



2025 Five Year Rule Review

*Compiled by
Oregon's Secretary of State's Rules Publication Unit
January 24, 2025*



Oregon

Tina Kotek, Governor

Oregon Department of Transportation

Administrative Rules

355 Capitol St NE MS 11

Salem, Oregon 97301

<https://www.oregon.gov/odot/get-involved/pages/rules.aspx>

Five-Year Review of New Administrative Rules adopted since January 1, 2006

Re: Date Adopted (Filing No.): 9-18-2019 (DMV 17-2019)

Rule number(s): OAR 735-018-0140

Date adopted: September 18, 2019 (not date filed or effective)

Date review due: _____

Advisory committee used? _____ yes X no

If yes, identify members below. Members must be provided a copy of this completed form.

1. Did the rule achieve its intended effect? X yes _____ no

a. What was the intended effect?

DMV believed approval of the proposed rules would enable DMV to:

- Accept Sno-Park permit requests through electronic transaction on DMV's website;
- Issue an Interim Annual Sno-Park permit while DMV processes and mails the customer an Annual Sno-Park permit; and
- Collect an email address for the electronic transaction. Collection of the email address will allow DMV to email the customer a receipt, confirm the payment processed, notify the customer when USPS returns the mailed permit to DMV, and issue the Interim Annual Sno-Park permit.

b. How did the rule succeed or fail in achieving this effect?

DMV was able to issue the Sno-Park permits electronically and issue Interim Permits and collect email addresses as we had anticipated. Unfortunately, customers did not receive the Daily or Three-Day permits as quickly as they needed in order use the permit at a Winter Recreation Parking area. Customers were upset and wanted a refund. DMV stopped issuing Daily and Three-Day Sno-Park Permits online. DMV instituted in 2024 to not issue Annual Sno-Park permits near the end of the season (mid-April) because customers will not receive the Annual Sno-Park Permit prior to the end of the season (April 30). Customers may purchase the Daily, Three-Day and Annual Sno-Park Permits at a Sno-Park Permit Sales Agent location or at any DMV field office.

2. Was the fiscal impact statement (check one)

_____ underestimated

_____ overestimated

_____ just about right

X unknown

a. What was the estimated fiscal impact?

(1) DMV may see fewer customers in its offices because customers may purchase the Sno-Park permit online, which will save DMV Field Office employees time to focus on other driver and vehicle related customer needs. It is unknown at this time if Sno-Park Permit Agents will experience any reduction in Sno-Park permit sales due to online purchases of Sno-Park permits through DMV's website (DMV2U). Approximately 130 Sno-Park Permit Sales Agents are small businesses.

Some Sno-Park permit sales agents may receive less revenue and some may not. The decrease in revenue depends upon the number of customers who opt to purchase a Sno-park permit online instead of at a private business or non-profit entity. The business would lose the optional service fee charged by the business unless the business increased their service fee. There is no limit in the amount of service fee an agent can charge, so DMV is unable to quantify the impact. Sno-park permits sales by Sno-park permit sales agents vary year to year and DMV attributes the variance on the amount of snow during a particular year and the different methods of purchasing a Sno-park permit. Due to the variables, DMV is unable to quantify the impact, if any, on businesses.

b. What was the actual fiscal impact?

If any fiscal impact, it is negligible. The revenue from SPP sales goes to a TOF that funds snow removal in SP designated areas in Oregon.

c. If the answer to question 2 is unknown, briefly explain why.

As previously stated, DMV is unable to quantify the fiscal impact on small business as stated in the original fiscal and on this document in section (a). DMV is unable to determine if it assisted fewer customers because they can obtain Sno-Park Permits from a variety of permit providers.

3. Have subsequent changes in the law required the rule be repealed or amended?

 yes X no

If yes, explain below.

4. Is the rule still needed? X yes no

Explain below.

DMV prefers to maintain the rule to inform the public on the option to purchase an Annual Sno-Park permit online on DMV's website which is available 24 hours a day, 7 days a week.

Review completed by: Ty Yoder Date: 12/10/2024

Phone: 503-945-5256



Agency 5-Year Rule Review Report

Pursuant to ORS 183.405

January 2025

BACKGROUND AND INTRODUCTION

The Oregon Board of Physical Therapy (OBPT) is pleased to submit this report to the Secretary of State as directed by ORS 183.405. Paper copies of this report may be obtained from OBPT Rules Coordinator, 800 NE Oregon St, Suite 407, Portland, Oregon, 97232.

ORS 183.405 requires all state agencies to review newly adopted rules not later than five years after adopting the rule, with the purpose of analyzing the impacts of each rule. Specifically, the report must determine:

- Whether the rule had the intended effect;
- Whether the anticipated fiscal impact of the rule was underestimated or overestimated;
- Whether subsequent changes in the law require that the rule be repealed or amended;
- Whether there is continued need for the rule; and
- What impacts the rule has had on small businesses.

In this report, OBPT is submitting rule reviews for rules adopted in 2019. The final report will be sent to the Small Business Rules Advisory Committee, to any rule advisory committee that aided in the adoption of a rule subject to review, and to the Secretary of State for inclusion in the comprehensive report to the Oregon Legislative Assembly.

Exemptions

Under ORS 183.405 (5) and (6), this rule review does not apply to the amendment or repeal of a rule, rules that are adopted to implement court orders or the settlement of civil proceedings, rules that adopt federal laws or rules by reference, rules adopted to implement legislatively approved fee changes, or rules adopted to correct errors or omissions.

2025 OBPT AGENCY REPORT – REVIEW OF RULES ADOPTED IN 2018-2020

This report covered review of rules adopted between 2018-2020. Although the rule reviews for 2018 and 2019 were previously performed, due to an administrative error, reports for 2023 and 2024 may not have been submitted properly. The information for those years is included in this report to ensure compliance with the reporting requirement.

ADMINISTRATIVE RULE AUTHORITY

The Oregon Board of Physical Therapy administrative rules are included in the following chapters:

Chapter 848: Oregon Board of Physical Therapy

Adopted 2018

In 2018, the OBPT adopted 1 permanent rulemaking actions that adopted 0 administrative rules, detailed by chapter in the following sections. Therefore, there were no 5-year reviews for this reporting year.

Rules Adopted, Amended, or Repealed [ORS 183.335(2) and (3)]

Adopted	1
Amended	21
Repealed	0

Rule Number(s): 848-055-0001 Compact Commission Rules

Date Adopted: 07/01/2018

Date Review Due: 7/01/2023

Completed by and Date Completed: 1-2023 Michelle Sigmund-Gaines

Advisory Committee Used? ____ Yes ☒ No

If yes, identify members: _____

After completing its review, the agency must provide advisory committee members a copy of its report. ORS 183.405(3).

1. Did the rule achieve its intended effect? ☒ Yes ____ No

a. What was the intended effect? Establish rule language to address legislation that was enacted in 2016 and which went into effect in July of 2018.

b. How did the rule succeed or fail in achieving the desired effect? The rule provided the necessary framework for adoption of Physical Therapy Compact Commission (PTCC) into Oregon Administrative Rule.

2. Was the fiscal impact statement (check one)

____ underestimated

☒ just about right

____ overestimated

____ unknown

a. What was the estimated fiscal impact? None.

b. What was the actual fiscal impact? None.

c. If the answer to question 2 is unknown, briefly explain why. N/A

3. Have subsequent changes in the law required the rule be repealed or amended?

_____ Yes **X** No If yes, please explain.

4. Is the rule still needed? **X** Yes _____ No

Explain: The legislation has not changed; Oregon is still a participating member of the Compact.

Adopted 2019

In 2019, the OBPT adopted **2** permanent rulemaking actions that adopted 0 administrative rules, detailed by chapter in the following sections. Therefore, there were no 5-year reviews for this reporting year.

Rules Adopted, Amended, or Repealed [ORS 183.335(2) and (3)]

Adopted	2
Amended	5
Repealed	0

Rule Number(s): 848-010-0027 Temporary Permit for Military Spouse

Date Adopted: 12/13/2019

Date Review Due: 12/13/2024

Completed by and Date Completed: 1-2024 Michelle Sigmund-Gaines

Advisory Committee Used? ____ Yes **X** No

If yes, identify members: _____

After completing its review, the agency must provide advisory committee members a copy of its report. ORS 183.405(3).

1. Did the rule achieve its intended effect? **X** Yes ____ No

a. What was the intended effect? Establish rule language to address legislation that was enacted creating a new temporary permit for military spouses; the rule outlined the application process and criteria.

b. How did the rule succeed or fail in achieving the desired effect? The rule provided the necessary framework for implementation of the newly established temporary permit.

2. Was the fiscal impact statement (check one)

____ underestimated

X just about right

____ overestimated

____ unknown

d. What was the estimated fiscal impact? Effectively none; applicants for the permit would incur the application fee; however, the rule provided that the fee could be used to offset the cost of a full license if application made within 60 days.

e. What was the actual fiscal impact? Consistent with the estimated impact described above.

f. If the answer to question 2 is unknown, briefly explain why. N/A

3. Have subsequent changes in the law required the rule be repealed or amended?

____ Yes **X** No If yes, please explain.

4. Is the rule still needed? **X** Yes ____ No

Explain: The legislation has not changed; the permit is still in effect.

Rule Number(s): 848-005-0005 Name of Board

Date Adopted: 12/13/2019

Date Review Due: 12/13/2024

Completed by and Date Completed: 1-2024 Michelle Sigmund-Gaines

Advisory Committee Used? ____ Yes **X** No

If yes, identify members: _____

After completing its review, the agency must provide advisory committee members a copy of its report. ORS 183.405(3).

1. Did the rule achieve its intended effect? **X** Yes ____ No

a. What was the intended effect? Establish rule language to implement statutory change of Board name. The rule established equivalency of the old and new names in OAR.

b. How did the rule succeed or fail in achieving the desired effect? The rule provided the necessary framework for name equivalency in rule.

2. Was the fiscal impact statement (check one)

____ underestimated

X just about right

____ overestimated

____ unknown

a. What was the estimated fiscal impact? None.

b. What was the actual fiscal impact? None

c. If the answer to question 2 is unknown, briefly explain why. N/A

3. Have subsequent changes in the law required the rule be repealed or amended?

____ Yes **X** No If yes, please explain.

4. Is the rule still needed? **X** Yes ____ No

Explain: The legislation has not changed; the rule is still required.

Adopted 2020: NONE

In 2020 the OBPT adopted **2** permanent rulemaking actions that adopted 0 administrative rules, detailed by chapter in the following sections. Therefore, there were no 5-year reviews for this reporting year.

Rules Adopted, Amended, or Repealed [ORS 183.335(2) and (3)]

Adopted	0
Amended	5
Repealed	1

-END OF REPORT-



Oregon

Tina Kotek, Governor

Department of Administrative Services
Office of the Strategic Initiatives and Enterprise
Accountability
Administrative Rules
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Department of Administration Services 5-year Rules Review

Report contains rules filed during the calendar year
January 1, 2020, through December 31, 2020

Adopted Rules of Chapter 125

Sent to SOS: January 16, 2025

Janet CHAMBERS

Division 45: Disposition and Acquisition of Real Property Interests
Adoption Date: 3/3/2020
5-year Review Date: 2/1/2025
Date of Review: 1/1/2025
Reviewed by: Elaine Schacher

RULE #	TITLE	INTENDED EFFECT	FISCAL IMPACT OVER/UNDER ESTIMATED	CHANGES IN LAW IMPACT	IMPACTS THE RULE HAS ON SMALL BUSINESSES	CONTINUED NEED?	ADVISORY COMMITTEE REPORT	ACTION TAKEN: Amended Repealed Reviewed
125-045-0211	Exempt Agencies and Transactions	Yes	n/a	No	None	Yes	No	Reviewed
125-045-0212	Directed Transactions	Yes	n/a	No	None	Yes	No	Reviewed
125-045-0213	Planning for State Real Property Interests	Yes	n/a	No	None	Yes	No	Reviewed
125-045-0214	Transaction Process	Yes	n/a	No	None	Yes	No	Reviewed
125-045-0216	Department Approval	Yes	n/a	No	None	Yes	No	Reviewed
125-045-0221	Process and Futile Act Determination	Yes	n/a	No	None	Yes	No	Reviewed
125-045-0222	Clearinghouse Notices	Yes	n/a	No	None	Yes	No	Reviewed

Division 55: State Purchasing
Adoption Date: 3/12/2020
5-year Review Date: 2/1/2025
Date of Review: 1/1/2025
Reviewed by: Jay Jackson

RULE #	TITLE	INTENDED EFFECT	FISCAL IMPACT OVER/UNDER ESTIMATED	CHANGES IN LAW IMPACT	IMPACTS THE RULE HAS ON SMALL BUSINESSES	CONTINUED NEED?	ADVISORY COMMITTEE REPORT	ACTION TAKEN: Amended Repealed Reviewed
125-055-0037	QRF Contract Termination and Successor Contractor Requirements	Yes	n/a	No	None	Yes	No	Reviewed, Amended on 12/29/2023. Effective 1/1/2024

Five-Year Rule Review

ORS 183.405

Rule Name: Prescription Drug Monitoring Program

Rule Number(s): OAR 847-010-0120

Adoption Date:

April 7, 2020

Review Due Date:

April 7, 2025

Review Date:

November 12, 2024

Sent to SOS Date:

January 10, 2025

☒ **Advisory Committee Used:** Administrative Affairs Committee

☐ **Advisory Committee Not Used**

What was the intended effect of this rule adoption?

The rule was intended to align with the requirement in HB 4143 (2018), ORS 431A.877, for all Oregon Medical Board licensees to register for the Prescription Drug Monitoring Program (PDMP) if they have a United States Drug Enforcement Agency (DEA) registration to prescribe in Oregon. The Oregon Health Authority adopted OAR 333-023-0825 to implement the requirement. The Board's rule mirrored the OHA rule and provided clear notification of the requirement for Board licensees to register for PDMP.

☒ Yes
☐ No

Has this rule adoption had its intended effect?

The rule serves the intended purpose stated above.

☒ Yes
☐ No

Was the anticipated fiscal impact of this rule correct?

The Oregon Medical Board anticipated no fiscal impact on state agencies, units of local government, or the public. There has been no fiscal impact.

☐ Yes
☒ No

Have subsequent changes in the law required this rule to be/can be amended or repealed?

There have been no changes in law requiring the rule to be amended. OHA has not amended their equivalent rule in OAR 333-023-0825.

☒ Yes
☐ No

Is there a continued need for this rule?

Yes.

☐ Yes
☒ No

What impact has the rule had on small businesses?

Unknown, the rule applies to individual licensees of the Oregon Medical Board, small businesses are not eligible for a license provided by OMB.

Additional Comments: None

Report provided by: Rules Coordinator

847-010-0120**Prescription Drug Monitoring Program**

(1) A licensee with an active registration status and an active United States Drug Enforcement Agency (DEA) registration to prescribe in Oregon must register with the Prescription Drug Monitoring Program established under ORS 431A.855.

(2) New licensees with an active DEA registration must register with the Prescription Drug Monitoring Program as specified in section (1) of this rule, within 30 calendar days of Oregon licensure or DEA registration, whichever is later.

Statutory/Other Authority: ORS 677.265

Statutes/Other Implemented: ORS 677.265, ORS 431A.855 & ORS 431A.877

History:

OMB 6-2020, adopt filed 04/07/2020, effective 04/07/2020

Five-Year Rule Review

ORS 183.405

Rule Name: Address of Record

Rule Number(s): OAR 847-001-0050

Adoption Date:

October 5, 2020

Review Due Date:

October 5, 2025

Review Date:

November 12, 2024

Sent to SOS Date:

January 10, 2025

☒ **Advisory Committee Used:** Administrative Affairs Committee

☐ **Advisory Committee Not Used**

What was the intended effect of this rule adoption?

The rule was intended to codify the Oregon Medical Board's policy that a licensee's mailing address is their Address of Record. This allows the Board to mail official notices to the licensee's Address of Record and the mailing under the rule serves as sufficient notice for the Board to proceed with disciplinary action.

☒ Yes
☐ No

Has this rule adoption had its intended effect?

The rule serves the intended purpose as stated above.

☒ Yes
☐ No

Was the anticipated fiscal impact of this rule correct?

The Oregon Medical Board anticipated the rule may reduce the work of Board staff when providing licensees official notice of licensing and disciplinary actions. The rule has not measurably reduced staff workload, but the rule does provide what is sufficient notice (Notice of Proposed Discipline), especially when staff are not able to make contact a respondent.

☐ Yes
☒ No

Have subsequent changes in the law required this rule to be/can be amended or repealed?

There have been no changes in law requiring the rule to be amended. OHA has not amended their equivalent rule in OAR 333-023-0825.

☒ Yes
☐ No

Is there a continued need for this rule?

Yes.

☐ Yes
☒ No

What impact has the rule had on small businesses?

Unknown, the rule applies to individual licensees of the Oregon Medical Board, small businesses are not eligible for a license provided by OMB.

Additional Comments: None

Report provided by: Rules Coordinator

847-001-0050
Address of Record

- (1) In accordance with OAR 847-008-0060, a licensee must designate a mailing address on file with the Board at all times.
- (2) The mailing address currently on file with the Board will be considered the address of record.
- (3) The Board will send all correspondence and official documents to the licensee's address of record. Upon request, the Board may agree to correspond for investigation purposes at an alternate address. Nothing in this rule excludes the licensee's representative from being included in Board correspondence.
- (4) Notices sent to the licensee by certified mail or registered mail to the licensee's address of record or alternate address as described in section (3) of this rule, is sufficient notice even if the licensee fails to or refuses to respond to the postal service "return receipt" and never receives the Notice. Such mailing permits the Board to proceed with disciplinary action in the absence of a request for a hearing.

Statutory/Other Authority: ORS 677.265
Statutes/Other Implemented: ORS 677.265

History:
OMB 14-2020, adopt filed 10/05/2020, effective 10/05/2020

Five-Year Rule Review

ORS 183.405

Rule Name: Modification and Termination of Board Orders and Agreements

Rule Number(s): OAR 847-001-0032

Adoption Date:

January 16, 2020

Review Due Date:

January 15, 2025

Review Date:

November 12, 2024

Sent to SOS Date:

January 10, 2025

☒ **Advisory Committee Used:** Administrative Affairs Committee

☐ **Advisory Committee Not Used**

What was the intended effect of this rule adoption?

The rule was intended to outline the requirements and timeframe for requesting modification or termination of a Board Order or Agreement.

☒ Yes
☐ No

Has this rule adoption had its intended effect?

The rule serves the intended purpose as stated above.

☒ Yes
☐ No

Was the anticipated fiscal impact of this rule correct?

The Oregon Medical Board anticipated no fiscal impact on licensees and that the Board may save resources by limiting the number of these requests. Staff believe this has cut down on the number of requests submitted.

☐ Yes
☒ No

Have subsequent changes in the law required this rule to be/can be amended or repealed?

There have been no changes in law requiring the rule to be amended. In 2021, the Board adopted amendments to delegate the Board's authority to terminate a Corrective Action Agreement (CAA) to the Executive Director or Medical Director if all terms are successfully completed. Also in 2013, the Board adopted amendments to add definitions for "termination" and "modification" of Board Orders or Agreements.

☒ Yes
☐ No

Is there a continued need for this rule?

Yes.

☐ Yes
☒ No

What impact has the rule had on small businesses?

Unknown, the rule applies to individual licensees of the Oregon Medical Board, small businesses are not eligible for a license provided by OMB.

Additional Comments: None

Report provided by: Rules Coordinator

OAR 847-001-0032**Modification and Termination of Board Orders and Agreements**

(1) For purposes of Oregon Medical Board actions:

(a) "Terminate" or "termination" means the licensee has successfully completed all of the terms of the Order or Agreement or the Order or Agreement is no longer needed. A termination does not vacate, expunge, or otherwise nullify the Order or Agreement.

(b) "Modify" or "modification" means the Board has agreed to modify or terminate some of the terms of the Order or Agreement, which remains in effect.

(2) Licensees must submit a request in writing to modify or terminate a Board Order or Agreement.

(3) To request a modification to a Board Order or Agreement:

(a) Licensee must not have made a request to modify or terminate within the previous 12 months, and

(b) Licensee must have completed at least one term to the satisfaction of the Board.

(4) To request termination of a Board Order or Agreement:

(a) Licensee must not have made a request to modify or terminate within the previous 12 months, and

(b) Licensee must have completed or complied with all of the terms in the Board Order or Agreement to the satisfaction of the Board.

(5) The Executive Director or Medical Director, via his/her signature, has the authority to terminate a Corrective Action Agreement upon licensee's successful completion of all of the terms in the agreement.

(6) The Executive Director or Medical Director must forward an Order Terminating Corrective Action Agreement to the Board in a timely manner.

Statutory/Other Authority: ORS 677.265

Statutes/Other Implemented: ORS 677.265

History:

OMB 2-2023, amend filed 01/11/2023, effective 01/11/2023

OMB 5-2021, amend filed 07/02/2021, effective 07/02/2021

OMB 2-2020, adopt filed 01/16/2020, effective 01/16/2020



Oregon

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January 2025

Secretary of State

Via Email

Re: Five Year Rule Review Report from the Oregon Board of Pharmacy

To Whom it May Concern:

We are pleased to submit our Annual Five-Year Rule report for rules adopted in 2019 as required pursuant to ORS 183.405. Please see the following:

OAR 855-020-0105 – Public Health and Pharmacy Formulary Advisory Committee

- Did the rule have the intended effect?
 - *Yes, this rule did have the intended effect.*
- Anticipated fiscal impact under or overestimated?
 - *Unknown*
- Subsequent changes in the law require that the rule be repealed or amended?
 - *No*
- Continued need for the rule?
 - *Yes, it's in statute.*
- What impacts the rule has on small businesses?
 - *Unknown*
- Was there a Rules Advisory Committee?
 - *No. It's a legislative mandate of 2017 HB 2397.*

OAR 855-020-0110 – Prescribing Practices

- Did the rule have the intended effect?
 - *Yes, the rule did have the intended effect.*
- Anticipated fiscal impact under or overestimated?
 - *N/A – Participation is voluntary*
- Subsequent changes in the law require that the rule be repealed or amended?
 - *No*
- Continued need for the rule?
 - *Yes*
- What impacts the rule has on small businesses?
 - *Unknown*
- Was there a Rules Advisory Committee?
 - *No. It's a legislative mandate of 2017 HB 2397.*

The Oregon Board of Pharmacy serves to promote and protect public health, safety, and welfare by ensuring high standards in the practice of pharmacy and through effective regulation of the manufacture and distribution of drugs.



Oregon

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OAR 855-020-0120 Prescribing Prohibited Practices

- Did the rule have the intended effect?
 - Yes
- Anticipated fiscal impact under or overestimated?
 - *N/A – Participation is voluntary*
- Subsequent changes in the law require that the rule be repealed or amended?
 - No
- Continued need for the rule?
 - Yes
- What impacts the rule has on small businesses?
 - *Unknown*
- Was there a Rules Advisory Committee?
 - *No. It's a legislative mandate of 2017 HB 2397.*

OAR 855-020-0200 - Formulary Compendium

- Did the rule have the intended effect?
 - Yes
- Anticipated fiscal impact under or overestimated?
 - *N/A – Participation is voluntary*
- Subsequent changes in the law require that the rule be repealed or amended?
 - No
- Continued need for the rule?
 - Yes
- What impacts the rule has on small businesses?
 - *Unknown*
- Was there a Rules Advisory Committee?
 - *No. Legislative mandate of 2017 HB 2397.*

OAR 855-020-0300 – Protocol Compendium

- Did the rule have the intended effect?
 - Yes
- Anticipated fiscal impact under or overestimated?
 - *N/A – Participation is voluntary*
- Subsequent changes in the law require that the rule be repealed or amended?
 - *No. PEP and PrEP were added to the statute.*
- Continued need for the rule?
 - *Yes, it's in statute.*
- What impacts the rule has on small businesses?

The Oregon Board of Pharmacy serves to promote and protect public health, safety, and welfare by ensuring high standards in the practice of pharmacy and through effective regulation of the manufacture and distribution of drugs.



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- *Unknown*
- Was there a Rules Advisory Committee?
 - *No. It's a legislative mandate of 2017 HB 2397.*