 855-019-0280 | 1-24-2014 | Amend | 3-1-2014 | 859-200-0110 | 3-5-2014 | Adopt | 4-1-2014 |
| 855-041-1001 | 1-24-2014 | Adopt | 3-1-2014 | 859-200-0115 | 3-5-2014 | Adopt | 4-1-2014 |
| 855-041-1030 | 1-24-2014 | Amend | 3-1-2014 | 859-200-0120 | 3-5-2014 | Adopt | 4-1-2014 |
| 855-041-1105 | 1-24-2014 | Amend | 3-1-2014 | 859-200-0125 | 3-5-2014 | Adopt | 4-1-2014 |
| 855-041-2300 | 1-24-2014 | Adopt | 3-1-2014 | 859-200-0130 | 3-5-2014 | Adopt | 4-1-2014 |
| 855-041-2300(T) | 1-24-2014 | Repeal | 3-1-2014 | 859-200-0135 | 3-5-2014 | Adopt | 4-1-2014 |
| 855-041-2310 | 1-24-2014 | Adopt | 3-1-2014 | 859-200-0140 | 3-5-2014 | Adopt | 4-1-2014 |
| 855-041-2310(T) | 1-24-2014 | Repeal | 3-1-2014 | 859-200-0145 | 3-5-2014 | Adopt | 4-1-2014 |
| 855-041-2320 | 1-24-2014 | Adopt | 3-1-2014 | 859-200-0150 | 3-5-2014 | Adopt | 4-1-2014 |
| 855-041-2320(T) | 1-24-2014 | Repeal | 3-1-2014 | 859-200-0200 | 3-5-2014 | Adopt | 4-1-2014 |
| 855-041-2330 | 1-24-2014 | Adopt | 3-1-2014 | 859-200-0205 | 3-5-2014 | Adopt | 4-1-2014 |
| 855-041-2330(T) | 1-24-2014 | Repeal | 3-1-2014 | 859-200-0210 | 3-5-2014 | Adopt | 4-1-2014 |
| 855-041-4200 | 1-3-2014 | Amend | 2-1-2014 | 859-200-0215 | 3-5-2014 | Adopt | 4-1-2014 |
| 855-080-0021 | 12-20-2013 | Amend(T) | 2-1-2014 | 859-200-0220 | 3-5-2014 | Adopt | 4-1-2014 |
| 855-080-0021 | 2-28-2014 | Amend(T) | 4-1-2014 | 859-200-0225 | 3-5-2014 | Adopt | 4-1-2014 |
| 855-080-0021 | 4-15-2014 | Amend(T) | 5-1-2014 | 859-200-0230 | 3-5-2014 | Adopt | 4-1-2014 |
| 855-080-0021 | 6-18-2014 | Amend | 8-1-2014 | 859-200-0235 | 3-5-2014 | Adopt | 4-1-2014 |
| 855-110-0005 | 1-3-2014 | Amend | 2-1-2014 | 859-200-0300 | 3-5-2014 | Adopt | 4-1-2014 |
| 855-110-0007 | 1-3-2014 | Amend | 2-1-2014 | 859-200-0305 | 3-5-2014 | Adopt | 4-1-2014 |
| 856-010-0003 | 1-23-2014 | Amend | 3-1-2014 | 859-200-0310 | 3-5-2014 | Adopt | 4-1-2014 |
| 856-010-0006 | 1-23-2014 | Adopt | 3-1-2014 | 860-001-0310 | 1-9-2014 | Amend | 2-1-2014 |
| 856-010-0010 | 5-23-2014 | Amend(T) | 7-1-2014 | 860-021-0135 | 6-26-2014 | Amend | 8-1-2014 |
| 856-010-0011 | 5-23-2014 | Amend(T) | 7-1-2014 | 860-023-0055 | 1-22-2014 | Amend | 3-1-2014 |
| 856-010-0012 | 5-23-2014 | Amend(T) | 7-1-2014 | 860-027-0005 | 5-28-2014 | Amend | 7-1-2014 |
| 856-010-0045 | 8-25-2014 | Amend | 10-1-2014 | 860-027-0015 | 5-28-2014 | Amend | 7-1-2014 |
| 858-010-0036 | 3-24-2014 | Amend | 5-1-2014 | 860-027-0045 | 5-28-2014 | Amend | 7-1-2014 |
| 858-010-0075 | 6-2-2014 | Amend | 7-1-2014 | 860-027-0070 | 5-28-2014 | Amend | 7-1-2014 |
| 858-040-0015 | 1-1-2015 | Amend | 7-1-2014 | 860-032-0012 | 1-22-2014 | Amend | 3-1-2014 |
| 858-040-0020 | 1-1-2015 | Am. & Ren. | 7-1-2014 | 860-033-0001 | 12-20-2013 | Amend | 2-1-2014 |
| 858-040-0025 | 1-1-2015 | Amend | 7-1-2014 | 860-033-0001(T) | 12-20-2013 | Repeal | 2-1-2014 |
| 858-040-0026 | 1-1-2015 | Amend | 7-1-2014 | 860-033-0005 | 12-20-2013 | Amend | 2-1-2014 |
| 858-040-0035 | 1-1-2015 | Amend | 7-1-2014 | 860-033-0005(T) | 12-20-2013 | Repeal | 2-1-2014 |
| 858-040-0036 | 1-1-2015 | Amend | 7-1-2014 | 860-033-0006 | 12-20-2013 | Amend | 2-1-2014 |
| 858-040-0055 | 1-1-2015 | Amend | 7-1-2014 | 860-033-0006(T) | 12-20-2013 | Repeal | 2-1-2014 |
| 858-040-0065 | 1-1-2015 | Amend | 7-1-2014 | 860-033-0007 | 12-20-2013 | Amend | 2-1-2014 |
| 859-200-0005 | 3-5-2014 | Adopt | 4-1-2014 | 860-033-0007(T) | 12-20-2013 | Repeal | 2-1-2014 |
| 859-200-0010 | 3-5-2014 | Adopt | 4-1-2014 | 860-033-0010 | 12-20-2013 | Amend | 2-1-2014 |
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| 860-033-0035 | 12-20-2013 | Amend | 2-1-2014 | 863-014-0066 | 4-28-2014 | Amend | 5-1-2014 |
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| 860-033-0040 | 12-20-2013 | Amend | 2-1-2014 | 863-014-0100 | 4-28-2014 | Amend | 5-1-2014 |
| 860-033-0040(T) | 12-20-2013 | Repeal | 2-1-2014 | 863-015-0003 | 4-28-2014 | Amend | 5-1-2014 |
| 860-033-0045 | 12-20-2013 | Amend | 2-1-2014 | 863-015-0081 | 4-28-2014 | Adopt | 5-1-2014 |
| 860-033-0045(T) | 12-20-2013 | Repeal | 2-1-2014 | 863-020-0000 | 4-28-2014 | Amend | 5-1-2014 |
| 860-033-0046 | 12-20-2013 | Amend | 2-1-2014 | 863-020-0010 | 4-28-2014 | Amend | 5-1-2014 |
| 860-033-0046(T) | 12-20-2013 | Repeal | 2-1-2014 | 863-020-0015 | 4-28-2014 | Amend | 5-1-2014 |
| 860-033-0050 | 12-20-2013 | Amend | 2-1-2014 | 863-020-0030 | 4-28-2014 | Amend | 5-1-2014 |
| 860-033-0050(T) | 12-20-2013 | Repeal | 2-1-2014 | 863-020-0030 | 4-28-2014 | Amend | 5-1-2014 |
| 860-033-0055 | 12-20-2013 | Repeal | 2-1-2014 | 863-020-0040 | 4-28-2014 | Amend | 5-1-2014 |
| 860-033-0100 | 12-20-2013 | Amend | 2-1-2014 | 863-020-0055 | 4-28-2014 | Amend | 5-1-2014 |
| 860-033-0100(T) | 12-20-2013 | Repeal | 2-1-2014 | 863-020-0060 | 4-28-2014 | Amend | 5-1-2014 |
| 860-033-0110 | 12-20-2013 | Adopt | 2-1-2014 | 863-024-0003 | 4-28-2014 | Amend | 5-1-2014 |
| 860-033-0110(T) | 12-20-2013 | Repeal | 2-1-2014 | 863-024-0015 | 4-28-2014 | Amend | 5-1-2014 |
| 860-033-0530 | 12-20-2013 | Amend | 2-1-2014 | 863-024-0015 | 4-28-2014 | Amend | 5-1-2014 |
| 860-033-0530(T) | 12-20-2013 | Repeal | 2-1-2014 | 863-024-0045 | 4-28-2014 | Amend | 5-1-2014 |
| 860-033-0535 | 12-20-2013 | Amend | 2-1-2014 | 863-024-0050 | 4-28-2014 | Amend | 5-1-2014 |
| 860-033-0535(T) | 12-20-2013 | Repeal | 2-1-2014 | 863-024-0062 | 4-28-2014 | Amend | 5-1-2014 |
| 860-033-0536 | 12-20-2013 | Amend | 2-1-2014 | 863-024-0063 | 4-28-2014 | Amend | 5-1-2014 |
| 860-033-0536(T) | 12-20-2013 | Repeal | 2-1-2014 | 863-024-0065 | 4-28-2014 | Amend | 5-1-2014 |
| 860-033-0537 | 12-20-2013 | Amend | 2-1-2014 | 863-024-0066 | 4-28-2014 | Amend | 5-1-2014 |
| 860-033-0537(T) | 12-20-2013 | Repeal | 2-1-2014 | 863-024-0095 | 4-28-2014 | Amend | 5-1-2014 |
| 860-033-0540 | 12-20-2013 | Amend | 2-1-2014 | 863-024-0100 | 4-28-2014 | Amend | 5-1-2014 |
| 860-033-0540(T) | 12-20-2013 | Repeal | 2-1-2014 | 863-025-0010 | 4-28-2014 | Amend | 5-1-2014 |
| 860-034-0130 | 6-26-2014 | Amend | 8-1-2014 | 875-005-0005 | 1-17-2014 | Amend | 3-1-2014 |
| 860-034-0390 | 1-22-2014 | Amend | 3-1-2014 | 875-010-0000 | 1-17-2014 | Amend | 3-1-2014 |
| 860-036-0135 | 6-26-2014 | Amend | 8-1-2014 | 875-010-0016 | 1-17-2014 | Amend | 3-1-2014 |
| 860-037-0120 | 6-26-2014 | Amend | 8-1-2014 | 875-010-0021 | 1-17-2014 | Amend | 3-1-2014 |
| 860-038-0005 | 3-7-2014 | Amend | 4-1-2014 | 875-010-0045 | 1-17-2014 | Amend | 3-1-2014 |
| 860-038-0300 | 3-7-2014 | Amend | 4-1-2014 | 875-010-0050 | 1-17-2014 | Amend | 3-1-2014 |
| 860-084-0150 | 10-14-2014 | Amend | 11-1-2014 | 875-010-0090 | 1-17-2014 | Amend | 3-1-2014 |
| 860-084-0190 | 10-14-2014 | Amend | 11-1-2014 | 875-015-0020 | 1-17-2014 | Amend | 3-1-2014 |
| 860-084-0220 | 10-14-2014 | Amend | 11-1-2014 | 875-015-0030 | 1-17-2014 | Amend | 3-1-2014 |
| 863-003-0000 | 4-28-2014 | Adopt | 5-1-2014 | 875-030-0010 | 1-17-2014 | Amend | 3-1-2014 |
| 863-003-0005 | 4-28-2014 | Adopt | 5-1-2014 | 875-030-0020 | 1-17-2014 | Amend | 3-1-2014 |
| 863-003-0010 | 4-28-2014 | Adopt | 5-1-2014 | 875-030-0025 | 4-22-2014 | Amend | 6-1-2014 |
| 863-003-0020 | 4-28-2014 | Adopt | 5-1-2014 | 875-030-0030 | 1-17-2014 | Amend | 3-1-2014 |
| 863-003-0040 | 4-28-2014 | Adopt | 5-1-2014 | 875-030-0040 | 1-17-2014 | Amend | 3-1-2014 |
| 863-003-0050 | 4-28-2014 | Adopt | 5-1-2014 | 875-030-0050 | 1-17-2014 | Amend | 3-1-2014 |
| 863-003-0060 | 4-28-2014 | Adopt | 5-1-2014 | 877-020-0057 | 8-1-2014 | Amend(T) | 9-1-2014 |
| 863-003-0070 | 4-28-2014 | Adopt | 5-1-2014 | 918-001-0025 | 3-24-2014 | Amend | 5-1-2014 |
| 863-003-0080 | 4-28-2014 | Adopt | 5-1-2014 | 918-005-0010 | 10-1-2014 | Repeal | 11-1-2014 |
| 863-003-0090 | 4-28-2014 | Adopt | 5-1-2014 | 918-008-0000 | 4-1-2014 | Amend | 3-1-2014 |
| 863-003-0100 | 4-28-2014 | Adopt | 5-1-2014 | 918-020-0090 | 1-1-2014 | Amend | 2-1-2014 |
| 863-003-0110 | 4-28-2014 | Adopt | 5-1-2014 | 918-020-0370 | 1-1-2014 | Amend | 2-1-2014 |
| 863-014-0003 | 4-28-2014 | Amend | 5-1-2014 | 918-020-0370(T) | 1-1-2014 | Repeal | 2-1-2014 |
| 863-014-0010 | 4-28-2014 | Amend | 5-1-2014 | 918-040-0000 | 10-1-2014 | Amend | 11-1-2014 |
| 863-014-0015 | 4-28-2014 | Amend | 5-1-2014 | 918-098-1000 | 4-1-2014 | Amend | 5-1-2014 |
| 863-014-0015 | 4-28-2014 | Amend | 5-1-2014 | 918-098-1005 | 4-1-2014 | Amend | 5-1-2014 |
| 863-014-0020 | 4-28-2014 | Amend | 5-1-2014 | 918-098-1010 | 1-1-2014 | Amend | 2-1-2014 |
| 863-014-0035 | 4-28-2014 | Amend | 5-1-2014 | 918-098-1010 | 4-1-2014 | Amend | 5-1-2014 |
| 863-014-0040 | 4-28-2014 | Amend | 5-1-2014 | 918-098-1015 | 4-1-2014 | Amend | 5-1-2014 |
| 863-014-0050 | 4-28-2014 | Amend | 5-1-2014 | 918-098-1030 | 4-1-2014 | Repeal | 5-1-2014 |
| 863-014-0062 | 4-28-2014 | Amend | 5-1-2014 | 918-098-1210 | 4-1-2014 | Amend | 5-1-2014 |
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| 918-098-1470 | 4-1-2014 | Amend | 5-1-2014 | 943-005-0025 | 1-1-2015 | Amend | 10-1-2014 |
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| 918-098-1505 | 8-26-2014 | Adopt(T) | 10-1-2014 | 943-005-0040 | 1-1-2015 | Adopt | 10-1-2014 |
| 918-098-1525 | 4-1-2014 | Adopt | 5-1-2014 | 943-005-0050 | 1-1-2015 | Adopt | 10-1-2014 |
| 918-098-1550 | 4-1-2014 | Amend | 5-1-2014 | 943-005-0060 | 1-1-2015 | Adopt | 10-1-2014 |
| 918-098-1560 | 4-1-2014 | Repeal | 5-1-2014 | 943-005-0070 | 1-1-2015 | Adopt | 10-1-2014 |
| 918-251-0000 | 10-1-2014 | Repeal | 11-1-2014 | 943-014-0050 | 2-18-2014 | Repeal | 3-1-2014 |
| 918-251-0090 | 10-1-2014 | Amend | 11-1-2014 | 943-014-0400 | 2-18-2014 | Adopt | 3-1-2014 |
| 918-261-0010 | 10-1-2014 | Repeal | 11-1-2014 | 943-014-0410 | 2-18-2014 | Adopt | 3-1-2014 |
| 918-282-0450 | 2-12-2014 | Adopt(T) | 3-1-2014 | 943-014-0415 | 2-18-2014 | Adopt | 3-1-2014 |
| 918-282-0455 | 2-12-2014 | Adopt(T) | 3-1-2014 | 943-014-0420 | 2-18-2014 | Adopt | 3-1-2014 |
| 918-282-0455 | 2-21-2014 | Adopt(T) | 4-1-2014 | 943-014-0430 | 2-18-2014 | Adopt | 3-1-2014 |
| 918-282-0455(T) | 2-21-2014 | Suspend | 4-1-2014 | 943-014-0435 | 2-18-2014 | Adopt | 3-1-2014 |
| 918-282-0460 | 2-12-2014 | Adopt(T) | 3-1-2014 | 943-014-0440 | 2-18-2014 | Adopt | 3-1-2014 |
| 918-305-0005 | 10-1-2014 | Amend | 11-1-2014 | 943-014-0445 | 2-18-2014 | Adopt | 3-1-2014 |
| 918-305-0030 | 10-1-2014 | Amend | 11-1-2014 | 943-014-0450 | 2-18-2014 | Adopt | 3-1-2014 |
| 918-305-0100 | 10-1-2014 | Amend | 11-1-2014 | 943-014-0455 | 2-18-2014 | Adopt | 3-1-2014 |
| 918-305-0105 | 10-1-2014 | Amend | 11-1-2014 | 943-014-0460 | 2-18-2014 | Adopt | 3-1-2014 |
| 918-306-0005 | 10-1-2014 | Amend | 11-1-2014 | 943-014-0465 | 2-18-2014 | Adopt | 3-1-2014 |
| 918-306-0010 | 10-1-2014 | Amend | 11-1-2014 | 943-070-0000 | 3-10-2014 | Adopt | 4-1-2014 |
| 918-309-0070 | 10-1-2014 | Amend | 11-1-2014 | 943-070-0010 | 3-10-2014 | Adopt | 4-1-2014 |
| 918-309-0080 | 10-1-2014 | Amend | 11-1-2014 | 943-070-0020 | 3-10-2014 | Adopt | 4-1-2014 |
| 918-309-0100 | 10-1-2014 | Amend | 11-1-2014 | 943-070-0030 | 3-10-2014 | Adopt | 4-1-2014 |
| 918-400-0210 | 10-1-2014 | Repeal | 11-1-2014 | 943-070-0040 | 3-10-2014 | Adopt | 4-1-2014 |
| 918-440-0010 | 7-1-2014 | Amend | 8-1-2014 | 943-070-0050 | 3-10-2014 | Adopt | 4-1-2014 |
| 918-440-0012 | 7-1-2014 | Amend | 8-1-2014 | 943-070-0060 | 3-10-2014 | Adopt | 4-1-2014 |
| 918-440-0050 | 7-1-2014 | Amend | 8-1-2014 | 943-070-0070 | 3-10-2014 | Adopt | 4-1-2014 |
| 918-460-0010 | 7-1-2014 | Amend | 8-1-2014 | 945-030-0025 | 7-9-2014 | Adopt(T) | 8-1-2014 |
| 918-460-0015 | 7-1-2014 | Amend | 8-1-2014 | 945-030-0030 | 4-15-2014 | Amend | 5-1-2014 |
| 918-460-0050 | 7-1-2014 | Amend | 8-1-2014 | 945-030-0045 | 1-16-2014 | Adopt | 3-1-2014 |
| 918-460-0500 | 7-1-2014 | Amend | 8-1-2014 | 945-040-0010 | 5-12-2014 | Amend | 6-1-2014 |
| 918-460-0510 | 7-1-2014 | Repeal | 8-1-2014 | 945-040-0040 | 5-12-2014 | Amend | 6-1-2014 |
| 918-480-0001 | 10-1-2014 | Repeal | 11-1-2014 | 945-040-0060 | 5-12-2014 | Amend | 6-1-2014 |
| 918-480-0005 | 10-1-2014 | Amend | 11-1-2014 | 945-040-0090 | 5-12-2014 | Amend | 6-1-2014 |
| 918-480-0010 | 10-1-2014 | Amend | 11-1-2014 | 945-040-0100 | 5-12-2014 | Amend | 6-1-2014 |
| 918-480-0020 | 10-1-2014 | Amend | 11-1-2014 | 945-040-0110 | 5-12-2014 | Amend | 6-1-2014 |
| 918-690-0300 | 10-1-2014 | Repeal | 11-1-2014 | 945-040-0140 | 5-12-2014 | Amend | 6-1-2014 |
| 918-750-0100 | 10-1-2014 | Amend | 11-1-2014 | 945-040-0180 | 11-18-2013 | Adopt(T) | 1-1-2014 |
| 918-750-0110 | 10-1-2014 | Amend | 11-1-2014 | 945-040-0180 | 12-23-2013 | Adopt(T) | 2-1-2014 |
| 918-750-0115 | 10-1-2014 | Amend | 11-1-2014 | 945-040-0180 | 5-12-2014 | Adopt | 6-1-2014 |
| 918-780-0060 | 10-1-2014 | Repeal | 11-1-2014 | 945-040-0180(T) | 12-23-2013 | Suspend | 2-1-2014 |
| 918-780-0065 | 10-1-2014 | Adopt | 11-1-2014 | 952-001-0003 | 3-7-2014 | Adopt | 4-1-2014 |
| 918-780-0070 | 10-1-2014 | Repeal | 11-1-2014 | 952-001-0003(T) | 3-7-2014 | Repeal | 4-1-2014 |
| 918-780-0085 | 10-1-2014 | Adopt | 11-1-2014 | 952-001-0010 | 3-7-2014 | Amend | 4-1-2014 |
| 918-780-0130 | 10-1-2014 | Amend | 11-1-2014 | 952-001-0020 | 3-7-2014 | Amend | 4-1-2014 |
| 918-780-0140 | 10-1-2014 | Amend | 11-1-2014 | 952-001-0030 | 3-7-2014 | Amend | 4-1-2014 |
| 918-785-0100 | 10-1-2014 | Am. & Ren. | 11-1-2014 | 952-001-0040 | 3-7-2014 | Amend | 4-1-2014 |
| 918-785-0110 | 10-1-2014 | Am. & Ren. | 11-1-2014 | 952-001-0050 | 3-7-2014 | Amend | 4-1-2014 |
| 918-785-0200 | 10-1-2014 | Repeal | 11-1-2014 | 952-001-0060 | 3-7-2014 | Amend | 4-1-2014 |
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| 918-785-0230 | 10-1-2014 | Repeal | 11-1-2014 | 952-001-0090 | 3-7-2014 | Amend | 4-1-2014 |
| 943-005-0000 | 1-1-2015 | Amend | 10-1-2014 | 952-001-0100 | 3-7-2014 | Amend | 4-1-2014 |
| 943-005-0005 | 1-1-2015 | Amend | 10-1-2014 | 966-100-0600 | 7-1-2014 | Adopt | 8-1-2014 |
| 943-005-0010 | 1-1-2015 | Amend | 10-1-2014 | 972-010-0020 | 5-7-2014 | Amend | 6-1-2014 |
| 943-005-0015 | 1-1-2015 | Amend | 10-1-2014 | 972-030-0040 | 5-7-2014 | Amend | 6-1-2014 |