

OREGON BULLETIN

Supplements the 2010 *Oregon Administrative Rules Compilation*

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For August 16, 2010–September 15, 2010



Published by
KATE BROWN
Secretary of State
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INFORMATION AND PUBLICATION SCHEDULE

General Information

The Administrative Rules Unit, Archives Division, Secretary of State publishes the *Oregon Administrative Rules Compilation* and the on-line *Oregon Bulletin*. The *Oregon Administrative Rules Compilation* is an annual print publication containing the complete text of Oregon Administrative Rules (OARs) filed during the previous year through November 15, or the last workday before that if the 15th falls on a weekend or holiday. The *Oregon Bulletin* is a monthly on-line supplement that contains rule text amended after publication of the print *Compilation*, as well as proposed rulemaking and rulemaking hearing notices. The *Bulletin* also publishes certain non-OAR items 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.

How to Cite

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). Example: Oregon Administrative Rules, chapter 166, division 500, rule 0020 (short form: OAR 166-500-0020).

Understanding an Administrative Rule’s “History”

State agencies operate in a dynamic environment of ever-changing laws, public concerns and legislative mandates which necessitate ongoing rulemaking. To track changes to individual rules and organize the rule filing forms for permanent retention, the Administrative Rules Unit has developed for each rule a “history” which is located at the end of the rule text. An administrative rule “history” outlines the statutory authority, statutes implemented and dates of each authorized modification to the rule text. Changes are listed in chronological order and identify in abbreviated form the agency, filing number, year, filing date and effective date. For example: “OSA 4-1993, f. & cert. ef. 11-10-93” documents a rule change made by the Oregon State Archives (OSA). The history notes this was the 4th filing from the Archives in 1993, it was filed on November 10, 1993 and the rule changes became effective on the same date. The most recent change to each rule is listed at the end of the “history.”

Locating the Most Recent Version of an Administrative Rule

The on-line *OAR Compilation* is updated on the first of each month to include all rule actions filed with the Administrative Rules Unit, Secretary of State’s office by the 15th of the previous month, or by the last workday before the 15th if that date falls on a weekend or holiday. The annual printed *OAR Compilation* contains the full text of all rules filed during the previous year through November 15, or the last workday before that if the 15th falls on a weekend or holiday. Subsequent changes to individual administrative rules are listed by rule number in the OAR Revision Cumulative Index which is published monthly in the on-line *Oregon Bulletin*. These listings include the effective date, the specific rulemaking action, and the

issue of the *Bulletin* that contains the full text of the amended rule. The *Bulletin* contains the full text of permanent and temporary rules filed for publication.

Locating Administrative Rules Unit Publications

The *Oregon Administrative Rules Compilation* and the *Oregon Bulletin* are available on-line through the Oregon State Archives web site at <<http://arcweb.sos.state.or.us>>. 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 *Compilation* may be ordered by contacting: Administrative Rules Unit, Archives Division, 800 Summer Street NE, Salem, OR 97310, (503) 373-0701, Julie.A.Yamaka@state.or.us

2009–2010 Oregon Bulletin Publication Schedule

The Administrative Rules Unit accepts proposed rulemaking notices and administrative rule filings Monday through Friday, 8:00 am to 5:00 pm, at the Oregon State Archives, 800 Summer Street NE, Salem, Oregon 97310. To expedite the rulemaking process agencies are encouraged file a Notice of Proposed Rulemaking Hearing specifying hearing date, time and location, and submit their filings early in the submission period to meet the following deadlines:

Submission Deadline — Publishing Date

December 15, 2009	January 1, 2010
January 15, 2010	February 1, 2010
February 12, 2010	March 1, 2010
March 15, 2010	April 1, 2010
April 15, 2010	May 1, 2010
May 14, 2010	June 1, 2010
June 15, 2010	July 1, 2010
July 15, 2010	August 1, 2010
August 13, 2010	September 1, 2010
September 15, 2010	October 1, 2010
October 15, 2010	November 1, 2010
November 15, 2010	December 1, 2010

Reminder for Agency Rules Coordinators

Each agency that engages in rulemaking must appoint a rules coordinator and file an “Appointment of Agency Rules Coordinator” form, ARC 910-2003, with the Administrative Rules Unit, Archives Division, Secretary of State. Agencies which delegate rulemaking authority to an officer or employee within the agency must also file a “Delegation of Rulemaking Authority” form, ARC 915-2005. It is the agency’s responsibility to monitor the rulemaking authority of selected employees and to keep the appropriate forms updated. The Administrative Rules Unit does not verify agency signatures as part of the rulemaking process. Forms are available from the Administrative Rules Unit, Archives Division, 800 Summer Street NE, Salem, Oregon 97301, (503) 373-0701, or are downloadable at <<http://arcweb.sos.state.or.us/banners/rules.htm>>

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.

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EXECUTIVE ORDERS

EXECUTIVE ORDER NO. 10-08

INVOCATION OF EMERGENCY CONFLAGRATION ACT FOR THE D. HARRIS FIRE IN WASCO COUNTY

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

A fire known as the “D. Harris Fire” is burning in Wasco County, near Maupin, Oregon.

The resources necessary for protecting life and property from the D. Harris Fire are beyond local capabilities. Assistance with life, safety, and structural fire protection was requested by the Wasco County Fire Defense 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 fire known as the D. Harris Fire in Wasco County and the threat exceeds the fire-fighting capabilities of local firefighting personnel and equipment. Accordingly, I have invoked the Emergency Conflagration Act.

These findings were made at 3:44 p.m. on August 19, 2010 and I now confirm them with this Executive Order.

NOW THEREFORE, 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 the D. Harris Fire, burning near Maupin, Oregon, may be redistributed by the State Fire Marshal.
2. This emergency is declared only for the D. Harris Fire in Wasco County.
3. This order was made by verbal proclamation at 3:44 p.m. the 19th day of August, 2010.

Done at Salem, Oregon this 23rd day of August, 2010.

/s/ Theodore R. Kulongoski
Theodore R. Kulongoski
GOVERNOR

ATTEST

/s/ Kate Brown
Kate Brown
SECRETARY OF STATE

EXECUTIVE ORDER 10 - 09

TRANSPORTATION ELECTRIFICATION EXECUTIVE COUNCIL

After years of innovation and development, electrification of the transportation system is fast becoming a reality. The announced market introduction of electric vehicles and plug-in electric vehicles by nearly all of the major automakers, including Daimler, Ford, General Motors, Nissan, Mitsubishi and others, demands that public and private bodies embrace this new technology as an integral part of our transportation future. In addition to passenger vehicles, manufacturers are also introducing electric trucks that will also impact the transportation landscape.

Oregon, as national leader in sustainability, is at the forefront of early adoption. In addition to the manufacturers that have already chosen Oregon as a launch site, the company eTec was awarded nearly \$100 million in federal funds to build the nation’s largest electric vehicle charging network, with Oregon as part of this network. In addition, many local Oregon companies are developing electric vehicles, including neighborhood and three wheel electric vehicles, electric utility vehicles, electric motorcycles and an entire range of technologies to support these vehicles and the charging infrastructure needed to power them.

Currently, Oregonians spend billions annually on fossil fuels to meet their transportation needs. By using domestic and renewable sources of energy, we can lessen our dependency on foreign energy from unreliable sources abroad. Electrically propelled vehicles are much cheaper to operate, need less maintenance, and emit a fraction of the green house gas emissions than traditional vehicles. In addition, Oregonian’s use of electric vehicles will help Oregon meet its commitment to renewable energy established in the Renewable Portfolio Standard, ORS 469.050 *et seq.*

Oregon is also been on the forefront of planning and setting the table for this emerging technology. In 2008, Oregon hosted the “Meeting of the Minds” conference to explore these new electric transportation options. Since then, Oregon business and political leaders have visited manufacturers in Asia and Europe to bring the world to Oregon. The Oregon Public Utility Commission late last year opened a review process into setting electric vehicle rates and determining the role that the Commission will play in electric vehicle infrastructure development. In January of this year, a report by the Alternative Fuel Vehicle Infrastructure Working Group (Working Group), created by Executive Order 08-24, submitted its report that focused on infrastructure deployment and opportunities for developing alternatives to gasoline powered vehicles.

Among the top recommendations of the Working Group, was the call for a creation of a panel to assist in creating an agenda for the introduction and general deployment of electric vehicles, infrastructure and related services in Oregon. This Order creates the Transportation Electrification Executive Council to address the need to focus and coordinate public, private and civic leadership in ensuring that Oregon is well-positioned to capitalize on the economic benefits of transportation electrification.

NOW THEREFORE, IT IS HEREBY DIRECTED AND ORDERED:

1. The Governor’s Transportation Electrification Executive Council (Executive Council) is established.
2. The Executive Council shall consist of no more than 12 members appointed by the Governor. The Executive Council shall consist of members from both the public and private sector with expertise in business development, energy policy, transportation, and sustainability. A member of the Public Utility Commission, a member of the Oregon Transportation Commission, the Director of the Department of Energy, the Director of Oregon Business Development Department, and the Bonneville Power Administration, or their designees, shall serve as ex-officio members of the Executive Council.

3. Members of the Executive Council serve at the pleasure of the Governor.

4. The Executive Council shall:

- a. Develop a work plan on how Oregon can be the leader in the new emerging electric vehicle technologies, including both introduction of vehicle and associated technology and manufacturing

EXECUTIVE ORDERS

vehicles and components. This work plan shall also include strategies for future deployment of electric vehicles statewide;

b. Provide a initial point of contact for companies that are looking to invest in Oregon jobs in the electric transportation industry, including vehicle assembly and manufacturing, charging infrastructure, information technology, and related services;

c. Collaborate on existing efforts to ensure Oregon's leadership in electric vehicles and related technologies and avoid duplication of efforts;

d. Enhance state, regional and local strategic efforts to deploy electric vehicle infrastructure in Oregon;

e. Facilitate development of public education and acceptance outreach campaigns to accelerate the transition to electric transportation, including education and training of Oregon's workforce to prepare for electric vehicle infrastructure; and

f. Identify opportunities and barriers to adoption and recommend policy and administrative initiatives to the Governor.

5. The Oregon Department of Transportation and the Oregon Department of Business Development shall work with the Oregon Transportation Research and Education Consortium (OTREC) and the Oregon Solutions Program through the Oregon University System to provide support for the efforts of the Executive Council. The Executive Council may also seek support from other state agencies as needed to fulfill its responsibilities.

6. Executive Council members are not entitled to reimbursement of expenses or per diem provided in ORS 292.495.

7. This Order shall remain in effect until August 31, 2011.

Done at Salem, Oregon this 22nd day of September, 2010.

/s/ Theodore R. Kulongoski
Theodore R. Kulongoski
GOVERNOR

ATTEST

/s/ Kate Brown
Kate Brown
SECRETARY OF STATE

OTHER NOTICES

OPPORTUNITY TO COMMENT PROPOSED NO FURTHER ACTION ALPINE CLEANERS & LAUNDRY (FORMER) BEND, OREGON

COMMENT DUE: November 1, 2010

PROJECT LOCATION: 354 NE Norton Avenue, Bend

PROPOSAL: Pursuant to Oregon Revised Statute (ORS) 465.315, the Oregon Department of Environmental Quality (DEQ) is proposing to issue a risk-based No Further Action (NFA) determination for the former Alpine Cleaners & Laundry site located at 354 NE Norton Avenue in Bend, Oregon.

The Voluntary Cleanup Program has reviewed assessment and cleanup activities performed at the site. A dry cleaner operated at the site from December 1987 to 1995. The dry cleaner became a dry store and a coin operated laundry in 1995 until 2005. Two catch basins, connected to two dry wells, were documented on the property. The dry wells have been cleaned and abandoned.

Sampling performed at the site documented a release of perchloroethylene (PCE), a solvent used in dry cleaning. All of the potential exposure concerns were addressed during the development of the site-specific conceptual site model.

Additional information concerning site-specific investigations and remedial actions is available in DEQ's Environmental Cleanup Site Information (ECSI) database located on the web at <http://www.deq.state.or.us/lq/ecsi/ecsi.htm> under Site ID 2952.

Site specific information is also available by contacting Katie Robertson, DEQ's project manager for this site. The Administrative File for this facility is located at DEQ's Pendleton office, and can be reviewed in person by contacting project manager at the number below to arrange for an appointment.

HOW TO COMMENT: The public comment period will end on November 1, 2010. Please address all comments and/or inquiries to project manager at the following address:

Katie Robertson
Department of Environmental Quality
700 SE Emigrant, Suite 330
Pendleton, OR 97801
(541) 278-4620
robertson.katie@deq.state.or.us

Upon written request by ten or more persons or by a group with a membership of 10 or more, a public meeting will be held to receive verbal comments.

THE NEXT STEP: DEQ will consider all public comments received before making a final decision regarding the "No Further Action" determination.

DELISTING ICN PHARMACEUTICALS SITE

PROJECT LOCATION: 6060 NE 112th Ave, Portland, OR

DECISION: The Department of Environmental Quality has removed the ICN Pharmaceuticals site from the Confirmed Release List and Inventory of Hazardous Substance Sites requiring further action to address environmental issues.

HIGHLIGHTS: Between 1961 and 1980 United Medical Laboratory and subsequently ICN Pharmaceuticals used the property at 6060 NE 112th Ave. as a mail-order clinical laboratory. ICN shut down the laboratory in 1980 and demolished buildings during 1993 and 1994. DEQ investigations at the site revealed high concentrations of volatile organic contaminants including trichloroethene, dichloroethene, vinyl chloride, benzene and toluene in groundwater in the vicinity of a former dry well located on the property.

Cleanup of contaminated groundwater at the site using a six-phase electrical resistive heating and vapor extraction process was conducted between May 2000 and November 2001. The existing treatment system vents and wells were then used to inject air into groundwater with the intent of improving conditions for biodegradation of the remaining contaminants.

Groundwater monitoring data collected during and after cleanup indicated that the cleanup technologies were successful in reducing groundwater contamination to levels protective of human health and

the environment. In October 2005 DEQ issued a No Further Action determination for the site. A minimum of five years of groundwater monitoring was required to confirm contaminant trends. In late 2009, groundwater monitoring was completed confirming stable or decreasing trends in groundwater contamination. DEQ has therefore concluded that no additional monitoring is required and the site can be removed from the confirmed release list and Inventory.

A public comment period on this action was held from August 2 to August 31, 2010. No comments were received. Site files supporting the decision to remove the site from the Confirmed Release List and Inventory are available at DEQ's Northwest Region Office in Portland. To schedule an appointment to review files, call (503) 229-6729.

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 & Outreach (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.

People with hearing impairments may call DEQ's TTY number, (503) 229-6993.

NOTICE OF SELECTED CLEANUP ACTION DEQ SELECTS CLEANUP APPROACH FOR PACIFICORP YOUNGS BAY UPLAND AREA

PROJECT LOCATION: 1224 West Marine Drive Astoria, OR

DECISION: The Department of Environmental Quality has selected the cleanup approach for contaminated soil at the PacifiCorp property located on the north side of Youngs Bay. In February 2005, DEQ issued a record of decision for a removal action that addressed shoreline and off-shore contamination associated with the site. This decision addresses residual contamination and previously capped contamination in the upland portion of the site. PacifiCorp will remove contaminated soil outside the existing capped area and contain the soil in an extension of the existing cap at the site. A small portion of this material meeting regulatory hot-spot criteria will be transported off-site for disposal in a permitted landfill.

HIGHLIGHTS: The PacifiCorp-Youngs Bay site consists of an upland area that is approximately 4.5 to 5 acres in size, a shoreline slope that separates the upland from the intertidal area, and an off-shore zone of intertidal mudflats that extends southward several hundred feet into Youngs Bay. In the summer of 2005 PacifiCorp removed a portion of the off-shore tar and capped the remaining tar as described in the DEQ record of decision. Maintenance of the in-water cap continues today.

Investigation of the site began in 1984 when PacifiCorp employees observed oily materials emerging through an asphalt surface in the site's southeast corner. Elevated concentrations of polycyclic aromatic hydrocarbons, benzene, metals, and PCBs were detected in site soils. In 1986, PacifiCorp demolished the majority of site structures and placed this material in the southeastern portion of the site. This area was then covered with clean fill and the entire site was fenced. In 2000, DEQ re-evaluated the site information and recommended additional investigation. Additional soil sampling revealed that residual polycyclic aromatic hydrocarbons were present at concentrations that posed a potential risk exceeding DEQ's protective standards for commercial/industrial site use. More detailed characterization conducted in 2009 provided sufficient data to define areas of soil contamination that would need to be remediated to reduce risks to protective levels.

DEQ has decided that the most contaminated soil will be excavated and material meeting hot spot criteria disposed of at a permitted landfill. Remaining contaminated soil will be contained onsite in an extension of the existing capped area. Excavated areas will be back-filled with clean sand and soil and hydro seeded. Soil will be excavated to the extent that remaining concentrations will be low enough to be safe for commercial/industrial site use.

OTHER NOTICES

The selected remedy is 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 from August 2 to 31, 2010. One comment was received expressing concern about noise generated during the action. Noise will be minimized to the extent possible and limited to working hours. The project is expected to be completed in less than 3 weeks.

THE NEXT STEP: PacifiCorp will prepare a Remedial Design document for DEQ review and implement the cleanup action when the plan is approved.

FOR MORE INFORMATION: www.deq.state.or.us/lq/cu/nwr/pacificorp/index.htm and <http://www.deq.state.or.us/Webdocs/Forms/Output/FPCcontroller.ashx?SourceId=147&SourceIdType=11>

Some project documents are available at the Astoria Public Library (450 10th St., Astoria) and DEQ's North Coast Branch Office in Warrenton (65 N. Highway 101, Suite G). The complete file is available in DEQ's Northwest Region office. To schedule an appointment to review files in DEQ's Northwest Region office, call (503) 229-6729.

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 & Outreach (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.

People with hearing impairments may call DEQ's 711.

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 or in writing 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. Written and 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 Architect Examiners
Chapter 806

Rule Caption: Reinstatement Fee.

Date:	Time:	Location:
10-21-10	9 a.m.	OBAE Conference Rm. 205 Liberty St. NE #A Salem, OR 97301

Hearing Officer: Pat Bickler

Stat. Auth.: ORS 671.125

Stats. Implemented: ORS 671.080 & 671.085

Proposed Amendments: 806-010-0105

Last Date for Comment: 10-21-10, 9 a.m.

Summary: The purpose of this rule amendment is to adjust the reinstatement fee so that it is more appropriate. When the Board transitioned to a two-year renewal cycle, the reinstatement fee was not adjusted. As it stands, the cost can be more to renew than to reinstate. This adjustment puts the fees on an appropriate schedule. Also, since the Board has now completed the transition to a two-year renewal cycle, the fee to renew for one year or less no longer applies and is being eliminated.

Rules Coordinator: Carol Moeller

Address: Oregon Board of Architect Examiners, 205 Liberty St. NE, Suite A, Salem, OR 97301

Telephone: (503) 763-0662

.....
Board of Nursing
Chapter 851

Rule Caption: Licensing Fee Increase for Nurses and Nursing Assistants.

Date:	Time:	Location:
11-18-10	9 a.m.	17938 SW Upper Boones Ferry Rd. Portland, OR 97224

Hearing Officer: Pat Markesino, Board President

Stat. Auth.: ORS 678.050 & 678.410

Stats. Implemented: ORS 678.050 & 678.410

Proposed Amendments: 851-002-0010, 851-002-0040

Last Date for Comment: 11-16-10, 5 p.m.

Summary: These rules cover the agency fees. These rule amendments will increase the licensing renewal fee for nurses and nursing assistants.

Rules Coordinator: KC Cotton

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

Telephone: (971) 673-0638

.....
Rule Caption: Nursing Education Rules Revised.

Date:	Time:	Location:
11-18-10	9 a.m.	17938 SW Upper Boones Ferry Rd. Portland, OR 97224

Hearing Officer: Pat Markesino, Board President

Stat. Auth.: ORS 678.150, 678.340 & 678.360

Stats. Implemented: ORS 678.150, 678.340 & 678.360

Proposed Amendments: 851-021-0005, 851-021-0010, 851-021-0045, 851-021-0055, 851-021-0065, 851-021-0090

Last Date for Comment: 11-16-10, 5 p.m.

Summary: These rules cover the standards for the approval of educational program in nursing preparing candidates for licensure as practical or registered nurses. These rule amendments focus mainly on the steps for new program development and approval and on expectation for out-of-state programs that seek to place students in Oregon for clinical experience and are a part of a periodic rule review process.

Rules Coordinator: KC Cotton

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

Telephone: (971) 673-0638

.....
Rule Caption: Modifications made for establishment of limited license to non-U.S. educated nurses.

Date:	Time:	Location:
11-18-10	9 a.m.	17938 SW Upper Boones Ferry Rd. Portland, OR 97224

Hearing Officer: Pat Markesino, Board President

Stat. Auth.: ORS 678.050

Stats. Implemented: ORS 678.050

Proposed Amendments: 851-031-0045, 851-031-0070

Last Date for Comment: 11-16-10, 5 p.m.

Summary: These rules cover standards for licensure of registered nurses and licensed practical nurses. These rule amendments make modifications in order to allow for a limited license to be issued to non-U.S. educated nurses enrolled in Board-approved re-entry programs for instructor-supervised clinical experiences within their program prior to passing NCLEX.

Rules Coordinator: KC Cotton

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

Telephone: (971) 673-0638

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Rule Caption: Rules add published regulations of two accrediting bodies to nurse practitioner continuing education requirements.

Date:	Time:	Location:
11-18-10	9 a.m.	17938 SW Upper Boones Ferry Rd. Portland, OR 97224

Hearing Officer: Pat Markesino, Board President

Stat. Auth.: ORS 678.380

Stats. Implemented: ORS 678.380

Proposed Amendments: 851-050-0142

Last Date for Comment: 11-16-10, 5 p.m.

Summary: These rules cover nurse practitioners. This rule amendment is to correct the previous omission from published regulations of two accrediting bodies.

NOTICES OF PROPOSED RULEMAKING

Rules Coordinator: KC Cotton
Address: Board of Nursing, 17938 SW Upper Bones Ferry Rd.,
Portland, OR 97224
Telephone: (971) 673-0638

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Rule Caption: Rules to clarify nurse prescriber authority related to off label, compounded, and grandfathered drugs.

Date:	Time:	Location:
11-18-10	9 a.m.	17938 SW Upper Boones Ferry Rd. Portland, OR 97224

Hearing Officer: Pat Markesino, Board President

Stat. Auth.: ORS 678.385 & 678.390

Stats. Implemented: ORS 678.370, 678.372, 678.375, 678.380 & 678.390

Proposed Amendments: 851-056-0000, 851-056-0010, 851-056-0012, 851-056-0016

Last Date for Comment: 11-16-10, 5 p.m.

Summary: These rules cover the authority of the Clinical Nurse Specialist and Nurse Practitioner to prescribe and dispense drugs. These rule amendments clarify their ability to prescribe off label, compounded, and grandfathered drugs.

Rules Coordinator: KC Cotton

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

Telephone: (971) 673-0638

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Rule Caption: Rules for establishment of "Health Professionals' Services Program" as required by HB 2345 (Enrolled, 2009 Session).

Date:	Time:	Location:
11-18-10	9 a.m.	17938 SW Upper Boones Ferry Rd. Portland, OR 97224

Hearing Officer: Pat Markesino, Board President

Stat. Auth.: ORS 676.200

Stats. Implemented: ORS 676.200

Proposed Adoptions: 851-070-0000, 851-070-0005, 851-070-0010, 851-070-0020, 851-070-0030, 851-070-0040, 851-070-0050, 851-070-0060, 851-070-0070, 851-070-0080, 851-070-0090, 851-070-0100

Proposed Repeals: 851-046-0000, 851-046-0005, 851-046-0010, 851-046-0020, 851-046-0030, 851-046-0040

Last Date for Comment: 11-16-10, 5 p.m.

Summary: These rules cover the newly established "Health Professionals' Services Program" (HPSP) and are specific to the Oregon State Board of Nursing. This program is being established by the Addictions & Mental Health (AMH) Division of the Department of Human services as required by House Bill 2345 (Enrolled, 2009 Session). The Nurse Monitoring Program under the Oregon State Board of Nursing (OAR 851-046) has been eliminated.

Rules Coordinator: KC Cotton

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

Telephone: (971) 673-0638

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Bureau of Labor and Industries Chapter 839

Rule Caption: Replaces Notice of Rulemaking rule with general BOLI rulemaking rule.

Stat. Auth.: ORS 658.210

Other Auth.: ORS 183 & 183.335

Stats. Implemented: ORS 658.005–658.245

Proposed Repeals: 839-017-0005

Last Date for Comment: 10-22-10

Summary: The Bureau of Labor and Industries has adopted a proposed rule notice rule; OAR 839-002-0002, for all of the agency's

rules, therefore, the current separate proposed rule notice rule for OAR 839-017 is not necessary and can be repealed.

Rules Coordinator: Marcia Ohlemiller

Address: Bureau of Labor and Industries, 800 NE Oregon St., Ste. 1045, Portland, OR 97232

Telephone: (971) 673-0784

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Construction Contractors Board Chapter 812

Rule Caption: Untimely complaints, agency obtain information from contractors, and adopt NASCLA standards.

Date:	Time:	Location:
10-26-10	11 a.m.	West Salem Roth's IGA Santiam Rm. Salem, OR

Hearing Officer: Rob Hernandez

Stat. Auth.: ORS 183.310–183.500, 670.310, 701.235, 701.515, 701.992 & 701.995

Stats. Implemented: ORS 183.310–183.500, 670.310, 701.235, 701.515, 701.992 & 701.995, 87.093, 183.415, 183.460, 183.470, 183.480, 279C.590, 701, 701.005, 701.026, 701.042, 701.046, 701.073, 701.091, 701.098, 701.106, 701.109, 701.133, 701.140, 701.145, 701.146, 701.225, 701.227, 701.305, 701.315, 701.330, 701.345, 701.480, 701.485, 701.510, 701.515, 701.992, & 701.995

Proposed Adoptions: 812-004-0445, 812-004-0537

Proposed Amendments: 812-005-0800

Last Date for Comment: 10-26-10, 11 a.m.

Summary: • 812-004-0445 is adopted to allow the agency to obtain information from a contractor, especially in Dispute Resolution Services matters.

• 812-004-0537 by adopting this rule, CCB adopts the NASCLA standards for care and workmanship.

• 812-005-0800 is amended to establish a sanction for violating an order issued under OAR 812-004-0445.

Rules Coordinator: Catherine Dixon

Address: Construction Contractors Board, 700 Summer St. NE,
Suite 300, Salem, OR 97310

Telephone: (503) 378-4621, ext. 4077

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Department of Administrative Services Chapter 125

Rule Caption: Business Associates Rule, HIPAA Privacy and Security Rule and HITECH Act.

Date:	Time:	Location:
10-15-10	10 a.m.	1225 Ferry St. SE East Black Butte Conf. Rm. Salem, OR

Hearing Officer: Brenda Brown

Stat. Auth.: ORS 184.340 & 279A.140

Stats. Implemented: ORS 279A.140 & The Health Insurance Portability & Accountability Act of 1996, 42 USC 1320D–1320d-8, PL 104-191, sec. 262 & sec. 264

Proposed Amendments: 125-055-0100, 125-055-0105, 125-055-0115, 125-055-0120, 125-055-0125, 125-055-0130

Last Date for Comment: 10-15-10, 5 p.m.

Summary: The Department of Administrative Services needs permanent HIPAA Privacy and Security Rule Implementation rules to replace expiring temporary rules that revise OAR 125-055-0100 through 125-055-0130 to become complaint with the 2009 Federal Law changes that became effective in February 2010.

The permanent Rules will support the ARRA law changes where Congress added new provisions that affect the DAS business associates rule and the model HIPAA language that DAS provides to state agencies. The new provisions, essentially, make Business Associates subject to penalties and have an impact on breach notification. The Health Information Technology for Economic and Clinical Health (HITECH) Act adds civil money penalty amounts that

NOTICES OF PROPOSED RULEMAKING

apply to HIPAA Privacy and Security Rule violations occurring after February 17, 2010.

DAS has adopted the Business Associate requirements into rule so state agencies can incorporate them by reference in appropriate contexts in contracts involving Business Associates.

The new Federal Law changes are significant. The DAS rule must be updated so that any contracts that incorporate the rule as a basis for meeting Business Associate legal obligations meet the new HIPAA requirements.

Rules Coordinator: Jeffery Kohlheppel

Address: 155 Cottage Street, U90, Salem, OR 97301

Telephone: (503) 378-2349, ext. 325

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Department of Agriculture Chapter 603

Rule Caption: Clarifies general import requirements for livestock.

Stat. Auth.: ORS 596

Stats. Implemented:

Proposed Amendments: 603-011-0255

Last Date for Comment: 10-29-10

Summary: The Oregon Department of Agriculture, Animal Health Division has the responsibility to protect the livestock of this state from disease. The proposed changes will clarify the general requirements for importing livestock into Oregon. The proposed language does not alter the intent of the rule. The proposed amendments will also bring the rule up to date with other states and other countries.

Rules Coordinator: Sue Gooch

Address: Department of Agriculture, 635 Capitol St. NE, Salem, OR 97301

Telephone: (503) 986-4583

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Rule Caption: Clarifies import requirements for livestock concerning vesicular stomatitis.

Stat. Auth.: ORS 596

Stats. Implemented:

Proposed Amendments: 603-011-0256

Last Date for Comment: 10-29-10

Summary: The Oregon Department of Agriculture, Animal Health Division has the responsibility to protect the livestock of this state from disease. The proposed changes will clarify the requirements for importing livestock into Oregon from vesicular stomatitis areas. The proposed language does not alter the intent of the rule. The proposed amendments will also bring the rule up to date with other states and other countries.

Rules Coordinator: Sue Gooch

Address: Department of Agriculture, 635 Capitol St. NE, Salem, OR 97301

Telephone: (503) 986-4583

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Rule Caption: Clarify statements describing the intent of the rules.

Stat. Auth.: ORS 596

Stats. Implemented:

Proposed Amendments: 603-011-0263, 603-011-0264

Last Date for Comment: 10-29-10

Summary: The proposed changes will help clarify the subject of the rule. For example, OAR 603-011-0263 describes the requirements for cattle to be allowed to move across the state border, graze for a season and return to Oregon. Under a general heading of "Cattle Grazing Permits," the description for this rule is "Importation of cattle: Out-of-state grazing." The proposed change is, "Grazing Permit for Oregon Cattle." The remaining proposed changes follow a similar logic.

Rules Coordinator: Sue Gooch

Address: Department of Agriculture, 635 Capitol St. NE, Salem, OR 97301

Telephone: (503) 986-4583

Rule Caption: Clarifies import requirements for livestock concerning scabies.

Stat. Auth.: ORS 596

Stats. Implemented:

Proposed Amendments: 603-011-0281

Last Date for Comment: 10-29-10

Summary: The Oregon Department of Agriculture, Animal Health Division has the responsibility to protect the livestock of this state from disease. The proposed changes will clarify the requirements for importing livestock into Oregon from a scabies area. The proposed language does not alter the intent of the rule. The proposed amendments will also bring the rule up to date with other states and other countries.

Rules Coordinator: Sue Gooch

Address: Department of Agriculture, 635 Capitol St. NE, Salem, OR 97301

Telephone: (503) 986-4583

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Rule Caption: Clarifies import requirements for sheep and goats.

Stat. Auth.: ORS 596

Stats. Implemented:

Proposed Amendments: 603-011-0340

Proposed Repeals: 603-011-0365

Last Date for Comment: 10-29-10

Summary: The Oregon Department of Agriculture, Animal Health Division has the responsibility to protect the livestock of this state from disease. The proposed changes combine two rules and clarify the requirements for importing sheep and goats into Oregon. The proposed language does not alter the intent of the rule. The proposed amendments will also bring the rule up to date with other federal law and other states and countries.

Rules Coordinator: Sue Gooch

Address: Department of Agriculture, 635 Capitol St. NE, Salem, OR 97301

Telephone: (503) 986-4583

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Department of Agriculture, Oregon Sheep Commission Chapter 644

Rule Caption: To increase the wool assessment rate by one half cent per pound, effective January 1, 2011.

Date: 11-15-10

Time: 10 a.m.

Location: Travelodge

Pioneer Villa Restaurant

33180 Hwy. 228

Halsey, OR

Hearing Officer: John Fine

Stat. Auth.: ORS 576.304(2)

Stats. Implemented: ORS 576.304(2) & 576.325(4)(f)

Proposed Amendments: 644-010-0010

Last Date for Comment: 11-30-10, 5 p.m.

Summary: The proposed amendment to OAR 644-010-0020 would increase the assessment on the sale of wool sold through commercial channels by one-half cent, in accordance with ORS 576.325(f). The wool assessment would increase from the current \$0.025 cents to \$0.03 cents per pound of wool sold, in the grease basis.

Rules Coordinator: Richard Kosesan

Address: Department of Agriculture, Oregon Sheep Commission, 1270 Chemeketa St. NE, Salem, OR 97301

Telephone: (503) 370-7024

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Department of Agriculture, Oregon Wheat Commission Chapter 678

Rule Caption: Reiterates Commissioner qualifications and allows penalties to be waived by Administrator for good cause.

NOTICES OF PROPOSED RULEMAKING

Date: 10-20-10
Time: 8 a.m.
Location: Inn at Cross Keys Station
 66 NW Cedar St.
 Madras OR 97741

Hearing Officer: Tana Simpson

Stat. Auth.: ORS 576 & 578

Stats. Implemented: ORS 576 & 578

Proposed Amendments: 678-030-0027

Last Date for Comment: 10-18-10, 12 p.m.

Summary: The amendments to OAR 678 Section 30 add two handler positions to the Commission as voting members.

Rules Coordinator: Tana Simpson

Address: Department of Agriculture, Wheat Commission, 1200 NW Naito Parkway, Suite 370, Portland, OR 97209

Telephone: (503) 229-6665

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

Rule Caption: Clarification of When Five Percent Charge-Off Occurs Under ORS 708.590(2).

Date: 10-18-10
Time: 9 a.m.
Location: L & I Bldg., Room F
 350 Winter St. NE
 Salem, OR

Hearing Officer: Lauren E. Winters

Stat. Auth.: ORS 706.790

Stats. Implemented: ORS 708A.590(2), 708A.175(3), (4) & 708.195(2)

Proposed Adoptions: Rules in 441-505

Last Date for Comment: 10-25-10, 5 p.m. PST

Summary: The proposed rule clarifies when the first and subsequent minimum five percent charge-offs under ORS 708A.590(2) must occur. Under ORS 708A.590(2), the bank must reduce the book value of real property acquired under ORS 708A.175 (3) or (4) by five percent of its original book value annually beginning in the year title is vested and continuing until the earlier of when the bank disposes of the real estate, or the expiration of 15 years unless the DCBS director extends the 15-year time period. ORS 708A.195(2) states that title is deemed "vested" on "the date the institution is first entitled to receive a deed to the real estate."

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

Rule Caption: Adopting Rules for Community Charter Applications to Serve Former Groups.

Date: 10-18-10
Time: 2 p.m.
Location: Labor & Industries Bldg.
 Room 260
 350 Winter St. NE
 Salem, OR

Hearing Officer: Lauren E. Winters

Stat. Auth.: ORS 723.172, SB 438 §3 (2009), ORS 723.102, 723.012, 723.022

Stats. Implemented: SB 438 (2009)

Proposed Adoptions: Rules in 441-710

Proposed Amendments: 441-710-0035

Last Date for Comment: 10-25-10, 5 p.m. PST

Summary: The proposed rules allow new group members outside the credit union's community boundaries to become community credit union members after the credit union converts to a community charter if the credit union had a long-term relationship with the group at the time of conversion and the group is located within the new geographic boundaries.

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

Department of Environmental Quality Chapter 340

Rule Caption: Heat Smart Program for residential woodstoves and other solid fuel burning devices — home sale removal and certification requirements.

Date:	Time:	Location:
10-18-10	6 p.m.	Medford DEQ 221 Stewart Ave., Suite 20 Medford, OR 97501
10-19-10	6 p.m.	Eugene DEQ Willamette Conf. Rm. 165 East 7th Ave., Suite 100 Eugene, OR 97401
10-20-10	6 p.m.	DEQ Headquarters EQC-A Conference Rm. 811 SW Sixth Ave Portland, OR, 97204
10-27-10	6 p.m.	Burns City Hall Council Chambers 242 S Broadway Ave. Burns, OR 97720
10-28-10	6 p.m.	Pendleton State Office Bldg. 700 SE Emigrant, #330, 1st Floor Conf. Rm. Pendleton, OR, 97801

Hearing Officer: DEQ Staff; Don Munkers, Burns City Mgr.; Tom Hack, DEQ

Stat. Auth.: ORS 468 & 468A

Stats. Implemented: ORS 468.140, 468A.035, 468A.100–468A.180 & 468A.460–468A.515

Proposed Adoptions: 340-262-0400, 340-262-0450, 340-262-0500, 340-262-0600, 340-262-0700, 340-262-0800, 340-262-0900

Proposed Amendments: 340-200-0040, 340-012-0054, 340-012-0140

Proposed Repeals: 340-262-0010, 340-262-0020, 340-262-0030, 340-262-0040, 340-262-0050, 340-262-0100, 340-262-0110, 340-262-0120, 340-262-0130, 340-262-0200, 340-262-0210, 340-262-0220, 340-262-0230, 340-262-0240, 340-262-0250, 340-262-0300, 340-262-0310, 340-262-0320, 340-262-0330

Last Date for Comment: 10-29-10, 5 p.m.

Summary: This rulemaking would implement the requirements of Senate Bill 102, a measure passed by the 2009 Oregon Legislature to protect Oregonians from uncontrolled wood smoke. The proposed rules implement the statutory requirement for homeowners to remove and destroy any uncertified woodstove at the time of home sale and to notify DEQ. The proposed rules subject a broader range of home and commercial heating devices (including outdoor wood-fired boilers and other uncontrolled wood burning devices) to certification requirements. Unless these heating devices meet the certification requirements, they will not be allowed to be sold in Oregon. The proposed rules also update DEQ rules for implementing a wood burning curtailment program in a nonattainment area if needed.

These proposed rules will also be submitted to the U.S. Environmental Protection Agency as a revision to the Oregon State Implementation Plan under OAR 340-200-0040.

To request additional information regarding this rulemaking, please contact: Rachel Sakata at the Department of Environmental Quality, call toll free in Oregon 800-452-4011 or 503-229-5659, or visit DEQ's public notices webpage <http://www.deq.state.or.us/news/publicnotices/PN.asp>

To comment on this rulemaking, submit your comments to: Rachel Sakata, Oregon Department of Environmental Quality, 811 SW Sixth Avenue, Portland, OR 97204, or by fax to 503-229-5675, or by email to heatsmartrule@deq.state.or.us (if you do not receive an auto response to your emailed comments, contact staff listed above).

NOTICES OF PROPOSED RULEMAKING

Rules Coordinator: Maggie Vandehey

Address: Department of Environmental Quality, 811 SW Sixth Ave., Portland, OR 97204

Telephone: (503) 229-6878

Rule Caption: Adoption of Federal Air Quality Regulations and Related Permit Rules.

Date:	Time:	Location:
10-22-10	6 p.m.	DEQ Headquarters Room EQC-A 811 SW 6th Ave. Portland, OR 97204
10-25-10	6 p.m.	DEQ Bend Regional Office, Conference Rm. 475 NE Bellevue Dr., Suite 110 Bend, OR 97701
10-26-10	6 p.m.	DEQ Medford Regional Office Conference Rm. 221 Stewart Ave., Suite 201 Medford, OR 97501

Hearing Officer: Gregg Dahmen, Mark Fisher, Steve Croucher
Stat. Auth.: ORS 468.020, 468A.025, 468A.035, 468A.040 & 468A.310

Stats. Implemented: ORS 468.020, 468A.025, 468A.035, 468A.040 & 468A.310

Proposed Amendments: 340-200-0040, 340-216-0020, 340-216-0060, 340-216-0064, 340-230-0030, 340-230-0300, 340-238-0040, 340-238-0060, 340-242-0500, 340-244-0030, 340-244-0220, 340-244-0234, 340-244-0236, 340-244-0238, 340-244-0242, 340-244-0244, 340-244-0248

Proposed Repeals: 340-230-0400, 340-230-0410

Last Date for Comment: 10-29-10, 5 p.m.

Summary: The proposed rules would adopt standards to implement new and amended federal air quality regulations. The objectives of this rulemaking are to:

- Protect public health;
- Implement federally-delegated programs that regulate hazardous air pollutants and other air pollutants; and
- Improve Oregon's implementation of these programs.

If adopted, this proposal would:

- Adopt by reference federal area source standards regulating asphalt processing and asphalt roofing manufacturing, chemical manufacturing, chemical preparation, paint and allied product manufacturing, and prepared feeds manufacturing;

- Repeal the adoption of existing federal standards regulating stationary internal combustion engines;

- Add paint and allied product manufacturing to the list of business categories eligible to obtain a simple or general permit, and assign this source category to a general ACDP annual fee class;

- Allow DEQ to defer the requirement to submit an application for, or to obtain an ACDP for up to twelve months;

- Allow DEQ to use a portion of the ACDP non-technical permit modification fee to cover the change of ownership fee required in the underground storage tank rules;

- Split the metal fabrication and finishing source category into multiple fee classes;

- Exempt small metal fabrication and finishing facilities and small commercial ethylene oxide sterilization operations from permitting;

- Extend the permit exemption for gasoline dispensing facilities with aboveground storage tanks that dispense less than 10,000 gallons of gasoline per month to also include those with underground tanks;

- Clarify that the gasoline dispensing rule that prohibits "topping off" applies to the equipment used for the refueling of motor vehicles;

- Correct an error that occurred in merging separate rules affecting gasoline dispensing facilities that inadvertently exempted aviation gasoline from emission standards required by the state implementation plan;

- Clarify the requirements for gasoline cargo tanks, the calculation of monthly throughput, and when compliance demonstration testing is required;

- Update the adoption by reference of existing federal rules to keep them consistent with federal amendments; and

- Repeal the rules that implement the federal emission guidelines for hospital, medical and infectious waste incinerators.

More information: www.deq.state.or.us/regulations/proposed_rules.htm

Email comments to: federalrule2010@deq.state.or.us

Mail comments to: Jerry Ebersole, Oregon Department of Environmental Quality, 811 SW Sixth Avenue, Portland, OR 97204-1390. Questions: (503) 229-6974. Toll free in Oregon: (800) 452-4011 Fax: (503) 229-5675

Rules Coordinator: Maggie Vandehey

Address: Department of Environmental Quality, 811 SW Sixth Ave., Portland, OR 97204

Telephone: (503) 229-6878

Rule Caption: Title V operating permit fee increases authorized in statute.

Date:	Time:	Location:
10-18-10	6 p.m.	DEQ Headquarters Conference Rm. EQC-A (10th Floor) 811 SW Sixth Ave. Portland, OR 97204

Hearing Officer: DEQ staff

Stat. Auth.: ORS 468.020, 468.065, 468A.025, 468A.040, 468A.310 & 468A.315

Stats. Implemented: ORS 468 & 468A

Proposed Amendments: 340-220-0030, 340-220-0040, 340-220-0050

Last Date for Comment: 10-19-10, 5 p.m.

Summary: The proposed rules would:

- Increase Title V fees for 2010 and 2011 and do not require retroactive fee collection;

- Adopt a fee increase for 2009 identical to the August 2009 Environmental Quality Commission temporary rule amendments that allowed the Department of Environmental Quality to invoice Title V permittees on the normal 2009 billing schedule; and

- The fees in the proposed rules reflect a technical correction required by statute.

Federal and state laws require permit fees fund Oregon's entire Title V program. Oregon Revised Statute 468A.315 authorizes Title V fees in the following three categories:

1. An annual base fee assessed to all Title V sources regardless of emission quantities;

2. Emission fees assessed per ton on emissions from individual sources per calendar year; and

3. Specific activity fees assessed when a source owner or operator modifies a permit.

The statute increases the annual base fee beginning in 2010 and gives the Commission authority to adjust all of the fee categories by the annual change in the consumer price index.

The Oregon Title V operating permit program requires additional funding to continue protecting Oregon's air quality. Title V permitting helps ensure that permit holders comply with state and federal emissions standards. Revenue from the proposed fees would fund the program through 2012 and help DEQ:

- Issue and renew Title V permits in a timely manner;

- Complete required Title V inspections;

- Monitor and enforce compliance with air quality regulations;

- Comply with federal requirements to maintain a federally approved and delegated Title V program; and

- Issue public notices and information on the Title V program.

To request additional information regarding this rulemaking, please contact: Andrea Curtis at the Department of Environmental

NOTICES OF PROPOSED RULEMAKING

Quality, call toll free in Oregon 800-452-4011 or 503-229-6866 or visit DEQ's public notices webpage <http://www.deq.state.or.us/regulations/proposedrules.htm>

To comment on this rulemaking, submit your comments to: Andrea Curtis, Oregon Department of Environmental Quality, 811 SW Sixth Avenue, Portland, OR 97204, or by fax to 503-229-5675, or by email to tvfees@deq.state.or.us (if you do not receive an auto response to your emailed comments, contact staff listed above).

Rules Coordinator: Maggie Vandehey

Address: Department of Environmental Quality, 811 SW Sixth Ave., Portland, OR 97204

Telephone: (503) 229-6878

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Rule Caption: Housekeeping and streamlining for DEQ-administered tax credits.

Stat. Auth.: ORS 468.020, ORS 468.150; 468A.096; chapter 618, Oregon Laws 2003, Sec. 28-32, reprinted in a note following ORS 315.356

Other Auth.: ORS 315.304, 315.311 & 315.356

Stats. Implemented: ORS 468.150-190; 468A.095, 468A.096, 468A.98; chapter 618, Oregon Laws 2003, Sec. 31-32, reprinted in a note following ORS 315.356

Proposed Adoptions: 340-016-0088

Proposed Amendments: 340-016-0080, 340-016-0210

Proposed Repeals: 340-016-0100, 340-016-0110, 340-016-0120, 340-016-0130, 340-016-0140, 340-016-0150

Last Date for Comment: 10-25-10, 5 p.m.

Summary: The proposed rulemaking would:

- Adopt and amend Pollution Control Tax Credits rules to transfer certificate administration activities to DEQ;

- Repeal the Pollution Prevention Tax Credit pilot program rules. The statute authorized EQC to issue program certificates through December 31, 1999.

- Amend the Truck Engine Tax Credit to align the last date of certificate issuance to December 31, 2013 with 2009 amendments to chapter 618, Oregon Laws 2003 in a legislative note following ORS 315.356.

Email comments to: TaxCreditRulemaking@deq.state.or.us

Contact: Maggie Vandehey, (503) 229-6878 for additional information.

Rules Coordinator: Maggie Vandehey

Address: Department of Environmental Quality, 811 SW Sixth Ave., Portland, OR 97204-1390

Telephone: (503) 229-6878

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Rule Caption: Align Oil Spill Prevention and Emergency Response Planning Fees with Oregon Revised Statutes.

Stat. Auth.: ORS 468.020 & 468B.345-468B.500

Stats. Implemented: ORS 468.B.405

Proposed Amendments: 340-141-0010

Last Date for Comment: 10-25-10, 5 p.m.

Summary: The 2007 Legislature approved and signed Senate Bill 105 into law. This bill changed the fees paid by certain vessels and oil handling facilities for oil spill prevention and emergency response planning. This proposed rule would align the rule with the statute.

For more information about the proposed rule visit www.deq.state.or.us/regulations/proposedrules.htm

Email comments to: OilSpillPreventionFeeRulemaking@deq.state.or.us

Contact: Michael Zollitsch, DEQ, 811 SW Sixth Ave., Portland, OR 97204-1390, (503) 229-6931, (800) 452-4011 toll free in Oregon, (503) 229-6954 fax.

Rules Coordinator: Maggie Vandehey

Address: Department of Environmental Quality, 811 SW Sixth Ave., Portland, OR 97204

Telephone: (503) 229-6878

Department of Human Services, Addictions and Mental Health Division: Addiction Services Chapter 415

Rule Caption: Amending the "Prevention" rules to change the training process for becoming a Certified Prevention Specialist (CPS).

Date:	Time:	Location:
10-19-10	2 p.m.	DHS Bldg., Rm. 137A 500 Summer St. NE Salem, OR

Hearing Officer: Richard Luthe

Stat. Auth.: ORS 409.050 & 409.410

Stats. Implemented: ORS 430.240-430.415

Proposed Amendments: 415-056-0000, 415-056-0005, 415-056-0010, 415-056-0015, 415-056-0020, 415-056-0025

Last Date for Comment: 10-22-10

Summary: The Addictions and Mental Health (AMH) Division is proposing to amend the OAR 415-056 Alcohol and Drug "Prevention" rules in order to change the training requirements needed to provide prevention services. Currently, the rules have a list of training requirements needed in order to be an agency staff person responsible for developing, monitoring, and overseeing a substance abuse prevention plan. The changes to the rules would eliminate these requirements and instead the staff person would need to qualify as Addiction Counselor Certification Board of Oregon (ACCBO) Certified Prevention Specialist (CPS). Other "housekeeping" revisions are also being made.

Rules Coordinator: Richard Luthe

Address: Department of Human Services, Addictions and Mental Health Division: Addiction Services, 500 Summer St. NE, E-86, Salem, OR 97301

Telephone: (503) 947-1186

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Rule Caption: Update the "DUII ADES" and "DUII Demonstration Project" rules to revise and consolidate the rules.

Date:	Time:	Location:
10-22-10	1 p.m.	500 Summer St. NE Room 137A Salem, OR 97301

Hearing Officer: Richard Luthe

Stat. Auth.: ORS 409.010, 409.050, 409.410 & 813.025

Stats. Implemented: ORS 813.025 & 813.260

Proposed Amendments: Rules in 415-054

Proposed Repeals: 415-054-0045, 415-054-0050, 415-054-0055, 415-054-0060, 415-054-0070, 415-054-0075, 415-054-0076, 415-054-0080, 415-054-0090, 415-054-0100, 415-054-0200, 415-054-0210, 415-054-0220, 415-054-0230, 415-054-0240, 415-054-0300, 415-054-0310, 415-054-0320, 415-054-0330, 415-054-0340, 415-054-0350, 415-054-0360, 415-054-0370

Last Date for Comment: 10-29-10

Summary: The Addictions and Mental Health Division is proposing revisions to OAR 415-054 "DUII ADES" and "DUII Demonstration Project" rules in order to update and consolidate these rules, and to separate them from the "DUII Treatment" rules; the "DUII treatment" rules will be moving to the OAR 309-032 "Integrated Services and Supports Rules" (ISSR).

Rules Coordinator: Richard Luthe

Address: Department of Human Services, Addictions and Mental Health Division: Addiction Services, 500 Summer St. NE, E-86, Salem, OR 97301

Telephone: (503) 947-1186

NOTICES OF PROPOSED RULEMAKING

**Department of Human Services,
Addictions and Mental Health Division:
Mental Health Services
Chapter 309**

Rule Caption: Update the “Licensed Children’s Emergency Safety Intervention Specialist” (CESIS) rules.

Date: 9-19-10 **Time:** 3 p.m. **Location:** 500 Summer St. NE
Room 137A
Salem, OR 97301

Hearing Officer: Richard Luthe

Stat. Auth.: ORS 409.010, 409.050, 426.415 & 430.640

Stats. Implemented: ORS 414.065, 462.415 & 430.640

Proposed Amendments: 309-034-0400, 309-034-0410, 309-034-0420, 309-034-0430, 309-034-0440, 309-034-0450, 309-034-0460, 309-034-0470, 309-034-0480, 309-034-0490

Proposed Repeals: 309-034-0150, 309-034-0160, 309-034-0170, 309-034-0180, 309-034-0190, 309-034-0205, 309-034-0210, 309-034-0240, 309-034-0250, 309-034-0260, 309-034-0270, 309-034-0290, 309-034-0310, 309-034-0320

Last Date for Comment: 10-22-10

Summary: The Addictions and Mental Health Division is proposing to update “Children’s Emergency Safety Intervention Specialist” (CESIS) rules to reflect changes made to service delivery by the new “Integrated Services and Supports” Rule (ISSR), which has been developed in conjunction with these rule revisions.

Housekeeping changes are also being made.

Rules Coordinator: Richard Luthe

Address: Department of Human Services, Addictions and Mental Health Division: Mental Health Services, 500 Summer St. NE, E-86, Salem, OR 97301

Telephone: (503) 947-1186

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

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

Date: 10-20-10 **Time:** 9:45–10:45 a.m. **Location:** Human Services Bldg.,
Room 137-A
500 Summer St. NE
Salem, OR 97301

Hearing Officer: Jennifer Bittel

Stat. Auth.: ORS 181.534, 181.537, 409.050, 410.020, 411.060, 411.122, 418.016, 418.640, 441.055, 443.730, 443.735 & 678.153

Stats. Implemented: ORS 181.534, 181.537, 183.341, 409.010, 411.060, 411.122 & 443.004

Proposed Adoptions: 407-007-0275

Proposed Amendments: 407-007-0200 – 407-007-0370

Proposed Repeals: 407-007-0210(T), 407-007-0275(T)

Last Date for Comment: 10-22-10, 5 p.m.

Summary: The Department of Human Services (Department) is updating the criminal records check rules for providers to align with ORS 443.004 and make permanent two temporary rules (OAR 407-007-0210 and 407-007-0275). The crimes lists are being updated due to new crimes added to the Oregon Revised Statutes since 2009 and to align with the Adam Walsh Act and ORS 443.004. Rule language is being clarified and amended to meet Secretary of State guidelines and to align with current practice and needed changes to the criminal records check process.

Proposed rules are available on the DHS Website: <http://www.oregon.gov/DHS/admin/dwssrules/index.shtml>

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

**Department of Human Services,
Children, Adults and Families Division:
Child Welfare Programs
Chapter 413**

Rule Caption: Changing OARs affecting Child Welfare programs.

Date: 10-25-10 **Time:** 8:30 a.m. **Location:** 500 Summer St., Rm. 255
Salem, OR

Hearing Officer: Annette Tesch

Stat. Auth.: ORS 147.425, 181.537, 181.557, 409.010, 409.050, 409.185, 418.005, 418.015, 418.747 & 419B.005–419B.050

Stats. Implemented: ORS 147.425, 181.537, 181.557, 409.010, 409.050, 409.185, 418.005, 418.015, 418.747 & 419B.005–419B.050

Proposed Amendments: 413-015-0115, 413-015-1105, 413-015-1110, 413-015-1120

Last Date for Comment: 10-26-10, 5 p.m.

Summary: OAR 413-015-0115 about the definitions used in the Department’s rules regarding Child Protective Services (which identifies child safety threats and assures protection of children after a report of alleged child abuse or neglect is received by a screener) is being amended to restate the definition for safety service provider.

OAR 413-015-1105 about the purpose of allowing law enforcement data system (LEDS) access in local child welfare offices is being amended to state that one of the primary purposes in allowing such access is to assist child welfare staff in making decisions about child safety regarding safety service providers (participants in a protective action or ongoing safety plan whose actions, assistance, or supervision help a family in managing a child’s safety).

OAR 413-015-1110 about the definitions used in the Department’s rules regarding local child welfare office access to the law enforcement data system (LEDS) is being amended to state the definition for safety service provider.

OAR 413-015-1120 about when and how a local Child Welfare office may conduct criminal records checks on a subject individual using the law enforcement data system (LEDS) and the timelines under which the Department must provide written notice to a subject individual when a criminal records check is conducted for a Child Protective Services purpose is being amended to restate that the term subject individual includes an individual being assessed as a safety service provider (a participant in a protective action or ongoing safety plan whose actions, assistance, or supervision help a family in managing a child’s safety) and that a safety service provider must be given notice of a criminal records check before the check is conducted.

In addition, these amendments will adopt as permanent rules temporary rule amendments made on June 15, 2010. Further the above rules may also be changed to reflect new Department terminology and to correct formatting and punctuation.

Written comments may be submitted until October 26, 2010 at 5:00 p.m. Written comments may be submitted via e-mail to Annette.Tesch@state.or.us, faxed to 503-373-7032, or mailed to Annette Tesch, Rules Coordinator, DHS - Children, Adults, and Families Division, 500 Summer Street NE, E-48, Salem, Oregon, 97301. The Department provides the same consideration to written comment as it does to any oral or written testimony provided at the public hearing.

Rules Coordinator: Annette Tesch

Address: Department of Human Services, Children, Adults and Families Division: Child Welfare Programs, 500 Summer St. NE, E-48, Salem, OR 97301-1066

Telephone: (503) 945-6067

NOTICES OF PROPOSED RULEMAKING

Department of Oregon State Police, Office of State Fire Marshal Chapter 837

Rule Caption: Hazardous Substance Possession Fee Increase.

Date: 10-27-10
Time: 1 p.m.
Location: Office of State Fire Marshal
4760 Portland, Rd. NE
Salem, OR 97305

Hearing Officer: OSFM Staff

Stat. Auth.: ORS 453.402

Stats. Implemented: ORS 453.402

Proposed Amendments: 837-090-1030

Last Date for Comment: 10-27-10

Summary: The Office of State Fire Marshal (OSFM) proposes to increase the fee rate contained in the Hazardous Substance Possession Fee (HSPF) schedule for funding the Community Right to Know (CR2K) program. The Office of State Fire Marshal is required to administer the Community Right to Know and Protection Act contained in ORS 453.307 to 453.414. In addition, ORS 453.520 assigns the OSFM responsibility for State Emergency Response Committee (SERC) duties required by the federal Emergency Planning and Community Right to Know Act (EPCRA). The OSFM fulfills these responsibilities through the CR2K program.

This rulemaking increases the CR2K portion of the HSPF revenue in order to maintain existing CR2K program staffing and service levels. The fee increase will affect most entities paying and annual Hazardous Substance Possession Fee.

To request additional information regarding this rulemaking, please contact: Chris Kuenzi at the Office of State Fire Marshal at 503-934-8214. To comment on this rulemaking, submit your comments to: Chris Kuenzi, Office of State Fire Marshal, 4760 Portland Rd. NE, Salem, OR 97305, or by fax to 503-373-1825, or by email to chris.kuenzi@state.or.us

Rules Coordinator: Pat Carroll

Address: Department of Oregon State Police, Office of State Fire Marshal, 4760 Portland Rd. NE, Salem, OR 97305

Telephone: (503) 934-8276

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Rule Caption: Adoption of the 2009 International Fire Code with Oregon Amendments.

Stat. Auth.: ORS 476.030

Stats. Implemented: ORS 476.030

Proposed Amendments: 837-040-0010, 837-040-0020, 837-040-0140

Last Date for Comment: 10-21-10

Summary: (1) OAR 837-040-0010(2) adopts the 2009 International Fire Code with Oregon amendments to be known as the Oregon Fire Code, 2010 Edition.

(2) Amendment to OAR 837-040-0020(3) removes mid-cycle Oregon amendments to the 2007 Oregon Fire Code as they will be incorporated into the 2010 Oregon Fire Code.

(3) OAR 837-040-0140 changes edition dates of the Oregon Structural Specialty Code and the Oregon Mechanical Specialty Code from 2007 to 2010.

The proposed adoption of the 2009 International Fire Code with Oregon amendment should have no adverse impact on government, local government, business or the public. Any cost increases or savings cannot be quantified at this time. The Oregon Fire Code Committee made the finding that the added cost, if any, is necessary to the health and safety of the public.

Rules Coordinator: Pat Carroll

Address: Department of Oregon State Police, Office of State Fire Marshal, 4760 Portland Rd. NE, Salem, OR 97305

Telephone: (503) 934-8276

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

Rule Caption: Basic Control Skills Test and other Commercial Driver License Testing.

Date: 10-19-10
Time: 1 p.m.
Location: DMV Headquarters, Rm. 123
1905 Lana Ave. NE
Salem, OR 97314

Hearing Officer: Liz Woods

Stat. Auth.: ORS 184.616, 184.619, 802.010, 802.200, 802.540, 807.045, 807.070, 807.072 & 807.080

Other Auth.: Federal Motor Carrier Safety Administration (FMCSA) regulation, 49 CFR 383, subparts G and H and Proposed Notice of Rulemaking, 73 FR 19281, April 9, 2008, Commercial Driver's License Testing and Commercial Learner's Permit Standards.

Stats. Implemented: ORS 807.040, 807.045, 807.070 & 807.072

Proposed Amendments: 735-060-0000, 735-060-0120, 735-062-0002, 735-062-0070, 735-062-0200

Last Date for Comment: 10-21-10

Summary: Applicants for a Commercial Driver License (CDL) must demonstrate basic knowledge, vehicle control and driving skills. Based on recommendations of the American Association of Motor Vehicles Administrators (AAMVA) and proposed rulemaking issued by FMCSA, DMV proposes to update its CDL testing requirements by amending OAR 735-060-0120, 735-062-0070 and 735-062-0200 to require that a CDL applicant must successfully complete a Basic Control Skills test before taking an on-road driving test. DMV intends to implement Basic Vehicle Control Skills testing on January 1, 2011.

The basic vehicle control skills test requires a CDL applicant to demonstrate effective maneuvering of the truck, bus or tractor trailer that he or she is driving (and is testing to be licensed to drive). The skills that the driver must demonstrate include backing maneuvers as well as pulling forward and executing a turn within specific boundaries.

DMV also proposed to amend OAR 735-060-0000 and 735-062-0002 to add a definition of CDL skills test. A CDL skills test is a pre-trip vehicle inspection, a basic control skills test or an on-road driving test.

Other changes are made to these rules for clarity.

Test of proposed and recently adopted ODOT rules can be found at website: <http://www.oregon.gov/ODOT/CS/RULES/>

Rules Coordinator: Lauri Kunze

Address: Department of Transportation, Driver and Motor Vehicle Services Division, 355 Capitol St. NE, Rm. 29, Salem, OR 97301

Telephone: (503) 986-3171

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Rule Caption: Revision of Bulk Use Fuel Sales reporting and Remittance of Tax.

Stat. Auth.: ORS 184.616, 184.619 & 319.840

Stats. Implemented: ORS 319.510-319.880 & 319.990(4)

Proposed Adoptions: 735-176-0023

Proposed Amendments: 735-176-0000, 735-176-0010, 735-176-0017, 735-176-0021, 735-176-0022, 735-176-0030, 735-176-0040, 735-176-0045

Last Date for Comment: 10-21-10

Summary: Several use fuel sellers claim 4% tax credit on bulk sales which results in about \$80,000 of lost revenue for ODOT per year. The rule amendment clarifies that because the use fuel seller is paying the tax on behalf of the use fuel user(s), the 4% credit cannot be claimed on these sales. Rather, the 4% credit is available to licensed use fuel sellers when they are remitting tax for which they are responsible as sellers.

Text of proposed and recently adopted ODOT rules can be found at website: <http://www.oregon.gov/ODOT/CS/RULES/>

Rules Coordinator: Lauri Kunze

NOTICES OF PROPOSED RULEMAKING

Address: Department of Transportation, Driver and Motor Vehicle Services Division, 355 Capitol St. NE, Rm. 29, Salem, OR 97301
Telephone: (503) 986-3171

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Oregon Business Development Department
Chapter 123

Rule Caption: Revisions to rules regarding the procedures for contracts entered into by the department.

Stat. Auth.: ORS 285A.075

Stats. Implemented: ORS 285A.075, 285A.070 & 285B.075

Proposed Amendments: 123-006-0020, 123-006-0035, 123-006-0045

Last Date for Comment: 10-21-10

Summary: These rules are being revised to incorporate 123-125 relating to contracting with the departments foreign trade offices. "Event Speakers" has been added to 123-006-0045.

Rules Coordinator: Mindee Sublette

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

Telephone: (503) 986-0036

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Rule Caption: These rules are being repealed and incorporated into 123-006.

Stat. Auth.: ORS 285A.075

Stats. Implemented: ORS 285A.075 & 285A.065

Proposed Repeals: Rules in 123-125

Last Date for Comment: 10-21-10

Summary: These rules are being repealed. Minor language relating to these rules will be added to 123-006.

Rules Coordinator: Mindee Sublette

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

Telephone: (503) 986-0036

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Rule Caption: Temporary Coalition of Brownfields Clean-Up Fund rules are becoming permanent.

Stat. Auth.: ORS 285A.075, 285A.190 & 285A.192

Stats. Implemented: ORS 285A.190

Proposed Amendments: 123-140-0010, 123-140-0020, 123-140-0030

Proposed Repeals: 123-140-0010(T), 123-140-0020(T), 123-140-0030(T)

Last Date for Comment: 10-21-10

Summary: These rules were temporarily filed in May of 2010 and not becoming permanent. Loan agreement conditions were updated to comply with statute.

Rules Coordinator: Mindee Sublette

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

Telephone: (503) 986-0036

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Oregon Criminal Justice Commission
Chapter 213

Rule Caption: Adopts guidelines to implement ORS 203.095.

Date:	Time:	Location:
10-25-10	10-10:30 a.m.	State Archives Conf. Rm. 800 Summer St. NE Salem, OR

Hearing Officer: Craig Prins

Stat. Auth.: ORS 203.095

Stats. Implemented: ORS 203.095

Proposed Adoptions: 213-070-0000, 213-070-0005, 213-070-0010, 213-070-0020, 213-070-0030, 213-070-0040, 213-070-0050

Last Date for Comment: 11-12-10

Summary: The Criminal Justice Commission (CJC) is required under SB 77 (2009), codified at ORS 203.095, to establish by rule guidelines by which to identify the minimally adequate level at which

public safety services must be delivered in a county. The guidelines must provide a basis for analyzing whether a county provides a minimally adequate level of public safety services in the areas of county jail operations; law enforcement, investigation and patrol; community corrections; juvenile justice; emergency operations and emergency response; search and rescue operations; criminal prosecution; and court facility operations. These rules implement those provisions of ORS 203.095. The rules also require affected counties to send the Commission copies of certain pertinent documents.

Rules Coordinator: Craig Prins

Address: Oregon Criminal Justice Commission, 885 Summer St. NE, Salem, OR 97301

Telephone: (503) 378-4830

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Oregon Facilities Authority
Chapter 172

Rule Caption: Amend Oregon Facilities Authority's Rules for Approving Projects; Adds Rules Specifying Amounts for Fees.

Stat. Auth.: ORS 183.341, 289.125 & 289.240

Stats. Implemented: ORS 183.341, 289.005, 289.010, 289.125, 289.200, 289.205, 289.220 & 289.240

Proposed Adoptions: 172-005-0065

Proposed Amendments: 172-001-0005, 172-005-0000, 172-005-0010, 172-005-0020, 172-005-0030, 172-005-0040, 172-005-0050, 172-005-0060, 172-005-0070

Last Date for Comment: 11-5-10

Summary: The proposed rules relate to OAR chapter 172, division 005, which contains the Authority's rules for evaluating and approving projects that qualify for tax-exempt financing. These proposed rules make changes to certain procedures followed by the Authority, including a provision allowing the Authority to approve certain applications and approve the financings proposed in those applications at the same meeting; add a requirements that if bonds receive a rating of investment grade but below BBB+, the participating institution must procure a second rating of at least investment grade; provide the unrated bonds or bonds not receiving a rating of at least investment grade may be sold to "qualified institutional buyers" as defined under federal law; allow such bonds to be sold in a public offering; amend the definition of "public offering"; and expand the ability of the Authority to modify the requirements for the financing of any low income housing project. A proposed new rule specifies the amounts for the application fee and closing fees; indicates that the Authority may collect a reasonable share of its annual costs and charges in connection with audits performed and services rendered; allows the Authority to increase fees for transactions that involve new or complex financing structures or special provisions; and requires the participating institution to pay fees charged by the Authority's bond counsel and financial advisor.

A proposed change to OAR chapter 172, division 001 also updates the reference to the Attorney General's Model Rules of Procedure.

Rules Coordinator: Gwen Griffith

Address: Oregon Facilities Authority, 1600 Pioneer Tower, 888 SW 5th Ave., Portland, OR 97204

Telephone: (503) 802-5710

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Oregon Health Licensing Agency,
Board of Direct Entry Midwifery
Chapter 332

Rule Caption: Standardization of rules, amend definitions, qualification standards, application/education/examination requirements.

Date:	Time:	Location:
10-28-10	9 a.m.	Rhoades Conf. Rm. 700 Summer St. NE, Suite 320 Salem, OR

Hearing Officer: Bert Krages

Stat. Auth.: ORS 687.485 & 676.615

Stats. Implemented: ORS 687.425, 687.485, 676.606 & 676.607

NOTICES OF PROPOSED RULEMAKING

Proposed Amendments: 332-015-0000, 332-015-0030, 332-015-0050, 332-015-0070

Proposed Repeals: 332-015-0010, 332-015-0040, 332-015-0060, 332-015-0065

Last Date for Comment: 10-28-10

Summary: Rule changes are necessary to allow for general amendments to Division 15 to align with current industry, agency and statewide rulemaking standards and principles.

Amendments are needed to streamline definitions in order to meet rulemaking protocols and define relevant terms where utilized within the rule for efficiency.

Amendments are needed to clarify and streamline application requirements for the following three pathways:

- National credential with examination within one year preceding the application and proof of 10 of the 50 births being within three years preceding the date of application.

- Out of state licensure no additions; and

- Certified professional midwife (CPM) would allow persons with current CPM credential to become licensed without reexamination. CPM credentialed applicants must provide proof of 10 of the 50 births are within three years preceding the date of application.

Amendments made to Legend Drugs and Devices initial program which includes realignment of the 40 hours of training to reflect appropriate and actual training needs. Division of treatment of shock and intravenous therapy to allow specific hours in each area of training.

Repeal specific rules to streamline application process and remove redundancies.

Rules Coordinator: Samantha Patnode

Address: Oregon Health Licensing Agency, Board of Direct Entry Midwifery, 700 Summer St. NE, Salem, OR 97301-1287

Telephone: (503) 373-1917

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Rule Caption: Standardization of rules, amend requirements for renewal, late renewal, continuing education, data collection and fees.

Date:	Time:	Location:
10-28-10	9 a.m.	Rhoades Conf. Rm. 700 Summer St. NE, Suite 320 Salem, OR

Hearing Officer: Bert Krages

Stat. Auth.: ORS 687.485 & 676.615

Stats. Implemented: ORS 687.425, 687.435, 687.485, 687.495, 676.606 & 676.607

Proposed Adoptions: 332-020-0017

Proposed Amendments: 332-020-0000, 332-020-0010, 332-020-0015, 332-020-0020

Last Date for Comment: 10-28-10

Summary: General amendments to Oregon Administrative Rules (OAR), Chapter 332 Division 020 are being made to align with current industry, agency and statewide rulemaking standards and principles.

Amendments made to align renewals with agency standards and protocols, including current renewal, late renewal up to three years, and after three years reapplication under one of three pathways. Added requirements for renewal and late renewal including proof of current neonatal resuscitation and MANAstats reporting.

Amend timeframe required to obtain continuing education in legend drugs and devices for renewal to reduce the amount of time between training which currently spans eight years. Amendments made to clarify the procedure for the continuing education audit process.

Adopt rule to align with statutory provisions pursuant to ORS 687.495 regarding data collection. Amendment requires that all licensees report to a national database (MANAstats) through the Midwifery Alliance of North American (MANA) beginning June 2011 and send an individual report to the agency upon renewal beginning in June 2012.

Amendments made to align with statutory provisions pursuant to ORS 687.435, by establishing a reactivation fee and ORS 676.615

by establishing a dormant renewal fee. Amend number of years a licensee can renew late up to three years to align with renewal requirements and agency protocol.

Rules Coordinator: Samantha Patnode

Address: Oregon Health Licensing Agency, Board of Direct Entry Midwifery, 700 Summer St. NE, Salem, OR 97301-1287

Telephone: (503) 373-1917

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Rule Caption: Clarify guidelines for risk criteria, practice/care standards. Create standard for information/ethics/terminating care.

Date:	Time:	Location:
10-28-10	9 a.m.	Rhoades Conf. Rm. 700 Summer St. NE, Suite 320 Salem, OR

Hearing Officer: Bert Krages

Stat. Auth.: ORS 687.485 & 676.615

Stats. Implemented: ORS 687.405, 687.480, 687.485, 676.606 & 676.607

Proposed Adoptions: 332-025-0070, 332-025-0080, 332-025-0090, 332-025-0100

Proposed Amendments: 332-025-0020, 332-025-0021, 332-025-0022, 332-025-0030, 332-025-0040, 332-025-0050, 332-025-0060, 332-030-0000

Last Date for Comment: 10-28-10

Summary: General amendments to Oregon Administrative Rules (OAR), Chapter 332 Division 020 to align with current industry, agency and statewide rulemaking standards and principles.

Amendments made to align with current industry practice standards to include flexibility for standards, efficiency and statutory requirements. Amendments require risk assessment criteria to be provided with the patient disclosure form and signature/date of client attesting receipt and understanding of the emergency transport plan.

Amendments made to "risk assessment criteria" to align with midwifery and medical standards for client safety including mother, fetus and newborn. Additions made to "absolute risk criteria" where "transfer of care" for the mother and/or newborn is required. "Absolute risk criteria" has been made more inclusive to reflect the potential or actual risk that some situations or special circumstances may impose in an out-of-hospital birth. Additions made to "non-absolute risk criteria" where the licensee must "transfer care" or consult, advise and document advice and outcome including contrary actions. Clarification made to "non-absolute risk" include defining "transfer of care", "consultation" and "Oregon licensed health care provider" to ensure licensees have clear guidelines and expectations.

Amendments made to "standards of care" to align with current industry standards including initial visit, diagnostic testing, assessment of fetal well being, education and counseling of client, and intrapartum care.

Adopt rule to clarify licensee's requirements for client records and charts including readability, maintenance and content. The new rules provide clear directives and guidance for licensees including defining the difference between client records and charts.

Adopt rule to establish requirements for informed consent including information a licensee must give each client. Risk information must be provided to each client regarding an out-of hospital birth and special circumstance birth including breech, multiples, vaginal birth after cesarean, and post date birth. The risk information would be standardized and updated by the board and the agency.

Adopt rule to set standards and objectives for professional conduct all licensees must adhere to.

Adopt rule to provide guidance to licensees regarding terminating client care in a non-emergency and emergency situation.

Rules Coordinator: Samantha Patnode

Address: Oregon Health Licensing Agency, Board of Direct Entry Midwifery, 700 Summer St. NE, Salem, OR 97301-1287

Telephone: (503) 373-1917

NOTICES OF PROPOSED RULEMAKING

Oregon Military Department, Office of Emergency Management Chapter 104

Rule Caption: Adopt and amend rules for the Seismic Rehabilitation Grant Program for consistency with Oregon Constitution and ORS.

Date: 10-15-10 **Time:** 9:30 a.m. **Location:**
Anderson Readiness Center
3225 State St., Rm. 115
Salem, OR 97301

Hearing Officer: Paulina Layton

Stat. Auth.: ORS 401.300

Stats. Implemented: ORS 401.300

Proposed Adoptions: 104-050-0055

Proposed Amendments: 104-050-0000, 104-050-0010, 104-050-0020, 104-050-0030, 104-050-0040, 104-050-0050, 104-050-0060, 104-050-0070, 104-050-0080, 104-050-0090, 104-050-0100

Last Date for Comment: 10-15-10

Summary: 104-050-0000, Purpose: statutory citation corrected; 104-050-0010, Definitions: Additional definitions were included to provide further clarity on terms used in the Seismic Rehabilitation Grant Program documents; 104-050-0020, Eligible Applicants and Activities: revised the definition of eligible applicants to be consistent to Constitutional language in Articles XI-M and XI-N; 104-050-0030, Program Information: Amended statutory references; 104-050-0040, Program Sanctions: amended reference to subgrantee to grantee; 104-050-0050, Project Eligible Activities: amended title that reflects more clearly the context of this rule and it clarifies the seismic safety level requirements; 104-050-0055, Project Ineligible Activities: addition of this rule clarifies ineligible activities; 104-050-0060, Application Submittal, Review and Approval: revision clarifies materials Grant Selection Committee will receive; 104-050-0070, Project Administration: Statutory citations corrected; 104-050-0080, Grant Awards and Match: Revised that Committee may provide points for match funds; 104-050-0090, Grant Agreement Conditions: Decreased the amount of time required to execute contract; 104-050-0100, Waivers, Exceptions and Appeals: Statutory citations corrected.

Rules Coordinator: Cherie Cline

Address: Oregon Military Department, Office of Emergency Management, PO Box 14370, Salem, OR 97309-5062

Telephone: (503) 378-2911, ext. 22221

Public Utility Commission Chapter 860

Rule Caption: In the Matter of Revisions to OAR 860-027-0050, 860-034-0393, and 860-034-0730 - Uniform System of Accounts.

Stat. Auth.: ORS 756.050 & 759.036

Stats. Implemented: ORS 756.105, 759.045, 759.120, 759.125, 759.130, 759.220 & 759.225

Proposed Amendments: 860-027-0020, 860-034-0393, 860-034-0730

Last Date for Comment: 10-22-10, Close of Business

Summary: The proposed changes are necessary to align the Commission's administrative rules regarding Uniform System of Accounts with the federal accounting requirements found in 47CFR32.1170 and 42CFR32.5081. The changes address the requirement to record federal and Oregon universal Service Fund collections and contributions as receivables on the balance sheet rather than as revenues with offsetting expenses on the income statement.

The Commission encourages participants to file written comments as early as practicable in the proceeding so that other participants have the opportunity to consider and respond to the comments before the deadline. Please reference Docket No. AR 545 on comments and file them by email to the Commission's Filing Center at PUC.FilingCenter@state.or.us and also send a signed hard copy to the Filing Center at PO Box 2148, Salem, OR 97308. For more information

about the Commission's Filing Center, please see <http://apps.puc.state.or.us/edockets/center.htm//apps.puc.state.or.us/edockets/center.htm>

Rules Coordinator: Diane Davis

Address: Public Utility Commission of Oregon, PO Box 2148, Salem, OR 97308

Telephone: (503) 378-4372

Rule Caption: In the Matter of a Revision to OAR 860-084-0190 to Comport with ORS 757.365.

Stat. Auth.: ORS 757.360-757.380

Stats. Implemented: ORS 757.360-757.380

Proposed Amendments: 860-084-0190

Last Date for Comment: 10-22-10, Close of Business

Summary: The proposed changes are necessary to align the Commission's administrative rules regarding Distributing Solar Capacity by Size to ORS 757.365. The targeted goal in 860-084-0190 should be a measurement of the capacity deployed to small-scale and medium-scale solar photovoltaic energy systems, not the energy generated by only small-scale systems.

The Commission encourages participants to file written comments as early as practicable in the proceeding so that other participants have the opportunity to consider and respond to the comments before the deadline. Please reference Docket No. AR 546 on comments and file them by email to the Commission's Filing Center at PUC.FilingCenter@state.or.us and also send a signed hard copy to the Filing Center at PO Box 2148, Salem, OR 97308. For more information about the Commission's Filing Center, please see <http://apps.puc.state.or.us/edockets/center.htm>

Rules Coordinator: Diane Davis

Address: Public Utility Commission of Oregon, PO Box 2148, Salem, OR 97308

Telephone: (503) 378-4372

Secretary of State, Elections Division Chapter 165

Rule Caption: Adopting Standards for Circulating Unpaid Petitions by Paid Petition Circulators,

Stat. Auth.: ORS 246.150

Stats. Implemented: ORS 250.048

Proposed Adoptions: 165-014-0285

Last Date for Comment: 10-25-10

Summary: This proposed rule adopts specific standards for when a person is prohibited from obtaining signatures on a petition or prospective petition for which the person is being paid and, at the same time, obtaining signatures on a petition or prospective petition for which the person is not being paid.

Rules Coordinator: Brenda Bayes

Address: Secretary of State, Elections Division, 255 Capitol St. NE, Suite 501, Salem, OR 97310

Telephone: (503) 986-1518

Rule Caption: Amending the Voters' Pamphlet Cost Worksheet for Local Elections.

Stat. Auth.: ORS 246.150 & 255.305

Stats. Implemented: ORS 246.179, 246.250, 251.365, 254.046 & 255.305

Proposed Amendments: 165-020-0050, 165-020-0060

Last Date for Comment: 10-25-10

Summary: These proposed amendments update the formula used to compute the voters' pamphlet cost allocated to each district, which is contained in form SEL 955, Voters' Pamphlet Cost Worksheet.

Rules Coordinator: Brenda Bayes

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ADMINISTRATIVE RULES

Board of Parole and Post-Prison Supervision Chapter 255

Rule Caption: Amending division 30 to update the guidelines of when victims and District Attorneys are provided notice of upcoming hearings.

Adm. Order No.: PAR 7-2010

Filed with Sec. of State: 9-3-2010

Certified to be Effective: 9-3-10

Notice Publication Date: 8-1-2010

Rules Amended: 255-030-0013

Subject: Division 30 rules provide guidelines for the procedure of notifying victims and the District attorney of all upcoming hearings. This amendment will update the rule to reflect current Board practice of providing notice at least 90 days before all hearings.

Rules Coordinator: Michelle Mooney—(503) 945-0914

255-030-0013

Notification of Hearing

(1) The Board shall send written notice of the hearing and its purpose to the inmate. The inmate shall receive a copy of the Board Review Packet at least 14 days prior to the hearing.

(2) If the inmate did not receive 14 days notice, the Board may reschedule the hearing or the inmate may waive the notice and the Board shall conduct the hearing.

(3) The Board shall attempt to notify the victim, if the victim requests notification and furnishes the Board a current address, and the District Attorney of the committing county at least ninety (90) days before all hearings by sending written notice to the current addresses of both parties.

Stat. Auth.: ORS 144.120(7) & 144.130

Stats. Implemented: ORS 144.120(7) & 144.130

Hist.: 2PB 4-1986(Temp), f. & ef. 12-2-86; PAR 3-1987, f. & ef. 4-28-87; PAR 6-1988, f. & ef. 5-19-88; PAR 4-1989, f. & ef. 11-1-89; PAR 1-1990(Temp), f. & cert. ef. 2-20-90; PAR 2-1990, f. & cert. ef. 4-5-90; PAR 8-1992, f. & cert. ef. 10-9-92; PAR 3-1997, f. 3-11-97, cert. ef. 3-14-97; PAR 7-2010, f. & cert. ef. 9-3-10

Construction Contractors Board Chapter 812

Rule Caption: New definitions, larger bond requirements, lapsed license, close untimely complaints, lead-based paint, continuing education.

Adm. Order No.: CCB 14-2010

Filed with Sec. of State: 8-24-2010

Certified to be Effective: 9-1-10

Notice Publication Date: 8-1-2010

Rules Adopted: 812-002-0390, 812-007-0302, 812-021-0016

Rules Amended: 812-003-0175, 812-003-0290, 812-003-0330, 812-004-0260, 812-004-0400, 812-004-0550, 812-005-0210, 812-007-0020, 812-008-0074, 812-020-0055, 812-021-0025

Rules Repealed: 812-002-0390(T), 812-003-0290(T), 812-003-0330(T), 812-007-0020(T), 812-020-0055(T)

Subject: • 812-002-0390 is adopted to add a general definition for the term “key employee” to the definition section of the rules, Division 2.

• 812-003-0175 is amended to provide for greater protection when a residential general or residential specialty contractor with unpaid construction debts attempts to relines as a residential limited contractor and thereby avoid the increased bond requirements.

• 812-003-0290 is amended to conform to ORS 701.063(4).

• 812-003-0330, 812-004-0260, and 812-004-0400, are amended to change the process the CCB uses to handle untimely complaints. Rather than issue an order of dismissal subject to contested case review, the agency will close the complaints. The result will be an order in other than a contested case. As such, review is by the circuit court.

• 812-004-0550 is amended to eliminate dismissal for untimely filing from agency proposed default orders. Those orders are subject to contested case hearings. This is part of other changes to treat untimely claims as closures, subject to review as orders in other than contested cases.

• 812-005-0210 is amended to provide for greater protection when a residential general or residential specialty contractor with unpaid

construction debts attempts to re-license as a residential limited contractor and thereby avoid the increased bond requirements. The rule is also amended to correct cite references.

• 812-007-0020 has the following amendments: 812-007-0020(2) is amended to separate the treatment of training providers for LBP activities from those for LBP renovation. The former are limited to providers accredited by the Health Division. The latter may include those accredited by the EPA.

• 812-007-0020 is amended to add new definition for the terms: “certified renovator”, “component or building component,” and “recognized test kit.” These definitions parallel those used by the EPA in 40 CFR §745.83 and the DHS rules in 333-070-0085. The definitions are necessary because the terms are used in CCB’s new rule, OAR 812-007-0302.

• OAR 812-007-0020 formerly (5) is amended to correct an error and is renumbered (6). Child-occupied facilities are those used by children “under age six” not “six years of age or under.” The correct standard is taken from the federal regulation, 40 CFR §745.83, and is used in the Oregon Health Division’s definition rule, OAR 333-070-0085(9). The correct language is also used in other parts of CCB’s own rules (e.g., the remainder of the definition contains the language “under age six.”).

• 812-007-0302 is adopted to parallel a similar rule in the EPA regulations, 40 CFR § 745.82, and the DHS rules, OAR 333-070-0075(3). The rule provides for two significant exceptions from compliance with the LBP renovation rules. The first is where a lead assessor lead inspector determines, in writing, that components affected by a renovation do not contain (except as allowed) lead-based paint. The second is where a certified renovator, using an approved test kit, determines that components affected by a renovation do not contain (except as allowed) lead-based paint.

• 812-008-0074 is amended revise the education provider requirements. If an education provider is “doing business” (for profit) in Oregon and is a business entity from another state (e.g., foreign corporation or LLC), it must file an application for authority with the Corporation Division to do business. All businesses need to register their ABNs. These rules require businesses follow these basic laws and demonstrate their compliance on the application form.

• 812-020-0055 is adopted to remove the definition of “key employee” from the chapter on commercial contractor continuing education. The definition should be inclusive for all laws and rules relating to commercial contractor key employees. See 812-002-0390.

• 812-021-0016 is adopted to “establish reasonable fees for courses and instruction provided by the board” as authorized in ORS 701.126(1). CCB has determined that \$35/hour is a reasonable fee. For persons that purchase three or more one-hour courses, CCB will reduce the fee to \$33/hour. CCB may charge for processing, shipping and handling

• 812-021-0025 is amended to require that BEST providers would post a \$20,000 surety bond as a requirement for becoming an approved provider. It was not contemplated that the bonding requirement would cover providers of training in building codes or “green” building practices. CCB proposes to amend the rule to reflect this intent.

Rules Coordinator: Catherine Dixon—(503) 378-4621, ext. 4077

812-002-0390

Key Employee

“Key employee” means an employee or owner of a contractor who is a corporate officer, manager, superintendent, foreperson, lead person or any other person who exercises management or supervisory authority over the construction activities of the business.

Stat. Auth.: ORS 670.310, 701.124 & 701.235

Stats. Implemented: 701.124

Hist.: CCB 9-2010(Temp), f. & cert. ef. 5-18-10 thru 11-12-10; CCB 14-2010, f. 8-24-10, cert. ef. 9-1-10

ADMINISTRATIVE RULES

812-003-0175

Increased Bond, Letter of Credit or Cash Deposit Requirement, Past Unresolved Activity

(1) A business, including an individual person, applying for or renewing a license will file a bond, letter of credit or cash deposit in an amount up to five times the amount required for the category of license under OAR 812-003-0170 or 812-003-0171, if:

(a) The business has unpaid debts under a final order or arbitration award of the board;

(b) An owner or officer of the business has unpaid debts under a final order or arbitration award of the board; or

(c) An owner or officer of the business was an owner or officer of another business at the time the other business incurred a debt that is the subject of a final order or arbitration award of the board and such debt remains unpaid.

(2) A business, including an individual person, licensed as a residential general contractor or residential specialty contractor that applies to be licensed as, or seeks to change its endorsement to, a residential limited contractor must file a bond, letter or credit or cash deposit in an amount of five times the amount of the residential limited contractor bond, namely \$50,000, if:

(a) The business has unpaid debts under a final order or arbitration award of the board;

(b) An owner or officer of the business has unpaid debts under a final order or arbitration award of the board; or

(c) An owner or officer of the business was an owner or officer of another business at the time the other business incurred a debt that is the subject of a final order or arbitration award of the board and such debt remains unpaid.

(3) For purposes of this rule, "owner" means an "owner" as defined in ORS 701.094 and OAR 812-002-0537.

(4) For purposes of this rule, "officer" means an "officer" as defined in ORS 701.005(11).

(5) Debts due under a final order or arbitration award of the board include amounts not paid by a surety or financial institution on complaints.

Stat. Auth.: ORS 670.310, 701.068, 701.088 & 701.235

Stats. Implemented: ORS 701.068 & 701.088

Hist.: CCB 4-2006(Temp), f. & cert. ef. 3-9-06 thru 9-5-06; CCB 9-2006, f. & cert. ef. 9-5-06; CCB 15-2006, f. 12-12-06, cert. ef. 1-1-07; CCB 7-2007, f. 12-13-07, cert. ef. 1-1-08; CCB 5-2008, f. 2-29-08, cert. ef. 7-1-08; CCB 10-2008, f. 6-30-08, cert. ef. 7-1-08; CCB 14-2010, f. 8-24-10, cert. ef. 9-1-10

812-003-0290

Effective Dates of Renewal or Reissue of License, License Term

(1) Except as provided in section (2) of this rule, a completed renewal or reissue application required under OAR 812-003-0260 shall be on file with the agency before a license may be renewed or reissued.

(2) The effective date of a license may be prior to the date of receipt of all documents and fees required by law and by these rules if the agency determines that delays in receipt of required documents or fees were caused by agency error.

(3) The effective date of renewal shall be the previous license expiration date when:

(a) All requirements for renewal are met prior to the previous license expiration date; or

(b) All requirements for renewal are met after the previous expiration date, including but not limited to, proof of insurance coverage and a commercial and/or residential bond or letter of credit or cash deposit coverage during the period of lapse, providing the contractor applies for renewal not more than two years after the license lapses.

(4) If the contractor applies for renewal less than two years after the license lapses and does not have proof of insurance coverage and a commercial and/or residential bond or letter of credit or cash deposit coverage during the period of lapse, the effective date of reissue shall be the date all requirements for licensing have been met, including, but not limited to, submission of a renewal form, payment of the fee, a newly issued continuous until canceled bond, or reinstatement of an existing continuous until canceled bond, or letter of credit, or cash deposit, and certification of insurance coverage.

(5) If the contractor applies for renewal more than two years after the license lapses, the effective date of reissue shall be the date all requirements for licensing have been met, including, but not limited to, submission of a new application form, payment of the fee, a newly issued continuous until canceled bond, or reinstatement of an existing continuous until canceled bond, or letter of credit, or cash deposit, and certification of insurance coverage.

(6) Notwithstanding sections (2) through (5) of this section, licenses that expire before July 1, 2008, may not renew on or after July 1, 2008, except by complying with the renewal requirements set forth in OAR 812-003-0280 and with the bond and insurance requirements set forth in OAR 812-003-0152, 812-003-0153, 812-003-0171, and 812-003-0221. The effective date of the renewal will be the date upon which all requirements for renewal are met, including but not limited to, proof of insurance coverage and bond or letter of credit or cash deposit. Such licenses will not be backdated to the previous expiration date.

(7) Licenses will be reissued or renewed for a period of two years.

Stat. Auth.: ORS 670.310 & 701.235

Stats. Implemented: ORS 701.063

Hist.: CCB 9-2004, f. & cert. ef. 12-10-04, CCB 7-2007, f. 12-13-07, cert. ef. 1-1-08; CCB 5-2008, f. 2-29-08, cert. ef. 7-1-08; CCB 11-2010(Temp), f. & cert. ef. 6-4-10 thru 11-30-10; CCB 14-2010, f. 8-24-10, cert. ef. 9-1-10

812-003-0330

Inactive Status Generally

(1) A licensee may not convert a license to an inactive status if the licensee is engaged in work as a contractor.

(2)(a) A licensee may not offer to undertake work, advertise work as a contractor, submit a bid for construction work, obtain a building permit or perform construction work while in an inactive status.

(b) Subsection (a) of this section does not apply to members of the United States armed forces serving on active duty provided that they perform work as a contractor only as part of their military duties.

(3) A licensee shall notify the agency of any change of address while in an inactive status. During the period when the status of a license is inactive, the agency shall send notices and any other communications to the licensee at the last known address of record of the licensee.

(4) To convert to an inactive status a license must have:

(a) A current active license;

(b) A current suspended license; or

(c) A license that has expired no more than two years.

(5) If the licensee was subject to discipline by the agency, the licensee must satisfy any conditions imposed by the agency as a result of the discipline in order to be eligible for the inactive status.

(6) The licensee must submit a request to convert to inactive status on forms provided by the agency; and

(7) The licensee must comply with OAR 812-003-0340, 812-003-0350, and 812-003-0360.

Stat. Auth.: ORS 670.310 & 701.235

Stats. Implemented: ORS 701.056 & 701.063

Hist.: CCB 9-2004, f. & cert. ef. 12-10-04; CCB 9-2008, f. 6-11-08, cert. ef. 7-1-08; CCB 3-2009, f. 5-6-09, cert. ef. 6-1-09; CCB 6-2009, f. & cert. ef. 9-1-09; CCB 11-2010(Temp), f. & cert. ef. 6-4-10 thru 11-30-10; CCB 14-2010, f. 8-24-10, cert. ef. 9-1-10

812-004-0260

Order Closing a Complaint

(1) The agency may close a complaint because:

(a) The complainant did not act in response to a request from the agency;

(b) The complaint was not filed within the time allowed under ORS 701.143;

(c) The complainant failed to pay the complaint processing fee as required under OAR 812-004-0400(1)(f);

(d) The complaint contains a mediation or arbitration agreement as provided in OAR 812-004-0440;

(e) The complainant does not comply with the on-site meeting requirements as provided in OAR 812-004-0450;

(f) The complainant and respondent settle the complaint as provided in OAR 812-004-0500;

(g) The complainant fails to provide documents to the agency as required by OAR 812-004-0520; or

(h) The agency does not timely receive evidence of a stay or counter-suit on a construction lien complaint, as provided in OAR 812-004-0530(11).

(2) The agency may close a complaint under section (1)(a) of this rule only if it complies with the following:

(a) The agency must include notice in its request to the complainant that failure to act as requested may result in closure of the complaint and that closure of the complaint will prevent access to the bond, letter of credit or cash deposit.

(b) The agency may not close the complaint sooner than 14 days after giving the notice required in subsection (2)(a) of this rule.

(c) The agency must notify the parties to the complaint that the complaint is closed and cite the statutes and rules under which the order may be appealed.

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(3) The agency may reopen a complaint closed under section (1)(a) of this rule if the record of the complaint contains evidence that shows that the reason the complainant did not act as requested by the agency was due to excusable neglect by the complainant. The agency may reopen the complaint:

- (a) In response to a motion for reconsideration; or
- (b) On the agency's own initiative under OAR 137-004-0080 after receiving evidence supporting reconsideration of the order closing the complaint.

(4) Except as provided in section (5), the agency's determination to close a complaint is an order in other than a contested case.

(5) At the agency's discretion, the agency may refer a complaint to the Office of Administrative Hearings for a contested case hearing on whether closure of the complaint under this rule is proper.

(6) An order to close a complaint is subject to judicial review under ORS 183.484.

(7) A party must file a motion for reconsideration of an order closing a complaint under this rule before seeking judicial review of the order.

Stat. Auth.: ORS 670.310 & 701.235

Stats. Implemented: ORS 183.480, 701.140, 701.145 & 701.146

Hist.: CCB 2-2001, f. & cert. ef. 4-6-01; CCB 6-2001, f. & cert. ef. 9-27-01; CCB 5-2002, f. 5-28-02, cert. ef. 6-1-02; CCB 7-2003, f. & cert. ef. 8-8-03; CCB 9-2004, f. & cert. ef. 12-10-04; CCB 7-2005, f. 12-7-05, cert. ef. 1-1-06; CCB 15-2006, f. 12-12-06, cert. ef. 1-1-07; CCB 7-2007, f. 12-13-07, cert. ef. 1-1-08; CCB 10-2008, f. 6-30-08, cert. ef. 7-1-08; CCB 14-2010, f. 8-24-10, cert. ef. 9-1-10

812-004-0400

Initial Administrative Processing of Complaints; Collection of Fee

(1) Upon receipt of a complaint, the agency must:

- (a) Send a copy of the complaint to the respondent;

(b) Verify that the complainant has provided information required under OAR 812-004-0340 and request additional information from the complainant if necessary;

(c) Make a preliminary determination that the board has or lacks jurisdiction over the complaint based on the information provided by the complainant;

(d) If the agency makes a preliminary determination that it has jurisdiction over the complaint and the agency does not waive the complaint processing fee required under OAR 812-004-0110, the agency must request payment of the complaint processing fee. Except as provided in section (2) of this rule, the agency may suspend processing of the complaint until complainant pays this fee.

(e) Except as provided in subsection (g), if the agency determines that the complaint should be dismissed based on the information submitted by complainant, the agency must issue a proposed order to dismiss under OAR 812-004-0550.

(f) If the complainant requests a hearing on the proposed order of dismissal and the agency does not waive the complaint processing fee required under OAR 812-004-0110, the agency must request payment of the complaint processing fee and may not transmit the complaint to the Office of Administrative Hearings for a hearing until the fee is paid.

(g) If the agency determines that the complaint should be closed for lack of jurisdiction due to failure to file the complaint within the time allowed under ORS 701.143, the agency will issue an order under OAR 812-004-0260 closing the complaint.

(h) If the complainant does not pay the fee required under OAR 812-004-0110 within 30 days of written notification that the fee is due, the agency may close the complaint. The request for payment and closure must comply with OAR 812-004-0260. The agency may extend the time for payment of the fee upon a showing of good cause by the complainant.

(2) The agency may initiate an investigation to determine the validity of the complaint. The investigation may include an investigation conducted at an on-site meeting. At the agency's discretion, the agency may investigate a complaint even though the fee required under OAR 812-004-0110 has not been paid if the agency believes the public will benefit from continuing to investigate the complaint.

Stat. Auth.: ORS 670.310 & 701.235

Stats. Implemented: ORS 183.415, 183.460, 701.133, 701.140, 701.145, 701.146

Hist.: CCB 8-1998, f. 10-29-98, cert. ef. 11-1-98; CCB 7-2000, f. 6-29-00, cert. ef. 7-1-00; CCB 8-2001, f. 12-12-01, cert. ef. 1-1-02; CCB 4-2003, f. & cert. ef. 6-3-03; CCB 11-2003, f. 12-5-03, cert. ef. 1-1-04; CCB 15-2006, f. 12-12-06, cert. ef. 1-1-07; CCB 9-2008, f. 6-11-08, cert. ef. 7-1-08; CCB 12-2010, f. 6-24-10, cert. ef. 7-1-10; CCB 14-2010, f. 8-24-10, cert. ef. 9-1-10

812-004-0550

Proposed Default Order to Dismiss, Other Resolution of Complaint by Proposed Default Order

(1) The agency may issue a proposed default order proposing dismissal of a complaint if the evidence in the complaint record persuades the agency that one of the following grounds for dismissal exists:

(a) The complaint is not the type of complaint that the agency has jurisdiction to determine under ORS 701.140.

(b) The complainant did not permit the respondent to comply with agency recommendations under ORS 701.145(3)(d).

(c) The complaint must be dismissed for lack of jurisdiction under OAR 812-004-0320(4) or (5).

(d) The respondent breached a contract or performed work negligently or improperly, but the monetary value of damages sustained by the complainant is less than an amount due to the respondent from the complainant under the terms of the contract.

(e) The complainant contends that the respondent did not fulfill the terms of a settlement that resolved the complaint but the agency finds that the respondent fulfilled the respondent's obligation under the settlement agreement.

(2) The agency may issue a proposed default order proposing dismissal of a complaint if the agency investigates the complaint and finds that the record of the complaint supports dismissal under OAR 812-004-0535.

(3) If the complainant makes a timely request for a hearing after the agency issued a proposed default order under section (1) or (2) of this rule, the agency may:

(a) Refer the complaint for an arbitration or contested case hearing solely to determine whether the dismissal was proper; or

(b) Require that the complainant file a statement of damages stating an amount the complainant alleges the respondent owes the complainant and refer the complaint for arbitration or a contested case hearing to determine if the complaint should be dismissed and if not, the validity of the complaint and whether the amount alleged, or some lesser amount is proper.

(4) The provisions of OAR 812-004-0560 apply to a proposed default order or a referral to the Office of Administrative Hearings issued under this rule.

Stat. Auth.: ORS 670.310 & 701.235

Stats. Implemented: ORS 183.415, 183.460, 183.470, 701.133 & 701.145

Hist.: CCB 1-2000(Temp), f. 1-20-00, cert. ef. 1-24-00 thru 7-22-00; CCB 3-2000(Temp), f. 3-10-00, cert. ef. 3-10-00 thru 7-22-00; CCB 4-2000, f. & cert. ef. 5-2-00; CCB 2-2001, f. & cert. ef. 4-6-01; CCB 8-2001, f. 12-12-01, cert. ef. 1-1-02; CCB 5-2002, f. 5-28-02, cert. ef. 6-1-02; CCB 2-2003, f. & cert. ef. 3-4-03; CCB 7-2003, f. & cert. ef. 8-8-03; CCB 2-2004, f. 2-27-04, cert. ef. 3-1-04; CCB 15-2006, f. 12-12-06, cert. ef. 1-1-07; CCB 9-2008, f. 6-11-08, cert. ef. 7-1-08; CCB 10-2008, f. 6-30-08, cert. ef. 7-1-08; CCB 12-2010, f. 6-24-10, cert. ef. 7-1-10; CCB 14-2010, f. 8-24-10, cert. ef. 9-1-10

812-005-0210

Conditions to Require an Increased Bond, Letter of Credit or Cash Deposit

(1) Under ORS 701.085(8) (2005) or 701.068, the agency may require a bond, letter of credit or cash deposit of up to five times the normally required amount, if it determines that a licensee or a current or previous owner, officer or responsible managing individual, as those terms are defined in division 2 of these rules, has:

(a) A history of unpaid final orders consisting of two or more final orders unpaid for longer than thirty (30) days following the date of issuance.

(b) Five or more breach of contract complaints filed under ORS 701.131 to 701.180 by five or more separate complainants within a one-year period from the date of filing of the most recent Dispute Resolution Services complaint.

(c) An unpaid construction debt as defined in ORS 701.005(4) that exceeds the amount of the bond, letter of credit or cash deposit.

(d) Board final orders issued in favor of one or more complainants under ORS 701.145 or 701.146 where the amount that must be paid exceeds the amount of the bond.

(2) The amount of the increased bond, letter of credit or cash deposit required under subsection (1)(a) of this rule must conform to the following schedule:

(a) If the sum of unpaid amounts on final orders exceeds the licensee's most recent bond, letter of credit or cash deposit by less than 50 percent, the agency may require a bond, letter of credit or cash deposit two times the amount required under ORS 701.085 (2005), 701.068 or 701.088.

(b) If the sum of the unpaid final orders exceeds the licensee's most recent bond, letter of credit or cash deposit by 50 percent or more, but less than 100 percent, the agency may require a bond, letter of credit or cash

ADMINISTRATIVE RULES

deposit three times the bond, letter of credit or cash deposit amount required under ORS 701.085 (2005), 701.068 or 701.088.

(c) If the sum of unpaid amounts on final orders exceeds the licensee's most recent bond, letter of credit or cash deposit by 100 percent or more, the agency may require a bond, letter of credit or cash deposit in the amount of five times the normal amount required under ORS 701.085 (2005), 701.068 or 701.088.

(3) The amount of increased bond, letter of credit or cash deposit the agency may require under subsection (1)(b) of this rule will be based on the number of complaints filed and the time period that the complaints were received as follows:

(a) Two times the bond, letter of credit or cash deposit amount required under ORS 701.085 (2005), 706.068 or 701.088 if five or more complaints are received in any twelve-month period.

(b) Three times the bond, letter of credit or cash deposit amount required under ORS 701.085 (2005), 701.068 or 701.088 if five or more complaints are received in any six-month period.

(c) Five times the bond, letter of credit or cash deposit amount required under ORS 701.085 (2005), 701.068 or 701.088 if five or more complaints are received in any three-month period.

(4) The amount of the increased bond, letter of credit or cash deposit required under subsection (1)(c) of this rule must conform to the following schedule:

(a) If the sum of the unpaid construction debt exceeds the licensee's most recent bond, letter of credit or cash deposit by less than 50 percent, the agency may require a bond, letter of credit or cash deposit two times the bond, letter of credit or cash deposit amount required under ORS 701.085 (2005), 701.068 or 701.088.

(b) If the sum of the unpaid construction debt exceeds the licensee's most recent bond, letter of credit or cash deposit by 50 percent or more, but less than 100 percent, the agency may require a bond, letter of credit or cash deposit three times the bond, letter of credit or cash deposit amount required under ORS 701.085 (2005), 701.068 or 701.088.

(c) If the sum of the unpaid construction debt exceeds the licensee's most recent bond, letter of credit or cash deposit by 100 percent or more, the agency may require a bond, letter of credit or cash deposit five times the bond, letter of credit or cash deposit amount required under ORS 701.085 (2005), 701.068 or 701.088.

(5) The amount of the increased bond, letter of credit or cash deposit required under subsection (1)(d) of this rule must conform to the following schedule:

(a) If the amount of the board final orders exceeds the licensee's most recent bond, letter of credit or cash deposit by less than 50 percent, the agency may require a bond, letter of credit or cash deposit two times the bond, letter of credit or cash deposit amount required under ORS 701.085 (2005), 701.068 or 701.088.

(b) If the amount of the board final orders exceeds the licensee's most recent bond, letter of credit or cash deposit by 50 percent or more, but less than 100 percent, the agency may require a bond, letter of credit or cash deposit three times the bond, letter of credit or cash deposit amount required under ORS 701.085 (2005), 701.068 or 701.088.

(c) If the amount of the board final orders exceeds the licensee's most recent bond, letter of credit or cash deposit by 100 percent or more, the agency may require a bond, letter of credit or cash deposit five times the bond, letter of credit or cash deposit amount required under ORS 701.085 (2005), 701.068 or 701.088.

(6) Notwithstanding sections (2) through (5) of this rule, a business (including an individual person) licensed as a residential general contractor or residential specialty contractor that applies to be licensed as, or seeks to change its endorsement to, a residential limited contractor must file a bond, letter of credit or cash deposit in an amount of five times the amount of the residential limited contractor bond, namely \$50,000, if the business or its previous owner, officer or responsible managing individual has:

(a) A history of unpaid final orders consisting of two or more final orders unpaid for longer than thirty (30) days following the date of issuance.

(b) Five or more breach of contract complaints filed under ORS 701.131 to 701.180 by five or more separate complainants within a one-year period from the date of filing of the most recent Dispute Resolution Services complaint.

(c) An unpaid construction debt as defined in ORS 701.005(2) that exceeds the amount of the bond, letter of credit or cash deposit.

(d) Board final orders issued in favor of one or more complainants under ORS 701.145 where the amount that must be paid exceeds the amount of the bond.

Stat. Auth.: ORS 670.310, 701.085 (2005), 701.068, 701.088 & 701.235

Stats. Implemented: ORS 701.005, 701.085 (2005), 701.068, 701.088 & 701.094
Hist.: CCB 9-2004, f. & cert. ef. 12-10-04; CCB 2-2005, f. 6-29-05, cert. ef. 7-1-05; Renumbered from 812-003-0170(3)(a)-(c), CCB 7-2005, f. 12-7-05, cert. ef. 1-1-06; CCB 7-2006, f. & cert. ef. 6-23-06; CCB 9-2006, f. & cert. ef. 9-5-06; CCB 12-2006, f. 12-12-06, cert. ef. 1-1-07; CCB 6-2007, f. 8-29-07, cert. ef. 9-1-07; CCB 7-2007, f. 12-13-07, cert. ef. 1-1-08; CCB 9-2008, f. 6-11-08, cert. ef. 7-1-08; CCB 17-2008, f. 9-26-08, cert. ef. 10-1-08; CCB 14-2010, f. 8-24-10, cert. ef. 9-1-10

812-007-0020

Definitions

The following definitions apply to division 7 of OAR chapter 812.

(1) "Abatement" means any measure or set of measures designed to permanently eliminate LBP hazards.

(2) "Accredited training program" means a training program provisionally accredited or accredited by the Department, either directly or by reciprocity, to provide training for individuals engaged in LBP activities. For all other purposes, "accredited training program" means a training program provisionally accredited or accredited by the Environmental Protection Agency (EPA) or the Department, either directly or by reciprocity.

(3) "Certified" means certified by the Department to perform LBP activities.

(4) "Certified lead-based paint renovation contractor" means a construction contractor that is licensed by the board to conduct LBP renovation under ORS 701.515.

(5) "Certified renovator" means an individual who has successfully completed a renovator course accredited by the Department, EPA, or EPA authorized program.

(6) "Child-occupied facility" means a building, or portion of a building, constructed before 1978 and visited regularly by the same child, under age six, on at least two different days within any week (Sunday through Saturday), provided that each day's visit lasts at least 3 hours and the combined weekly visit lasts at least 6 hours, and the combined annual visits last at least 60 hours. Child-occupied facilities may include, but are not limited to, day-care centers, preschools and kindergarten classrooms. Child-occupied facilities may be located in target housing or in public or commercial buildings. With respect to common areas in public or commercial buildings that contain child-occupied facilities, the child-occupied facility encompasses only those common areas that are routinely used by children under age six, such as restrooms and cafeterias. Common areas that children under age six only pass through, such as hallways, stairways, and garages are not included. In addition, with respect to exteriors of public or commercial buildings that contain child-occupied facilities, the child-occupied facility encompasses only the exterior sides of the building that are immediately adjacent to the child-occupied facility or the common areas routinely used by children under age six.

(7) "Component or building component" means specific design or structural elements or fixtures of a building or residential dwelling that are distinguished from each other by form, function, and location. These include, but are not limited to: interior components such as ceilings, crown molding, walls, chair rails, doors, door trim, floors, fireplaces, radiators and other heating units, shelves, shelf supports, stair treads, stair risers, stair stringers, newel posts, railing caps, balustrades, windows and tri (including sashes, window heads, jambs, sills or stools and troughs), built-in cabinets, columns, beams, bathroom vanities, counter tops, and air conditioners; and exterior components such as painted roofing, chimneys, flashing, gutters and downspouts, ceilings, soffits, fascias, rake boards, corner boards, bulkheads, doors and door trim, fences, floors, joists, lattice work, railings and railing caps, siding, handrails, stair risers and treads, stair stringers, columns, balustrades, window sills or stools and troughs, casings, sashes and wells, and air conditioners.

(8) "Course completion certificate" means documentation issued by an accredited training program to an individual as proof of successful completion of an accredited renovator training program (initial or refresher).

(9) "Department" means the Oregon Department of Human Services.

(10) "Deteriorated lead-based paint (LBP)" means any interior or exterior paint or other covering that is peeling, chipping, chalking, cracking, flaking or any paint or coating located on an interior or exterior surface or fixture that is otherwise damaged or separated from the substrate.

(11) "Dust-lead hazard" means surface dust that contains a mass-per-area concentration of lead equal to or exceeding 40 $\mu\text{g}/\text{ft}^2$ on floors or 250 $\mu\text{g}/\text{ft}^2$ on interior windows or 400 $\mu\text{g}/\text{ft}^2$ in troughs based on wipe samples.

(12) "Inspection" means a surface-to-surface investigation to determine the presence of LBP and an accompanying report explaining the results of the investigation.

(13) "Lead abatement contractor" means a construction contractor that is licensed by the board to perform abatement.

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(14) "Lead assessor" or "risk assessor" means an individual who has been trained by an accredited training program and certified by the Department to conduct risk assessments.

(15) "Lead-based paint" or "LBP" means paint or other surface coatings that contain lead equal to or in excess of 1.0 milligrams per square centimeter or more than 0.5 percent by weight.

(16) "Lead-based paint activities" means, in the case of target housing and child-occupied facilities, inspection, risk assessment, and abatement.

(17) "Lead-based paint (LBP) hazard" means deteriorated LBP, dust-lead hazard or soil-lead hazard.

(18) "Lead inspection contractor" means a construction contractor that is licensed by the board to perform inspections or risk assessments.

(19) "Lead inspector" means an individual who has been trained by an accredited training program and certified by the Department to conduct inspections.

(20) "Lead supervisor" means an individual who has been trained by an accredited training program and certified by the Department to supervise and conduct abatements and prepare abatement reports.

(21) "Lead worker" or "lead abatement worker" means an individual who has been trained by an accredited training program and certified by the Department to perform abatements.

(22) "Minor repair and maintenance" means activities, (including minor heating, ventilation, air conditioning work, electrical work, or plumbing) that disrupt 6 square feet or less of painted surface per room for interior activities or 20 square feet or less of painted surface for exterior activities, that do not involve prohibited or restricted work activities and do not involve window replacement or painted surface demolition. Jobs, other than emergency renovations, performed within the same 30 days must be considered the same job for the purpose of determining whether the job is a minor repair and maintenance activity.

(23) "Prohibited or restricted work activities" include:

(a) Open flame burning or torching;

(b) Machines to remove paint through high-speed operation without HEPA exhaust control; and

(c) Operating a heat gun at temperatures at or above 750 degrees Fahrenheit.

(24) "Recognized test kit" means a commercially available kit recognized by EPA under 40 CFR § 745.88 as being capable of allowing a user to determine the presence of lead at levels equal to or in excess of 1.0 milligrams per square centimeter, or more than 0.5 percent lead by weight, in a paint chip, paint powder, or painted surface.

(25) "Renovation" means the modification of any existing structure, or portion thereof, which results in the disturbance of painted surfaces, unless that activity is performed as part of an abatement. The term renovation includes, but is not limited to:

(a) Removal, modification or repair of painted surfaces or painted components, such as modification of painted doors, surface restoration, window repair, surface preparation activity (such as sanding, scraping or other such activities that may generate paint dust);

(b) The removal of building components, such as walls, ceilings, plumbing and windows;

(c) Window replacement;

(d) Weatherization projects, such as cutting holes in painted surfaces to install blown-in insulation or to gain access to attics, or planing thresholds to install weather-stripping;

(e) Interim controls that disturb painted surfaces. A renovation for the purpose of converting a building, or part of a building, into target housing or a child-occupied facility is a renovation. The term "renovation" does not include minor repair and maintenance.

(26) "Renovation Right Pamphlet" means the pamphlet entitled Renovate Right: Important Lead Hazard Information for Families, Child Care Providers and Schools or any pamphlet approved by the Environmental Protection Agency (EPA) for the same purpose.

(27) "Risk assessment" means an on-site investigation to determine the existence, nature, severity, and location of a LBP hazard and an accompanying report explaining the results of the investigation and options for reducing LBP hazards.

(28) "Soil lead hazard" means 400 ppm of lead in child play areas or 1200 ppm in non-child play areas.

(29) "Target housing" means any housing constructed before 1978, except housing for the elderly or persons with disabilities or any housing with no bedrooms.

Stat. Auth.: ORS 670.310, 701.235 & 701.515

Stats. Implemented: ORS 701.505 - 701.520

Hist.: CCB 6-1996(Temp), f. & cert. ef. 11-26-96; Administrative Renummer from 812-007-0015, 5-19-97; CCB 1-1997, f. & cert. ef. 5-15-97; CCB 4-1997, f. & cert. ef. 11-3-97; CCB 8-1998, f. 10-29-98, cert. ef. 11-1-98; CCB 1-1999, f. 3-29-99, cert. ef. 4-1-99; CCB 7-2000, f. 6-29-00, cert. ef. 7-1-00; CCB 13-2006, f. 12-12-06, cert. ef. 1-1-07; CCB 2-2010, f. & cert. ef. 2-1-10; CCB 5-2010(Temp), f. & cert. ef. 3-11-10 thru 9-3-10; CCB 10-2010(Temp), f. & cert. ef. 6-1-10 thru 9-3-10; CCB 14-2010, f. 8-24-10, cert. ef. 9-1-10

812-007-0302

Applicability of and Exceptions to Rules Relating to Lead-Based Paint Renovation

OAR 812-007-0300 to OAR 812-007-0374 apply to all renovations performed for compensation in target housing and child-occupied facilities, except for renovations in target housing or child-occupied facilities in which:

(1) A lead assessor or lead inspector has made a written determination that the components affected by the renovation are free of paint or other surface coatings that contain lead equal to or in excess of 1.0 milligrams per square centimeter (mg/cm²) or 0.5 percent by weight. The person performing the renovation must obtain a copy of the written determination.

(2) A certified renovator, using a recognized test kit, has tested each component affected by the renovation and determined that the components are free of paint or other surface coatings that contain lead equal to or in excess of 1.0 milligrams per square centimeter (mg/cm²) or 0.5 percent by weight. The certified renovator must follow the kit manufacturer's instructions.

Stat. Auth.: ORS 670.310 & 701.235 & 701.515

Stats. Implemented: ORS 701.505-701.520

Hist.: CCB 14-2010, f. 8-24-10, cert. ef. 9-1-10

812-008-0074

Approved Course Subjects and Education Providers

(1) The following subject areas are approved for continuing education units: Report writing, communication skills, business practices, legal issues, ethics, home inspector study guide items, building codes, and home inspector standards of practice.

(2) If applicable, a foreign company applying to be an education provider must be authorized by the Oregon Corporation Division to do business in Oregon. All education provider applicants must register their assumed business name(s) used in Oregon with the Oregon Corporation Division.

(3) Education provider applicants shall complete an application form prescribed by the agency that shall include but is not limited to the following information:

(a) Evidence that the education provider applicant complies with section (2) of this rule.

(b) An outline that demonstrates the goals and objectives of the education program are appropriate for Oregon Home Inspectors;

(c) Certification that the courses intended for Oregon Home Inspectors are in the approved subject matter stated in OAR 812-008-0074(1).

(d) Certification that the instructors are qualified and have:

(A) Experience in subject matter.

(B) Licenses, certificates, and/or degrees in subject matter.

(C) Background in training or adult education; and

(D) Knowledge of home inspection industry.

(e) Certification that the criteria used by the education provider to approve and evaluate instructors and courses are stringent and ongoing.

(4) Education providers offering continuing education units as defined in 812-008-0072(1) shall provide completion certificates to course attendees within 30 days from the date of course completion. Course completion certificates shall include but are not limited to the following:

(a) Education provider's name;

(b) Attendee's name;

(c) Date of course;

(d) Subject areas covered in course;

(e) Number of clock hours or continuing education units; and

(f) Signature of education program designee.

(5) Education providers' programs approved by the agency shall be granted retroactive credit for certified home inspectors for two years.

(6) The agency may terminate a provider's program if they do not meet the agency's approved criteria.

Stat. Auth.: ORS 670.310, 701.235 & 701.530

Stats. Implemented: ORS 701.350 & 701.355

Hist.: CCB 5-1999, f. & cert. ef. 9-10-99; CCB 4-2003, f. & cert. ef. 6-3-03; CCB 6-2006, f. 5-25-06, cert. ef. 6-1-06; CCB 14-2006, f. 12-12-06, cert. ef. 1-1-07; CCB 14-2010, f. 8-24-10, cert. ef. 9-1-10

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812-020-0055

Definitions — Continuing Education for Commercial Contractors

The following definitions apply to OAR 812-020-0050 to 812-020-0073:

(1) “Building code” means a specialty code as defined in ORS 455.010(7).

(2) “Commercial contractor” means a licensed contractor as defined under ORS 701.005(2).

(3) “Inactive commercial contractor” means a commercial contractor that has voluntarily placed its license in inactive status in accordance with OAR 812-003-0330 to 812-003-0370 and has not converted the license back to active status in accordance with ORS 812-003-0380.

(4) “Lapse in license” has the meaning given that term by OAR 812-002-0420.

(5) “License period” means the two-year period from the date a contractor’s license is first issued or last renewed until the date the license is next scheduled to expire.

Stat. Auth.: ORS 670.310, 701.124 & 701.235

Stats. Implemented: 701.124

Hist.: CCB 21-2008, f. & cert. ef. 11-20-08; CCB 9-2010(Temp), f. & cert. ef. 5-18-10 thru 11-12-10; CCB 14-2010, f. 8-24-10, cert. ef. 9-1-10

812-021-0016

Fees for Agency Courses – Continuing Education for Residential Contractors

(1) The agency will charge a fee of \$35 per course hour for the following courses:

(a) BEST, offered by the agency as provided in OAR 812-021-0015(3)(a)(A).

(b) Education on laws, regulations, and business practices, offered by the agency as provided in OAR 812-021-0015(3)(a)(C) and 812-021-0015(4)(a)(B).

(2) If a person purchases three or more one-hour courses from CCB in a single transaction, CCB will charge a fee of \$33 per course hour.

(3) In addition to the fee for the course, CCB may charge for processing, shipping and handling course materials made available other than online.

Stat. Auth.: ORS 670.310, 701.126 & 701.235

Stats. Implemented: ORS 701.126

Hist.: CCB 14-2010, f. 8-24-10, cert. ef. 9-1-10

812-021-0025

Provider Approval, Standards, Fees and Renewal for Core – Continuing Education for Residential Contractors

(1) The agency will review and approve providers offering core continuing education.

(2) Providers will apply for approval on a form prescribed by the agency. Providers may, but need not, apply for approval at the same time they apply for course approval.

(3) Providers seeking approval to offer training in BEST, building codes or “green” or sustainable building practices must submit the following to the agency:

(a) Name, address and contact information of the provider;

(b) Business entity type of the provider and, if applicable, the Corporation Division business registry number;

(c) Description of provider business plan;

(d) Description of the core subject area(s) provider intends to offer; and

(e) Such other information or documentation as the agency may request.

(4) Providers must remit to the agency together with their application:

(a) A non-refundable fee of \$2,000 if applying to offer BEST;

(b) A non-refundable fee of \$500 if applying to offer building codes or “green” or sustainable building practices; or

(c) A non-refundable fee of \$2,500 if applying to offer both BEST and building codes or “green” or sustainable building practices.

(5) To qualify for approval, providers must:

(a) Certify the programs offered meet the minimum standards and content objectives established by the Board;

(b) Employ or contract with educators who have at least two years work experience or two years of education, or any combination of both, in the subject that they instruct;

(c) Be capable of entering and transmitting electronic data to the agency;

(d) Describe a process for prompt resolution of complaints by registrants;

(e) Describe a process for cancellations and refunding registrant payments; and

(f) If applying to offer BEST, provide a surety bond in an amount of \$20,000 obligating the surety to pay registrants to whom the provider owes money for cancellation or other refunds that the provider fails to pay. The bond must be in the form adopted by the board as the “Continuing Education Provider Surety Bond” dated December 1, 2009.

(6) Provider approval will be valid for two (2) years from the date the provider is approved by the agency.

(7) Providers must re-submit application and fees required under sections (3) and (4) of this rule for renewal of approval. Renewal of approval will be subject to the same requirements as initial approval.

Stat. Auth.: ORS 670.310, 701.126 & 701.235

Stats. Implemented: ORS 701.126

Hist.: CCB 5-2009, f. 6-25-09, cert. ef. 7-1-09; CCB 8-2009, f. 12-28-09, cert. ef. 1-1-10; CCB 14-2010, f. 8-24-10, cert. ef. 9-1-10

Department of Agriculture

Chapter 603

Rule Caption: Amends the list of diseases that veterinarians must report to ODA.

Adm. Order No.: DOA 14-2010

Filed with Sec. of State: 8-31-2010

Certified to be Effective: 8-31-10

Notice Publication Date: 7-1-2010

Rules Amended: 603-011-0212

Subject: The Oregon Department of Agriculture, Animal Health Division has the responsibility to protect the livestock of this state from disease. Further, the Division must take all measures necessary and proper to control diseases within this state and to eradicate and prevent the spread of communicable diseases that may exist among livestock and to prevent the entry into this state of animals liable to spread diseases to the livestock or people of this state. To assist in this responsibility, the Division requires Oregon veterinarians to immediately report any livestock that are experiencing specific diseases that may be a threat to Oregon livestock and even may effect our livestock export markets if not controlled. The specific diseases are listed in this rule and are of national and international concern. The amendment to the rule will bring the list up to date with other states and other countries.

Rules Coordinator: Sue Gooch—(503) 986-4583

603-011-0212

Diseases Reportable by Veterinarians

Any person practicing veterinary medicine in this state shall immediately notify the department by telephone of observing the following abnormalities:

(1) Any unidentified vesicular disease;

(2) Any exotic disease or foreign animal disease, even if only suspected;

(3) Any disease of unknown etiology exhibiting highly pathogenic or lethal effect; or

(4) Any person practicing veterinary medicine in this state shall immediately notify the department by telephone of clinical evidence of any of the following diseases:

Multi Species Diseases

Anthrax

Babesiosis/Piroplasmiasis

Bluetongue

Bruceellosis (abortus, mellitensis, suis)

Foot and mouth disease

Pseudorabies

Rabies

Vesicular Stomatitis

Cattle Diseases

Bovine spongiform encephalopathy

Bovine tuberculosis

Malignant catarrhal fever

Trichomoniasis

Equine Diseases

Contagious equine metritis

Equine encephalomyelitis

(WEE, EEE, VEE and WNV)

Equine infectious anemia

Equine viral arteritis

Sheep and Goat Diseases

Scrapie

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Swine Diseases

Classical swine fever
Swine Influenza

Poultry Diseases

Avian chlamydiosis
Avian infectious laryngotracheitis
Exotic Newcastle disease
Notifiable avian influenza
Pullorum disease
Salmonella enteritidis

Stat. Auth.: ORS 561.190, 596.321 & 596.341

Stats. Implemented: ORS 596.321

Hist.: AD 2-1985, f. & ef. 1-18-85; AD 1-1995, f. & cert. ef. 2-3-95; DOA 14-2010, f. & cert. ef. 8-31-10

Rule Caption: Requires female dairy cattle to be tested and clarifies rule language.

Adm. Order No.: DOA 15-2010

Filed with Sec. of State: 8-31-2010

Certified to be Effective: 8-31-10

Notice Publication Date: 7-1-2010

Rules Amended: 603-011-0265

Subject: The Oregon Department of Agriculture, Animal Health Division has the responsibility to protect the livestock of this state from disease. Tuberculosis (TB) is a highly contagious disease spread by direct contact and through the air from animal to animal. Dairy cattle herds are considered to be high risk for contracting TB. To help prevent TB from entering Oregon cattle herds, this rule will lower the age for required TB testing for dairy breed cattle imported into Oregon for breeding and/or dairy purposes. The rule will also clear up confusion about the specific type of animal regulated by this rule. The rule is meant to regulate cattle not bison and exotic ruminants.

Rules Coordinator: Sue Gooch—(503) 986-4583

603-011-0265

Importation of Cattle; Tuberculosis Testing Requirements

In addition to an import permit and other disease control requirements, the following requirements must be met regarding bovine tuberculosis. Cattle that have had physical contact within the past 12 months with cattle originating in Mexico must be treated as cattle originating in Mexico.

(1) Cattle originating from within the United States:

(a) Tuberculosis testing is not required for:

(A) Cattle of beef breeds originating from states classified or areas designated as USDA accredited-free of bovine tuberculosis. Such cattle must be born in or resident in such a state for at least the previous 12 months;

(B) Cattle of any breed originating from herds classified USDA accredited-free of bovine tuberculosis. The accredited herd number and date of latest herd test must be shown on the health certificate.

(C) Cattle imported for slaughter:

(i) By direct delivery to a federally inspected slaughter establishment.

(ii) By direct consignment to an auction market to be sold for slaughter only.

(D) Cattle of any beef breed or cattle of dairy breeds that are sexually neutered, imported to be fed for slaughter from a state which is not classified USDA accredited-free of bovine tuberculosis: If the herd of origin is not under hold order, quarantine, or epidemiological study for tuberculosis, and has had no laboratory confirmed case or other epidemiological evidence of tuberculosis in the previous 12 months, and there has been no contact with any such herd which has; or

(E) Cattle of beef breeds imported for breeding purposes from a state which is not classified USDA accredited-free of bovine tuberculosis if the state of origin has had no laboratory confirmed case or other epidemiological evidence of tuberculosis in the previous 12 months and the herd of origin is not under hold order, quarantine, or epidemiological study for tuberculosis;

(F) Cattle of beef breeds imported for breeding from a state which is not classified USDA accredited-free of bovine tuberculosis and which has had a laboratory confirmed case or other epidemiological evidence of tuberculosis in the previous 12 months, if the area or herd from which they originate has been exempted from testing by the Oregon State Veterinarian in consultation with livestock health officials of the state of origin.

(b) Tuberculosis testing is required for:

(A) Cattle of beef breeds imported for breeding purposes from a state which is not classified USDA accredited-free of bovine tuberculosis and which has had a laboratory confirmed case or other epidemiological evi-

dence of tuberculosis in the previous 12 months, except as exempted in paragraph (1)(a)(F) of this rule;

(B) Cattle of dairy breeds imported for breeding and/or dairy purposes, over 2 months of age, within the 60-day period before entering the state.

(C) A retest at 60 to 120 days from date of first test may in some cases be required. The imported cattle may be retested in the state of origin or imported into Oregon and held under quarantine subject to retest;

(D) Cattle imported as transient rodeo stock must have had one negative tuberculosis test within 12 months before entry.

(c) Appeals of exemption decisions: Appeals of exemption decisions made under paragraph (1)(a)(F) of this rule must be filed with the Director of the Oregon Department of Agriculture within 10 working days of the decision. Review will be completed within 10 working days of the appeal. Review will include consultation with at least the Oregon State Veterinarian, the USDA Area Veterinarian in Charge for Oregon, and livestock health officials of the exporting state or country.

(2) Cattle originating in Canada: The regulations for importation of cattle from within the United States shall apply to areas of equivalent tuberculosis classification status as determined by the Ministry of Agriculture of Canada.

(3) Cattle originating in Mexico:

(a) Sexually neutered cattle must:

(A) Bear official Mexican government identification; and

(B) Be negative to a tuberculosis test upon crossing the border into the United States; and

(C) If imported for feeding purposes, be imported under prior written agreement with the Oregon State Veterinarian directly to a "Tuberculosis Qualified Pasture" (TQP) after proof is provided of a negative tuberculosis test administered no less than 60 days after the initial test and after importation into the U.S. Movement out of the TQP may be to another TQP, direct to slaughter, or to an out of state destination. The TQP must have fencing adequate to prohibit commingling with breeding animals; or

(D) If imported for rodeo and recreational purposes, be held separate and apart from native cattle and retested negative 60 to 120 days following the first test. Such cattle that have been resident in another state for more than 60 days shall require evidence of a second negative retest for tuberculosis before entry into Oregon.

(b) Sexually intact cattle of beef breeds must:

(A) Be negative to the tuberculosis test upon crossing the border into the United States; and

(B) Be retested negative within 60 to 120 days following the first test; and

(C) Be retested negative within 360 to 420 days following the first test; and

(D) Be held separate and apart from native cattle until completion of all tests; and

(E) Not be imported for feeding purposes.

(c) Cattle originating on Mexican dairies shall not be imported for any purpose.

Stat. Auth.: ORS 596.341

Stats. Implemented: ORS 596.341

Hist.: AD 890(20-68), f. 10-28-68, ef. 11-1-68; AD 1047(37-74), f. 9-20-74, ef. 10-11-74; AD 1108(29-76), f. & ef. 9-21-76; AD 3-1984, f. & ef. 1-20-84; AD 9-1993(Temp), f. & cert. ef. 7-23-93; AD 7-1994, f. & cert. ef. 7-12-94; DOA 12-2003(Temp), f. & cert. ef. 3-17-03 thru 9-1-03; DOA 33-2003, f. & cert. ef. 9-18-03; DOA 14-2005, f. & cert. ef. 5-31-05; DOA 20-2008(Temp), f. 9-10-08 cert. ef. 9-15-08 thru 3-10-09; Administrative correction 3-18-09; DOA 15-2010, f. & cert. ef. 8-31-10

Rule Caption: Aligns the state with current national swine disease status.

Adm. Order No.: DOA 16-2010

Filed with Sec. of State: 8-31-2010

Certified to be Effective: 8-31-10

Notice Publication Date: 7-1-2010

Rules Amended: 603-011-0310

Subject: The Oregon Department of Agriculture, Animal Health Division has the responsibility to prevent the entry into this state of animals liable to spread diseases to the livestock or people of this state. Currently, the U.S. has eradicated a serious disease called pseudorabies from all domestic swine herds in the country. The amendment streamlines the language and aligns state regulations with the national status of pseudorabies disease in swine. The amendment also clarifies the language concerning feral swine. Under the current rules, other states cannot meet Oregon's definition of feral swine or the ODA requirements for importation of feral swine. The

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rule language makes that clear. The amendment to the rule will bring the state up to date with other states.

Rules Coordinator: Sue Gooch—(503) 986-4583

603-011-0310

Importation of Swine

Swine includes all porcine species. Oregon is currently Validated Swine Brucellosis Free and Stage V (Free) in the Pseudorabies Eradication Program. If Oregon's status in either of these joint state/federal programs changes, these rules will be modified to reflect those changes. In addition to the general import provisions of OAR 603-011-0255, the following are required:

(1) Slaughter swine:

(a) Infected with or exposed to pseudorabies or brucellosis may only be shipped into Oregon with an Import Permit number and only directly to an approved slaughter establishment;

(b) Imported from states or areas with a Pseudorabies Program status below Stage V may go only directly to an approved slaughter establishment.

(2) Breeder swine:

(a) Must have an import permit from the department;

(b) Must have a Certificate of Veterinary Inspection verifying such

swine:

(A) Were inspected within 30 days before shipment;

(B) Are free from evidence of infectious, contagious or communicable disease or known exposure thereto;

(C) Have not been fed raw or cooked garbage; and

(D) Have not been vaccinated against pseudorabies.

(c) Must have been vaccinated against erysipelas with an inactivated product in dosage as recommended by the manufacturer within four months before entry into Oregon;

(d) Must have been vaccinated against all serotypes of leptospirosis for which a vaccine has been licensed for general use, in dosages as recommended by the manufacturer, before entry into Oregon;

(e) Six months of age and older and must have a negative test for swine brucellosis within 30 days prior to entry into Oregon, or originate from a Validated, Brucellosis Free herd or state. If from a Validated Brucellosis Free herd, the herd number and date of last herd test must appear on the health certificate;

(f) Must originate from a Pseudorabies Free state.

(3) Feeding swine:

(a) Must have an import permit from the department;

(b) May be required to have a Certificate of Veterinary Inspection verifying such swine:

(A) Were inspected within the 30 days before shipment;

(B) Are free from evidence of infectious, contagious or communicable diseases or known exposure thereto;

(C) Have not been fed raw or cooked garbage; and

(D) Have not been vaccinated for pseudorabies.

(c) Must be imported from a Pseudorabies Free state.

(4) Exhibition swine: Swine imported for exhibition must meet normal import requirements. Shows and fairs are free to make more stringent requirements.

(5) Feral Swine: Feral swine may not be imported into Oregon for any purpose.

Stat. Auth.: ORS 561.190, 596.321 & 596.341

Stats. Implemented: ORS 596.341

Hist.: AD 890(20-68), f. 10-28-68, ef. 11-1-68; AD 932(2-71), f. 3-18-71, ef. 4-15-71; AD 1047(37-74), f. 9-20-74, ef. 10-11-74; AD 9-1977, f. & ef. 4-6-77; AD 1-1981, f. & ef. 1-9-81; AD 3-1984, f. & ef. 1-20-84; AD 6-1985, f. & ef. 7-17-85; AD 1-1993, f. & cert. ef. 1-7-93; Renumbered from 603-011-0321, 603-011-0326, 603-011-0328 & 603-011-0329; AD 1-1995, f. & cert. ef. 2-3-95; DOA 16-2010, f. & cert. ef. 8-31-10

Rule Caption: Renumbers administrative rules that relate to Scrapie disease control.

Adm. Order No.: DOA 17-2010

Filed with Sec. of State: 8-31-2010

Certified to be Effective: 8-31-10

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Rules Renumbered: 603-011-0367 to 603-011-0384, 603-011-0369 to 603-011-0386, 603-011-0371 to 603-011-0388, 603-011-0373 to 603-011-0392, 603-011-0374 to 603-011-0394, 603-011-0377 to 603-011-0396, 603-011-0378 to 603-011-0398, 603-011-0379 to 603-011-0402

Subject: The proposed streamlining action places all the rules that regulate the control of Scrapie disease into one sequential order. The current alignment has several other topics mixed in with the Scrapie rules making it confusing to follow. The proposed renumbering will help clarify the regulation.

Rules Coordinator: Sue Gooch—(503) 986-4583

603-011-0384

Definitions

For purposes of OAR 603, division 11:

(1) "Animal(s)" means domestic or captive sheep and/or goat(s).

(2) "APHIS" means the Animal and Plant Health Inspection Service of the United States Department of Agriculture (USDA).

(3) "Director" means the Director of the Oregon Department of Agriculture, or a duly authorized representative.

(4) "Department" means the Oregon Department of Agriculture.

(5) "Exposed Flock" means a flock which has received female animals from an infected or source flock or that contains or contained a suspect female animal.

(6) "Flock" means a group of two or more sheep or goats which are kept, fed, and herded together as a management unit. The term "flock" is interchangeable with the term "herd" and applies to all categories and breeds of sheep and goats.

(7) "Flock Management Plan" means a written scrapie flock management agreement which is signed by the flock owner and a Department or APHIS representative

(8) "Infected Flock" means a flock in which there has been at least one animal with laboratory confirmed diagnosis of scrapie, including "source" flocks.

(9) "Official Individual Identification" means the unique identification of individual animals with a device determined to be appropriate by the Department and the USDA. Such identification may include, but is not limited to, official identification tags, tattoos, and electronic devices.

(10) "Quarantine" means a movement restriction imposed by the Department under authority of ORS Chapters 561 and 596.

(11) "Scrapie" means a transmissible spongiform encephalopathy of sheep and goats.

(12) "Source Flock" means a flock in which a State or APHIS representative has determined that at least one animal was born that was diagnosed as scrapie positive at an age of 72 months or less or in which a scrapie-positive animal has resided throughout its life. The determination that an animal was born in a flock must be based either on the presence of official identification on the animal traceable to the flock, the presence of other identification on the animal that is listed on the bill of sale, or other evidence, such as registry records, to show that a scrapie-positive animal originated from the flock combined with the absence of records indicating that the animal was purchased and added to the flock. If DNA from the animal was collected when the animal resided in the flock of birth by an accredited veterinarian and stored at an approved genotyping laboratory, or if DNA collection and storage is required for breed registration and the breed registration has appropriate safeguards in place to ensure the integrity of the banking process, the owner may request verification of the animal's identity based on DNA comparison if adequate records and identification have been maintained by the owner and the repository to show that the archived DNA is that of the animal that has been traced to the flock. A flock will no longer be a source flock after it has completed the requirements of a flock plan.

(13) "USDA" means the United States Department of Agriculture.

Stat. Auth.: ORS 561.190, 596.020, 596.392 & 596.412

Stats. Implemented: ORS 596.392

Hist.: AD 5-1993(Temp), f. & cert. ef. 5-26-93; AD 13-1993, f. & cert. ef. 10-6-93; DOA 25-2004, f. & cert. ef. 11-8-04; Renumbered from 603-011-0367 by DOA 17-2010, f. & cert. ef. 8-31-10

603-011-0386

Scrapie Program Standards: Adoption of References

The USDA Scrapie Control and Flock Certification Program Standards found at 9 CFR Parts 54 (Control of Scrapie) and 79 (Scrapie in Sheep and Goats) are adopted by reference as the basic standards for the scrapie control and eradication program in Oregon.

Stat. Auth.: ORS 561.190, 596.020, 596.392 & 596.412

Stats. Implemented: ORS 596.392

Hist.: DOA 25-2004, f. & cert. ef. 11-8-04; Renumbered from 603-011-0369 by DOA 17-2010, f. & cert. ef. 8-31-10

ADMINISTRATIVE RULES

603-011-0388

Identification of Sheep and Goats

All sexually intact sheep and goats of any age leaving the flock of origin which are not in slaughter channels and all sheep over 18 months of age in slaughter channels must have official identification in accordance with 9 CFR Part 79 prior to leaving the farm of origin for intrastate or interstate movement for any purpose. All sexually intact sheep and goats for exhibition must bear official individual identification in accordance with 9 CFR Part 79.

Stat. Auth.: ORS 561.190, 596.020, 596.392 & 596.412
Stats. Implemented: ORS 596.392
Hist.: DOA 25-2004, f. & cert. ef. 11-8-04; DOA 21-2006, f. & cert. ef. 12-4-06; Renumbered from 603-011-0371 by DOA 17-2010, f. & cert. ef. 8-31-10

603-011-0392

Importation of Scrapie Infected, Exposed, Suspect, or High Risk Animals

As defined in 9 CFR Parts 54 and 79, and excepting animals determined by genetic testing to be resistant to scrapie infection, animals determined to be genetically susceptible and infected, exposed, suspect, or high risk, or genetically susceptible animals from scrapie infected, source, trace, or exposed flocks shall not be imported into Oregon.

Stat. Auth.: ORS 561.190, 596.020, 596.392 & 596.412
Stats. Implemented: ORS 596.392
Hist.: DOA 25-2004, f. & cert. ef. 11-8-04; Renumbered from 603-011-0373 by DOA 17-2010, f. & cert. ef. 8-31-10

603-011-0394

Reporting Scrapie Positive Tests

(1) Suspected or confirmed cases of scrapie must be reported by telephone or fax to the Department by an owner, manager, or veterinarian within one (1) working day of determination of a positive scrapie test in an animal.

(2) It is unlawful for any owner or manager of sheep or goats to attempt to conceal or fail to report the existence of suspected or confirmed scrapie in such animals under control of that person.

Stat. Auth.: ORS 561.190, 596.020, 596.392 & 596.412
Stats. Implemented: ORS 596.392
Hist.: DOA 25-2004, f. & cert. ef. 11-8-04; Renumbered from 603-011-0374 by DOA 17-2010, f. & cert. ef. 8-31-10

603-011-0396

Condemnation and Destruction of Scrapie Infected or Exposed Animals

(1) Individual animals or flocks of animals determined by the Department or representatives of USDA/APHIS to be infected with or exposed to scrapie may be condemned and destroyed by order of the Director under ORS 596. Disposal of such condemned and destroyed animals shall be under direction of the Department.

(2) Owners of animals destroyed by order of the Department may be eligible for indemnification as determined under authority of ORS 596.

Stat. Auth.: ORS 561.190, 596.020, 596.392 & 596.412
Stats. Implemented: ORS 596.392
Hist.: DOA 25-2004, f. & cert. ef. 11-8-04; Renumbered from 603-011-0377 by DOA 17-2010, f. & cert. ef. 8-31-10

603-011-0398

Management of Exposed or Infected Flocks

These procedures shall be followed for managing flocks determined to be infected with scrapie or which have received animals from a flock determined to be infected:

(1) All animals in the flock shall be quarantined by the Department under ORS 561 or 596 subject to disease status evaluation to determine risk status of the animals involved.

(2) After a disease status evaluation determines risk levels of specific animals in an infected flock or animals received from a flock determined to be infected, a Flock Management Plan shall be written in accordance with 9 CFR Part 54 and signed by the flock owner and the Director or representative. The Department may require destruction of high risk, exposed, and infected animals under ORS 596.

(3) The quarantine shall be removed after the department approved flock management plan has been implemented and completed.

(4) Animals from an exposed or infected flock may not be exhibited at public gatherings in Oregon until completion of the flock management plan.

(5) Animals from an exposed or infected flock may not be sold for breeding purposes in Oregon until the flock owner has completed a flock management plan consistent with 9 CFR Part 54.

Stat. Auth.: ORS 561.190, 596.020, 596.392 & 596.412
Stats. Implemented: ORS 596.392

Hist.: DOA 25-2004, f. & cert. ef. 11-8-04; Renumbered from 603-011-0378 by DOA 17-2010, f. & cert. ef. 8-31-10

603-011-0402

Cleaning and Disinfection

The Department may require any premises, facility or equipment used in housing, handling, feeding, or transporting any animals infected with or exposed to scrapie to be cleaned and disinfected under supervision of Department appointed personnel. The owner of the premises, facilities or equipment shall be responsible for the costs of cleaning and disinfection.

Stat. Auth.: ORS 561.190, 596.020, 596.392 & 596.412
Stats. Implemented: ORS 596.392
Hist.: DOA 25-2004, f. & cert. ef. 11-8-04; Renumbered from 603-011-0379 by DOA 17-2010, f. & cert. ef. 8-31-10

Rule Caption: Amends requirements for vaccination of cattle over 12 months old.

Adm. Order No.: DOA 18-2010

Filed with Sec. of State: 8-31-2010

Certified to be Effective: 8-31-10

Notice Publication Date: 7-1-2010

Rules Amended: 603-011-0525

Subject: The Oregon Department of Agriculture, Animal Health Division has the responsibility to protect the livestock of this state from disease. Brucellosis is a highly contagious disease spread by direct contact. The domestic livestock in the United States are currently considered free from brucellosis infection. Oregon Revised Statute still requires brucellosis vaccination for female cattle kept for breeding or dairy purposes. Mature vaccination allows cattle owners to be in compliance with the law after their female cattle are not vaccinated and over 12 months old. This amendment brings rule into alignment with national guidelines.

Rules Coordinator: Sue Gooch—(503) 986-4583

603-011-0525

Brucellosis Vaccination Procedure

(1) As used in this rule “UM&Rs” means the most current version of Brucellosis Eradication: Uniform Methods and Rules produced by the United States Department of Agriculture. Brucellosis vaccination procedures, identification of vaccinated animals, and dosage for official calfhood vaccination and adult vaccination shall be those set forth in the UM&Rs.

(2) Brucellosis vaccination shall be performed by an official veterinarian.

(3) Veterinarians performing brucellosis vaccination must complete a Brucellosis Vaccination Record furnished by the Department, the original of which shall be mailed to the Department within 15 days of the date of vaccination, the second copy of which shall be given to the owner, and the third copy of which shall be retained by the veterinarian.

(4) Official Calfhood Vaccinates are female cattle and bison vaccinated against brucellosis when more than four months of age and less than 12 months of age (120 days to 365 days) with an official dose of approved brucellosis vaccine as set forth in the UM&Rs.

(5) “Official Oregon Mature Vaccinates” shall be vaccinated for brucellosis when aged more than 12 months.

(6) Mature Vaccination Protocol

(a) A blood sample shall be drawn at time of vaccination and sent for brucellosis testing at an official laboratory.

(b) Mature vaccination dosage shall be 1cc (one cubic centimeter) of normally reconstituted RB51 brucellosis vaccine.

(c) An official brucellosis vaccination steel identification tag shall be applied to the right ear of the vaccinated animal.

(d) An official brucellosis tattoo shall be applied to the right ear of the vaccinated animal. The tattoo shall be the letter “M” followed by the official USDA vaccination shield followed by the last digit of the year of vaccination.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 561 & 596
Stats. Implemented: ORS 596.040 & 596.460
Hist.: AD 858(30-67), f. 12-8-67, ef. 12-15-67; AD 866(2-68), f. & ef. 1-22-68; AD 879(9-68), f. & ef. 5-24-68; AD 1000(14-73), f. 11-20-73, ef. 12-11-73; AD 1-1981, f. & ef. 1-9-81; AD 3-1981, f. & ef. 3-26-81; AD 3-1984, f. & ef. 1-20-84; AD 11-1984, f. & ef. 8-28-84; AD 12-1987, f. & ef. 11-19-87; DOA 7-2000, f. & cert. ef. 3-17-00; DOA 14-2001, f. & cert. ef. 7-9-01; DOA 18-2010, f. & cert. ef. 8-31-10

ADMINISTRATIVE RULES

Rule Caption: Adopts NIST Handbooks and ASTM Specifications; Prohibits VTM ATC; Establishes COA Validity; Allows Biodiesel Additives.

Adm. Order No.: DOA 19-2010

Filed with Sec. of State: 9-14-2010

Certified to be Effective: 9-14-10

Notice Publication Date: 8-1-2010

Rules Amended: 603-027-0105, 603-027-0180, 603-027-0206, 603-027-0220, 603-027-0400, 603-027-0410, 603-027-0420, 603-027-0430, 603-027-0490, 603-027-0635, 603-027-0655, 603-027-0680, 603-027-0700

Subject: This administrative rules does the following: (1) adopts the 2010 Edition National Institute of Standards and Technology (NIST) Handbook 44; (2) adopts the three sections of the 2009 Edition NIST Handbook 130 for Packaging and Labeling, Method of Sale of Commodities, and Examination Procedure for Price Verification; (3) prohibits use of automatic temperature compensation (ATC) on vehicle tank meter (VTM) systems; (4) adopts the 2010 Edition ASTM International specifications for motor fuels; (5) establishes minimum motor octane number for gasoline; (6) amends validity timeframe for biodiesel Certificates of Conformance (COA); (7) establishes qualifications for biodiesel analysis laboratories; (8) allows minimum required biodiesel blends to have substances added to them to enhance cold weather operability for the period of October 1, 2010 to February 28, 2011 in compliance with HB 3693; (9) incorporates consequences for violations; and (10) makes editorial corrections.

Rules Coordinator: Sue Gooch—(503) 986-4583

603-027-0105

Application

The Weights and Measures Packaging and Labeling requirements for all food and nonfood commodities in package form shall be the Uniform Packaging and Labeling Regulation requirements adopted by the National Conference on Weights and Measures, as published by the U.S. Department of Commerce in its NIST (National Institute of Standards and Technology Handbook 130 2009 Edition, entitled "Uniform Laws And Regulations in the areas of legal metrology and motor fuel quality".

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 618

Stats. Implemented: ORS 618.016, 618.031, 618.066, 618.201, 618.211, 618.216, 618.221, 618.226, 618.231 & 618.246

Hist.: AD 1011(1-74), f. 1-7-74, ef. 1-25-74; AD 12-1984, f. & ef. 9-24-84; AD 15-1986, f. & ef. 12-19-86; AD 8-1990, f. & cert. ef. 4-5-90; AD 3-1992, f. & cert. ef. 4-9-92; AD 12-1996, f. & cert. ef. 12-10-96; DOA 17-2000, f. & cert. ef. 6-14-00; DOA 9-2002, f. & cert. ef. 2-15-02; DOA 20-2004, f. & cert. ef. 6-28-04; DOA 3-2007, f. & cert. ef. 2-2-07; DOA 19-2010, f. & cert. ef. 9-14-10

603-027-0180

Examination Procedures for Price Verification.

The procedures for price verification and accuracy in any store, including those that use Universal Product Code (U.P.C.) scanners and price-look-up codes at the checkout counter as a means for pricing, shall be those adopted by the National Conference on Weights and Measures, and contained in the National Institute of Standards and Technology (NIST) Handbook 130 2009 Edition, entitled "Uniform Laws And Regulations in the areas of legal metrology and engine fuel quality," subsection "Examination Procedure for Price Verification."

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 561 & 618

Stats. Implemented: ORS 618.016, 618.031, 618.051, 618.056, 618.066, 618.076, 618.081, 618.096, 618.201 & 618.236

Hist.: DOA 17-2000, f. & cert. ef. 6-14-00; DOA 9-2002, f. & cert. ef. 2-15-02; DOA 20-2004, f. & cert. ef. 6-28-04; DOA 3-2007, f. & cert. ef. 2-2-07; DOA 19-2010, f. & cert. ef. 9-14-10

603-027-0206

Weights and Measures Requirements

The weights and measures requirements as to methods of sale of all food and nonfood commodities shall be the requirements adopted by the National Conference on Weights and Measures, as published by the United States Department of Commerce in its NIST (National Institute of Standards and Technology) Handbook 130 2009 Edition, entitled "Uniform Regulation for the Method of Sale of Commodities."

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 561, 618 & 621

Stats. Implemented: ORS 618.016, 618.031, 618.066, 618.201, 618.206, 618.226, 618.236, 618.241 & 618.246

Hist.: AD 12-1984, f. & ef. 9-24-84; AD 15-1986, f. & ef. 12-19-86; AD 8-1990, f. & cert. ef. 4-5-90; AD 3-1992, f. & cert. ef. 4-9-92; AD 12-1996, f. & cert. ef. 12-10-96; DOA 17-2000, f. & cert. ef. 6-14-00; DOA 9-2002, f. & cert. ef. 2-15-02; DOA 20-2004, f. & cert. ef. 6-28-04; DOA 3-2007, f. & cert. ef. 2-2-07; DOA 19-2010, f. & cert. ef. 9-14-10

603-027-0220

Exceptions to the National Institute of Standards and Technology Handbook 130 (2009 Edition)

The following exceptions and amendments are made to said handbook identified in OAR 603-027-206 Method of Sale of Commodities:

(1) Ready-to-Eat Food Definition. Change Section 1.12.1. Definition to read as follows: "'Ready-to-Eat Food' is restaurant-style food offered or exposed for sale without additional cooking or preparation, whether in restaurants, supermarkets, or similar food service establishments, packaged on the premises for convenience and presentation, and that is ready for consumption, though not necessarily on the premises where sold. Ready-to-Eat Food does not include sliced luncheon products, such as meat, poultry, or cheese when sold separately."

(2) Ready-to-Eat Food Methods of Sale. Change Section 1.12.2. Methods of Sale to read as follows: "Ready-to-Eat Food sold from bulk, or in servings packed on the premises, may be sold by weight, measure, or count (count includes servings) provided that:

(a) When Ready-to-Eat Foods are sold by count or measure, when such methods of sale are not customary, they shall be offered for sale by count or measure in areas of the establishment where customers would expect to find Ready-to-Eat Foods (e.g. Deli Section, Produce Section, etc.); and

(b) When Ready-to-Eat Foods are offered for sale near similar products packaged off of the premises, the Ready-to-Eat Foods shall be sold by the same method of sale as similar products."

Stat. Auth.: ORS 561 & 618

Stats. Implemented: ORS 618.016, 618.031, 618.066, 618.201, 618.206, 618.211, 618.216, 618.221, 618.226, 618.231, 618.236 & 618.246

Hist.: DOA 17-2000, f. & cert. ef. 6-14-00; DOA 9-2002, f. & cert. ef. 2-15-02; DOA 20-2004, f. & cert. ef. 6-28-04; DOA 3-2007, f. & cert. ef. 2-2-07; DOA 19-2010, f. & cert. ef. 9-14-10

603-027-0400

Liquid Fuels

(1) As used in this rule, "Liquid Fuel" means any predominately hydrocarbon compound or mixture for use as engine or heating fuel that exists as a noncorrosive liquid at atmospheric pressure, including, but not limited to, gasoline, tractor fuel, kerosene, jet fuel, diesel, and heating oil.

(2) Method of Sale.

(a) Liquid fuel shall be sold by weight or liquid measure determined from legal devices as provided in ORS 618.121 and ORS 618.141. Use of tank gaging methods that include sticks, rods, markers, or other volume-measuring elements not permanently attached or sealed to such tanks is prohibited for purposes of product sale or transfer of ownership for tanks or tank compartments with capacities of 10,500 gallons (250 Bbl.) or less.

(b) The use of automatic temperature compensation with vehicle tank meter systems is prohibited.

(3) Declaration of Quantity: Liquid Measure. Quantity declarations or representations in terms of liquid measure shall for wholesale transactions or deliveries indicate the volume occupied by the products at 60°F consistent with Petroleum Measurement Tables (ASTM D-1250-80) (1990) (API MPMS Ch.11.1) published by the American Society for Testing Materials, unless the measuring device and any associated bill of lading, delivery ticket, or invoice are clearly marked to indicate that:

(a) The volume is based on a specified product temperature other than 60°F; or

(b) The quantity declaration or representation is "not corrected to 60°F," or is otherwise qualified by language of similar import.

(4) Advertising and Computing Unit Price. Whenever a liquid fuel is sold at retail by means of a computing-type device and a unit price for such fuel is advertised, posted, or displayed by the seller, the unit price at which the device is (or devices are, if more than one dispense such brand, blend, or mixture) set to compute at, shall coincide exactly with the advertised, posted, or displayed unit price for such fuel.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 618

Stats. Implemented: ORS 618.016, 618.031, 618.051, 618.066, 618.076, 618.096, 618.151, 618.206 & 618.241

Hist.: AD 1012(2-74), f. 1-10-74, ef. 2-11-74; AD 8-1990, f. & cert. ef. 4-5-90; DOA 19-2010, f. & cert. ef. 9-14-10

ADMINISTRATIVE RULES

603-027-0410

Definitions

(1) "Accredited Laboratory" means a laboratory that is currently accredited by an independent laboratory accrediting body for analyzing motor fuels using American Society for Testing and Materials (ASTM) International test procedures and specifications.

(2) "Alcohol" means a volatile flammable liquid having the general formula $C_nH_{(2n+1)OH}$ used or sold for the purpose of blending or mixing with gasoline for use in propelling motor vehicles, and commonly or commercially known or sold as an alcohol, and includes ethanol or methanol.

(3) "ASTM" means ASTM International, the national voluntary consensus standards organization formed for the development of standards on characteristics and performance of materials, products, systems, and services; and the promotion of related knowledge. ASTM when used in these rules shall mean the 2010 Annual Book of ASTM Standards, Section 5, Volumes 05.01 through 05.05.

(4) "Antiknock Index (AKI) "means the arithmetic average of the Research Octane Number (RON) and Motor Octane Number (MON): $AKI=(RON+MON)/2$. This value is called by a variety of names, in addition to antiknock index, including: Octane Rating, Posted Octane, (R+M)/2 Octane.

(5) "Automotive Fuel Rating" means the automotive fuel rating determined under 16 CFR 306.5, required to be certified under 16 CFR 306.6 and 16 CFR 306.8, and required to be posted under 16 CFR 306.10. Under this Rule, sellers of liquid automotive fuels, including alternative fuels, must determine, certify, and post an appropriate automotive fuel rating. The automotive fuel rating for gasoline is the antiknock index (octane rating). The automotive fuel rating for alternative liquid fuels consists of the common name of the fuel along with a disclosure of the amount, expressed as a minimum percentage by volume, of the principal component of the fuel. For alternative liquid automotive fuels, a disclosure of other components, expressed as a minimum percentage by volume, may be included, if desired.

(6) "Automotive Gasoline, Automotive Gasoline-Oxygenate Blend" means a type of fuel suitable for use in spark-ignition automobile engines and also commonly used in marine and non-automotive applications.

(7) "Aviation Gasoline" means a type of gasoline suitable for use as a fuel in an aviation gas spark-ignition internal combustion engine.

(8) "Batch" and "Production Lot" means a homogenous production volume of finished biodiesel from one or more sources that is held in a single container where representative samples are taken and analyzed to provide an authentic certificate of analysis (COA) for the specific volume.

(9) "Bulk Facility" means a facility, including pipelines terminals, refinery terminals, rail and barge terminals and associated underground and above ground tanks connected or separate, from which motor vehicle fuels are withdrawn from bulk and delivered to retail, wholesale or nonretail facilities or into a cargo tank or barge used to transport those products.

(10) "Base Gasoline" means all components other than ethanol in a blend of gasoline and ethanol.

(11) "Biomass" means organic matter that is available on a renewable or recurring basis and that is derived from:

(a) Forest or rangeland woody debris from harvesting or thinning conducted to improve forest or rangeland ecological health and reduce uncharacteristic stand replacing wildfire risk;

(b) Wood material from hardwood timber described in ORS 321.267(3);

(c) Agricultural residues;

(d) Offal and tallow from animal rendering;

(e) Food wastes collected as provided under ORS Chapter 459 or 459A;

(f) Yard or wood debris collected as provided under ORS Chapter 459 or 459A;

(g) Wastewater solids; or

(h) Crops grown solely to be used for energy, and

(i) Biomass does not mean wood that has been treated with creosote, pentachlorophenol, inorganic arsenic, or other inorganic chemical compounds.

(12) "Biodiesel" means a motor vehicle fuel consisting of mono-alkyl esters of long chain fatty acids derived from vegetable oils, animal fats, or other nonpetroleum resources, not including palm oil, designated as B100 and complying with ASTM D6751. Biodiesel produced in or imported into Oregon for use as a blend stock shall comply with B100 biodiesel requirements including ASTM International D6751 and the Certificate of Analysis.

(13) "Biodiesel Blend" means a fuel comprised of a blend of biodiesel fuel with petroleum-based diesel fuel, designated BXX. In the abbreviation BXX, the XX represents the volume percentage of biodiesel fuel in the blend.

(14) "Certificate of analysis" means:

(a) A document verifying that B100 biodiesel has been analyzed and complies with, at a minimum, the following ASTM D 6751 biodiesel fuel test methods and specifications:

(A) Flash point (ASTM D 93);

(B) Acid number (ASTM D 664);

(C) Cloud point (ASTM D 2500);

(D) Water and sediment (ASTM D 2709);

(E) Visual appearance (ASTM D 4176);

(F) Free glycerin (ASTM D 6584);

(G) Total glycerin (ASTM D 6584);

(H) Oxidation stability (EN 14112 as per ASTM D 6751); and

(I) Sulfur (ASTM D 5453 or ASTM D 7039).

(b) The ASTM International standards referenced in ORS 646.905(3) for free and total glycerin are incorrect. The correct ASTM International standards reference for free and total glycerin is ASTM D 6584.

(15) "Cetane Index" means an approximation of the cetane number of distillate fuel, which does not take into account the effect of a cetane improver additive, calculated from the density and distillation measurements. (Ref. ASTM D 976.)

(16) "Cetane Number" means a numerical measure of the ignition performance of a diesel fuel obtained by comparing it to reference fuels in a standardized engine test. (Ref. ASTM D 613.)

(17) "Coordinating Research Council (CRC) Rating" means a standardized format for rating injector and engine deposits as developed by the CRC.

(18) "Co-solvent" means an alcohol other than methanol which is blended with either methanol or ethanol or both to minimize phase separation in gasoline.

(19) "Dealer" means any motor vehicle fuel retailer dealer, nonretail dealer or wholesale dealer.

(20) "Director" means the Director of Agriculture.

(21) "Diesel Fuel" means a refined middle distillate suitable for use as a fuel in a compression-ignition (diesel) internal combustion engine.

(22) "Distillate" means any product obtained by condensing the vapors given off by boiling petroleum or its products.

(23) "EPA" means the United States Environmental Protection Agency.

(24) "E85 Fuel Ethanol" means a blend of ethanol and hydrocarbons of which the ethanol portion is nominally 75 to 85 volume percent denatured fuel ethanol (Ref. ASTM D 5798).

(25) "Ethanol" also known as "Denatured Fuel Ethanol", means nominally anhydrous ethyl alcohol meeting ASTM D 4806 standards. It is intended to be blended with gasoline for use as a fuel in a spark-ignition internal combustion engine. The denatured fuel ethanol is first made unfit for drinking by the addition of Alcohol and Tobacco Tax and Trade Bureau (TTB) approved substances before blending with gasoline.

(26) "Ethanol facilities production capacity" means the designed and "as-constructed" rated capacity as verified by the Oregon Department of Agriculture, or the ethanol facilities production capacity as determined by an independent Professional Engineer registered in the State of Oregon that is not the design consultant and as verified by the Oregon Department of Agriculture.

(27) "Feedstock" means the original biomass used in biofuel production.

(28) "Gasoline" means any fuel sold for use in spark ignition engines whether leaded or unleaded.

(29) "Gasoline-Oxygenate Blend" means a fuel consisting primarily of gasoline along with a substantial amount (more than 0.35 mass percent oxygen, or more than 0.15 mass oxygen if methanol is the only oxygenate) of one or more oxygenates.

(30) "Lead Substitute" means an EPA-registered gasoline additive suitable, when added in small amounts to fuel, to reduce or prevent exhaust valve recession (or seat wear) in automotive spark-ignition internal combustion engines designed to operate on leaded fuel.

(31) "Lead Substitute Engine Fuel" means a gasoline or gasoline-oxygenate blend that contains a "lead substitute."

(32) "Low Temperature Operability" means a condition which allows the uninterrupted operation of a diesel engine through the continuous flow of fuel throughout its fuel delivery system at low temperatures.

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(33) "Lubricity" means a qualitative term describing the ability of a fluid to affect friction between, and wear to, surfaces in relative motion under load.

(34) "Methanol" means methyl alcohol, a flammable liquid having the formula CH₃OH used or sold for the purpose of blending or mixing with gasoline for use in motor vehicles.

(35) "M100 Fuel Methanol" means nominally anhydrous methyl alcohol, generally containing small amounts of additives, suitable for use as a fuel in a compression-ignition combustion engine.

(36) "M85 Fuel Methanol" means a blend of methanol and hydrocarbons of which the methanol portion is nominally 70 to 85 volume percent and which meets the requirements of ASTM D 5797.

(37) "Motor Octane Number" means a numerical indication of a spark-ignition engine fuel's resistance to knock obtained by comparison with reference fuels in a standardized ASTM D 2700 Motor Method engine test.

(38) "Motor Vehicles" means all vehicles, vessels, watercraft, engines, machines, or mechanical contrivances that are propelled by internal combustion engines or motors.

(39) "Motor Vehicle Fuel" means gasoline, gasoline-ethanol blends, diesel, other renewable diesel, diesel-other renewable diesel blends, B100 Biodiesel, Biodiesel Blends, E85 Fuel Ethanol, M85 Fuel Methanol, or any other liquid product used for the generation of power in an internal combustion engine, except aviation jet fuels, liquefied petroleum gases or natural gases.

(40) "Nonretail dealer" means any person who owns, operates, controls or supervises an establishment at which motor vehicle fuel is dispensed through a card or key-activated fuel dispensing device to nonretail customers.

(41) "Octane Rating" means the rating of the anti-knock characteristics of a grade or type of gasoline determined by dividing by two the sum of the research octane number and the motor octane number.

(42) "Octane Rating Certification Documentation" means an invoice, bill of lading, delivery ticket, letter or other documentation that specifies the actual octane rating or a rounded rating that is the largest whole number or half of a number that is less than or equal to the number determined by or certified to the person transferring the gasoline.

(43) "Official Sample" means a motor fuel sample delivered via nozzle directly through a fuel pump, dispenser, or metering device from either a fuel delivery truck, tank wagon, above ground or below ground fuel storage tank into a suitable sealable, one litre or larger pressure-tight metal or glass container in the presence of, or drawn by, a department representative in the manner prescribed by department procedures. An official sample shall be appropriately sealed and labeled as to its identity, type, brand, grade, posted automotive fuel rating and the location, source, date, and name of official taking it at the time it is withdrawn from storage. A custody transfer receipt or record will be completed whenever an official sample changes hands enroute to a qualified motor fuel standards laboratory.

(44) "Other renewable diesel" means a diesel fuel substitute, produced from nonfossil renewable resources, that has an established ASTM International standard, is approved by the United States Environmental Protection Agency, and meets specifications of the National Conference on Weights and Measures, designated "100% Biomass-Based Diesel".

(45) "Other renewable diesel blend" means a fuel comprised of a blend of other renewable diesel fuel with petroleum-based diesel fuel, designated "XX% Biomass-Based Diesel Blend". In the abbreviation, "XX%", the XX represents the volume percentage of other renewable diesel in the blend.

(46) "Oxygen Content of Gasoline" means the percentage of oxygen by mass contained in a gasoline.

(47) "Oxygenate" means an oxygen-containing, ashless, organic compound, such as an alcohol or ether, which can be used as a fuel or fuel supplement.

(48) "Premium Diesel" means a refined middle distillate suitable for use as a fuel in a compression-ignition (diesel) internal combustion engine and shall meet Standard Fuel Specifications OAR 603-027-0420.

(49) "Production" means the ability of a biofuel production facility to produce biofuel that is in compliance with applicable ASTM International specifications.

(50) "Production Lot" and "Batch" means a homogenous production volume of finished biodiesel from one or more sources that is held in a single container where representative samples are taken and analyzed to provide an authentic certificate of analysis (COA) for the specific volume.

(51) "Research Octane Number" means a numerical indication of a spark-ignition engine fuel's resistance to knock obtained by comparison

with reference fuels in a standardized ASTM D 2699 Research Method engine test.

(52) "Retail Dealer" means any person who owns, operates, controls or supervises an establishment at which motor vehicle fuel is or offered for sale to the public.

(53) "SAE" means the SAE International, a technical organization for engineers, scientists, technicians, and others in positions that cooperate closely in the engineering, design, manufacture, use, and maintainability of self-propelled vehicles.

(54) "Sales" means volumes of biofuels measured in gallons per year, relevant consumer usage, demand, pricing, and other factors affecting sales.

(55) "Thermal Stability" means the ability of a fuel to resist the thermal stress which is experienced by the fuel when exposed to high temperatures in a fuel delivery system.

(56) "Unleaded" in conjunction with "engine fuel" or "gasoline" means any gasoline or gasoline-oxygenate blend to which no lead or phosphorus compounds have been intentionally added and which contains not more than 0.013 gram lead per liter (0.05 g lead per U.S. gal) and not more than 0.0013 gram phosphorus per liter (0.005 g phosphorus per U.S. gal).

(57) "Use" means the historic blending of biofuel in Oregon in areas using biofuel to meet Oregon's Renewable Fuel Standard (RFS) and other information relevant to industry blending of biofuel including the infrastructure capacity to blend and distribute biofuel.

(58) "Wholesale Dealer" means any person who sells motor vehicle fuel if the seller knows or has reasonable cause to believe that the buyer intends to resell the motor vehicle fuel in the same or an altered form to a retail dealer, a nonretail dealer, or another wholesale dealer.

(59) "Winter" or "Winterized" Diesel means a refined middle distillate suitable for use as a fuel in a compression-ignition (diesel) internal combustion engine which has been blended for low temperature operability and shall meet Standard Fuel Specifications OAR 603-027-0420.

(60) "Withdrawn From Bulk" means removed from a bulk facility for delivery directly into a cargo tank or a barge to be transported to a location other than another bulk facility for use or sale in this state.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 561.190, OL 1997, Ch. 310 (SB 414) & ORS 646.905 - 646.990

Stats. Implemented: OL 1997, Ch. 310 (SB 414), ORS 646.905 - 646.990 & 183

Hist.: AD 19-1997, f. 12-9-97, cert. ef. 1-1-98; DOA 5-2002, f. & cert. ef. 1-28-02; DOA 20-2004, f. & cert. ef. 6-28-04; DOA 17-2006, f. & cert. ef. 9-26-06; DOA 8-2008, f. & cert. ef. 2-15-08; DOA 12-2008(Temp), f. 3-14-08, cert. ef. 3-17-08 thru 9-12-08; DOA 21-2008, f. & cert. ef. 9-11-08; DOA 11-2009(Temp), f. & cert. ef. 7-24-09 thru 1-17-10; DOA 16-2009, f. 12-23-09, cert. ef. 1-1-10; DOA 19-2010, f. & cert. ef. 9-14-10

603-027-0420

Standard Fuel Specifications

(1) Gasoline and Gasoline-Oxygenate Blends, as defined in this regulation, shall meet the following requirements:

(a) The ASTM D 4814, "Standard Specification for Automotive Spark-Ignition Engine Fuel," except that volatility standards for unleaded gasoline blended with ethanol shall not be more restrictive than those adopted under the rules, regulations, and Clean Air Act waivers of the U.S. Environmental Protection Agency (which includes those promulgated by Oregon and Federally approved State Implementation Plans (SIP's)). Gasoline blended with ethanol shall be blended under any of the following three options:

(A) The base gasoline used in such blends shall meet the requirements of ASTM D 4814; or

(B) The blend shall meet the requirements of ASTM D 4814; or

(C) The base gasoline used in such blends shall meet all the requirements of ASTM D 4814 except distillation, and the blend shall meet the distillation requirements of the ASTM D 4814 specification.

(b) Blends of gasoline and ethanol shall not exceed the ASTM D 4814 vapor pressure standard by more than 1.0 psi.

(c) Minimum Antiknock Index (AKI). The AKI shall not be less than the AKI posted on the product dispenser or as certified on the invoice, bill of lading, shipping paper, or other documentation.

(d) Minimum Motor Octane Number. The minimum motor octane number must not be less than 82 for gasoline with an AKI of 87 or greater.

(e) Lead Substitute Gasoline. Gasoline and gasoline-oxygenate blends sold as "lead substitute" gasoline shall contain a lead substitute additive which provides a level of protection against exhaust valve seat recession which is equivalent to the level of protection provided by a gasoline containing at least 0.026 gram of lead per liter (0.10 g per U.S. gal).

(2) Ethanol intended for blending with gasoline shall meet the requirements of ASTM D 4806, "Standard Specification for Denatured Fuel Ethanol for Blending with Gasolines for Use as Automotive Spark-Ignition Engine Fuel."

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(3) Gasoline-Ethanol Blends Required

(a) Consistent with ORS 646.912, the Oregon Department of Agriculture shall study and monitor ethanol fuel production, use, and sales in Oregon.

(b) Except as provided in OAR 603-027-0420(3)(c), all retail dealers, nonretail dealers, or wholesale dealers may only sell or offer for sale gasoline that contains ten percent ethanol by volume.

(c) A retail dealer, nonretail dealer, or wholesale dealer may sell or offer for sale gasoline that is not blended with ethanol if the gasoline;

(A) Has an octane rating, as defined in ORS 646.945, of 91 or above, or if it is for use in;

(B) An aircraft;

(i) With a supplemental type certificate approved by the Federal Aviation Administration that allows the aircraft to use gasoline that is intended for use in motor vehicles, or

(ii) Issued a type certificate by an aircraft engine manufacturer that allows the aircraft to use gasoline that is intended for use in motor vehicles;

(C) An aircraft that has been issued an experimental certificate, described in 14 C.F.R. 21.191, by the Federal Aviation Administration and that is required by the manufacturer's specifications to use gasoline that is intended for use in motor vehicles;

(D) A light-sport aircraft, as defined in 14 C.F.R. 1.1, that is required by the manufacturer's specifications to use gasoline that is intended for use in motor vehicles;

(E) A vintage aircraft, as defined by the Oregon Department of Aviation by rule, that is required by the manufacturer's specifications to use gasoline that is intended for use in motor vehicles;

(F) An antique vehicle, as defined in ORS 801.125;

(G) A Class I all-terrain vehicle, as defined in ORS 801.190;

(H) A Class III all-terrain vehicle, as defined in ORS 801.194;

(I) A racing activity vehicle, as defined in ORS 801.404;

(J) A snowmobile, as defined in ORS 801.490;

(K) Tools, including but not limited to lawn mowers, leaf blowers, and chain saws; or

(L) A watercraft.

(d) Gasoline-ethanol blends shall contain not less than 9.2 percent by volume of agriculturally derived ethanol, exclusive of denaturants and permitted contaminants, that complies with

(A) OAR 603-027-0420(2) Ethanol ASTM D 4806 standards,

(B) Denatured as specified in 27 C.F.R. parts 20 and 21, and

(C) Complies with the volatility requirements specified in 40 C.F.R. part 80.

(e) The ethanol shall be derived from agricultural product, woody waste or residue.

(f) The gasoline and gasoline-ethanol blends shall comply with OAR 603-027-0420(1).

(g) It is prohibited to blend with casinghead gasoline, absorption gasoline, drip gasoline, or natural gasoline after the gasoline has been sold, transferred, or otherwise removed from a refinery or terminal.

(4) Gasoline Additive Restrictions.

(a) Effective November 1, 2009, a wholesale dealer, retail dealer, or nonretail dealer may not sell or offer to sell any gasoline blended or mixed with:

(A) Ethanol unless the blend or mixture meets the specifications or registration requirements established by the United States Environmental Protection Agency pursuant to section 211 of the Clean Air Act, 42 U.S.C. section 7545 and 40 C.F.R. Part 79, and the ethanol complies with ASTM International specification ASTM D 4806;

(B) Methyl tertiary butyl ether in concentrations that exceed 0.15 percent by volume; or

(C) A total of all of the following oxygenates that exceeds one-tenth of one percent, by weight, of;

(i) Diisopropyl ether,

(ii) Ethyl tert-butyl ether,

(iii) Iso-butanol,

(iv) Iso-propanol,

(v) N-butanol,

(vi) N-propanol,

(vii) Sec-butanol,

(viii) Tert-amyl methyl ether,

(ix) Tert-butanol,

(x) Tert-pentanol or tert-amyl alcohol, and

(xi) Any other additive that has not been approved by the California Air Resources Board or the United States Environmental Protection Agency.

(b) Nothing in this section shall prohibit transshipment through this state, or storage incident to the transshipment, of gasoline that contains methyl tertiary butyl ether in concentrations that exceed 0.15 percent by volume or any of the oxygenates listed in OAR 603-027-0420(4)(a)(C), provided,

(A) The gasoline is used or disposed of outside of this state; and

(B) The gasoline is segregated from gasoline intended for use within this state.

(c) Notwithstanding the additives in OAR 603-027-0420(4)(a), a person may sell, supply, or offer to sell or supply gasoline in this state that contains any oxygenate other than ethanol, if the California Air Resources Board (CARB), California Environmental Policy Council (CEPC), or the United States Protection Agency (U.S. EPA) allow use of the oxygenate.

(5) Diesel Fuel shall meet the requirements of ASTM D 975, "Standard Specification for Diesel Fuel Oils."

(6) Winter or Winterized Diesel Fuel shall meet the requirements of ASTM D 975, "Standard Specification for Diesel Fuel Oils" and have a cold flow performance measurement which meets the ASTM D 975 tenth percentile minimum ambient air temperature charts and maps by either ASTM Standard Test Method D 2500 (Cloud Point) or ASTM Standard Test Method D 4539 (Low Temperature Flow Test, LTFT). Winter or winterized diesel (low temperature operability) is only applicable October 1 - March 31 of each year.

(7) Premium Diesel Fuel - All diesel fuels identified on retail and nonretail dispensers, bills of lading, invoices, shipping papers, or other documentation with terms such as premium, super, supreme, plus, or premier shall meet the requirements of ASTM D 975, "Standard Specification for Diesel Fuel Oils" and must conform to the following requirements:

(a) Cetane Number - A minimum cetane number of 47.0 as determined by ASTM Standard Test Method D 613;

(b) Low Temperature Operability - A cold flow performance measurement which meets the ASTM D 975 tenth percentile minimum ambient air temperature charts and maps by either ASTM Standard Test Method D 2500 (Cloud Point) or ASTM Standard Test Method D 4539 (Low Temperature Flow Test, LTFT). Low temperature operability is only applicable October 1 - March 31 of each year;

(c) Thermal Stability - A minimum reflectance measurement of 80 percent as determined by ASTM Standard Test Method D 6468 (180 minutes, 150 OC);

(d) Lubricity - A maximum wear scar diameter of 520 microns as determined by ASTM D 6079. If a single test of more than 560 microns is determined, a second test shall be conducted. If the average of the two tests is more than 560 microns, the sample does not conform to the requirements of this part.

(8) Biodiesel; B100 Biodiesel and Biodiesel intended for blending with diesel fuel must,

(a) Meet the requirements of ASTM D 6751, "Standard Specification for Biodiesel Fuel (B100) Blend Stock for Distillate Fuels";

(b) Be analyzed and issued a Certificate of Analysis for each batch or production lot produced in or imported into Oregon prior to blending, sale, or offer for sale in Oregon. The Certificates of Analysis expire 45 days following the date the biodiesel sample was obtained.

(c) Biodiesel must be analyzed for and comply with the visual appearance test (ASTM D 4176) upon its first receipt at a wholesale facility and prior to commingling with existing product.

(d) Prior to blending, sale, or offer for sale in Oregon, biodiesel must be analyzed and the Certificate of Analysis issued by:

(A) An accredited motor fuel laboratory, or

(B) A non-accredited motor fuel laboratory that meets all of the following requirements;

(i) The laboratory facilities must house and allow proper operation of all required equipment in accordance with the applicable test procedures,

(ii) The laboratory must use personnel trained to perform and analyze ASTM International D 6751 biodiesel fuel tests and other required tests,

(iii) The laboratory must use testing equipment that has been calibrated or verified to meet the requirements of each ASTM International test procedure used,

(iv) The laboratory must participate in an ASTM International proficiency program or similar national proficiency program for at least three times per year with appropriate results, and

(v) The laboratory must maintain current documentation of personnel qualifications, equipment verification, and proficiency results for at least one year. These records shall be available for inspection and reproduction upon request by the Director.

(9) Biodiesel Blends;

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(a) Biodiesel blends through B5 must meet the requirements of ASTM D 975 Standard Specification for Diesel Fuel Oils.

(b) Biodiesel blends of B6 through B20 must meet the requirements of ASTM D 7467, Standard Specification for Diesel Fuel Oil, Biodiesel Blend (B6-B20).

(c) Blends of biodiesel and diesel fuels greater than B20 must meet the following requirements:

(A) The base diesel fuel must meet the requirements of ASTM D 975, Standard Specification for Diesel Fuel Oils; and

(B) The biodiesel blend stock must meet:

(i) The requirements of ASTM D 6751, Standard Specification for Biodiesel Fuel (B100) Blend Stock for Distillate Fuels, and

(ii) The requirements in OAR 603-027-0420(8).

(d) Exception: Biodiesel may be blended with diesel fuel whose sulfur, lubricity, or aromatic levels are outside specification ASTM D 975, Standard Specification for Diesel Fuel Oils, grades 1-D S15, 1-D S500, 2-D S15, or 2-D S500 provided the finished mixture meets pertinent national and local specifications and requirements for these properties.

(10) Other Renewable Diesel must meet its established ASTM International standard, be approved by the United States Environmental Protection Agency, and comply with specifications of the National Conference on Weights and Measures.

(11) Biodiesel Blends Required.

(a) Except as provided in subsection (e) of this section, a retail dealer, nonretail dealer, or wholesale dealer may only sell or offer for sale diesel fuel in Oregon containing at least two percent by volume biodiesel.

(b) When the capacity of biodiesel production facilities in Oregon reaches a level of at least 15 million gallons on an annualized basis;

(A) The Department shall notify all retailers, nonretail dealers, and wholesale dealers in Oregon that the capacity of biodiesel production facilities in Oregon has reached a level of at least 15 million gallons on an annualized basis and that a retail dealer, nonretail dealer, or wholesale dealer may only sell or offer for sale diesel fuel in Oregon containing at least five percent by volume biodiesel within two months of the date on the notification under this subsection, and

(B) Two months after the date of the notice, a retail dealer, nonretail dealer, or wholesale dealer may only sell or offer for sale diesel fuel in Oregon containing at least five percent biodiesel by volume.

(c) Biodiesel blends and other renewable diesel blends shall contain the volume percent stated to the nearest:

(A) 1 volume percent for blends through 5 volume percent, and

(B) 2 volume percent for blends greater than 5 volume percent through 20 volume percent.

(d) Diesel fuel containing more than five percent biodiesel by volume or other renewable diesel with more than five percent renewable component by volume must be labeled as required in OAR 603-027-0430.

(e) Exemption. The minimum biodiesel fuel content requirements in OAR 603-027-0420 do not apply to diesel fuel:

(A) Sold or offered for sale for use by railroad locomotives, marine engines, or home heating; or

(B) That otherwise meets the requirements in OAR 603-027-0420 but to which there have been added substances to prevent congealing or gelling of diesel fuel containing biodiesel or other renewable diesel. This exception applies only to diesel fuel sold or offered for sale during the period from October 1, 2010 to February 28, 2011.

(12) Aviation Gasoline shall meet the requirements of ASTM D 910, "Standard Specification for Aviation Gasoline."

(13) E85 Fuel Ethanol shall meet the requirements of ASTM D 5798, "Standard Specification for Fuel Ethanol (Ed75-Ed85) for Automotive Spark-Ignition Engines."

(14) M85 Fuel Methanol shall meet the requirements of ASTM D 5797, "Standard Specification for Fuel Methanol (M70-M85) for Automotive Spark-Ignition Engines."

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 561.190, 646.905 - 646.990, OL 1997, Ch. 310 (SB 414)

Stats. Implemented: ORS 646.905 - 646.990 & 183, OL 1997, Ch. 310 (SB 414)

Hist.: AD 19-1997, f. 12-9-97, cert. ef. 1-1-98; DOA 5-2002, f. & cert. ef. 1-28-02; DOA 17-2006, f. & cert. ef. 9-26-06; DOA 15-2007(Temp), f. & cert. ef. 10-15-07 thru 4-11-08; DOA 20-2007(Temp) f. & cert. ef. 11-29-07 thru 4-11-08; DOA 8-2008, f. & cert. ef. 2-15-08; DOA 12-2008(Temp), f. 3-14-08, cert. ef. 3-17-08 thru 9-12-08; DOA 21-2008, f. & cert. ef. 9-11-08; DOA 11-2009(Temp), f. & cert. ef. 7-24-09 thru 1-17-10; DOA 16-2009, f. 12-23-09, cert. ef. 1-1-10; DOA 19-2010, f. & cert. ef. 9-14-10

603-027-0430

Classification and Method of Sale of Petroleum Products

(1) General Considerations:

(a) Documentation.

(A) When gasoline; gasoline-oxygenate blends; reformulated gasoline; M85 and M100 fuel methanol; E85 and E100 fuel ethanol; B100 biodiesel and biodiesel blends; renewable diesel and diesel-renewable diesel blends; diesel fuel; winter or winterized diesel fuel; premium diesel fuel; or aviation gasoline are sold, an invoice, bill of lading, shipping paper or other documentation, must accompany each delivery other than a sale by a retail or nonretail dealer. This document must identify the:

(i) Quantity,

(ii) The name of the product,

(iii) The particular grade of the product,

(iv) The word "Winter" or "Winterized" diesel if applicable,

(v) The word "Premium" diesel if applicable,

(vi) The volume percent biodiesel and other renewable diesel, if a biodiesel, biodiesel blend, other renewable diesel, or diesel-other renewable diesel blend through 5 volume percent to the nearest 1 volume percent and for greater than 5 volume percent through 20 volume percent blends to the nearest 2 volume percent,

(vii) The applicable automotive fuel rating,

(viii) The name and address of the seller and buyer,

(ix) The date and time of the sale,

(x) For gasoline-oxygenate and gasoline-alcohol blends which contain more than 1.5 mass percent oxygen, the documentation shall state the oxygenate type and oxygenate content, in volume percent, to the nearest 0.5 volume percent, and

(xi) For non-ethanol blended gasoline the documentation shall state that the gasoline is non-ethanol blended.

(B) Each operator of a bulk facility and each person who imports motor vehicle fuels into this state for sale in this state shall keep, for at least one year, at the person's registered place of business complete and accurate records of any motor vehicle fuels sold if sold or delivered in this state.

(C) Each biodiesel producer, each operator of a biodiesel bulk facility and each person who imports biodiesel into Oregon for sale in this state shall keep, on a monthly basis for at least one year, at the person's registered place of business the certificate of analysis and the analysis records for visual appearance tests that are performed upon first receipt at a wholesale facility prior to commingling with existing product for each batch or production lot of biodiesel sold or delivered in Oregon.

(D) Each biodiesel producer in Oregon shall keep, on a monthly basis for at least one year, at the person's registered place of business, documentation declaring the producer's name, location address, date, and quantity of biodiesel production and sales. This documentation shall be completed on a form provided by the Department of Agriculture and mailed on a quarterly basis to the Department in Salem, Oregon.

(E) All retail dealers, nonretail dealers, and wholesale dealers in Oregon are required to provide, upon request of the Department, evidence of a certificate of analysis for the biodiesel received.

(F) Each ethanol production facility in Oregon shall keep, on a monthly basis for at least one year, at the person's registered place of business, documentation declaring the production facility's name, location address, net ethanol production capacity, the date that the net ethanol capacity was attained, quantity of ethanol produced, and sales in Oregon. This documentation shall be completed on a form provided by the Department of Agriculture and mailed on a quarterly basis to the Department in Salem, Oregon.

(G) Retail dealers and nonretail dealers shall maintain at their facilities the octane rating certification or motor vehicle fuel delivery documentation for the three most recent deliveries to the facility for each grade of gasoline, fuel ethanol, fuel methanol, biodiesel, biodiesel blends, diesel fuel, other renewable diesel fuel, and diesel-other renewable diesel fuel blends sold or offered for sale.

(b) Retail and Nonretail Gasoline Dispenser Labeling. All retail and nonretail gasoline dispensing devices must identify conspicuously on each face of the dispenser(s),

(A) The type of product,

(B) The particular grade of the product,

(C) Type of oxygenate contained if applicable,

(i) Including the specific volume percent of ethanol in gasoline-ethanol blends stating, for example, "THIS PRODUCT CONTAINS 10% ETHANOL" or other similar language in type at least 12.7 millimeters (1/2 inch) in height, 1.5 millimeter (1/16 inch) stroke (width of type) located on each face and on the upper 50 percent of the dispenser front panels in a position clear and conspicuous from the driver's position,

(ii) Prohibited terms and phrases include but are not limited to, "Contains Up To 10% Ethanol", "May Contain Ethanol", or any other similar language,

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(D) The applicable automotive fuel rating, and

(E) If non-ethanol blended gasoline, other than 91 octane or above, in compliance with OAR 603-027-0420, the dispensers shall be labeled, "NON-ETHANOL BLENDED GASOLINE FOR EXEMPTED USE ONLY (ORS 646.913)" in capital letters and type at least 12.7 millimeters (1/2 inch) in height, 1.5 millimeter (1/16 inch) stroke (width of type) located on each face and on the upper 50 percent of the dispenser front panels in a position clear and conspicuous to the consumer.

(c) Posting of Exceptions for Non-Ethanol Blended Gasoline. The exceptions for non-ethanol blended gasoline, other than 91 octane or above, shall be posted at a business that sells or offers for sale non-ethanol blended gasoline in a position that is clear and conspicuous to the consumer. The exceptions shall be posted;

"NON-ETHANOL BLENDED GASOLINE FOR USE IN THE FOLLOWING APPLICATIONS ONLY;" in capital letters and type at least 6.4 millimeters (1/4 inch) in height, 1 millimeter (1/32 inch) stroke (width of type), followed by,

"AIRCRAFT WITH A SUPPLEMENTAL TYPE CERTIFICATE APPROVED BY THE FEDERAL AVIATION ADMINISTRATION THAT ALLOWS THE AIRCRAFT TO USE GASOLINE THAT IS INTENDED FOR USE IN MOTOR VEHICLES;

AIRCRAFT ISSUED A TYPE CERTIFICATE BY AN AIRCRAFT ENGINE MANUFACTURER THAT ALLOWS THE AIRCRAFT TO USE GASOLINE THAT IS INTENDED FOR USE IN MOTOR VEHICLES;

AN AIRCRAFT THAT HAS BEEN ISSUED AN EXPERIMENTAL CERTIFICATE, DESCRIBED IN 14 C.F.R. 21.191, BY THE FEDERAL AVIATION ADMINISTRATION AND THAT IS REQUIRED BY THE MANUFACTURER'S SPECIFICATIONS TO USE GASOLINE THAT IS INTENDED FOR USE IN MOTOR VEHICLES;

A LIGHT-SPORT AIRCRAFT, AS DEFINED IN 14 C.F.R. 1.1, THAT IS REQUIRED BY THE MANUFACTURER'S SPECIFICATIONS TO USE GASOLINE THAT IS INTENDED FOR USE IN MOTOR VEHICLES;

A VINTAGE AIRCRAFT, AS DEFINED BY THE OREGON DEPARTMENT OF AVIATION BY RULE, THAT IS REQUIRED BY THE MANUFACTURER'S SPECIFICATIONS TO USE GASOLINE THAT IS INTENDED FOR USE IN MOTOR VEHICLES;

AN ANTIQUE VEHICLE, AS DEFINED IN ORS 801.125;

A CLASS I ALL-TERRAIN VEHICLE, AS DEFINED IN ORS 801.190;

A CLASS III ALL-TERRAIN VEHICLE, AS DEFINED IN ORS 801.194;

A RACING ACTIVITY VEHICLE, AS DEFINED IN ORS 801.404;

A SNOWMOBILE, AS DEFINED IN ORS 801.490;

TOOLS, INCLUDING BUT NOT LIMITED TO LAWN MOWERS, LEAF BLOWERS, AND CHAIN SAWS; OR A WATERCRAFT (Reference ORS 646.913) in capital letters and type at least 3 millimeters (1/8 inch) in height, 0.4 millimeter (1/64 inch) stroke (width of type).

(d) Grade Name. The sale of any product under any posted grade name that indicates to the purchaser that it is of a certain automotive fuel rating or ASTM grade indicated in the posted grade name must be consistent with the applicable standard specified in OAR 603-027-0420 "Standard Fuel Specifications".

(2) Automotive Gasoline and Automotive Gasoline-Oxygenate Blends:

(a) Posting of Antiknock Index Required. All automotive gasoline and automotive gasoline-oxygenate blends shall post the antiknock index in accordance with 16 CFR Part 306.

(b) Use of Lead Substitute Must Be Disclosed. Each dispensing device from which gasoline or gasoline oxygenate blend containing a lead substitute is dispensed shall display the grade name followed by "With a Lead Substitute" (e.g. "Unleaded With a Lead Substitute"). The lettering of the lead substitute declaration shall not be less than 12.7 millimeters (1/2 in) in height and 1.5 centimeters (1/16 in) stroke (width of type). The color of the lettering shall be in definite contrast to the background color to which it is applied.

(c) Prohibition of Terms. It is prohibited to use specific terms to describe a grade of gasoline or gasoline-oxygenate blend unless it meets the minimum antiknock index requirement shown in Table 1. [Table not included. See ED. NOTE.]

(3) Diesel Fuel:

(a) Labeling of Product and Grade Required. Diesel fuel shall be identified by "Diesel" and grades "No. 1-D S15", "No. 1-D S500", "No. 1-D S5000", "No. 2-D S15", "No. 2-D S500", "No. 2-D S5000", or "No. 4-D". Each retail or nonretail dispenser of diesel fuel shall be labeled "Diesel" and the grade being dispensed.

(b) Location of Label. These labels shall be located on each face and on the upper 50 percent of the dispenser front panels in a position clear and conspicuous from the driver's position, in a type at least 12.7 millimeter (1/2 in) in height, 1.5 millimeter (1/16 in) stroke (width of type).

(4) Winter or Winterized Diesel Fuel:

(a) Labeling of Product and Grade Required. The dispensers of winterized diesel fuel must be labeled as required in OAR 603-027-0430(3)(a) and include the words "WINTERIZED DIESEL" or "WINTER DIESEL" (e.g. "WINTERIZED DIESEL No. 2-D S15").

(b) Location of Winterized Diesel Fuel Label. The location of the winterized diesel label shall be as required in OAR 603-027-0430(3)(b) or on a "pump topper" mounted on top of each winterized diesel dispenser with lettering as specified in OAR 603-027-0430(3)(b) and must be in a position that is clear and conspicuous from the driver's position.

(5) Premium Diesel Fuel :

(a) Labeling of Premium Diesel Required. In addition to labeling requirements specified in OAR 603-027-0430(3), all retail and nonretail dispensers of premium diesel shall be labeled "Premium Diesel" (e.g. "Premium Diesel No. 2-D S15").

(b) Location of Premium Diesel Fuel Label. The location of the premium diesel fuel label shall be located on the upper 50 percent of the dispenser front panels in a position clear and conspicuous from the driver's position, in a type at least 12.7 millimeter (1/2 inch) in height, 1.5 millimeter (1/16 inch) stroke (width of type).

(6) Biodiesel and Other Renewable Diesel:

(a) Identification of Product.

(A) Biodiesel and biodiesel blends shall be identified by the capital letter B followed by the numerical value representing the volume percentage of biodiesel fuel. (Examples: B10; B20; B100)

(B) Other renewable diesel and other renewable diesel blends shall be identified by the numerical value representing the volume percentage of other renewable diesel immediately followed by the percentage symbol (%) and then the term "Biomass-Based Diesel" or "Biomass-Based Diesel Blend". (Examples: "10% Biomass-Based Diesel Blend"; "20% Biomass-Based Diesel Blend"; "70% Biomass-Based Diesel Blend"; "100% Biomass-Based Diesel".)

(b) Labeling of Retail and Non-Retail Dispensers Containing Between 5% and Up To and Including 20% Biodiesel or Other Renewable Diesel.

(A) If containing biodiesel, the dispenser(s) shall be labeled with either:

(i) The capital letter "B" followed by the numerical value representing the volume percentage of biodiesel fuel and ending with "Biodiesel Blend" (Examples: "B10 Biodiesel Blend"; "B20 Biodiesel Blend"); or

(ii) The phrase, "Biodiesel Blend Between 5% and 20%" or similar words; or

(iii) The Federal Trade Commission (FTC) 16 CFR Part 306 approved label "Biodiesel Blend" that is appropriate for blends from 5% to 20% biodiesel, or "B20 Biodiesel Blend" that is appropriate for 20% biodiesel blends only.

(B) If containing other renewable diesel, the dispenser(s) shall be labeled with either:

(i) "XX% Biomass-Based Diesel Blend" where the abbreviation "XX" represents the volume percentage of other renewable diesel in the blend; or

(ii) The phrase, "Biomass-Based Diesel Blend Between 5% and 20%" or similar words.

(c) Labeling of Retail and Non-Retail Dispensers Containing More Than 20% Biodiesel or More Than 20% Other Renewable Diesel.

(A) If containing more than 20% biodiesel, the dispenser(s) shall be labeled;

(i) "Consult Vehicle Manufacturer Fuel Recommendations", posted on the dispenser front panels in a position clear and conspicuous from the driver's position in block letter type at least 6 mm (1/4 inch) in height by 0.8 mm (1/32) stroke (width of type) and the color must be in definite contrast to the background color to which it is applied; and in addition,

(ii) Separately labeled with the capital letter "B" followed by the numerical value representing the volume percentage of biodiesel fuel and ending with either "Biodiesel" or "Biodiesel Blend" (Examples: "B100 Biodiesel"; "B60 Biodiesel Blend"); or

(iii) The Federal Trade Commission (FTC) 16 CFR Part 306 approved label for biodiesel blends greater than 20% biodiesel.

(B) If containing more than 20% other renewable diesel, the dispenser(s) shall be labeled with the numerical value representing the volume percentage of other renewable diesel immediately followed by the percentage symbol (%) and then the term "Biomass-Based Diesel" or "Biomass-Based Diesel Blend" (Examples: "100% Biomass-Based Diesel"; "70% Biomass-Based Diesel Blend").

(d) Documentation for Biodiesel, Biodiesel Blends, Other Renewable Diesel, and Other Renewable Diesel Blends. The operator of retail and non-retail dispensers shall be provided, at the time of delivery of the fuel, with a declaration of the volume percent biodiesel, other renewable diesel, or any combination thereof on an invoice, bill of lading, shipping paper, or other document in compliance with OAR 603-027-0430(1)(a).

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(e) Exemption.

(A) Biodiesel blends containing 5% or less biodiesel by volume or 5% or less other renewable diesel by volume are exempted from the dispenser labeling requirements in OAR 603-027-0430(6) except,

(B) If a dispenser is labeled with any reference to biodiesel or other renewable diesel and the fuel contains 5% or less biodiesel or 5% or less other renewable diesel, then it shall be labeled either:

- (i) "5% Or Less Biodiesel Blend", or
- (ii) "5% Or Less Biomass-Based Diesel Blend".

(f) Size of Labeling Type. Except for the FTC 16 CFR Part 306 approved labels and the "Consult Vehicle Manufacturer Fuel Recommendations" labels as specified, all labeling required in OAR 603-027-0430(6), shall be in type at least 12 mm (1/2 inch) in height and 1.5 mm (1/16 inch) stroke (width of type).

(7) Aviation Gasoline: Labeling of Grade Required. Aviation gasoline and dispensers shall be identified by and labeled with Grade 80, Grade 100, or Grade 100LL.

(8) E85 Fuel Ethanol:

(a) How to Identify E85 Fuel Ethanol. Fuel ethanol shall be identified as E85. (Example: E85)

(b) Retail or Nonretail E85 Fuel Ethanol Dispenser Labeling.

(A) Fuel ethanol dispensers shall be labeled with its automotive fuel rating in accordance with 16 Code of Federal Regulations Part 306.

(B) A label shall be posted which states, "For Use in Flexible Fuel Vehicles (FFV) Only". This information shall be posted on the upper 50% of the dispenser front panels in a position clear and conspicuous from the driver's position, in a type at least 12.7 mm (1/2 inch) in height, 1.5 mm (1/16 inch) stroke (width of type).

(C) A label must be posted that states, "Consult Vehicle Manufacturer Fuel Recommendations". This label must be posted on the dispenser front panels in a position clear and conspicuous from the driver's position in block letter type at least 6 mm (1/4 inch) in height by 0.8 mm (1/32 inch) stroke (width of type) and the color must be in definite contrast to the background color to which it is applied.

(9) Fuel Methanol:

(a) Identification of Fuel Methanol. Fuel methanol shall be identified by the capital letter M followed by the numerical value volume percentage of methanol. (Example: M85)

(b) Retail or Nonretail Dispenser Labeling. Each retail or nonretail dispenser of fuel methanol shall be labeled in type at least 12 mm (1/2 inch) in height and 1.5 mm (1/16 inch) stroke (width of type) with the capital letter M followed by the numerical value volume percent methanol and ending with the word "methanol". (Example: M85 Methanol).

(c) Additional Labeling Requirements. Fuel methanol shall be labeled with its automotive fuel rating in accordance with 16 CFR Part 306.

[ED. NOTE: Tables referenced are available from the agency.]

Stat. Auth.: ORS 561.190, OL 1997, Ch. 310 (SB 414) & 646.905 - 646.990
Stats. Implemented: OL 1997, Ch. 310 (SB 414), ORS 646.905 - 646.990 & 183
Hist.: AD 19-1997, f. 12-9-97, cert. ef. 1-1-98; DOA 5-2002, f. & cert. ef. 1-28-02; DOA 17-2006, f. & cert. ef. 9-26-06; DOA 15-2007(Temp), f. & cert. ef. 10-15-07 thru 4-11-08; DOA 20-2007(Temp) f. & cert. ef. 11-29-07 thru 4-11-08; DOA 8-2008, f. & cert. ef. 2-15-08; DOA 12-2008(Temp), f. 3-14-08, cert. ef. 3-17-08 thru 9-12-08; DOA 21-2008, f. & cert. ef. 9-11-08; DOA 11-2009(Temp), f. & cert. ef. 7-24-09 thru 1-17-10; DOA 16-2009, f. 12-23-09, cert. ef. 1-1-10; DOA 19-2010, f. & cert. ef. 9-14-10

603-027-0490

Enforcement Proceedings; Civil Penalties

(1) Consolidation of Proceedings: Notwithstanding that each and every violation of these rules and/or 1997 Oregon Laws Chapter 310 is a separate and distinct act and in cases of continuing violations, each day's continuance is a separate and distinct violation, proceedings for a Stop Use, Hold and/or Removal Order, or for the assessment of civil penalties arising from the same conduct or failure to act may be consolidated into a single proceeding.

(2) The Director or the Director's designate shall prescribe a reasonable time for the elimination of the violation prior to imposing a civil penalty, except that if a party fails to abide by the terms of any Stop Use, Hold and/or Removal Order, the Director or the Director's designate may immediately impose a civil penalty in addition to any other remedies provided by law.

(3) Violations occurring after the time prescribed for the elimination of the violation shall be considered repeat violations.

(4) Civil penalties shall be due and payable when the person incurring the penalty receives a Civil Penalty Assessment Notice in writing from the Director or the Director's designate.

(5) A Civil Penalty Assessment Notice, Stop Use Order, Hold Order and/or Removal Order shall be in writing. In addition to the posting providing for by OAR 603-207-0470 for Stop Use, Hold and Removal Orders,

these documents shall be served on the owner or operator of the facility by registered mail, certified mail, or in person. The notice shall include, but not be limited to:

(a) A reference to the particular section of the statute and/or administrative rule involved and;

(b) A short and plain statement of the matters asserted or charged;

(c) A statement of the amount of the penalty or penalties imposed, if any;

(d) A statement of the person's right to request a hearing if such request is made within ten days of mailing of the notice and an explanation of how a hearing may be requested;

(e) A statement that the notice becomes a final order unless the person upon whom the Stop Use, Hold and/or Removal Order, and /or civil penalty is assessed makes a written request for a hearing within ten days from the date of the mailing of the notice.

(6) A civil penalty imposed under the applicable statutes or these regulations may be remitted or reduced at the Director's discretion upon such terms and conditions that are proper and consistent with public safety and welfare.

(7) Hearing Procedures: All hearings shall be conducted pursuant to the applicable contested case procedures as outlined in ORS 183.310 to 183.550, and the Attorney General's Uniform and Model Rules of Procedure (OAR chapter 137).

(8) Entry of Order and Appeal Rights: If a person notified of the Stop Use, Hold, and/or Removal Order and/or civil penalty fails to request a hearing as specified in OAR 603-027-0490(5)(e), or if after the hearing the person is found to be in violation of the provisions of these rules, a final order may be entered by the Department as follows:

(a) The order shall be signed by the Director or the Director's designate;

(b) If the order is not appealed, or if it is appealed and the order is sustained on appeal, the order shall constitute a judgment and may be recorded with the county clerk in any county of this state. Any penalty provided in the order so recorded becomes a lien upon the title of any interest and real property in the county owned by the person against whom the order is entered.

(9) Penalty schedule: In addition to any other penalty provided by law, the Director may assess a civil penalty for violation of any provision of Oregon Laws 1997, chapter 310 section (7) relating to Motor Fuel Standards Regulation. The amount of any civil penalty shall be determined using the following table and shall not exceed \$10,000. In establishing penalty assessments within the table (Table 2), the department will consider factors such as the type of violation, the cause(s) of the violation, the economic impact on fuel purchasers, prior history of violations, repetition of violations, and the degree of demonstrated cooperativeness of the fuel seller. [Table not included. See ED. NOTE.]

(10) The commission of each violation has been categorized as to its magnitude of violation as follows:

(a) Gravity 1 (Minor):

(A) Labeling of Dispenser(s) (Ref. OAR 603-027-0430);

(i) Gasoline dispenser(s) not labeled with the identity of the product dispensed;

(ii) Gasoline dispenser(s) not labeled with the identity of the grade dispensed;

(iii) Gasoline dispenser(s) not labeled with the identity of oxygenates;

(iv) Gasoline-ethanol blend dispensers not labeled that the product contains 10% by volume ethanol in compliance with OAR 603-027-0430.

(v) Gasoline dispenser(s) of non-ethanol blended gasoline, other than 91 octane or above, not labeled for exempted use only in compliance with OAR 603-027-0430.

(vi) Exceptions for non-ethanol blended gasoline, other than 91 octane or above, not posted in compliance with OAR 603-027-0430.

(vii) Use of Prohibited Terms. Prohibited terms used to describe the grade of gasoline or gasoline-oxygenate blends. (Ref. OAR 603-027-0430);

(viii) Gasoline dispenser(s) not labeled with the Antiknock Index (AKI) number;

(ix) Gasoline dispenser(s) for lead substitute motor vehicle fuels not properly identified;

(x) Diesel dispenser not labeled with either the identity of the product and/or grade dispensed;

(xi) Location of either the diesel product and/or grade label not on each face and on the upper 50 percent of the dispenser front panels;

(xii) Winter or winterized diesel fuel dispenser(s) not labeled in compliance with OAR 603-027-0430;

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(xiii) Premium diesel fuel dispenser(s) not labeled in compliance with OAR 603-027-0430;

(xiv) Aviation gasoline dispenser(s) not labeled with the identity of the grade dispensed;

(xv) Fuel ethanol dispenser(s) not labeled with the correct automotive fuel rating, "For Use In Flexible Fuel Vehicles (FFV) Only", or "Consult Vehicle Manufacturer Fuel Recommendations" in compliance with OAR 603-027-0430;

(xvi) Fuel methanol dispenser(s) not labeled with the correct automotive fuel rating and the identity of the product dispensed;

(xvii) Biodiesel, biodiesel blend, other renewable diesel, or other renewable diesel blend fuel dispenser(s) not labeled in compliance with OAR 603-027-0430.

(B) Storage Tank(s); Motor vehicle fuel storage tank(s);

(i) Not correctly identified as to the product contained;

(ii) Not correctly identified that the product contained therein is non-ethanol blended gasoline. (Ref. OAR 603-027-0440)

(C) Documentation; Wholesale Dealer and Bulk Facility (Ref. OAR 603-027-0430);

(i) Incorrect, incomplete, or no documentation of motor vehicle fuels provided to the retail dealer or nonretail dealer at the time of motor vehicle fuel delivery;

(ii) Motor vehicle fuel delivery documentation not maintained for at least one year at the person's registered place of business.

(D) Certificate of Analysis Documentation; Biodiesel Producer, Operator of a Biodiesel Bulk Facility, and each Person Who Imports Biodiesel not keeping on a monthly basis for at least one year, at the person's registered place of business the certificate of analysis for each batch or production lot of biodiesel sold or delivered in Oregon (Ref. OAR 603-027-0430);

(E) Visual Appearance Analysis Documentation; Biodiesel Producer, Operator of a Biodiesel Bulk Facility, and each Person Who Imports Biodiesel not keeping on a monthly basis for at least one year, at the person's registered place of business the analysis records for visual appearance tests that are performed upon first receipt at a wholesale facility prior to commingling with existing product for each batch or production lot of biodiesel sold or delivered in Oregon (Ref. OAR 603-027-0430);

(F) Documentation; Biodiesel Production Facility not keeping, on a monthly basis for at least one year, at the person's registered place of business, documentation declaring the producer's name, location address, date and quantity of biodiesel production and sales (Ref. OAR 603-027-0430);

(G) Documentation not delivered on a quarterly basis to the Oregon Department of Agriculture declaring the biodiesel producer's name, location address, date and quantity of biodiesel production and sales in compliance with OAR 603-027-0430;

(H) Documentation; Retail Dealer, Nonretail Dealer, and Wholesale Dealer not providing, upon request of the Department, evidence of a certificate of analysis for the biodiesel received (Ref. OAR 603-027-0430);

(I) Documentation; Ethanol Production Facility not keeping, on an annual basis by month, at the person's registered place of business, documentation declaring the production facility's name, location address, net ethanol production capacity, the date that the net ethanol capacity attained, quantity of ethanol produced, and sales in Oregon.

(J) Documentation declaring the ethanol facility's name, location address, net ethanol production, date, quantity of ethanol produced, and sales in Oregon not delivered to the Oregon Department of Agriculture on a quarterly basis in compliance with OAR 603-027-0430;

(K) Documentation; Retail Dealer and Nonretail Dealer (Ref. OAR 603-027-0430); Octane rating certification or motor vehicle fuel delivery documentation not maintained at their facilities for the three most recent deliveries to the facility for each grade of gasoline, fuel ethanol, fuel methanol, biodiesel, biodiesel blends, diesel fuel, other renewable diesel fuel, and other renewable diesel fuel blends sold or offered for sale.

(b) Gravity 2 (Moderate):

(A) Storage Tank(s);

(i) Water phase in motor vehicle fuel storage tank(s) for gasoline-alcohol blends, B100 Biodiesel, Biodiesel Blends, E85 fuel ethanol, M85 fuel methanol, and aviation fuel exceed allowable limits (Ref. OAR 603-027-0440);

(ii) Water phase in motor vehicle fuel storage tank(s) for gasoline, diesel, other renewable diesel, other renewable diesel blends, gasoline-ether, and other fuels exceed allowable limits (Ref. OAR 603-027-0440).

(c) GRAVITY 3 (Major):

(A) Automotive fuel rating of the gasoline does not meet the minimum antiknock index (AKI) posted on the dispenser or certified on the

invoice, bill of lading, shipping paper, or other documentation. (Ref. OAR 603-027-0420 and 603-027-0430);

(B) Gasoline minimum motor octane number is less than 82 for gasoline with an AKI of 87 or greater;

(C) Gasoline does not meet ASTM standards (Ref. OAR 603-207-0420);

(D) Gasoline offered for sale with a lead substitute that does not meet requirements for a lead substitute gasoline. (Ref. OAR 603-027-0420);

(E) Ethanol intended for blending with gasoline does not meet the requirements of ASTM D 4806, "Standard Specification for Denatured Fuel Ethanol for Blending with Gasolines for Use as Automotive Spark-Ignition Engine Fuel". (Ref. OAR 603-027-0420);

(F) Gasoline sold or offered for sale does not meet gasoline-ethanol blend requirements (Ref. OAR 603-027-0420);

(G) Gasoline Additive Restrictions: A wholesale dealer, retail dealer, or nonretail dealer selling or offering for sale gasoline blended or mixed with prohibited additives. (Ref. OAR 603-027-0420);

(H) Diesel fuel offered for sale does not meet ASTM standards (Ref. OAR 603-027-0420);

(I) Winter or Winterized diesel fuel offered for sale does not meet Standard Fuel Specifications (Ref. OAR 603-027-0420);

(J) Premium diesel fuel offered for sale does not meet Standard Fuel Specifications (Ref. OAR 603-027-0420);

(K) Biodiesel intended for blending with diesel fuel does not meet ASTM Standard Fuel Specifications (Ref. OAR 603-027-0420);

(L) Biodiesel blend offered for sale does not meet fuel specifications (Ref. OAR 603-027-0420);

(M) Each batch or production lot of biodiesel produced in or imported into Oregon not analyzed and issued a Certificate of Analysis prior to blending, sale, or offered for sale in Oregon. (Ref. OAR 603-027-0420);

(N) Biodiesel Certificate of Analysis expired prior to blending, sale, or offer for sale in Oregon. (Ref. OAR 603-027-0420);

(O) Biodiesel not analyzed for and complying with the visual appearance test (ASTM D 4176) upon its first receipt at a wholesale facility and prior to commingling with existing product. (Ref. OAR 603-027-0420);

(P) Biodiesel not analyzed and the Certificate of Analysis issued by a motor fuel laboratory complying with OAR 603-027-0420 prior to blending, sale, or offer for sale in Oregon. (Ref. OAR 603-027-0420);

(Q) Other renewable diesel sold or offered for sale does not meet fuel specifications (Ref. OAR 603-027-0420);

(R) Diesel fuel sold or offered for sale does not meet diesel-biodiesel blend requirements. (Ref. OAR 603-027-0420);

(S) Biodiesel, biodiesel blends, other renewable diesel, other renewable diesel blends, or any combination thereof content not to nearest 1 volume percent for blends through 5 percent by volume or not to nearest 2 volume percent for blends greater than 5 percent by volume through 20 percent by volume (Ref. OAR 603-027-0420);

(T) Aviation gasoline does not meet the requirements of ASTM D 910, "Standard Specification for Aviation Gasolines". (Ref. OAR 603-027-0420);

(U) E85 Fuel Ethanol offered for sale does not meet ASTM Standard Fuel Specifications (Ref. OAR 603-027-0420);

(V) M85 Fuel Methanol offered for sale does not meet ASTM Standard Fuel Specifications (Ref. OAR 603-027-0420).

[ED. NOTE: Tables referenced are available from the agency.]

Stat. Auth.: ORS 561.190, OL 1997, Ch. 310 (SB 414) & 646.905 - 646.990

Stats. Implemented: OL 1997, Ch. 310 (SB 414), ORS 646.905 - 646.990 & 183

Hist.: AD 19-1997, f. 12-9-97, cert. ef. 1-1-98; DOA 5-2002, f. & cert. ef. 1-28-02; DOA 17-2006, f. & cert. ef. 9-26-06; DOA 8-2008, f. & cert. ef. 2-15-08; DOA 12-2008(Temp), f. 3-14-08, cert. ef. 3-17-08 thru 9-12-08; DOA 21-2008, f. & cert. ef. 9-11-08; DOA 11-2009(Temp), f. & cert. ef. 7-24-09 thru 1-17-10; DOA 16-2009, f. 12-23-09, cert. ef. 1-1-10; DOA 19-2010, f. & cert. ef. 9-14-10

603-027-0635

Adoption of the National Institute of Standards and Technology Handbook 44

Except as provided in OAR 603-027-0640, the specifications, tolerances, and other technical requirements for the design, manufacture, installation, performance test, and use of weighing and measuring equipment within Oregon shall be those adopted by the National Conference on Weights and Measures, and contained in the 2010 Edition of Handbook 44, published by the U.S. Department of Commerce, entitled the "National Institute of Standards and Technology Handbook 44-Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices", which publication is by this reference hereby made a part of this rule.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 561 & 618

ADMINISTRATIVE RULES

Stats. Implemented: ORS 618.016, 618.031, 618.051, 618.056, 618.066, 618.076, 618.081, 618.086, 618.096, 618.115, 618.151 & 618.275
Hist.: AD 1010(23-73), f. 12-20-73, ef. 1-11-74; AD 1056(2-75), f. 4-16-75, ef. 5-11-75; AD 6-1977, f. & ef. 3-21-77; AD 10-1979, f. & ef. 8-22-79; AD 19-1981, f. & ef. 8-21-81; AD 2-1986, f. & ef. 1-21-86; AD 9-1988, f. & cert. ef. 12-15-88; AD 8-1990, f. & cert. ef. 4-5-90; AD 3-1992, f. & cert. ef. 4-9-92; AD 12-1996, f. & cert. ef. 12-10-96; DOA 8-2000, f. & cert. ef. 3-29-00; DOA 9-2002, f. & cert. ef. 2-15-02; DOA 20-2004, f. & cert. ef. 6-28-04; DOA 3-2007, f. & cert. ef. 2-2-07; DOA 19-2010, f. & cert. ef. 9-14-10

603-027-0655

National Type Evaluation Program

(1) The term "National Type Evaluation Program" shall be construed to mean a program of cooperation between the National Institute of Standard and Technology, the National Conference on Weights and Measures, the State, and the private sector for determining, on a uniform basis, conformance of a type with the relevant provisions of National Institute of Standards and Technology Handbook 44, "Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices," National Institute of Standards and Technology Handbook 105-1, "Specifications and Tolerances for Reference Standards and Field Standard Weights and Measures, specifications and Tolerances for Field Standard Weights (NIST Class F)," National Institute of Standards and Technology Handbook 105-2, "Specifications and Tolerances for Reference Standards and Field Standard Weights and Measures, Specifications and Tolerance for Field Standard Measuring Flask," or National Institute of Standards and Technology Handbook 105-3, "Specifications and Tolerances for Reference Standards and Field Standard Weights and measures, Specifications and Tolerances for Graduated Neck Type Volumetric Field Standards."

(2) Type Evaluation: The term "type evaluation" shall be construed to mean the testing, examination, and/or evaluation of a type by a Participating Laboratory under the National Type Evaluation Programs.

(3) Type: The term "type" shall be construed to mean a model or models of a particular measurement system, instrument, element, or a field standard that positively identified the design. A specific type may carry in its measurement ranges, size, performance, an operating characteristics as specified in the Certificate of Conformance.

(4) Participating Laboratory: The term "participating laboratory" shall be construed to mean any State Measurement Laboratory that has been certified by the National Institute of Standards and Technology, in accordance with its program for the Certification of Capability of state Measurement Laboratories, to conduct a type evaluation under the National Type Evaluation Program.

(5) Certificate of Conformance: The term "certificate of conformance" shall be construed to mean a document issued by the National Institute of Standards and Technology or the National Conference on Weights and Measures based on testing in participating laboratories, said document constituting evidence of conformance of a type with the requirements of National Institute of Standards and Technology Handbooks 44, 105-1, 105-2, 105-3.

(6) Director: The term "director" means the Director of the Department of Agriculture.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 561 & 618

Stats. Implemented: ORS 618.156

Hist.: AD 20-1990, f. & cert. ef. 10-25-90; DOA 19-2010, f. & cert. ef. 9-14-10

603-027-0680

Placed in Service

A weighing or measuring device shall not be used commercially in the State of Oregon until:

(1) It is licensed as required in ORS 618.121;

(2) Either:

(a) A Placed in Service Report is completed and distributed as required in OAR 603-027-0690; or

(b) Express permission is given to the device owner or operator by a representative of the Measurement Standards Division,

(3) The devices are in compliance with all applicable requirements of the 2010 Edition of the National Institute of Standards and Technology (N.I.S.T.) Handbook 44;

(4) The devices are issued an active National Type Evaluation Program (N.T.E.P.) Certificate of Conformance (CC) on the entire weighing or measuring system unless otherwise exempted;

(5) The devices are installed in accordance with the manufacture's instructions;

(6) The devices are adjusted within applicable tolerances and not Predominantly in Favor of the device owner or operator;

(7) The devices are adjusted as closely as practicable to zero error; and

(8) Security seals are appropriately affixed to any mechanism designed to be sealed.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 561.190 & 618

Stats. Implemented: ORS 618.031 & 618.156

Hist.: DOA 26-1999, f. & cert. ef. 12-6-99; DOA 9-2002, f. & cert. ef. 2-15-02; DOA 20-2004, f. & cert. ef. 6-28-04; DOA 3-2007, f. & cert. ef. 2-2-07; DOA 19-2010, f. & cert. ef. 9-14-10

603-027-0700

Responsibilities of Service Person or Service Agency

The Service person or Service Agency is responsible for placing in service, installing, repairing, and adjusting devices such that:

(1) The devices are in compliance with all applicable requirements of the 2010 Edition of the National Institute of Standards and Technology (N.I.S.T.) Handbook 44;

(2) The devices are issued an active National Type Evaluation Program (N.T.E.P.) Certificate of Conformance (CC) on the entire weighing or measuring system unless otherwise exempted;

(3) The devices are installed in accordance with the manufacture's instructions;

(4) The devices are adjusted within applicable tolerances and not Predominantly in Favor of the device user;

(5) The devices are adjusted as closely as practicable to zero error;

(6) Security seals are appropriately affixed to any mechanism designed to be sealed; and

(7) A Placed in Service Report is completed and distributed as required in 603-027-0690.

[Publications: Publications referenced are available from the agency.]

Stat. Auth. ORS 618.031 & 618.156

Stats. Implemented: ORS 618.031 & 618.156

Hist.: DOA 26-1999, f. & cert. ef. 12-6-99; DOA 9-2002, f. & cert. ef. 2-15-02; DOA 20-2004, f. & cert. ef. 6-28-04; DOA 3-2007, f. & cert. ef. 2-2-07; DOA 19-2010, f. & cert. ef. 9-14-10

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

Rule Caption: Rule updates definition of "pattern of violation" used in enforcement penalty matrix.

Adm. Order No.: BCD 12-2010

Filed with Sec. of State: 9-15-2010

Certified to be Effective: 10-1-10

Notice Publication Date: 8-1-2010

Rules Amended: 918-001-0036

Subject: This rule updates the definition of a "pattern of violation" that is used by the different advisory boards of the State Building Codes Division in applying the civil penalty matrix for enforcement cases. The civil penalty imposed for a violation is increased to the maximum where there is a pattern of violation. The amended rule changes the definition of "pattern of violation" to a five year period for all violations.

Rules Coordinator: Stephanie Snyder—(503) 373-7438

918-001-0036

Guidelines for Civil Penalties

(1) Scope and Authority. This rule sets guidelines for assessing a civil penalty under ORS 446.995 & 455.895.

(2) Definitions. For the purposes of this rule:

(a) "Continuing offense" or "continuing violation" means violation of a code, rule or law on one or more additional days after having been notified of the violation or ordered to correct the act, or the failure to act. A continuing violation is subject to a civil penalty each day the violation continues after notification.

(b) A "directive" includes, but is not limited to, a notice or warning, citation, order, consent decree or settlement agreement, rule, law, code requirement, or agency interpretation.

(c) "Pattern of violation" means two or more prior violations during a five-year period of any provision of ORS Chapter 446, 447, 455, 460, 479, 480, or 693, or the state building code as defined in 455.010, whether or not a penalty was assessed. A pattern of violation is calculated within a five-year period from the date of the latest violation.

(3) A licensed person or contractor who performs an act resulting in an unsafe installation or a health and safety hazard, structural or financial

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damage, performs or allows another to perform work requiring a license without an appropriate license, violates a previous directive, or exhibits a pattern of violation may have their license, registration or certificate conditioned, suspended, or revoked.

(4) Civil penalties may be assessed by a board, the Director, or a board's designee acting as agent for a board. A board or the Director may take into account any appropriate factors, including previous directives, in determining the penalty amount or conditions within an order. The statutorily defined maximum penalty may only be assessed upon a finding of a pattern of violation.

(5) Civil penalties may be assessed in addition to, or in lieu of, the conditioning, suspension, or revocation of a license, certificate of competency, or similar authority issued by the Director.

(6) The Director may, subject to approval of a board, develop a penalty matrix for the board's use to promote equity and uniformity in proposing the amount and terms of civil penalties and conditions under which the penalties may be modified based on the circumstances in individual cases.

(7) If a dispute concerning the application of the state building code as defined in ORS 455.010 is appealed to a local appeals board, to a board under 455.690 or to the program chief under 455.475:

(a) A civil penalty that is being appealed may be stayed until after resolution of the appeal or interpretation. If corrections are necessary, a civil penalty may be stayed for 30 calendar days or the time frame established in the appeal or in the interpretation process.

(b) An administrative appeal will not stay civil penalties when they were assessed for failure to obtain a permit unless the appeal involves determining whether a permit was necessary.

(c) The person seeking the appeal or interpretation has the obligation to notify the Director of the appeal for the purpose of granting a stay of the civil penalty.

(8) Violations of ORS Chapters 446, 447, and 479 and 455.020(2) and 455.610, wherein defects are noted by an inspector in an element of assembly or construction, shall not be considered a violation for the purposes of this section if the violation is corrected and an inspection request made in 20 calendar days unless extended in writing by the building official.

(9) The Building Codes Division shall forward a copy of final orders to the Construction Contractors Board.

Stat. Auth.: ORS 446.995 & 455.895
Stats. Implemented: ORS 446.995 & 455.895
Hist.: BCD 35-2002, f. 12-31-02, cert. ef. 1-1-03; BCD 10-2005, f. 4-29-05, cert. ef. 5-1-05; BCD 22-2008, f. 9-30-08, cert. ef. 10-1-08; BCD 9-2010(Temp), f. & cert. ef. 7-1-10 thru 9-30-10; BCD 12-2010, f. 9-15-10, cert. ef. 10-1-10

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

Rule Caption: Implements the registration requirements for appraisal management companies doing business in Oregon.

Adm. Order No.: FCS 10-2010(Temp)

Filed with Sec. of State: 9-1-2010

Certified to be Effective: 9-1-10 thru 12-31-10

Notice Publication Date:

Rules Adopted: 441-674-0005, 441-674-0100, 441-674-0120, 441-674-0130, 441-674-0140, 441-674-0210, 441-674-0220, 441-674-0230, 441-674-0240, 441-674-0250, 441-674-0310, 441-674-0910, 441-674-0915, 441-674-0920

Subject: These temporary rules implement the registration requirements of 2010 House Bill 3624, which regulates the activities of appraisal management companies (AMCs). HB 3624, passed and signed into law on March 23, 2010, requires AMCs doing business in Oregon to register with the Department of Consumer and Business Services (DCBS) by January 1, 2011. As conditions to registration, the bill requires AMCs to verify the competency of independent contractor appraisers taking assignments for appraisals, establish a dispute resolution process, post a surety bond in the amount of \$25,000, and submit to DCBS the fingerprints of certain individuals controlling or owning a certain percentage of an AMC. These rules implement these four provisions of HB 3624. After substantial public input, these rules are being adopted on a temporary basis in order to meet the time constraints of the law as well as to give AMCs time to comply with the act prior to January 1, 2011.

Rules Coordinator: Shelley Greiner—(503) 947-7484

441-674-0005

Definitions

In addition to the definitions in 2010 Or Laws ch 87, § 1, the following definitions apply unless the context clearly requires otherwise:

(1) "Appraisal report" has the same meaning as the term is defined in OAR 161-002-0000.

(2) "Appraisal review" means the act or process of developing or communicating an opinion about the quality of another appraiser's work that was performed as part of an appraisal, appraisal review, or appraisal consulting assignment.

(3) "Assignment" means:

(a) An agreement between an appraiser and a client to perform a valuation service; and

(b) The valuation service that is provided as a consequence of such an agreement.

(4) "Board" means the Appraiser Certification and Licensure Board established under ORS 674.305.

(5) "Competency" or "competent" has the same meaning as the term is defined in OAR 161-025-0060.

(6) "Director" means the Director of the Department of Consumer and Business Services.

(7) "Individual" means a natural person.

(8) A "person with an interest in a real estate transaction:"

(a) Means a person with a financial interest in the transaction.

(b) Does not include an appraiser.

(9) "System" means an organized or established procedure or method.

Stat. Auth.: 2010 OL Ch. 87, § 1

Stat. Implemented: 2010 OL Ch. 87, § 1-2 &

Hist.: FCS 10-2010(Temp), f. & cert. ef. 9-1-10 thru 12-31-10

441-674-0100

Registration Requirements

(1) A business entity applying for registration as an appraisal management company shall submit to the director all of the following information:

(a) A completed application form listing the information required by 2010 Or Laws ch 87, § 2;

(b) The names, contact information, and percentage of ownership of every individual or wholly-owned or managed business entity owning more than ten percent of the business entity;

(c) For the persons named in subsection (b) of this section, the numbers of the licenses, certificates or registrations issued by any state to do business as an appraiser or an appraisal management company;

(d) Disclosures of any administrative action taken by any state to refuse, deny, cancel or revoke a license, certificate or registration as an appraiser or as an appraisal management company, if any; and

(e) If the business entity reviews real estate appraisal activity, the review appraiser's name and license or certification number issued by the board, as appropriate.

(2) A business entity applying for registration as an appraisal management company shall attach to the application for registration as an appraisal management company the following:

(a) Applicable fees established in OAR 441-674-0910;

(b) A copy of the surety bond required by 2010 Or Laws ch 87, § 3 in a form and format approved by the director;

(c)(A) A signed statement on a form approved by the director that the business entity established a system to verify the competency of appraisers on the business entity's panel meeting the minimum requirements in OAR 441-674-0120; and

(B) A short description of the business entity's system to verify competency meeting the minimum requirements established in OAR 441-674-0120;

(d)(A) A signed statement on a form approved by the director that the business entity established a dispute resolution process meeting the minimum requirements established in OAR 441-674-0130; and

(B) A copy of the clause in the business entity's contract with an independent contractor appraiser governing the business entity's dispute resolution process under OAR 441-674-0130;

(e) A signed statement on a form approved by the director that the business entity maintains and retains a detailed record of each appraisal management services request the entity receives and the appraiser who performs the real estate appraisal activity contained in the request for:

(A) Not less than five years after the date of completion of the appraisal to which the record pertains; or

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(B) For a period of not less than two years after final disposition of a judicial proceeding in which testimony relating to the records was given, whichever period expires later; and

(f) Sealed envelopes containing fingerprint cards for a "subject individual" under OAR 441-674-0210 containing information specified in OAR 441-674-0230.

Stat. Auth.: 2010 OL Ch. 87, § 2

Stat. Implemented: 2010 OL Ch. 87, § 2

Hist.: FCS 10-2010(Temp), f. & cert. ef. 9-1-10 thru 12-31-10

441-674-0120

System to Verify Competency

(1) A system to verify the competency of an appraiser under 2010 Or Laws ch 87, § 2 shall meet the following minimum requirements:

(a) An appraisal management company shall require that each independent contractor appraiser furnish the number of the appraiser's license or certification issued by the board.

(b) An appraisal management company shall require each independent contractor appraiser represent in writing the appraiser's qualifications and competency, which may include but not be limited to:

(A) The counties, postal codes or other geographic information signifying where the appraiser represents she or he is competent to appraise;

(B) The property types, types of structures, or intended uses the appraiser represents she or he is competent to appraise; and

(C) Other information relevant to the business activities of the business entity and necessary to demonstrate the competency of an appraiser.

(c) An appraisal management company shall include the following information in an assignment to an independent contractor appraiser, to the extent the information has been communicated to the appraisal management company by the appraisal management company's client:

(A) The geographic location the structure is located, which may include the county, ZIP codes, legal description or other geographic information identifying where the property is situated; and

(B) The type of structure the assignment covers and the intended use of the property.

(2) An assignment meeting the minimum requirements under section (1) of this rule does not relieve an appraiser from meeting any legal obligations related to the appraiser's license or certification under ORS chapter 674 and OAR chapter 161.

(3) The board retains jurisdiction over administrative inquiries and actions involving misrepresentations made by an individual appraiser regarding competency.

Stat. Auth.: 2010 OL Ch. 87, § 2

Stat. Implemented: 2010 OL Ch. 87, § 2

Hist.: FCS 10-2010(Temp), f. & cert. ef. 9-1-10 thru 12-31-10

441-674-0130

Dispute Resolution Process

(1) An appraisal management company shall establish a process that at a minimum allows a person with an interest in a real estate transaction to:

(a) Request consideration of additional information concerning the basis for the opinion of value;

(b) Request corrections to objective factual errors in a completed appraisal report; or

(c) Request reconsideration based on the most current market data available at the time of the dispute.

(2) A person with an interest in a real estate transaction shall make a request under this rule in writing or in a form easily reduced to writing. The request shall include, as applicable:

(a) Relevant additional market data or comparable sales information forming the basis of the request;

(b) Factual corrections and an explanation for the basis of the corrections; and

(c) Additional information relevant to the determination.

(3)(a) An appraisal management company that receives a request under this rule shall, within five business days, forward the request to the appraiser for review.

(b) An appraisal management company that receives a request under this rule and reviews real estate appraisal activity performed by an appraiser shall, within five business days, determine if the request meets the criteria in section (1) of this rule and either:

(A) Reject the request and notify the requestor in writing or in a form easily reduced to writing; or

(B) Forward the request to the appraiser for review.

(4)(a) An appraisal management company shall require an appraiser to complete a review under this rule within five business days of the request

from the appraisal management company, unless circumstances necessitate a delay in responding to a request under this rule.

(b) An appraisal management company shall notify the person in writing or in a form easily reduced to writing of the circumstance necessitating a delay, and shall provide an estimate of the time the appraisal management company believes is needed to complete the review.

(5) The appraisal management company shall require the appraiser to communicate in writing or in a form easily reduced to writing that:

(a) The appraiser corrected errors in the report determined to be factual errors, and identify which errors were corrected;

(b) The appraiser fully considered and, if deemed relevant by market data or comparable sales information, incorporated the additional market data or comparable sales information provided by the person with an interest in the real estate transaction into the appraisal report;

(c) The appraiser fully considered and incorporated additional information relevant to the determination into the appraisal report; or

(d) The appraiser fully considered and rejected incorporating additional market data, incorporating comparable sales information, or incorporating additional information relevant into the appraisal report.

(6) An appraisal management company shall retain a record of each dispute processed under this rule and a record of disputes where circumstances necessitated a delay in meeting the requirements of this section for:

(a) Not less than five years after the date of completion of the appraisal to which the record pertains; or

(b) For a period of not less than two years after final disposition of a judicial proceeding in which testimony relating to the records was given, whichever period expires later.

Stat. Auth.: 2010 OL Ch. 87, § 7

Stat. Implemented: 2010 OL Ch. 87, § 7

Hist.: FCS 10-2010(Temp), f. & cert. ef. 9-1-10 thru 12-31-10

441-674-0140

Renewal or Reactivation of Registration

(1) An appraisal management company renewing a registration as an appraisal management company shall submit to the director all of the following information:

(a) Renewal fees established in OAR 441-674-0915;

(b) A copy of the surety bond required by 2010 Or Laws ch 87, § 3 in a form and format approved by the director;

(c)(A) A signed statement on a form approved by the director that the appraisal management company continues to maintain a system, as stated on the appraisal management company's initial application for registration, to verify the competency of appraisers on the business entity's panel meeting the minimum requirements in OAR 441-674-0120; and

(B) A short description of the business entity's system to verify competency;

(d)(A) A signed statement on a form approved by the director that the business entity continues to maintain a system, as stated on the appraisal management company's initial application for registration, a dispute resolution process meeting the minimum requirements established in OAR 441-674-0130; and

(B) A copy of the portion of the business entity's engagement letter detailing the dispute resolution process;

(e) A signed statement on a form approved by the director that the business entity maintains and retains a detailed record of each appraisal management services request the entity receives and the appraiser who performs the real estate appraisal activity contained in the request for:

(A) Not less than five years after the date of completion of the appraisal to which the record pertains; or

(B) For a period of not less than two years after final disposition of a judicial proceeding in which testimony relating to the records was given, whichever period expires later.

(2)(a) If a business entity does not apply to renew a registration on or before the entity's renewal date, the business entity shall reactivate the entity's registration by applying for a new registration as an appraisal management company. For purposes of fees payable to the director under OAR 441-674-0910, the business entity shall pay a nonrefundable renewal fee based on the number of appraisals for which the appraisal management company performed appraisal management services in Oregon or otherwise served as a third-party broker of real estate appraisal activity in Oregon.

(b) A business entity in the process of reactivating a registration as an appraisal management company under this section shall cease operating as an appraisal management company or providing appraisal management services until the business entity's registration is reactivated.

Stat. Auth.: 2010 OL Ch. 87, § 2

Stat. Implemented: 2010 OL Ch. 87, § 2

Hist.: FCS 10-2010(Temp), f. & cert. ef. 9-1-10 thru 12-31-10

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441-674-0210

Subject Individuals

For purposes of OAR 441-674-0220 to 441-674-0250, a "subject individual" means:

(1) The person designated as the controlling person under 2010 Or Laws ch 87, § 2;

(2) Each individual with an ownership interest of ten percent or more of an appraisal management company; and

(3) In cases where ownership interest exceeding ten percent of the appraisal management company is an entity other than an individual:

(a) An individual who wholly owns a corporation that owns ten percent or more of an appraisal management company;

(b) An individual owning and serving as the only general partner in a limited partnership that owns ten percent or more of an appraisal management company;

(c) An individual wholly owning and managing a limited liability company that owns ten percent or more of an appraisal management company; or

(d) An individual who wholly owns any other type of business entity that owns ten percent or more of an appraisal management company.

Stat. Auth.: ORS 181.534 & 705.135

Stat. Implemented: 2010 OL Ch. 87, § 2, ORS 181.534 & 705.141

Hist.: FCS 10-2010(Temp), f. & cert. ef. 9-1-10 thru 12-31-10

441-674-0220

Criminal Records Check Required

(1) The director shall conduct a criminal records check on a subject individual as a condition of issuing a registration as an appraisal management company under 2010 Or Laws ch 87, § 2 and OAR chapter 441, division 674.

(2) The director may require additional information from the subject individual as necessary to complete the criminal records check and fitness determination, such as, but not limited to, proof of identity; or additional criminal, judicial, or other background information.

(3) The director may request or conduct a Law Enforcement Data System Criminal Records Check, an Oregon Criminal Records Check, a Nationwide Criminal Records Check, or any combination thereof to meet the requirements of this rule.

(4) If a subject individual refuses to consent to a criminal records check, including fingerprint identification, the director shall not issue a registration as an appraisal management company. A subject individual may not contest any determination made based on a refusal to consent.

Stat. Auth.: ORS 181.534 & 705.135

Stat. Implemented: 2010 OL Ch. 87, § 2, ORS 181.534 & 705.141

Hist.: FCS 10-2010(Temp), f. & cert. ef. 9-1-10 thru 12-31-10

441-674-0230

Information Required from Subject Individuals

A subject individual shall submit to the director the following information:

(1) A complete, signed copy of a criminal records request form supplied by the director. The criminal records request form shall require the following information: name, birth date, Social Security Number, driver's license or identification card number, prior residency in other states, and any other identifying information deemed necessary by the director.

(2) A completed fingerprint card from a law enforcement agency.

Stat. Auth.: ORS 181.534 & 705.135

Stat. Implemented: 2010 OL Ch. 87, § 2, ORS 181.534 & 705.141

Hist.: FCS 10-2010(Temp), f. & cert. ef. 9-1-10 thru 12-31-10

441-674-0240

Potentially Disqualifying Crimes; Process

(1) A "potentially disqualifying crime" means a crime that:

(a) Reflects moral turpitude, or an act or conduct which would cause a reasonable person to have substantial doubts about the individual's honesty, fairness and respect for the rights of others and for the laws of the state and the nation; and

(b) Is rationally connected to the business entity's fitness to act as a controlling person or own ten percent or more of an appraisal management company.

(2) The director shall evaluate a crime on the basis of Oregon laws and, if applicable, federal laws or the laws of any other jurisdiction in which a criminal records check indicates a subject individual may have committed a crime, as those laws are in effect at the time of the fitness determination.

(3) A subject individual shall not be denied under these rules on the basis of the existence or contents of a juvenile record that has been expunged under ORS 419A.260 and 419A.262.

(4) If a subject individual is denied as not fit, the business entity may not obtain a registration as an appraisal management company unless the subject individual divests all or part of the individual's ownership interest in the business entity or the business entity designates another control person, whichever is applicable.

(5) The director shall inform the subject individual who has been determined not to be fit on the basis of a criminal records check, via courier, or registered or certified mail to the most current address provided by the subject individual of the disqualification. Responsibility for furnishing the most current address remains with the subject individual.

(6) A final fitness determination is a final order of the director unless the affected subject individual requests a contested case hearing under ORS chapter 183. A subject individual may contest a fitness determination made under these rules that he or she is fit or not fit to act as a controlling person or own ten percent or more of an appraisal management company under ORS chapter 183.

Stat. Auth.: ORS 181.534 & 705.135

Stat. Implemented: 2010 OL Ch. 87, § 2, ORS 181.534 & 705.141

Hist.: FCS 10-2010(Temp), f. & cert. ef. 9-1-10 thru 12-31-10

441-674-0250

Fees for Fingerprinting and Background Checks

Each person subject to 441-674-0210 to 441-674-0250 shall pay to the director an amount not to exceed the fees charged to the director for the purpose of processing criminal record checks.

Stat. Auth.: ORS 181.534 & 705.135

Stat. Implemented: 2010 OL Ch. 87, § 2, ORS 181.534 & 705.141

Hist.: FCS 10-2010(Temp), f. & cert. ef. 9-1-10 thru 12-31-10

441-674-0310

Termination or Cancellation of Surety Bond or Letter of Credit

(1) If the surety bond or letter of credit an appraisal management company maintains is terminated or cancelled, the appraisal management company shall file a replacement surety bond or letter of credit as soon as practicable or within five days of the cancellation or termination, whichever occurs sooner.

(2) An appraisal management company that does not file a replacement surety bond or letter of credit under section (1) of this rule shall surrender the appraisal management company's registration and cease operating as an appraisal management company.

Stat. Auth.: 2010 OL Ch. 87, § 3

Stat. Implemented: 2010 OL Ch. 87, § 3

Hist.: FCS 10-2010(Temp), f. & cert. ef. 9-1-10 thru 12-31-10

441-674-0910

Initial Fees Payable to the Director

(1) A business entity that has not previously conducted business in Oregon, a business entity performing appraisal management services for not more than 1,000 instances of real estate appraisal activity in Oregon in the previous calendar year, or a business entity otherwise serving as a third-party broker of real estate appraisal activity for not more than 1,000 instances of real estate appraisal activity in Oregon in the previous calendar year, shall pay to the director:

(a) A nonrefundable application fee of \$1,000;

(b) A nonrefundable registration fee of \$1,500; and

(c) Subject to section (4) of this rule, an audit fee of \$450.

(2) A business entity performing appraisal management services for more than 1,000 but less than 5,000 instances of real estate appraisal activity in Oregon in the previous calendar year, or a business entity otherwise serving as a third-party broker of real estate appraisal activity for more than 1,000 but less than 5,000 instances of real estate appraisal activity in Oregon in the previous calendar year, shall pay to the director:

(a) A nonrefundable application fee of \$1,500;

(b) A nonrefundable registration fee of \$3,500; and

(c) Subject to section (4) of this rule, an audit fee of \$750.

(3) A business entity performing appraisal management services for more than 5,000 instances of real estate appraisal activity in Oregon in the previous calendar year, or a business entity otherwise serving as a third-party broker of real estate appraisal activity for more than 5,000 instances of real estate appraisal activity in Oregon in the previous calendar year, shall pay to the director:

(a) A nonrefundable application fee of \$2,000;

(b) A nonrefundable registration fee of \$6,000; and

(c) Subject to section (4) of this rule, an audit fee of \$1,500.

(4) If the director collects from each appraisal management company the actual cost of an examination as permitted by applicable law, the director shall apply any audit fees paid by a business entity under sections (1) to (3) of this rule toward the business entity's audit.

ADMINISTRATIVE RULES

Stat. Auth.: 2010 OL Ch. 87, § 2
Stat. Implemented: 2010 OL Ch. 87, § 2
Hist.: FCS 10-2010(Temp), f. & cert. ef. 9-1-10 thru 12-31-10

441-674-0915

Renewal Fees Payable to the Director

(Reserved)
Stat. Auth.: 2010 OL Ch. 87, § 2
Stat. Implemented: 2010 OL Ch. 87, § 2
Hist.: FCS 10-2010(Temp), f. & cert. ef. 9-1-10 thru 12-31-10

441-674-0920

Annual Reports

For calendar year 2011 and each year thereafter, an appraisal management company shall submit to the director on March 31 of the following year a report disclosing the following information on a form approved by the director:

(1) The number of appraisals for which the appraisal management company performed appraisal management services in Oregon or otherwise served as a third-party broker of real estate appraisal activity in Oregon.

(2) Any change in the designated controlling person.

(3) Any changes in ownership that result in an individual or wholly-owned and managed business entity owning more than 10 percent of an appraisal management company or less than 10 percent of the appraisal management company.

(4) Any action taken by a state to refuse to issue, deny, cancel or revoke a license, certification or registration to act as an appraiser or as an appraisal management company.

Stat. Auth.: 2010 OL Ch. 87, § 2
Stat. Implemented: 2010 OL Ch. 87, § 2
Hist.: FCS 10-2010(Temp), f. & cert. ef. 9-1-10 thru 12-31-10

Department of Consumer and Business Services, Insurance Division Chapter 836

Rule Caption: Standards to Determine Whether Insurer's Continued Operation may Be Hazardous to Policyholders, Creditors or Public.

Adm. Order No.: ID 14-2010

Filed with Sec. of State: 8-19-2010

Certified to be Effective: 8-19-10

Notice Publication Date: 7-1-2010

Rules Amended: 836-013-0100, 836-013-0110, 836-013-0120

Subject: This rulemaking adds standards to the current rules that establish standards for consideration by the Director of the Department of Consumer and Business Services to determine whether the continued operation of an insurer may be hazardous to policyholders, the insurer's creditors or the general public. The rulemaking also adds options for corrective action that the director may require an insurer in a hazardous financial condition to take. These changes bring Oregon into conformance with the National Association of Insurance Commissioners Model Rule #385, Model Regulation to Define Standards and Commissioner's Authority for Companies Deemed to Be in Hazardous Financial Condition.

Rules Coordinator: Sue Munson—(503) 947-7272

836-013-0100

Authority

(1) OAR 836-013-0100 to 836-013-0120 are adopted pursuant to ORS 731.244, 731.296 and 731.385.

(2) OAR 836-013-0100 to 836-013-0120 set forth the standards that the Director may use for identifying insurers who are in such condition as to render the continuance of their business hazardous to the public or to holders of their policies or certificates of insurance.

(3) OAR 836-013-0100 to 836-013-0120 are not a limitation on the regulatory powers of the Director.

Stat. Auth.: ORS 731.244, 731.296, 731.385
Stats. Implemented: ORS 731.296, 731.385
Hist.: ID 8-1993, f. & cert. ef. 9-23-93; ID 15-1996, f. & cert. ef. 11-12-96; ID 14-2010, f. & cert. ef. 8-19-10

836-013-0110

Standards

The Director may consider the following standards, either singly or in combination of two or more, to determine whether the continued operation

of any insurer transacting insurance in this state might be determined to be hazardous to the policyholders, its creditors or the general public:

(1) Adverse findings reported in financial condition and market conduct examination reports, audit reports, and actuarial opinions, reports or summaries.

(2) The National Association of Insurance Commissioners Insurance Regulatory Information System and its other financial analysis solvency tools and reports.

(3) Whether the insurer has made adequate provision, according to presently accepted actuarial standards of practice, for the anticipated cash flows required by the contractual obligations and related expenses of the insurer, when considered in light of the assets held by the insurer with respect to such reserves and related actuarial items including but not limited to the investment earnings on such assets, and the considerations anticipated to be received and retained under such policies and contracts.

(4) The ability of an assuming reinsurer to perform and whether the insurer's reinsurance program provides sufficient protection for the insurer's remaining capital and surplus after taking into account the insurer's cash flow and the classes of business written as well as the financial condition of the assuming reinsurer.

(5) Whether the insurer's operating loss in the last 12-month period or any shorter period of time, including but not limited to net capital gain or loss, change in non-admitted assets and cash dividends paid to shareholders, is greater than 50 percent of the insurer's remaining capital and surplus in excess of the minimum required.

(6) Whether the insurer's operating loss in the last 12-month period or any shorter period of time, excluding net capital gains, is greater than 20 percent of the insurer's remaining surplus as regards policyholders in excess of the minimum required.

(7) Whether a reinsurer or obligor, or any entity within the insurer's insurance holding company system is insolvent, threatened with insolvency or delinquent in payment of its monetary or other obligations and which, in the opinion of the director may affect the solvency of the insurer.

(8) Contingent liabilities, pledges or guaranties that either individually or collectively involve a total amount that in the opinion of the Director may affect the solvency of the insurer.

(9) Whether any "controlling person" of an insurer is delinquent in the transmitting to, or payment of, net premiums to the insurer.

(10) The age and collectibility of receivables.

(11) Whether the management of an insurer, including officers, directors or any other person who directly or indirectly controls the operation of the insurer, fails to possess and demonstrate the competence, fitness and reputation determined by the Director to be necessary to serve the insurer in such position.

(12) Whether management of an insurer has failed to respond to inquiries relating to the condition of the insurer or has furnished false and misleading information concerning an inquiry.

(13) Whether the insurer has failed to meet financial and holding company filing requirements in the absence of a reason satisfactory to the director.

(14) Whether management of an insurer either has filed a false or misleading sworn financial statement or has released a false or misleading financial statement to lending institutions or to the general public, or has made a false or misleading entry, or has omitted an entry of material amount in the books of the insurer.

(15) Whether the insurer has grown so rapidly and to such an extent that it lacks adequate financial and administrative capacity to meet its obligations in a timely manner.

(16) Whether the insurer has experienced or will experience in the foreseeable future cash flow or liquidity problems, or both.

(17) Whether management has established reserves that do not comply with minimum standards established by state insurance laws, regulations, statutory accounting standards, sound actuarial principles and standards of practice.

(18) Whether management persistently engages in material under reserving that results in adverse development.

(19) Whether transactions among affiliates, subsidiaries or controlling persons for which the insurer receives assets or capital gains, or both, do not provide sufficient value, liquidity or diversity to assure the insurer's ability to meet its outstanding obligations as they mature.

(20) Any other finding determined by the director to be hazardous to the insurer's policyholders, creditors or general public.

Stat. Auth.: ORS 731.244, 731.385
Stats. Implemented: ORS 731.385
Hist.: ID 8-1993, f. & cert. ef. 9-23-93; ID 14-2010, f. & cert. ef. 8-19-10

ADMINISTRATIVE RULES

836-013-0120

Director's Authority

(1) For the purposes of making a determination of the financial condition of an insurer under OAR 836-013-0100 to 836-013-0120, the Director may do one or more of the following:

(a) Disregard any credit or amount receivable resulting from transactions with a reinsurer that is insolvent, impaired or otherwise subject to a delinquency proceeding;

(b) Make appropriate adjustments to asset values attributable to investments in or transactions with parents, subsidiaries or affiliates;

(c) Refuse to recognize the stated value of accounts receivable if the ability to collect receivables is highly speculative in view of the age of the account or the financial condition of the debtor; or

(d) Increase the insurer's liability in an amount equal to any contingent liability, pledge, or guarantee not otherwise included if there is a substantial risk that the insurer will be called upon to meet the obligation undertaken within the next 12-month period.

(2) An order of the Director under ORS 731.385 regarding a foreign insurer may be limited to the extent provided by statute.

(3) In addition to the requirements the director may impose under ORS 731.385, if the director determines that the continued operation of the insurer licensed to transact business in this state may be hazardous to the policyholders or the general public, the director may require the insurer to:

(a) File reports in a form acceptable to the director concerning the market value of the insurer's assets;

(b) Document the adequacy of premium rates in relation to the risks insured;

(c) In addition to regular annual statements, file interim financial reports on the form specified by the director;

(d) Correct corporate governance practice deficiencies, and adopt and utilize the governance practices acceptable to the director; or

(e) Provide a business plan to the director in order to continue to transact business in this state.

(4) Notwithstanding any other provision of law limiting the frequency or amount of premium rate adjustments, the director may include as a requirement under section (3) of this rule, any rate adjustment for any non-life insurance product written by the insurer that the director considers necessary to improve the financial condition of the insurer.

Stat. Auth.: ORS 731.244, 731.296, 731.385

Stats. Implemented: ORS 731.296, 731.385

Hist.: ID 8-1993, f. & cert. ef. 9-23-93; ID 19-2006, f. & cert. ef. 9-26-06; ID 14-2010, f. & cert. ef. 8-19-10

Rule Caption: Modify Requirements for reporting on Health Insurers' External Grievance and Appeal Processes.

Adm. Order No.: ID 15-2010

Filed with Sec. of State: 8-19-2010

Certified to be Effective: 8-19-10

Notice Publication Date: 7-1-2010

Rules Amended: 836-053-1000, 836-053-1070, 836-053-1080

Subject: ORS 743.804(9) was amended in 2001 (Enrolled House Bill 3040) to include an additional reporting requirement related to applications for external review, but the Insurance Division rules (OAR 836-053-1000, 836-053-1070 and 836-053-1080) were not amended to include the additional reporting requirement. This rule-making corrects the rules to reflect the statutory requirements. Additionally, OAR 836-053-1070(1) (b) and (h) of the existing rule was confusing and resulted in inconsistent reporting by the insurers. The amendments to those subsections eliminate this confusion and inconsistency. Amendments to OAR 836-053-1000 and 836-053-1080 are needed to reflect the amendments to OAR 836-053-1070. Technical corrections are made throughout to correct incorrect statutory references resulting from a renumbering of ORS 743.699 to ORS 743A.012.

Rules Coordinator: Sue Munson—(503) 947-7272

836-053-1000

Statutory Authority and Implementation

(1) OAR 836-053-1000 to 836-053-1200 are adopted under the authority of ORS 731.244, 743.814, and 743.819, for the purpose of implementing ORS 743.804, 743.807, 743.814, 743.817, 743.819, 743.821, 743.829, 743.837 and 743A.012. The filing and reporting requirements in this rule and in OAR 836-053-1070, 836-053-1130, 836-053-1170, and 836-053-1190 apply to all domestic insurers transacting health benefit

plans, including health care service contractors, to all foreign carriers transacting health benefit plans who transacted \$2 million or more in annual health benefit plan premium in Oregon, and to other carriers transacting health benefit plans as determined by the Director.

(2) When an insurer maintains more than one type of health benefit plan, the insurer shall comply with OAR 836-053-1000 to 836-053-1200 on a plan-by-plan basis.

(3) Not later than June 30 of each year, each insurer shall file with the Director for the immediately preceding calendar year the following information as required of the insurer:

(a) An annual summary of the insurer's aggregate data relating to grievances, appeals and applications for external review, required by ORS 743.804(9) of all insurers;

(b) An annual summary relating to the insurer's utilization review policies, required by ORS 743.807(1) of each insurer that provides utilization review or has utilization review provided on its behalf;

(c) An annual summary relating to the insurer's quality assessment activities required by ORS 743.814(2) of each insurer that offers managed health insurance;

(d) The results of all publicly available federal Health Care Financing Administration reports and accreditation surveys by national accreditation organizations required by ORS 743.814(3)(a) of each insurer that offers managed health insurance;

(e) The insurer's health promotion and disease prevention activities, if any, including a summary of screening and preventive health care activities covered by the insurer, required by ORS 743.814(3)(b) of each insurer that offers managed health insurance. The insurer may submit the summary required in this subsection in the format of the insurer's choosing, including a summary prepared for another purpose. The summary required in this subsection shall include the following activities, to the extent the insurer engages in them, and may include any additional information that the insurer deems significant in describing its health promotion and disease prevention activities:

(A) Tobacco use and cessation;

(B) Cancer screening, including mammography;

(C) Diabetes education and home monitoring;

(D) Immunizations;

(E) Childbirth education and parenting support;

(F) Nutrition;

(G) Cardiovascular health; and

(H) Injury prevention; and

(f) An annual summary relating to the scope of the insurer's network and to the accessibility of services, required by ORS 743.817(1) of each insurer that offers managed health insurance.

(4) In order to minimize duplicative reporting requirements, an insurer may submit a copy of a report prepared for a national accreditation organization to meet the reporting requirements of section (3)(e) of this rule relating to the insurer's health promotion and disease prevention activities, OAR 836-053-1130(1) relating to the insurer's utilization review policies, OAR 836-053-1170(1) relating to the insurer's quality assessment activities and OAR 836-053-1190(1) relating to the insurer's provider network and the accessibility of services. To the extent that a report prepared for a national accreditation organization does not include information required by the department, the insurer must submit an addendum to the report that provides this information.

(5) If information required to be filed annually with the department pursuant to this rule has not changed since an insurer's previous annual filing, an insurer may satisfy the reporting requirements of this rule by indicating that the information has not changed, or if some but not all information has changed, by submitting an addendum to the previous annual filing indicating only the information that has changed since the previous filing. However, every third year the insurer must file all required information, including information that may not have changed since the previous filing. For example, if an insurer made an annual filing in 1998, it is sufficient to indicate in 1999 and 2000 that certain information has not changed since the previous annual filing or to submit an addendum indicating the information that has changed, but the filing in 2001 must contain all information required by the department pursuant to this rule.

(6) All filings required in section (3) of this rule must be made electronically.

(7) For purposes of OAR 836-053-1000 to 836-053-1200, "insurer" also includes a health care service contractor as defined in ORS 750.005 and a multiple employer welfare arrangement as defined in ORS 750.301.

(8) OAR 836-053-1000 to 836-053-1200 apply to a self-insured public entity to the extent provided in ORS 731.036.

ADMINISTRATIVE RULES

(9) An insurer shall administer the plan in compliance with ORS 743.804, 743.807, 743.814, 743.817, 743.821, 743.829, 743.837 and 743A.012 and OAR 836-053-1000 to 836-053-1200.

(10) An insurer shall comply with the federal Newborns' and Mothers' Health Protection Act of 1996, as referred to in ORS 743.823 with respect to group health insurance plans and individual health insurance plans.

Stat. Auth.: ORS 731.244, 743.814 & 743.819
Stats. Implemented: ORS 743.804, 743.807, 743.814, 743.817, 743.819, 743.821, 743.829, 743.837 & 743A.012
Hist.: ID 1-1998, f. & cert. ef. 1-15-98; ID 5-2000, f. & cert. ef. 5-11-00; ID 15-2010, f. & cert. 8-19-10

836-053-1070

Reporting of Grievances; Format and Contents

(1) For the purpose of complying with the requirement in ORS 743.804(9) that each insurer provide an annual summary of the insurer's aggregate data regarding grievances, appeals and applications for external review, an insurer must report the data required in section (2) of this rule for grievances closed in the previous calendar year ending December 31. The data must be reported in a format prescribed by the Director. For purposes of this rule:

(a) The number of grievances means the total number of written complaints closed by the insurer that qualify as a "grievance" as that term is defined in ORS 743.801; and

(b) A grievance is "closed" if:

(A) The insurer has made a determination regarding the grievance and the complainant has not appealed the determination;

(B) The grievance has been appealed through all available grievance appeal levels; or

(C) The insurer determines that the complainant is no longer pursuing the grievance.

(2) The data to be included in the annual summary are as follows:

(a) The total number of grievances closed in the reporting year;

(b) The number of grievances closed in each of the categories listed in section (3) of this rule;

(c) The number and percentage of grievances in each of the categories listed in section (3) of this rule in which the insurer's initial decision is upheld and the number and percentage in which the initial decision is reversed at closure of the grievance;

(d) The number and percentage of all grievances that are closed at the initial grievance stage;

(e) The number and percentage of all grievances that are closed at the first level of appeal;

(f) The number and percentage of all grievances that are closed at the second level of appeal;

(g) The number and percentage of all grievances that result in applications for external review; and

(h) For each stage of a grievance or level of appeal listed in subsections (d) to (f) of this section, the average length of time between the date an enrollee files a grievance or appeal and the date an insurer sends written notice of the insurer's determination for that stage of the grievance or level of appeal to the enrollee, or person filing the grievance or appeal on behalf of an enrollee.

(3) An insurer must report each grievance according to the nature of the grievance. The nature of the grievance shall be determined according to the categories listed in this section. The insurer must report each grievance in one category only and must have a system that allows the insurer to report accurately in the specified categories. If a grievance could fit in more than one category, an insurer shall report the grievance in the category established in this section that the insurer determines to be most appropriate for the grievance. The categories of grievances are as follows:

(a) Access problems, including timeliness and the availability of a provider;

(b) Denials based on medical necessity;

(c) Denials based on other coverage issues, including denials based on the service being out of plan, out of area or not a covered benefit;

(d) Eligibility;

(e) Quality of clinical care;

(f) Quality of plan services, not including the quality of clinical care as provided in subsection (e) of this section;

(g) Referral issues;

(h) Emergency services; and

(i) Administrative issues and issues other than those otherwise listed in this section.

(4) Nothing in this rule prohibits an insurer from creating or using its own system to categorize the nature of grievances in order to collect data if

the system allows the insurer to report grievances accurately according to the categories in section (3) of this rule and if the system enables the Director to track the grievances accurately.

Stat. Auth.: ORS 731.244 & 732.819
Stats. Implemented: ORS 743.804
Hist.: ID 1-1998, f. & cert. ef. 1-15-98; ID 15-2010, f. & cert. 8-19-10

836-053-1080

Tracking Grievances

An insurer shall record data relating to all grievances, significant actions taken from each initial grievance filing through the appeals process, and applications for external review as required by ORS 743.804, in a manner sufficient for the insurer to report grievances accurately as required by ORS 743.804 and OAR 836-053-1070, and for the insurer to track individual files in response to a market conduct examination or other inquiry by the Director under ORS 733.170 and OAR 836-080-0215.

Stat. Auth.: ORS 731.244 & 743.819
Stats. Implemented: ORS 743.804
Hist.: ID 1-1998, f. & cert. ef. 1-15-98; ID 15-2010, f. & cert. 8-19-10

Rule Caption: Title Insurance Claims Settlement Communications Standards.

Adm. Order No.: ID 16-2010

Filed with Sec. of State: 8-19-2010

Certified to be Effective: 8-19-10

Notice Publication Date: 7-1-2010

Rules Amended: 836-080-0205, 836-080-0210, 836-080-0235

Subject: This rulemaking amends the current rules that establish minimum standards for claims settlement practices. Violation of these standards constitutes an unfair claims settlement practice. The rule is expanded to apply to title insurance and modifies claims settlement communications standards to address the specific needs of title insurers. The rule will apply to claims filed on or after the effective date of the amendments to the rules.

Rules Coordinator: Sue Munson—(503) 947-7272

836-080-0205

Statutory Authority, Purpose, and Applicability

(1) OAR 836-080-0205 to 836-080-0250 are adopted by the Director of the Department of Consumer and Business Services pursuant to the director's general rulemaking authority in ORS 731.244, to aid in the proper effectuation of 746.230.

(2) The purpose of OAR 836-080-0205 to 836-080-0250 is to define certain minimum standards the violation of which will be considered to constitute unfair claims settlement practices within the purview of ORS 746.230.

(3) OAR 836-080-0205 to 836-080-0250:

(a) Apply with respect to all insurance except fidelity and surety bonds;

(b) Apply to workers' compensation insurance only as provided in OAR 836-080-0250; and (c) Are not exclusive, and the Director may also consider other acts not herein specified to be violations of ORS 746.230.

(4) OAR 836-080-0205 to 836-080-0250 do not in any way expand or limit or otherwise change the procedural or substantive rights, or both, of claimants as provided in the Oregon Revised Statutes.

(5) The amendments to OAR 836-080-0210 and 836-080-0235 apply only to claims submitted to a title insurer on or after August 17, 2010.

Stat. Auth.: ORS 731.244
Stats. Implemented: ORS 746.230
Hist.: IC 2-1980, f. 5-8-80, ef. 6-1-80; ID 12-1992, f. & cert. ef. 7-1-92; ID 20-1998, f. 12-2-98, cert. ef. 2-1-99; ID 16-2010, f. & cert. ef. 8-19-10

836-080-0210

Definitions

As used in OAR 836-080-0205 to 836-080-0240, unless the context requires otherwise:

(1) "Claim file" includes, but is not limited to, microfilm files, computer information systems and other types of files, containing information on individual claims without necessarily containing hard copies of documents.

(2) "Claimant" includes any first party claimant and any third party claimant, the designated legal representative of any such claimants and any members of a claimant's immediate family who are designated for this purpose by the claimant. For title insurance, "claimant" includes only any first party claimant and the designated legal representative of a first party claimant.

ADMINISTRATIVE RULES

(3) "First party claimant" means a person asserting a right to payment under an insurance policy arising out of the occurrence of the contingency or loss covered by the policy.

(4) "Insurer" includes any person authorized to represent the insurer with respect to a claim who is acting within the scope of the person's authority.

(5) "Investigation" means the activities of an insurer directly or indirectly related to the determination of liabilities under coverages provided by an insurance policy.

(6) "Notification of claim" means any notification, whether in writing or other means acceptable under the terms of an insurance policy, to an insurer by a claimant that reasonably apprises the insurer of the facts pertinent to the claim.

(7) "Third party claimant" means any person asserting a claim against any person insured under an insurance policy.

(8) "Crash parts" are motor vehicle replacement parts, sheet metal or plastic, that constitute the visible exterior of the vehicle, including inner and outer panels, and are generally repaired or replaced as the result of a collision.

Stat. Auth.: ORS 731.244

Stats. Implemented: ORS 746.230

Hist.: IC 2-1980, f. 5-8-80, ef. 6-1-80; IC 8-1986, f. & ef. 12-30-86; ID 20-1998, f. 12-2-98, cert. ef. 2-1-99; ID 16-2010, f. & cert. ef. 8-19-10

836-080-0235

Standards for Prompt and Fair Settlements — Generally

(1) An insurer shall, not later than the 30th day after its receipt of properly executed proofs of loss from a first party claimant, advise the claimant of the acceptance or denial of the claim. An insurer shall not deny a claim on the grounds of a specific policy provision, condition or exclusion unless the denial includes reference to the provision, condition or exclusion. A claim denial must be in writing, with either a copy or the capability of reproducing its text included in the insurer's claim file.

(2) If a claim is made on a health insurance policy and the claim involves a coordination of benefits issue to which OAR 836-020-0700 to 836-020-0765 apply, the time allowed in 836-020-0740 to an insurer for applying a coordination of benefit provision shall be added to the time period provided in section (1) of this rule.

(3) If a claim is denied for reasons other than those described in section (1) of this rule and is made by any other means than in writing, an appropriate notation shall be made in the insurer's claim file.

(4) If an insurer needs more time to determine whether the claim of a first party claimant should be accepted or denied, it shall so notify the claimant not later than the 30th day after receipt of the proofs of loss, giving the reason more time is needed. Forty-five days from the date of such initial notification and every 45 days thereafter while the investigation remains incomplete, the insurer shall notify the claimant in writing of the reason additional time is needed for investigation.

(5) An insurer shall not fail to settle claims of first party claimants on the grounds that responsibility for payment should be assumed by others, except as may be provided otherwise by the provisions of the insurance policy issued by the insurer.

(6) If an insurer continues negotiations for settlement of a claim directly with a claimant who is neither an attorney nor represented by an attorney until the claimant's rights may be affected by a statute of limitations or policy time limit, the insurer shall give the claimant written notice that the time limit may be expiring and may affect the claimant's rights. The notice shall be given to first party claimants not less than 30 days before, and to third party claimants not less than 60 days before, the date on which the insurer believes the time limit may expire.

(7) An insurer shall not make a statement that indicates that the rights of a third party claimant may be impaired if a form or release is not completed within a given period of time, unless the statement is given for the purpose of notifying the third party claimant of the provision of a relevant statute of limitations.

(8) Notwithstanding section (4) of this rule, for title insurance:

(a) The requirements in section (4) of this rule are suspended from the date the insurer arranges or agrees to legal representation of the insured, for the term of that representation, with respect to:

(A) A matter for which the insurer accepts a tender of defense; or

(B) A matter for which the insurer prosecutes an action or proceeding or does, or causes to be done, any other act to establish the title as insured or to prevent or reduce loss or damage to the insured.

(b) When an insurer initially notifies the claimant that more time is needed, the insurer:

(A) May specify a date later than 45 days but not later than 90 days for the next and any successive notification; and

(B) Shall notify the claimant in writing by the date specified whether additional time is needed and give the reason additional time is needed.

Stat. Auth.: ORS 731.244

Stats. Implemented: ORS 746.230(1) & 746.240

Hist.: IC 2-1980, f. 5-8-80, ef. 6-1-80; ID 3-1998, f. & cert. ef. 2-10-98; ID 19-2006, f. & cert. ef. 9-26-06; ID 16-2010, f. & cert. ef. 8-19-10

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Rule Caption: Property and Casualty Actuarial Opinion of Reserves and Supporting Documentation.

Adm. Order No.: ID 17-2010

Filed with Sec. of State: 9-14-2010

Certified to be Effective: 9-14-10

Notice Publication Date: 7-1-2010

Rules Adopted: 836-011-0015

Subject: This rulemaking adopts a requirement that authorized property and casualty companies submit an actuarial opinion. The division has been relying on the Property and Casualty Annual Statement Instructions to require property and casualty companies to submit an actuarial opinion. The division has been requesting an Actuarial Opinion Summary, which is required by the Property and Casualty Actuarial Opinion Model Law #745, as part of the financial analysis process. This rulemaking will consolidate all of the provisions of the model law into a single requirement to simplify and make more transparent the requirement.

Rules Coordinator: Sue Munson—(503) 947-7272

836-011-0015

Property and Casualty Actuarial Opinion of Reserves and Supporting Documentation

(1) Each authorized insurer transacting property or casualty insurance in this state, unless otherwise exempted by the domiciliary commissioner, shall submit annually to the Director of the Department of Consumer and Business Services the opinion of an appointed actuary as provided in this section. The opinion shall be entitled "Statement of Actuarial Opinion" and shall be filed in accordance with the annual statement instructions adopted pursuant to OAR 836-011-0000.

(2)(a) Every property and casualty insurer domiciled in this state that is required to submit a Statement of Actuarial Opinion under section (1) of this rule shall annually submit an actuarial opinion summary, written by the insurer's appointed actuary. The actuarial opinion summary shall be filed in accordance with the annual statement instructions adopted pursuant to OAR 836-011-0000 and shall be considered as a document supporting the actuarial opinion required under section (1) of this rule.

(b) An insurer authorized to transact insurance in this state but not domiciled in this state shall provide the actuarial opinion summary upon request.

(3)(a) Every property and casualty insurer domiciled in this state that is required to submit a Statement of Actuarial Opinion under section (1) of this rule shall prepare an actuarial report and underlying work papers. The actuarial report and underlying work papers shall be prepared to support each actuarial opinion and shall be in accordance with the annual statement instructions adopted pursuant to OAR 836-011-0000.

(b) If an insurer fails to provide a supporting actuarial report or work papers at the request of the director or if the director determines that the supporting actuarial report or work papers provided by the insurer is otherwise unacceptable to the director, the director may engage a qualified actuary at the expense of the insurer to review the opinion and the basis for the opinion and prepare any supporting actuarial report or work papers required by the director. Before the director engages a qualified actuary under this subsection, the director shall first identify the supporting actuarial report or work papers the insurer has failed to provide or the reason the report or work papers are unacceptable and allow the insurer a reasonable time to remedy the deficiency.

(4) Except in cases of fraud or willful misconduct, an appointed actuary shall not be liable for damages to any person other than the insurer or the director for any act, error, omission, decision or conduct with respect to the actuary's opinion.

(5) The Statement of Actuarial Opinion shall be provided with the annual statement in accordance with the appropriate property and casualty annual statement instructions adopted pursuant to OAR 836-011-0000 and shall be treated as a public document.

ADMINISTRATIVE RULES

(6) Documents, material or other information in the possession or control of the department that are considered an actuarial report, work papers or an actuarial opinion summary provided in support of a Statement of Actuarial Opinion, and any other material provided by the insurer to the director in connection with an actuarial report, work papers or actuarial opinion summary, is confidential as provided in ORS 705.137.

Stat. Auth.: ORS 731.244, 731.574 & 733.210
Stats. Implemented: ORS 731.574 & 733.210
Hist.: ID 17-2010, f. & cert. ef. 9-14-10

Rule Caption: Clarifies that change in prior authorization requirement is modification and specifies notice requirements.

Adm. Order No.: ID 18-2010

Filed with Sec. of State: 9-14-2010

Certified to be Effective: 1-1-11

Notice Publication Date: 7-1-2010

Rules Amended: 836-053-0001

Subject: This rule amends OAR 836-053-0001 to clarify that a change in a prior authorization requirement is a modification that requires notice to the policyholders. The rule also specifies the notice requirements that a prior authorization modification requires.

Rules Coordinator: Sue Munson—(503) 947-7272

836-053-0001

Modification of a Health Benefit Plan

(1) A modification of a health benefit plan is defined in this rule for the purposes of:

- (a) ORS 743.737, regarding small employer health benefit plans;
- (b) ORS 743.754, regarding group health benefit plans covering two or more certificate holders;
- (c) ORS 743.760, regarding portability plans; and
- (d) ORS 743.766, regarding individual health benefit plans.

(2) One or more decreases or increases described in this section in the services or benefits covered in a health benefit plan are a modification and not a discontinuance when the decrease or decreases, or the increase or increases, or any combination thereof, occur at the time of renewal and the change or changes together alter the actuarial valuation of the health benefit plan by less than ten percent in the aggregate to the policyholder. This section applies to a decrease or increase that:

- (a) Eliminates or adds benefits payable under the plan;
- (b) Decreases or increases benefits payable under the plan, including a decrease or increase that occurs as a result of a change in formulas, methodologies or schedules that serve as the basis for making benefit determinations;
- (c) Increases or decreases deductibles, copayments or other amounts to be paid by an enrollee; or
- (d) Establishes new conditions or requirements, such as prior authorization requirements, to obtaining services or benefits under the plan, or eliminates such conditions or requirements.

(3) A carrier must give the policyholder notice of a modification to which this rule applies not later than the 30th day before the date of renewal of the plan to which the modification applies.

(4) A change in a requirement for eligibility is not a modification for purposes of this rule but instead is a discontinuance if the change will result in the exclusion of a class or category of enrollees covered under the current plan.

(5) A decrease or increase described in this section in the services or benefits covered in a health benefit plan is a modification and not a discontinuance, but the decrease or increase is not subject to section (2) of this rule. This section applies to the following:

- (a) A carrier's normal and customary administrative changes that do not have an actuarial impact, such as the following:
 - (A) Formulary changes.
 - (B) Utilization management protocols.
 - (C) Changes to pharmacy prior authorization requirements if, at least 48 hours before a change, the insurer prominently posts:

- (i) A description of the any pharmacy prior authorization requirement change to a page of the insurer's website that an enrollee or provider can easily locate and access; and
 - (ii) A link to the website page described in subparagraph (i) of this paragraph on the home page of the insurer's website.

- (D) Changes to non-pharmacy prior authorization requirements that are made other than at renewal only when an insurer does all of the following:

- (i) Makes a reasonable and good faith effort to identify all enrollees affected by the changes.

- (ii) Makes a reasonable and good faith effort to identify providers who provide a service or treatment affected by the changes.

- (iii) Notifies all enrollees and providers identified in subparagraphs (i) and (ii) of this paragraph at least 60 days in advance of the effective date of the change.

- (iv) Posts a description of any change to the non-pharmacy prior authorization requirements to a page of the insurer's website that an enrollee or provider can easily locate and access.

- (v) Posts a link to the website page described in subparagraph (iv) of this paragraph on the home page of the insurer's website.

- (vi) Covers to the extent otherwise payable under the terms of the contract, and without penalty, any claim for services or treatment affected by changes to prior authorization requirements of an enrollee to whom the insurer fails to provide notice of the change.

- (b) A decrease or increase required by state or federal law.

Stat. Auth.: ORS 731.244, 743.566 & 743.773

Stats Implemented: ORS 743.737, 743.754, 743.760 & 743.766

Hist.: ID 7-2002, f. & cert. ef. 2-15-02; ID 18-2010, f. 9-14-10, cert. ef. 1-1-11

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

Rule Caption: Workers' compensation rules affecting the preferred worker program.

Adm. Order No.: WCD 4-2010

Filed with Sec. of State: 9-15-2010

Certified to be Effective: 10-12-10

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Rules Amended: 436-110-0005, 436-110-0240, 436-110-0290, 436-110-0325, 436-110-0335, 436-110-0336, 436-110-0345, 436-110-0350, 436-110-0351, 436-110-0352

Subject: OAR chapter 436, division 110, "Preferred Worker Program." These rules:

- Define "date of eligibility" and redefine "date of hire."
- Clarify timeframes for employers to request premium exemption from their insurers and to request preferred worker program eligibility review by the Workers' Compensation Division.
- Amend required notices to employers, primarily to explain time frames to request reemployment incentives.

Direct questions to: Fred Bruyns, Rules Coordinator; phone 503-947-7717; fax 503-947-7514; or e-mail fred.h.bruyns@state.or.us. Rules are available on the Internet: <http://www.wcd.oregon.gov/policy/rules/rules.html>

For a copy of the rules, contact publications at 503-947-7627, Fax 503-947-7630.

Rules Coordinator: Fred Bruyns—(503) 947-7717

436-110-0005

Definitions

For the purpose of these rules, unless the context requires otherwise:

(1) "Administrator" means the Administrator of the Workers' Compensation Division, or the administrator's delegate for the matter.

(2) "Client" means a person to whom workers are provided under contract and for a fee on a temporary or leased basis.

(3) "Date of eligibility" means the date the division determines a worker is a preferred worker. The date of eligibility is printed on the preferred worker identification card.

(4) "Date of hire" means the date the worker starts work as a preferred worker.

(5) "Director" means the Director of the Department of Consumer and Business Services, or the director's delegate for the matter.

(6) "Disability" means permanent physical or mental restriction(s) or limitation(s) caused by an accepted disabling Oregon workers' compensation claim that limits the worker from performing one or more of the worker's regular job duties.

(7) "Division" means the Workers' Compensation Division of the Department of Consumer and Business Services.

(8) "Division approval" means a preferred worker agreement signed by an authorized division representative.

(9) "Employer at injury" means the organization in whose employ the worker sustained the injury or occupational disease.

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(10) "Exceptional disability" means a disability equal to or greater than the complete loss, or loss of use, of both legs. Exceptional disability also includes brain injury that results in impairment equal to or greater than a Class III as defined in OAR 436-035. The division will determine whether a worker has an exceptional disability based upon the combined effects of all of the worker's Oregon compensable injuries resulting in permanent disability.

(11) "Fund" means the Workers' Benefit Fund.

(12) "Insurer" means the insurance company or self-insured employer responsible for the workers' compensation claim.

(13) "Premium" means the monies paid to an insurer for the purpose of purchasing workers' compensation insurance.

(14) "Regular employment" means the job the worker held at the time of the injury, claim for aggravation, or own motion opening.

(15) "Reimbursable wages" means the worker's gross wages for the wage subsidy period.

(16) "Worksite" means a primary work area that is in Oregon, already constructed and available for a worker to use to perform the required job duties. The worksite may be the employer's, worker's, or worker leasing company's client's premises, property, and equipment used to conduct business under the employer's or client's direction and control. A worksite may include a worker's personal property or vehicle if required to perform the job. If the "worksite" is mobile, it must be available in Oregon for inspection and modification.

Stat. Auth.: ORS 656.622 & 656.726(4)

Stats. Implemented: ORS 656.622

Hist.: WCB 1-1973, f. 1-2-73, ef. 1-15-73; WCB 3-1973, f. 3-14-73, ef. 4-1-73; WCD 2-1977(Admin)(Temp), f. 9-29-77, ef. 10-4-77; WCD 2-1978(Admin), f. & ef. 2-1-78; WCD 7-1981(Admin), f. 12-30-81, ef. 1-1-82; Renumbered from 436-063-0010, 5-1-85; WCD 1-1987(Admin), f. 2-20-87, ef. 3-16-87; WCD 12-1987, f. 12-17-87, ef. 1-1-88; WCD 13-1990(Temp), f. 6-21-90, cert. ef. 7-1-90; WCD 32-1990, f. 12-10-90, cert. ef. 12-26-90; WCD 1-1993, f. 1-21-93, cert. ef. 3-1-93; WCD 20-1995(Temp), f. 12-8-95, cert. ef. 1-1-96; WCD 10-1996, f. 3-12-96, cert. ef. 4-5-96; WCD 11-1997, f. 8-28-97, cert. ef. 9-12-97; WCD 7-2001, f. 8-14-01, cert. ef. 10-1-01; WCD 4-2005, f. 5-26-05, cert. ef. 7-1-05; WCD 8-2005, f. 12-6-05, cert. ef. 1-1-06; WCD 8-2007, f. 11-1-07, cert. ef. 12-1-07; WCD 3-2009, f. 12-1-09, cert. ef. 1-1-10; WCD 4-2010, f. 9-15-10, cert. ef. 10-12-10

436-110-0240

Insurer Participation in the Preferred Worker Program

(1) The insurer of the employer at injury must be an active participant in providing reemployment assistance. Participation includes issuing notices of the assistance available from the preferred worker program.

(2) The insurer must notify the worker and employer at injury in writing of the reemployment assistance available from the fund. A notice must be issued:

(a) Within 5 days of a worker's release for work after the worker has been declared medically stationary by the attending physician;

(b) Upon determination of eligibility or ineligibility of the worker for vocational assistance under OAR 436-120; and

(c) Upon approval of a Claim Disposition Agreement.

(3) Pursuant to section (2) of this rule, the Notice to the Worker must appear in bold type and contain the following language:

The preferred worker program helps Oregon's injured workers get back to work. To find out whether you qualify, contact the preferred worker program at one of the telephone numbers, fax numbers, mailing addresses, or e-mail address listed below.

For the Salem office call: 503-947-7588, 1-800-445-3948, or FAX 503-947-7581.

For the Medford office call: 541-776-6032, 1-800-696-7161, or FAX 541-776-6022.

Or write the preferred worker program at: 350 Winter St NE, P.O. Box 14480, Salem, Oregon 97309-0405; or 1840 Barnett Road, Suite C, Medford, Oregon 97504-8293.

Or write to the preferred worker program at: pwp.oregon@state.or.us

(4) Under section (2) of this rule, the Notice to the Employer must appear in bold type and contain the following language:

As the employer of an injured worker, you may be eligible for valuable preferred worker program incentives if the worker cannot return to regular work and has permanent limitations caused by the injury.

If the worker's preferred worker program eligibility has not been determined, you may contact the Workers' Compensation Division for an eligibility review. To be eligible for exemption from paying workers' compensation premiums for this worker for three years, you must: Bring back your preferred worker to a new or modified job; and Notify us within 90 days of the date the worker is determined eligible or within 90 days of the date you bring the worker back to work, whichever is later. To request all other preferred worker program benefits, you must contact the Workers' Compensation Division within 180 days of the worker's claim closure date. To find out more about the preferred worker program, contact the program at one of the telephone numbers, fax numbers, or addresses listed below.

For the Salem office call: 503-947-7588, 1-800-445-3948, or FAX 503-947-7581.

For the Medford office call: 541-776-6032, 1-800-696-7161, or FAX 541-776-6022. Or write the preferred worker program at: 350 Winter St NE, P.O. Box 14480, Salem, Oregon 97309-0405; or 1840 Barnett Road, Suite C, Medford, Oregon 97504-8293.

Or write to the preferred worker program at: pwp.oregon@state.or.us

(5) The insurer must provide the division with preferred worker information in the form and format the director prescribes in OAR 436-030, upon the following:

(a) Claim closure according to ORS 656.268;

(b) Within 30 calendar days from the insurer's receipt of the earliest Opinion and Order of an Administrative Law Judge, Order on Reconsideration, Order on Review by the Board, decision of the Court of Appeals, or stipulation which grants initial permanent disability after the latest opening of the worker's claim; and

(c) Approval of a Claim Disposition Agreement according to ORS 656.236 and documented medical evidence indicates permanent disability exists as a result of the injury or disease, and the worker is unable to return to regular employment.

[ED. NOTE: Forms referenced are available from the agency.]

Stat. Auth.: ORS 656.340, 656.622 & 656.726(4)

Stats. Implemented: ORS 656.340(1), (2), (3), 656.622 & 656.726(4)

Hist.: WCD 32-1990, f. 12-10-90, cert. ef. 12-26-90; WCD 1-1993, f. 1-21-93, cert. ef. 3-1-93, Renumbered from 436-110-0017; WCD 10-1996, f. 3-12-96, cert. ef. 4-5-96; WCD 11-1997, f. 8-28-97, cert. ef. 9-12-97; WCD 7-2001, f. 8-14-01, cert. ef. 10-1-01; WCD 4-2005, f. 5-26-05, cert. ef. 7-1-05; WCD 8-2007, f. 11-1-07, cert. ef. 12-1-07; WCD 1-2008, f. 6-13-08, cert. ef. 7-1-08; WCD 1-2010(Temp), f. & cert. ef. 4-15-10 thru 10-11-10; WCD 4-2010, f. 9-15-10, cert. ef. 10-12-10

436-110-0290

Employer at Injury Use of the Preferred Worker Program

The conditions for the employer at injury to activate the preferred worker program include:

(1) To be eligible for premium exemption the employer at injury must:

(a) Bring back its preferred worker to a new or modified job;

(b) Contact the Workers' Compensation Division for a preferred worker eligibility review if the worker's eligibility has not been determined; and

(c) Notify its insurer within 90 days from the date of eligibility or the date of hire, whichever is later.

(2) For all other preferred worker program benefits the employer at injury must request preferred worker program assistance from the division within 180 days of the worker's claim closure date, with the following exception: When worksite modification are provided, and the modifications are completed and verified by the division more than 150 days after the worker's claim closure date, the employer at injury will have 30 calendar days from the verification date to request other assistance.

(3) In calculating the 180 day period under this rule, the claim closure date will not be included, and if the 180th day falls on a Saturday, Sunday, or legal holiday, the next business day will be considered the end of the 180 day period.

(4) The worker must agree to accept the new or modified regular job in writing. The job offer must include:

(a) The start date. If the job starts after the modifications are in place, so note;

(b) Wage and hours;

(c) Job site location; and

(d) Description of job duties.

(5) If the employer at injury uses worksite modification assistance and the employer or worker later requests additional modifications for the same job, the employer's worksite modification benefit will be exhausted before using the worker's worksite modification benefits.

(6) All other provisions under OAR 436-110 apply unless otherwise indicated.

Stat. Auth.: ORS 656.726(4) & 656.622

Stats. Implemented: ORS 656.622

Hist.: WCD 4-2005, f. 5-26-05, cert. ef. 7-1-05; WCD 8-2007, f. 11-1-07, cert. ef. 12-1-07; WCD 1-2010(Temp), f. & cert. ef. 4-15-10 thru 10-11-10; WCD 4-2010, f. 9-15-10, cert. ef. 10-12-10

436-110-0325

Premium Exemption General Provisions

(1) The purpose of premium exemption is to provide an incentive to employers to hire preferred workers.

(2) Premium exemption releases an employer from paying workers' compensation insurance premiums and premium assessments on a preferred worker for three years from the date premium exemption started. While using premium exemption, the employer does not report, and the insurer cannot use, the preferred worker's payroll for the calculation of insurance premiums or premium assessments. However, the employer must report and pay workers' compensation employer assessments and withhold employee contributions as required by OAR 436-070. The employer must start paying insurance premiums and premium assessments when premium exemption ends.

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(3) Premium exemption cannot be used for regular employment unless the job is modified to accommodate the worker's injury-caused limitations.

(4) To qualify for premium exemption the employer at injury must bring back its preferred worker to a new or modified job and notify its insurer within 90 days from the date of eligibility or the date of hire, whichever is later. Premium exemption starts on the date of hire or the date of eligibility, whichever is later.

(5) If a worker's preferred worker eligibility has not been determined as of the date of hire, the worker or the employer at injury may request a preferred worker eligibility review. If the worker is eligible, the Workers' Compensation Division will issue a preferred worker identification card to the worker. The employer must notify its insurer of the worker's preferred worker status within 90 days of the eligibility date on the preferred worker identification card. Premium exemption starts on the date of hire or the date of eligibility, whichever is later.

(6) If the employer is not the employer-at-injury, the worker discloses preferred worker status to that employer, and the employer notifies the insurer within 90 days from the date of hire that they have hired a preferred worker, premium exemption starts on the date of hire.

(7) If a worker covered under premium exemption incurs a compensable injury or occupational disease during the premium exemption period, the employer must notify its insurer of the injury and the worker's preferred worker status. The claim costs for the injury are reimbursed under OAR 436-110-0330.

Stat. Auth.: ORS 656.726(4) & 656.622

Stats. Implemented: ORS 656.622

Hist.: WCB 1-1973, f. 1-2-73, ef. 1-15-73; WCB 3-1973, f. 3-14-73, ef. 4-1-73; WCD 2-1977(Admin)(Temp), f. 9-29-77, ef. 10-4-77; WCD 2-1978 (Admin), f. & ef. 2-1-78; WCD 7-1981(Admin), f. 12-30-81, ef. 1-1-82; Renumbered from 436-063-0015 & 436-063-0045, 5-1-85; WCD 1-1987(Admin), f. 2-20-87, ef. 3-16-87; WCD 12-1987, f. 12-17-87, ef. 1-1-88; WCD 13-1990(Temp), f. 6-21-90, cert. ef. 7-1-90; WCD 32-1990, f. 12-10-90, cert. ef. 12-26-90; WCD 1-1993, f. 1-21-93, cert. ef. 3-1-93, Renumbered from 436-110-0010, 436-110-0020, 436-110-0025, 436-110-0031, 436-110-0032, 436-110-0035, 436-110-0037, 436-110-0041, 436-110-0042, 436-110-0045, 436-110-0047, 436-110-0051, 436-110-0052 & 436-110-0060; WCD 15-1995(Temp), f. 10-9-95, cert. ef. 10-11-95; WCD 20-1995(Temp), f. 12-8-95, cert. ef. 1-1-96; WCD 10-1996, f. 3-12-96, cert. ef. 4-5-96; WCD 4-1997(Temp), f. 3-13-97, cert. ef. 3-17-97; WCD 11-1997, f. 8-28-97, cert. ef. 9-12-97, Renumbered from 436-110-0200 & 436-110-0400; WCD 7-2001, f. 8-14-01, cert. ef. 10-1-01, Renumbered from 436-110-0300 & 436-110-0340; WCD 4-2005, f. 5-26-05, cert. ef. 7-1-05; WCD 8-2007, f. 11-1-07, cert. ef. 12-1-07; WCD 3-2009, f. 12-1-09, cert. ef. 1-1-10; WCD 4-2010, f. 9-15-10, cert. ef. 10-12-10

436-110-0335

Wage Subsidy General Provisions

Wage subsidy provides an employer with partial reimbursement of a worker's gross wages for a specified period. Wage subsidy benefits are subject to the following conditions:

(1) The effective date of a Wage Subsidy Agreement is mutually agreed to by the division, employer, and worker if applicable;

(2) A wage subsidy is limited to a duration of 183 calendar days and a monthly reimbursement rate of 50 percent, except for a worker with an exceptional disability as defined in OAR 436-110-0005. For a worker with an exceptional disability, the wage subsidy duration is limited to 365 calendar days and a monthly reimbursement rate of 75 percent;

(3) A Wage Subsidy Agreement may be interrupted once for reasonable cause and extended to complete the Wage Subsidy Agreement on a whole workday basis. Reasonable cause includes, but is not limited to, personal or family illness, death in the worker's family, pregnancy of the worker or worker's spouse, a compensable injury to the worker, participation in an employer-at-injury program, or layoff. A layoff must be a minimum of 10 consecutive work days. A period of time during which the employer is without workers' compensation insurance coverage is not "reasonable cause," and no extension will be granted;

(4) A preferred worker's pay structure must be the same as the pay structure for other workers employed in similar jobs by the employer;

(5) Wages subject to reimbursement must be within the prevailing wage range for that occupation. The prevailing wage range is determined by the following method:

(a) First, examine the wages paid by the employer for other workers doing the same job;

(b) If no other workers are doing the same job, a labor market survey of the local labor market may be conducted; and

(c) If the labor market survey does not support the wage rate requested, the division will determine the wage subject to reimbursement;

(6) Preferred worker program wage subsidies may not be combined with a wage subsidy for a training plan under OAR 436-120;

(7) A worker-activated and employer at injury-activated wage subsidy cannot be used for the same job with the employer at injury;

(8) If the worker's employer changes during the Wage Subsidy Agreement period due to a sale of the business, incorporation, or merger, the agreement can be transferred to the new employer by an addendum to the agreement approved by the division as long as the worker's job remains the same and the new employer is eligible under OAR 436-110-0310(1);

(9) A completed and signed Wage Subsidy Reimbursement Request form must be submitted to the division with a copy of the worker's payroll records. The payroll record must state the dates (daily or weekly), hours, wage rate, and the worker's gross wage. Payroll records must be a legible copy and compiled in accordance with generally accepted accounting procedures; and

(10) All requests for reimbursement must be made within one year of the Wage Subsidy Agreement end date.

(11) Wage subsidy cannot be used for "regular employment" as defined in OAR 436-110-0005 unless the job has been modified to overcome the worker's injury-caused permanent restrictions.

[ED. NOTE: Forms referenced available from the agency.]

Stat. Auth.: ORS 656.726(4) & 656.622

Stats. Implemented: ORS 656.622

Hist.: WCB 1-1973, f. 1-2-73, ef. 1-15-73; WCB 3-1973, f. 3-14-73, ef. 4-1-73; WCD 2-1977(Admin)(Temp), f. 9-29-77, ef. 10-4-77; WCD 2-1978 (Admin), f. & ef. 2-1-78; WCD 7-1981(Admin), f. 12-30-81, ef. 1-1-82; Renumbered from 436-063-0015 & 436-063-0045, 5-1-85; WCD 1-1987(Admin), f. 2-20-87, ef. 3-16-87; WCD 12-1987, f. 12-17-87, ef. 1-1-88; WCD 13-1990(Temp), f. 6-21-90, cert. ef. 7-1-90; WCD 32-1990, f. 12-10-90, cert. ef. 12-26-90; WCD 1-1993, f. 1-21-93, cert. ef. 3-1-93, Renumbered from 436-110-0010, 436-110-0020, 436-110-0025, 436-110-0031, 436-110-0032, 436-110-0035, 436-110-0037, 436-110-0041, 436-110-0042, 436-110-0045, 436-110-0047, 436-110-0051, 436-110-0052 & 436-110-0060; WCD 15-1995(Temp), f. 10-9-95, cert. ef. 10-11-95; WCD 20-1995(Temp), f. 12-8-95, cert. ef. 1-1-96; WCD 10-1996, f. 3-12-96, cert. ef. 4-5-96; WCD 4-1997(Temp), f. 3-13-97, cert. ef. 3-17-97; WCD 11-1997, f. 8-28-97, cert. ef. 9-12-97, Renumbered from 436-110-0200 & 436-110-0400; WCD 7-2001, f. 8-14-01, cert. ef. 10-1-01, Renumbered from 436-110-0300 & 436-110-0340; WCD 4-2005, f. 5-26-05, cert. ef. 7-1-05; WCD 8-2005, f. 12-6-05, cert. ef. 1-1-06; WCD 8-2007, f. 11-1-07, cert. ef. 12-1-07; WCD 3-2009, f. 12-1-09, cert. ef. 1-1-10; WCD 4-2010, f. 9-15-10, cert. ef. 10-12-10

436-110-0336

Wage Subsidy — Employer at Injury Activated

Wage subsidy may be activated by the employer at injury as follows:

(1) The job must be within the worker's injury-caused restrictions. If a worksite modification is necessary to meet this requirement, wage subsidy will not be approved until the modification is complete, and verified by a representative of the division.

(2) The employer must complete and sign a Wage Subsidy Agreement, and send it to the division in the timeframes allowed in OAR 436-110-0290.

(3) The completed and signed job offer must accompany the request as required in OAR 436-110-0290(4), unless it was already submitted with another request.

(4) The employer at injury may use wage subsidy once during an eligibility period.

Stat. Auth.: ORS 656.726(4) & 656.622

Stats. Implemented: ORS 656.622

Hist.: WCD 4-2005, f. 5-26-05, cert. ef. 7-1-05; WCD 8-2007, f. 11-1-07, cert. ef. 12-1-07; WCD 3-2009, f. 12-1-09, cert. ef. 1-1-10; WCD 1-2010(Temp), f. & cert. ef. 4-15-10 thru 10-11-10; WCD 4-2010, f. 9-15-10, cert. ef. 10-12-10

436-110-0345

Employment Purchases – General Provisions

(1) An employment purchase is assistance necessary for a worker to find, accept, or retain employment in Oregon. These purchases may be provided for a job with a non-subject employer in Oregon, as long as that employer complies with the appropriate workers' compensation law. Employment purchases cannot be used for "regular employment" as defined in OAR 436-110-0005 unless the job has been modified to overcome the worker's injury-caused permanent restrictions. Except as provided in subsection (2)(h) of this rule, all purchases become the worker's property.

(2) Employment purchases are limited to:

(a) Tuition, books, and fees for instruction provided by an educational entity accredited or licensed by an appropriate body in order to update existing skills or to meet the requirements of an obtained job. Maximum expenditure per use is \$1,000;

(b) Temporary lodging, meals, and mileage to attend instruction when overnight travel is required. The cost of meals, lodging, public transportation, and use of a personal vehicle will be reimbursed at the rate of reimbursement for State of Oregon classified employees as published in Bulletin 112. Lodging, meals, and mileage are limited to a combined period of one month, and the total maximum expenditure per use is \$500;

(c) Tools and equipment mandatory for employment. Purchases must not include items the worker possesses, duplicate Worksite Modification

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items, vehicles, or items needed for worksite creation. Maximum expenditure per use is \$2,500;

(d) Clothing required for the job. Maximum expenditure per use is \$400;

(e) Moving expenses for a job if the new worksite is in Oregon and more than 50 miles from the worker's primary residence. When the worker's permanent disability from the injury precludes the worker from commuting the required distance, moving expenses may be provided to move within 50 miles of the worker's primary residence or within the distance the worker commuted for work at claim opening. Moving expenses are limited to one use. Expenditure is limited to:

(A) The cost of moving household goods weighing not more than 10,000 pounds and reasonable costs of meals and lodging for the worker. The cost of meals, lodging, public transportation, and use of a personal vehicle will be paid at the rate of reimbursement for State of Oregon classified employees as published in Bulletin 112. Lodging and meals are limited to a maximum period of two weeks. Mileage for one personal vehicle is limited to a single one-way trip; and

(B) Rental allowance for the worker's primary residence limited to first month's rent as specified in the rental agreement, non-refundable deposit in an amount not to exceed the first month's rent, and a required credit check for that residence;

(f) Initiation fees, or back dues and one month's current dues, required by a labor union;

(g) Occupational certification, licenses, and related testing costs, drug screen testing, physical examinations, or membership fees required for the job. Maximum expenditure is \$500;

(h) Worksite creation costs that are limited to equipment, furnishings or other things the employer needs to create a new job for the worker. All items purchased are the property of the employer. Maximum expenditure per use is \$5,000;

(i) Placement assistance requested by a preferred worker and provided by a certified vocational counselor or any public or private agency that provides placement services, that resulted in employment that the preferred worker retained for at least 90 days. This category can be used as often as necessary up to a maximum expenditure of \$2000. Placement assistance may not be combined with vocational assistance under OAR 436-120; and

(j) Miscellaneous purchases that do not fit into subsections (a) through (i) of this section, subject to approval by the director. This category does not include a vehicle purchase. This category can be used as often as necessary up to a maximum of \$2,500.

(3) The person or entity that purchased the item(s) may request reimbursement by submitting to the division a legible copy of an invoice or receipt showing payment has been made for the item(s) purchased. Reimbursement will be made for only those items and costs approved and paid.

(4) Costs of employment purchases will be paid by reimbursement, by an Authorization for Payment, or by other instrument of payment approved by the director.

(5) The division will not purchase directly or otherwise assume responsibility for employment purchases.

(6) Reimbursed costs will not be charged by the insurer to the employer as claim costs or by any other means.

(7) All requests for reimbursement must be made within one year of the Employment Purchase Agreement end date.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 656.726(4) & 656.622

Stats. Implemented: ORS 656.622

Hist.: WCB 1-1973, f. 1-2-73, ef. 1-15-73; WCB 3-1973, f. 3-14-73, ef. 4-1-73; WCD 2-1977(Admin)(Temp), f. 9-29-77, ef. 10-4-77; WCD 2-1978 (Admin), f. & ef. 2-1-78; WCD 7-1981(Admin), f. 12-30-81, ef. 1-1-82; Renumbered from 436-063-0015 & 436-063-0045, 5-1-85; WCD 1-1987(Admin), f. 2-20-87, ef. 3-16-87; WCD 12-1987, f. 12-17-87, ef. 1-1-88; WCD 13-1990(Temp), f. 6-21-90, cert. ef. 7-1-90; WCD 32-1990, f. 12-10-90, cert. ef. 12-26-90; WCD 1-1993, f. 1-21-93, cert. ef. 3-1-93, Renumbered from 436-110-0010, 436-110-0020, 436-110-0025, 436-110-0031, 436-110-0032, 436-110-0035, 436-110-0037, 436-110-0041, 436-110-0042, 436-110-0045, 436-110-0047, 436-110-0051, 436-110-0052 & 436-110-0060; WCD 15-1995(Temp), f. 10-9-95, cert. ef. 10-11-95; WCD 20-1995(Temp), f. 12-8-95, cert. ef. 1-1-96; WCD 10-1996, f. 3-12-96, cert. ef. 4-5-96; WCD 4-1997(Temp), f. 3-13-97, cert. ef. 3-17-97; WCD 11-1997, f. 8-28-97, cert. ef. 9-12-97, Renumbered from 436-110-0200 & 436-110-0400; WCD 7-2001, f. 8-14-01, cert. ef. 10-1-01, Renumbered from 436-110-0300 & 436-110-0340; WCD 4-2005, f. 5-26-05, cert. ef. 7-1-05; WCD 8-2005, f. 12-6-05, cert. ef. 1-1-06; WCD 8-2007, f. 11-1-07, cert. ef. 12-1-07; WCD 3-2009, f. 12-1-09, cert. ef. 1-1-10; WCD 4-2010, f. 9-15-10, cert. ef. 10-12-10

436-110-0350

Worksite Modification — General Provisions

(1) Worksite modification means altering a worksite in Oregon, or available for inspection and modification in Oregon, by purchasing, modifying, or supplementing equipment, or changing the work process, to enable a worker to work within the limitations imposed by compensable

injuries or occupational diseases. Worksite modification may also include the means to protect modifications purchased by the preferred worker program in an amount not to exceed \$2,500.

(2) Conditions for the use of worksite modification assistance are as follows:

(a) Modifications will be provided to allow the worker to perform the job duties within the worker's injury-caused permanent limitations. In order to determine appropriate worksite modifications, the reemployment assistance consultants have discretion to use reports by a medical service provider specific to the worker, specific documented "best practices" described by a medical service provider or authority, and their own professional judgment and experience;

(b) A job analysis that includes the duties and physical demands of the job before and after modification may be required to show how the modification will overcome the worker's limitations. The job analysis may be submitted to the attending physician for approval before the modification is performed;

(c) Modifications are limited to a maximum of \$25,000 for one job. A modification over \$25,000 may be provided if the worker has an exceptional disability as defined in OAR 436-110-0005;

(d) Modifications not to exceed \$1,000 may be provided that would reasonably be expected to prevent further injury or exacerbation of the worker's accepted condition. A reemployment assistance consultant will determine the appropriateness of this type of modification based upon his or her professional judgment and experience, reports by a medical service provider specific to the worker, or specific documented "best practices" described by a medical service provider or authority. Costs of the modification(s) are included in the calculation of the total worksite modification costs;

(e) Modifications are limited to \$2,500 for on-the-job training under OAR 436-120 or other similar on-the-job training programs when the trainer is not the employer at injury. A modification will not be approved for any other type of training;

(f) Modifications limited to \$2,500 may be provided to protect the items approved in the Worksite Modification Agreement from theft, or damage from the weather. Insurance policy premiums will not be paid;

(g) When a vehicle is being modified, the vehicle owner must provide proof of ownership and insurance coverage. The worker must have a valid driver license;

(h) Rented or leased vehicles and other equipment will not be modified;

(i) Modifications must be reasonable, practical, and feasible, as determined by the division;

(j) When the division determines the appropriate form of modification and the worker or employer requests a form of modification equally appropriate but with a greater cost, upon division approval, funds equal to the cost of the form of modification identified by the division may be applied toward the cost of the modification desired by the worker or employer;

(k) A modification may include rental of tools, equipment, fixtures, or furnishings to determine the feasibility of a modification. It may also include consultative services necessary to determine the feasibility of a modification, or to recommend or design a worksite modification;

(l) Rental of worksite modification items and consultative services require division approval and are limited to a cost of up to \$3,500 each. The cost for rental of worksite modification items and consultative services does not apply toward the total cost of a worksite modification;

(m) Modification equipment will become the property of the employer, worker, or worker leasing company's client on the "end date" of a Worksite Modification Agreement or when the worker's employment ends, whichever occurs first. The division will determine ownership of worksite modification equipment prior to approving an agreement and has the final authority to assign property;

(n) The division may request a physical capacities evaluation, work tolerance screening, or review of a job analysis to quantify the worker's injury-caused permanent limitations. The cost of temporary lodging, meals, public transportation, and use of a personal vehicle necessary for a worker to participate in one or more of these required activities will be reimbursed at the rate of reimbursement for State of Oregon classified employees as published in Bulletin 112. The cost of the services described in this subsection does not apply toward the total cost of a worksite modification;

(o) If the property provided for the modification is damaged, in need of repair, or lost, the division will not repair or replace the property;

(p) The employer must not dispose of the property provided for the modification or reassign it to another worker while the worker is employed in work for which the modification is necessary or prior to the end of the

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agreement without division and worker approval. Failure to repair or replace the property, or inappropriate disposal or reassignment of the property, may result in sanctions under OAR 436-110-0900; and

(q) The worker must not dispose of the property provided for the modification while employed in work for which the modification is necessary or prior to the end of the agreement without division approval. Failure to repair or replace the property, or inappropriate disposal of the property, may result in sanctions under OAR 436-110-0900.

(3) A worker, employer or their representative may request worksite modification assistance.

(4) The person or entity that purchased the item(s) may request reimbursement by submitting to the division proof of payment for the items purchased. Reimbursement will be made for only those items and costs approved and paid; and

(5) Costs of approved worksite modifications are paid by reimbursement, an Authorization for Payment, or by other instrument of payment approved by the director.

(6) The division will not purchase directly or otherwise assume responsibility for worksite modifications.

(7) Reimbursed costs will not be charged by the insurer to the employer as claims costs or by any other means.

(8) A division worksite modification consultant will determine if competitive quotes are required.

(9) All requests for reimbursement must be made within one year of the Worksite Modification Agreement end date.

[Publications: Publications referenced are available from the agency]

Stat. Auth.: ORS 656.726(4) & 656.622

Stats. Implemented: ORS 656.622

Hist.: WCB 1-1973, f. 1-2-73, ef. 1-15-73; WCB 3-1973, f. 3-14-73, ef. 4-1-73; WCD 2-1977(Admin)(Temp), f. 9-29-77, ef. 10-4-77; WCD 2-1978 (Admin), f. & ef. 2-1-78; WCD 7-1981(Admin), f. 12-30-81, ef. 1-1-82; Renumbered from 436-063-0015 & 436-063-0045, 5-1-85; WCD 1-1987(Admin), f. 2-20-87, ef. 3-16-87; WCD 12-1987, f. 12-17-87, ef. 1-1-88; WCD 13-1990(Temp), f. 6-21-90, cert. ef. 7-1-90; WCD 32-1990, f. 12-10-90, cert. ef. 12-26-90; WCD 1-1993, f. 1-21-93, cert. ef. 3-1-93, Renumbered from 436-110-0010, 436-110-0020, 436-110-0025, 436-110-0031, 436-110-0032, 436-110-0035, 436-110-0037, 436-110-0041, 436-110-0042, 436-110-0045, 436-110-0047, 436-110-0051, 436-110-0052 & 436-110-0060; WCD 15-1995(Temp), f. 10-9-95, cert. ef. 10-11-95; WCD 20-1995(Temp), f. 12-8-95, cert. ef. 1-1-96; WCD 10-1996, f. 3-12-96, cert. ef. 4-5-96; WCD 4-1997(Temp), f. 3-13-97, cert. ef. 3-17-97; WCD 11-1997, f. 8-28-97, cert. ef. 9-12-97, Renumbered from 436-110-0200 & 436-110-0400; WCD 7-2001, f. 8-14-01, cert. ef. 10-1-01, Renumbered from 436-110-0300 & 436-110-0340; WCD 4-2005, f. 5-26-05, cert. ef. 7-1-05; WCD 8-2007, f. 11-1-07, cert. ef. 12-1-07; WCD 3-2009, f. 12-1-09, cert. ef. 1-1-10; WCD 4-2010, f. 9-15-10, cert. ef. 10-12-10

436-110-0351

Worksite Modification — Employer at Injury Activated

Conditions for use of Worksite Modifications by the employer at injury are as follows:

(1) The employer at injury may use worksite modification assistance once for a job provided for their injured worker, or a second time if the worker changes to another job with the employer at injury within the timeframes allowed in OAR 436-110-0290(2).

(2) Modifications are limited to a maximum of \$25,000 on the claim which qualified the worker for assistance. A modification over \$25,000 may be provided if the worker has an exceptional disability as defined in OAR 436-110-0005.

(3) The division must approve, by authorized signature, a completed and signed Worksite Modification Agreement prior to any reimbursement or Authorization for Payment.

(4) Modifications may be provided for requests received within 180 days from the worker's claim closure date. Additional modifications may be provided under an approved agreement by addendum for requests received within three years from the date the worker started work for the employer in employment for which the worksite modification request was made.

Stat. Auth.: ORS 656.726(4) & 656.622

Stats. Implemented: ORS 656.622

Hist.: WCD 4-2005, f. 5-26-05, cert. ef. 7-1-05; WCD 8-2007, f. 11-1-07, cert. ef. 12-1-07; WCD 1-2010(Temp), f. & cert. ef. 4-15-10 thru 10-11-10; WCD 4-2010, f. 9-15-10, cert. ef. 10-12-10

436-110-0352

Worksite Modification — Worker Activated

Conditions for use of worksite modification assistance by the worker are as follows:

(1) The division must approve, by authorized signature, a completed and signed Worksite Modification Agreement form, prior to any reimbursement or Authorization for Payment.

(2) Modifications may be provided for requests received within three years from the date of hire.

(3) A worker may use worksite modification assistance once with one employer and once with a second employer, or twice with the same employ-

er if there is a job change. The number of allowable uses will be restored if there is a subsequent claim closure, and the worker is unable to return to regular employment.

(4) Modifications after June 30, 1990, are limited to a maximum of \$25,000 on the claim which qualified the worker for assistance. A modification over \$25,000 may be provided for a worker with an exceptional disability as defined in OAR 436-110-0005. This maximum is not reduced by the use of worksite modifications by the employer at injury.

Stat. Auth.: ORS 656.726(4) & 656.622

Stats. Implemented: ORS 656.622

Hist.: WCD 4-2005, f. 5-26-05, cert. ef. 7-1-05; WCD 8-2007, f. 11-1-07, cert. ef. 12-1-07;

WCD 4-2010, f. 9-15-10, cert. ef. 10-12-10

Rule Caption: Workers' compensation rules affecting vocational assistance to injured workers.

Adm. Order No.: WCD 5-2010

Filed with Sec. of State: 9-15-2010

Certified to be Effective: 11-15-10

Notice Publication Date: 8-1-2010

Rules Amended: 436-120-0001, 436-120-0005, 436-120-0008, 436-120-0115, 436-120-0165, 436-120-0400, 436-120-0430, 436-120-0500, 436-120-0720, 436-120-0820, 436-120-0830

Rules Ren. & Amend: 436-120-0004 to 436-120-0012, 436-120-0004 to 436-120-0014, 436-120-0004 to 436-120-0016, 436-120-0004 to 436-120-0017, 436-120-0004 to 436-120-0018, 436-120-0440 to 436-120-0443, 436-120-0440 to 436-120-0445, 436-120-0440 to 436-120-0447

Subject: OAR chapter 436, division 120, "Vocational Assistance to Injured Workers." These rules:

- Define "authorized return to work plan."
- Reorganize, amend, and clarify required notices to workers.
- Add to the reasons for ending vocational eligibility: "The worker has maintained suitable employment for at least 60 days."
- Establish criteria for reimbursement of training costs and payment of temporary disability if a worker begins training before eligibility determination.
- Require vocational counselors and interns to obtain training on the vocational assistance and reemployment assistance rules.
- Eliminate the direct experience requirement for interns.

Direct questions to: Fred Bruyns, Rules Coordinator; phone 503-947-7717; fax 503-947-7514; or e-mail fred.h.bruyns@state.or.us. Rules are available on the Internet: <http://www.wcd.oregon.gov/policy/rules/rules.html>

For a copy of the rules, contact publications at 503-947-7627, Fax 503-947-7630.

Rules Coordinator: Fred Bruyns—(503) 947-7717

436-120-0001

Authority for Rules

The director has adopted OAR 436-120 by the director's authority under ORS 656.340 and 656.726(4).

Stat. Auth.: ORS 656.340(9) & 656.726(4)

Stats. Implemented: ORS 656.262(6), 656.268, 656.283(2), 656.313, 656.331(1)(b), 656.340, 656.447, 656.740, 656.745, 183 & Sec. 15, Ch. 600, OL 1985

Hist.: WCB 6-1973, f. 12-20-73, ef. 1-11-74; WCB 45-1974(Temp), f. & ef. 11-5-74; WCD 4-1975(Admin), f. 2-6-75, ef. 2-25-75; WCB 1-1976, f. 3-29-76, ef. 4-1-76; WCD 3-1977(Admin)(Temp), f. 9-29-77, ef. 10-4-77; WCD 1-1978(Admin), f. & ef. 2-1-78; WCD 6-1980(Admin), f. 5-22-80, ef. 6-1-80; WCD 11-1982(Admin)(Temp), f. 12-29-82, ef. 1-1-83; WCD 2-1983(Admin), f. & ef. 6-30-83; WCD 5-1983(Admin), f. 12-14-83, ef. 1-1-84; Renumbered from 436-061-0003, 5-1-85; WCD 7-1985(Admin), f. 12-12-85, ef. 1-1-86; WCD 11-1987, f. 12-17-87, ef. 1-1-88; WCD 10-1994, f. 11-1-94, cert. ef. 1-1-95; WCD 4-2001, f. 4-13-01, cert. ef. 5-15-01; WCD 5-2010, f. 9-15-10, cert. ef. 11-15-10

436-120-0005

Definitions

Except where the context requires otherwise, the construction of these rules is governed by the definitions given in the Workers' Compensation Law and as follows:

- (1) "Administrative approval" means approval of the director.
- (2) "Authorized return to work plan" means a completed return-to-work plan form (Form 1081 for training or Form 1083 for direct employment), signed by the worker, the insurer, and the vocational counselor who developed the plan.
- (3) "Cost-of-living matrix" is a chart issued annually by the director in Bulletin 124 or in an addendum to Bulletin 124 that publishes the conver-

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sion factors, effective July 1 of each year, used to adjust for changes in the cost-of-living rate from the date of injury to the date of calculation. The conversion factor is based on the annual percentage increase or decrease in the average weekly wage, as defined in ORS 656.211.

(4) "Delivered" means physical delivery to the Workers' Compensation Division during regular business hours.

(5) "Director" means the Director of the Department of Consumer and Business Services, or the director's delegate for the matter.

(6) "Division" refers to the Workers' Compensation Division of the Department of Consumer and Business Services.

(7) "Employer at injury" means an employer in whose employ the worker sustained the compensable injury, or occupational disease.

(8) "Filed" means mailed, faxed, e-mailed, delivered, or otherwise submitted to the division in a method allowable under these rules.

(9) "Insurer" means the State Accident Insurance Fund, an insurer authorized under ORS chapter 731 to transact workers' compensation insurance in Oregon, or a self-insured employer. A vocational assistance provider acting as the insurer's delegate may provide notices and warnings required by OAR 436-120.

(10) "Likely eligible" means the worker will be unable to return to regular or other suitable work with the employer-at-injury or aggravation or is unable to perform all of the duties of the regular or suitable work and it is reasonable to believe that the barriers are caused by the accepted conditions.

(11) "Mailed" means postmarked to the last known address.

(12) "Permanent employment" is a job with no projected end date or a job that had no projected end date at time of hire. Permanent employment may be year-round or seasonal.

(13) "Physical Demand Characteristics of Work" Strength Rating: The physical demands strength rating reflects the estimated overall strength requirements of the job, which are considered to be important for average, successful work performance. The following definitions are used: "occasionally" is an activity or condition that exists up to 1/3 of the time; "frequently" is an activity or condition that exists from 1/3 to 2/3 of the time; "constantly" is an activity or condition that exists 2/3 or more of the time.

(a) Sedentary Work (S): Exerting up to 10 pounds of force occasionally or a negligible amount of force frequently to lift, carry, push, pull, or otherwise move objects, including the human body. Sedentary work involves sitting most of the time, but may involve walking or standing for brief periods of time. Jobs are sedentary if walking and standing are required only occasionally and all other sedentary criteria are met.

(b) Light Work (L): Exerting up to 20 pounds of force occasionally, or up to 10 pounds of force frequently, or a negligible amount of force constantly to move objects. Physical demand requirements are in excess of those for Sedentary Work. Even though the weight lifted may be only a negligible amount, a job should be rated Light Work: (1) when it requires walking or standing to a significant degree; or (2) when it requires sitting most of the time but entails pushing or pulling of arm or leg controls; or (3) when the job requires working at a production rate pace entailing the constant pushing or pulling of materials even though the weight of those materials is negligible.

NOTE: The constant stress and strain of maintaining a production rate pace, especially in an industrial setting, can be and is physically demanding of a worker even though the amount of force exerted is negligible.

(c) Medium Work (M): Exerting 20 to 50 pounds of force occasionally, or 10 to 25 pounds of force frequently, or greater than negligible up to 10 pounds of force constantly to move objects. Physical demand requirements are in excess of those for Light Work.

(d) Heavy Work (H): Exerting 50 to 100 pounds of force occasionally, or 25 to 50 pounds of force frequently, or 10 to 20 pounds of force constantly to move objects. Physical demand requirements are in excess of those for Medium Work.

(e) Very Heavy (VH): Exerting in excess of 100 pounds of force occasionally, or in excess of 50 pounds of force frequently, or in excess of 20 pounds of force constantly to move objects. Physical demand requirements are in excess of those for Heavy Work.

(14) "Reasonable cause" may include, but is not limited to, a medically documented limitation in a worker's activities due to illness or medical condition of the worker or the worker's family, financial hardship, incarceration for less than six months, or circumstances beyond the reasonable control of the worker. "Reasonable cause" for failure to provide information or participate in activities related to vocational assistance will be determined based upon individual circumstances of the case.

(15) "Reasonable labor market": An occupation can be said to have reasonable employment opportunities if competitively qualified workers can expect to find equivalent jobs in the occupation within a reasonable

period of time. A reasonable period of time, for workers in the majority of occupations, would be the six months that they could collect regular unemployment insurance benefits, if they were entitled to them. (Oregon Occupational Projections Handbook, 2002-2008)

(16) "Regular employment" means the employment the worker held at the time of the injury or at the time of the claim for aggravation, whichever gave rise to the potential eligibility for vocational assistance; or, for a worker not employed at the time of aggravation, the employment the worker held on the last day of work prior to the aggravation claim. If the basis for potential eligibility is a reopening to process a newly accepted condition, "regular employment" is the employment the worker held at the time of the injury; when the condition arose after claim closure, "regular employment" is determined as if it were an aggravation claim.

(17) "Substantial handicap to employment," as determined under OAR 436-120-0340, means the worker, because of the injury or aggravation, lacks the necessary physical capacities, knowledge, skills and abilities to be employed in suitable employment. "Knowledge," "skills," and "abilities" have meanings as follows:

(a) "Knowledge" means an organized body of factual or procedural information derived from the worker's education, training and experience.

(b) "Skills" means the demonstrated mental and physical proficiency to apply knowledge.

(c) "Abilities" means the cognitive, psychological, and physical capability to apply the worker's knowledge and skills.

(18) "Suitable employment" or "suitable job" means employment or a job:

(a) For which the worker has the necessary physical capacities, knowledge, skills and abilities;

(b) Located where the worker customarily worked, or within reasonable commuting distance of the worker's residence. A reasonable commuting distance is no more than 50 miles one-way modified by other factors including, but not limited to:

(A) Wage of the job. A low wage may justify a shorter commute;

(B) The pre-injury commute;

(C) The worker's physical capacities, if they restrict the worker's ability to sit or drive for 50 miles;

(D) Commuting practices of other workers who live in the same geographic area; and

(E) The distance from the worker's residence to the nearest cities or towns that offer employment opportunities;

(c) That pays or would average on a year-round basis a suitable wage as defined in section (19) of this rule;

(d) That is permanent. Temporary work is suitable if the worker's job at injury was temporary; and the worker has transferable skills to earn, on a year-round basis, a suitable wage as defined in section (19) of this rule; and

(e) Modified or new employment that results from an employer at injury activated use of the Preferred Worker Program, under OAR 436-110, will be considered "suitable":

(A) Nine months from the effective date of the premium exemption if there are no worksite modifications; or

(B) Twelve months from the date the department determines the worksite modification is complete, or

(C) If the worker is terminated for cause; or

(D) If the worker voluntarily resigns for a reason unrelated to the work injury.

(19) "Suitable wage" means:

(a) For the purpose of determining eligibility for vocational assistance, a wage at least 80 percent of the adjusted weekly wage as defined in OAR 436-120-0007.

(b) For the purpose of providing or ending vocational assistance, a wage as close as possible to 100 percent of the adjusted weekly wage. This wage may be considered suitable if less than 80 percent of the adjusted weekly wage, if the wage is as close as possible to the adjusted weekly wage.

(20) "Transferable skills" means the knowledge and skills demonstrated in past training or employment that make a worker employable in suitable new employment. More general characteristics such as aptitudes or interests do not, by themselves, constitute transferable skills.

(21) "Vocational assistance" means any of the services, goods, allowances and temporary disability compensation under these rules to assist an eligible worker return to work. This does not include activities for determining a worker's eligibility for vocational assistance.

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(22) “Vocational assistance provider” means an insurer or other public or private organization, registered under these rules to provide vocational assistance to injured workers.

Stat. Auth.: ORS 656.340(9) & 656.726(4)
Stats. Implemented: ORS 656.340

Hist.: WCB 7-1966, f. & ef. 6-30-66; WCB 6-1973, f. 12-20-73, ef. 1-11-74; WCB 45-1974(Temp), f. & ef. 11-5-74; WCD 4-1975(Admin), f. 2-6-75, ef. 2-25-75; WCB 1-1976, f. 3-29-76, ef. 4-1-76; WCD 3-1977(Admin)(Temp), f. 9-29-77, ef. 10-4-77; WCD 1-1978(Admin), f. & ef. 2-1-78; WCD 6-1980(Admin), f. 5-22-80, ef. 6-1-80; WCD 4-1981(Admin), f. 12-4-81, ef. 1-1-82; WCD 11-1982(Admin)(Temp), f. 12-29-82, ef. 1-1-83; WCD 2-1983(Admin), f. & ef. 6-30-83; WCD 5-1983(Admin), f. 12-14-83, ef. 1-1-84; Renumbered from 436-061-0005, 5-1-85; WCD 7-1985(Admin), f. 12-12-85, ef. 1-1-86; WCD 11-1987, f. 12-17-87, ef. 1-1-88; WCD 10-1994, f. 11-1-94, cert. ef. 1-1-95; WCD 6-1996, f. 2-6-96, cert. ef. 3-1-96; WCD 23-1996, f. 12-13-96, cert. ef. 2-1-97; WCD 6-2000, f. 4-27-00, cert. ef. 6-1-00; WCD 4-2001, f. 4-13-01, cert. ef. 5-15-01; WCD 14-2001(Temp), f. 12-17-01, cert. ef. 1-2-02 thru 6-30-02; WCD 7-2002, f. 5-30-02, cert. ef. 7-1-02; WCD 6-2005, f. 6-9-05, cert. ef. 7-1-05; WCD 3-2009, f. 12-1-09, cert. ef. 1-1-10; WCD 5-2010, f. 9-15-10, cert. ef. 11-15-10

436-120-0008

Administrative Review and Contested Cases

(1) Administrative review of vocational assistance matters: Under ORS 656.340(16), a worker wanting review of any vocational assistance matter must apply to the director for administrative review. Also, under ORS 656.340(11) and OAR 436-120-0185(1) when the worker and insurer are unable to agree on a vocational assistance provider, the insurer must apply to the director for administrative review. Because effective vocational assistance is best realized in a nonadversarial environment, the first objective of the administrative review is to bring the parties to resolution through alternative dispute resolution procedures, including mediation conferences, whenever possible and appropriate. When a dispute is not resolved through mutual agreement or dismissal, the director will close the record and issue a Director’s Review and Order as described in subsections (f) and (g) of this section. A worker need not be represented to request or to participate in the administrative review process, which is as follows:

(a) The worker’s request for review must be mailed or otherwise communicated to the department no later than the 60th day after the date the worker received written notice of the insurer’s action; or, if the worker was represented at the time of the notice, within 60 days of the date the worker’s representative received actual notice. Issues raised by the worker where written notice was not provided may be reviewed at the director’s discretion.

(b) The worker, insurer, employer at injury, and vocational assistance provider must supply needed information, attend conferences and meetings, and participate in the administrative review process as required by the director. Upon the director’s request, any party to the dispute must provide available information within 14 days of the request. The insurer must promptly schedule, pay for, and submit to the director any medical or vocational tests, consultations, or reports required by the director. The worker, insurer, employer at injury, or vocational assistance provider must simultaneously send copies to the other parties to the dispute when sending material to the director. If necessary, the director will assist an unrepresented worker in sending copies to the appropriate parties. Failure to comply with this subsection may result in the following:

(A) If the worker fails to comply without reasonable cause, the director may dismiss the administrative review as described in subsection (d); or, the director may decide the issue on the basis of available information.

(B) If the insurer, vocational assistance provider, or employer at injury fails to comply without reasonable cause, the director may decide the issue on the basis of available information.

(c) At the director’s discretion, the director may issue an order of deferral to temporarily suspend administrative review. The order of deferral will specify the conditions under which the review will be resumed.

(d) The director may issue an order of dismissal under appropriate conditions.

(e) The director will issue a letter of agreement when the parties resolve a dispute within the scope of these rules. Any agreement may include an agreement on attorney fees, if any, to be paid to the worker’s attorney. The agreement will become effective on the 10th day after the letter of agreement is issued unless the agreement specifies otherwise. Once the agreement becomes final, the director may reconsider approval of the agreement upon the director’s own motion or upon a motion by a party. The director may revise the agreement or reinstate the review only under one or more of the following conditions:

(A) One or both parties fail to honor the agreement;

(B) The agreement was based on misrepresentation;

(C) Implementation of the agreement is not feasible because of unforeseen circumstances; or

(D) All parties request revision or reinstatement of the review.

(f) After the parties have had the opportunity to present evidence, and any meetings or conferences deemed necessary by the director have been held, the director will issue a final order. The parties have 60 days from the date the order is issued to request a hearing. An order is issued on the date it is mailed.

(g) The director may on the director’s own motion reconsider or withdraw any order that has not become final by operation of law. A party also may request reconsideration of an administrative order upon an allegation of error, omission, misapplication of law, incomplete record, or the discovery of new material evidence that could not reasonably have been discovered and produced during the review. The director may grant or deny a request for reconsideration at the director’s sole discretion. A request for reconsideration must be mailed before the administrative order becomes final, or if appealed, before the proposed and final order is issued.

(h) During any reconsideration of the administrative review order, the parties may submit new material evidence consistent with this rule and may respond to such evidence submitted by others.

(i) Any party requesting reconsideration or responding to a reconsideration request must simultaneously notify all other interested parties of their contentions and provide them with copies of all additional information presented.

(j) A request for reconsideration does not stay the 60-day time period within which the parties may request a hearing.

(2) Attorney fees will be awarded as provided in ORS 656.385(1) and OAR 436-001-0400 to 436-001-0440.

(3) Hearings before an administrative law judge:

(a) Under ORS 656.340(16) and 656.704(2), any party that disagrees with an order issued under subsection (1)(f) of this rule or a dismissal issued under subsection (1)(d) of this rule may request a hearing by filing a request for hearing as provided in OAR 436-001-0019 within 60 days of the mailing date of the order.

(b) Under ORS 656.704(2), any party that disagrees with an order of dismissal based on lack of jurisdiction under subsection (1)(d) of this rule or department denial of reimbursement for vocational assistance costs may request a hearing by filing a request for hearing as provided in OAR 436-001-0019 within 30 days after the party received the dismissal or written denial.

(c) Under ORS 656.704(2), an insurer sanctioned under OAR 436-120-0900, a vocational assistance provider or certified individual sanctioned under ORS 656.340(9) and OAR 436-120-0915, a vocational assistance provider denied registration under ORS 656.340(9)(a) and OAR 436-120-0800, or an individual denied certification under ORS 656.340(9)(a) and OAR 436-120-0810 may request a hearing by filing a request for hearing as provided in OAR 436-001-0019 no later than 60 days after the party received notification of the action.

(d) OAR 436-001 applies to the hearing.

(4) Contested case hearings of civil penalties: Under ORS 656.740 an insurer or an employer may appeal a proposed order or proposed assessment of civil penalty under ORS 656.745 and OAR 436-120-0900 as follows:

(a) The insurer or employer must send the request for hearing in writing to the administrator of the Workers’ Compensation Division. The request must specify the grounds upon which the proposed order or assessment is contested.

(b) The party must file the request with the division within 60 days after the mailing date of the notice of the proposed order or assessment.

(c) The division will forward the request and other pertinent information to the Hearings Division of the Workers’ Compensation Board.

(d) The Hearings Division will conduct the hearing in accordance with ORS 656.740 and ORS chapter 183.

[ED. NOTE: Matrix referenced are available from the agency.]

Stat. Auth.: ORS 656.704(2) & 656.726(4)

Stats. Implemented: ORS 656.704, 656.340, 656.447, 656.740, 656.745

Hist.: WCD 9-1982(Admin), f. 5-28-82, ef. 6-1-82; WCD 2-1983(Admin), f. & ef. 6-30-83; Renumbered from 436-061-0970, 5-1-85; WCD 5-1983(Admin), f. 12-14-83, ef. 1-1-84; Renumbered from 436-061-0191, 5-1-85; WCD 7-1985(Admin), f. 12-12-85, ef. 1-1-86; WCD 11-1987, f. 12-17-87, ef. 1-1-88; WCD 10-1994, f. 11-1-94, cert. ef. 1-1-95; Renumbered from 436-120-0210 & 436-120-0260; WCD 6-1996, f. 2-6-96, cert. ef. 3-1-96; WCD 23-1996, f. 12-13-96, cert. ef. 2-1-97; WCD 6-2000, f. 4-27-00, cert. ef. 6-1-00; WCD 4-2001, f. 4-13-01, cert. ef. 5-15-01; WCD 14-2001(Temp), f. 12-17-01, cert. ef. 1-2-02 thru 6-30-02; WCD 7-2002, f. 5-30-02, cert. ef. 7-1-02; WCD 14-2003(Temp), f. 12-15-03, cert. ef. 1-1-04 thru 6-28-03; WCD 3-2004, f. 3-5-04 cert. ef. 4-1-04; WCD 6-2005, f. 6-9-05, cert. ef. 7-1-05; WCD 8-2005, f. 12-6-05, cert. ef. 1-1-06; WCD 8-2007, f. 11-1-07, cert. ef. 12-1-07; WCD 3-2009, f. 12-1-09, cert. ef. 1-1-10; WCD 3-2009, f. 12-1-09, cert. ef. 1-1-10; WCD 5-2010, f. 9-15-10, cert. ef. 11-15-10

ADMINISTRATIVE RULES

436-120-0012

General Requirements For Notices and Warnings

(1) All notices and warnings to the worker issued under OAR 436-120 must:

- (a) Be in writing, signed, and dated.
- (b) State the basis for the decision.
- (c) Include the effective date of each action in the heading.
- (d) Cite the relevant rule(s).
- (e) Include the worker's appeal rights. All notices and warnings except those notifying a worker of entitlement to training or deferral of vocational assistance eligibility must contain the worker's appeal rights in bold type, as follows:

"If you disagree with this decision, you should contact (insert the person's name and the insurer name) within five days of receiving this letter to discuss your concerns. If you are still dissatisfied, you must contact the Workers' Compensation Division within 60 days of receiving this letter or you will lose your right to appeal this decision. A consultant with the division can talk with you about the disagreement and, if necessary, will review your appeal. The address and telephone number of the division are: Employment Services Team, Workers' Compensation Division, P.O. Box 14480, Salem, Oregon 97309-0405; 503-947-7816 or 1-800-452-0288 ext. 1719."

(f) Include the telephone number of the Ombudsman for Injured Workers: 1-800-927-1271; and

(g) Be mailed to the worker by both regular and certified mail.

(2) All copies of notices must be mailed simultaneously to the division and to the worker's legal representative. Failure to send a copy to the worker's legal representative stays the appeal period until the worker's legal representative receives a copy of the notice.

Stat. Auth.: ORS 656.340(9), 656.726(4)

Stats. Implemented: ORS 656.340

Hist.: WCD 6-2000, f. 4-27-00, cert. ef. 6-1-00, Renumbered from 436-120-0600, 436-120-0610 & 436-120-0620 [WCD 11-1987, f. 12-17-87, ef. 1-1-88; WCD 10-1994, f. 11-1-94, cert. ef. 1-1-95; WCD 6-1996, f. 2-6-96, cert. ef. 3-1-96; WCD 7-2002, f. 5-30-02, cert. ef. 7-1-02; WCD 3-2004, f. 3-5-04 cert. ef. 4-1-04; WCD 6-2005, f. 6-9-05, cert. ef. 7-1-05; WCD 8-2007, f. 11-1-07, cert. ef. 12-1-07; WCD 3-2009, f. 12-1-09, cert. ef. 1-1-10; Renumbered from 436-120-0004, WCD 5-2010, f. 9-15-10, cert. ef. 11-15-10

436-120-0014

Notification of Employment and Reinstatement Rights and Responsibilities

(1) The insurer must inform a worker with a compensable injury of the employment reinstatement rights and responsibilities under ORS chapter 659A and this rule:

(a) When the claim is accepted under ORS 656.262(6);

(b) When the insurer contacts the worker under OAR 436-120-0115 about the need for vocational assistance under ORS 656.340(2); and

(c) Within five days of receiving notification that the attending physician has released the worker to go back to work, under ORS 656.340(3).

(2) The insurer must inform the employer about the worker's reemployment rights within five days of receiving notification of the attending physician's release of the worker to return to work, under ORS 656.340(3).

Stat. Auth.: ORS 656.340(9), 656.726(4)

Stats. Implemented.: ORS 656.340

Hist.: WCD 6-2000, f. 4-27-00, cert. ef. 6-1-00, Renumbered from 436-120-0600, 436-120-0610 & 436-120-0620 [WCD 11-1987, f. 12-17-87, ef. 1-1-88; WCD 10-1994, f. 11-1-94, cert. ef. 1-1-95; WCD 6-1996, f. 2-6-96, cert. ef. 3-1-96; WCD 7-2002, f. 5-30-02, cert. ef. 7-1-02; WCD 3-2004, f. 3-5-04 cert. ef. 4-1-04; WCD 6-2005, f. 6-9-05, cert. ef. 7-1-05; WCD 8-2007, f. 11-1-07, cert. ef. 12-1-07; WCD 3-2009, f. 12-1-09, cert. ef. 1-1-10; Renumbered from 436-120-0004, WCD 5-2010, f. 9-15-10, cert. ef. 11-15-10

436-120-0016

Warning Letters

(1) A warning letter can be issued at any time during the vocational eligibility evaluation or vocational assistance process.

(2) Warning letters do not require specific language in the headings but must include a heading clearly indicating the purpose of the warning.

(3) A warning letter must state what the worker must do, and by when, to avoid ineligibility or the ending of eligibility or training.

Stat. Auth.: ORS 656.340(9), 656.726(4)

Stats. Implemented: ORS 656.340

Hist.: WCD 6-2000, f. 4-27-00, cert. ef. 6-1-00, Renumbered from 436-120-0600, 436-120-0610 & 436-120-0620 [WCD 11-1987, f. 12-17-87, ef. 1-1-88; WCD 10-1994, f. 11-1-94, cert. ef. 1-1-95; WCD 6-1996, f. 2-6-96, cert. ef. 3-1-96; WCD 7-2002, f. 5-30-02, cert. ef. 7-1-02; WCD 3-2004, f. 3-5-04 cert. ef. 4-1-04; WCD 6-2005, f. 6-9-05, cert. ef. 7-1-05; WCD 8-2007, f. 11-1-07, cert. ef. 12-1-07; WCD 3-2009, f. 12-1-09, cert. ef. 1-1-10; Renumbered from 436-120-0004, WCD 5-2010, f. 9-15-10, cert. ef. 11-15-10

436-120-0017

Types of Notices

When the insurer takes any of the actions listed below, it must issue the corresponding notices, using the headings listed in this rule. If a notice is used for more than one purpose, it must include all the headings that apply:

(1) The **NOTICE OF ELIGIBILITY** must:

(a) Include the date the worker became eligible.

(b) Inform the worker which category of vocational assistance the insurer will provide:

(A) **NOTICE OF ELIGIBILITY FOR VOCATIONAL ASSISTANCE and NOTICE OF ENTITLEMENT TO TRAINING**; or

(B) **NOTICE OF ELIGIBILITY FOR VOCATIONAL ASSISTANCE and NOTICE OF ENTITLEMENT TO DIRECT EMPLOYMENT SERVICES**.

(c) Include the worker's rights and responsibilities;

(d) Include the following statement in bold type:

"You have the right to request a return-to-work plan conference if the insurer does not approve a return-to-work plan within 90 days of determining you entitled to a training plan, or within 45 days of determining you entitled to a direct employment plan. The purpose of the conference will be to identify and remove all obstacles to return-to-work plan completion and approval. The insurer, the worker, the plan developer, and any other parties involved in the return-to-work process must attend the conference. The insurer or the worker may request a conference with the division if other delays in the vocational rehabilitation process occur. Your request for this conference should be directed to the Employment Services Team of the Workers' Compensation Division. The address and telephone number of the division are: Employment Services Team, Workers' Compensation Division, P.O. Box 14480, Salem, Oregon 97309-0405; 503-947-7816 or 1-800-452-0288 ext. 1719."

(e) Include the current list of vocational assistance providers (published with Bulletin 151), and explain that the worker and the insurer must agree on the selection of a vocational assistance provider.

(f) Include the following language in bold type:

"If you have questions about the vocational counselor selection process, contact (use appropriate reference to the insurer). If you still have questions, call the Workers' Compensation Division at 1-800-452-0288 ext. 1719."

(g) Include information about the Preferred Worker Program.

(h) Explain what the worker can do if he or she disagrees with something the insurer does.

(i) Explain direct employment services and state the worker is not entitled to training, if the worker is entitled to direct employment services but not training.

(2) The **NOTICE OF INELIGIBILITY FOR VOCATIONAL ASSISTANCE** must:

(a) Include information about services which may be available at no cost from the Employment Department or the Office of Vocational Rehabilitation Services.

(b) Include information about the Preferred Worker Program.

(c) Include a list of suitable occupations the worker can perform without being retrained, if the notice is based on a finding of "no substantial handicap."

(3) The **NOTICE OF DEFERRAL OF VOCATIONAL ASSISTANCE ELIGIBILITY DETERMINATION** must:

(a) Inform the worker the insurer deferred the vocational eligibility process because the employer at injury has activated preferred worker benefits.

(b) Inform the worker that, if the job with the employer at injury does not begin on the hire date listed in the job offer letter, the worker can ask the insurer, within 30 days, to determine vocational eligibility.

(c) Include the following language in bold type:

"If you have questions about the deferral of the vocational eligibility process, contact (use appropriate reference to the insurer). If you still have questions contact the Workers' Compensation Division's toll free number 1-800-452-0288 ext. 1719."

(4) The **NOTICE OF DENIAL OF VOCATIONAL ASSISTANCE BENEFITS** must:

(a) Identify what vocational assistance benefits the insurer denies and explain why. This notice is not to be used for finding a worker ineligible or ending a worker's eligibility for vocational assistance.

(b) Explain why the insurer denies the proposed return-to-work plan, if the notice is used for that purpose.

(5) The **NOTICE OF END OF TRAINING** must:

(a) Include the date the training plan ended. The effective date is the worker's last date of attendance.

(b) State whether the worker is entitled to further training.

(6) The **NOTICE OF END OF ELIGIBILITY FOR VOCATIONAL ASSISTANCE** must:

(a) Include the date when eligibility ended. The effective date is the worker's last date of eligibility.

(b) Include the reason the worker's eligibility for vocational assistance is ending. However, this notice is not required if the insurer is ending the worker's eligibility because the worker has given up his or her vocational assistance rights through a claims disposition agreement.

ADMINISTRATIVE RULES

(7) The **NOTICE OF SELECTION OF VOCATIONAL ASSISTANCE PROVIDER**, must be issued when a vocational assistance provider is agreed upon by the worker and the insurer.

(8) The **NOTICE OF CHANGE OF VOCATIONAL ASSISTANCE PROVIDER**, must be issued anytime there is a change in vocational assistance provider.

(9) The return-to-work plan and amendments must:

(a) Be reported using Form 1081 for training, or Form 1083 for direct employment.

(b) Indicate what the changes are and why they are necessary, if the insurer amends the proposed plan.

(10) The Vocational Closure Report (Form 2800) must:

(a) Include the effective date for the end of eligibility.

(b) Include the reason for the end of eligibility.

(c) Include return-to-work and vocational assistance provider information.

(d) Be issued for each eligible worker within 30 days after eligibility ends.

Stat. Auth.: ORS 656.340(9), 656.726(4)

Stat. Impltd.: ORS 656.340

Hist.: WCD 6-2000, f. 4-27-00, cert. ef. 6-1-00, Renumbered from 436-120-0600, 436-120-0610 & 436-120-0620 [WCD 11-1987, f. 12-17-87, ef. 1-1-88; WCD 10-1994, f. 11-1-94, cert. ef. 1-1-95; WCD 6-1996, f. 2-6-96, cert. ef. 3-1-96; WCD 7-2002, f. 5-30-02, cert. ef. 7-1-02; WCD 3-2004, f. 3-5-04 cert. ef. 4-1-04; WCD 6-2005, f. 6-9-05, cert. ef. 7-1-05; WCD 8-2007, f. 11-1-07, cert. ef. 12-1-07; WCD 3-2009, f. 12-1-09, cert. ef. 1-1-10; Renumbered from 436-120-0004, WCD 5-2010, f. 9-15-10, cert. ef. 11-15-10

436-120-0018

Postponement Notices

A letter informing the worker that the eligibility evaluation has been postponed does not require specific language in the headings but must include a heading clearly indicating the purpose of the letter and must:

(1) Explain the reason the worker's eligibility evaluation is postponed.

(2) Explain to the worker in writing what information is necessary if the insurer cannot complete the vocational eligibility process because it needs more information. In that case, the insurer must state when it expects to determine eligibility or make a decision.

(3) Explain, if the worker has accepted a job offer from the employer at injury, that if the job does not begin on the hire date listed in the job offer letter, the worker can ask the insurer within 30 days to determine vocational eligibility.

(4) Be mailed to the worker within 14 days of the insurer receiving notification that the worker is likely eligible for vocational assistance.

(5) Include the following language in bold type:

"If you have questions about the postponement of the vocational eligibility process, contact (use appropriate reference to the insurer). If you still have questions contact the Workers' Compensation Division's toll free number 1-800-452-0288 ext. 1719."

Stat. Auth.: ORS 656.340(9), 656.726(4)

Stats. Implemented: ORS 656.340

Hist.: WCD 6-2000, f. 4-27-00, cert. ef. 6-1-00, Renumbered from 436-120-0600, 436-120-0610 & 436-120-0620 [WCD 11-1987, f. 12-17-87, ef. 1-1-88; WCD 10-1994, f. 11-1-94, cert. ef. 1-1-95; WCD 6-1996, f. 2-6-96, cert. ef. 3-1-96; WCD 7-2002, f. 5-30-02, cert. ef. 7-1-02; WCD 3-2004, f. 3-5-04 cert. ef. 4-1-04; WCD 6-2005, f. 6-9-05, cert. ef. 7-1-05; WCD 8-2007, f. 11-1-07, cert. ef. 12-1-07; WCD 3-2009, f. 12-1-09, cert. ef. 1-1-10; Renumbered from 436-120-0004, WCD 5-2010, f. 9-15-10, cert. ef. 11-15-10

436-120-0115

Conditions Requiring Completion of a Vocational Eligibility Evaluation

(1) When conditions in ORS 656.340(1) are met, the insurer is required to do an eligibility evaluation.

(2) Even if conditions in (1) are met, the insurer is not required to do an eligibility evaluation if the worker is deceased, the worker has a permanent total disability award, or the worker's claim is reopened under a Board's Own Motion.

(3) Nothing in these rules prevents an insurer from finding a worker eligible and providing vocational assistance at any time.

(4) If the insurer receives a request for vocational assistance from the worker and the insurer is not required to determine eligibility, the insurer must notify the worker in writing, within 14 days of the request. The notice must include at least:

(a) The reason(s) an eligibility determination is not required;

(b) The circumstances that, if present, would trigger a requirement to determine eligibility; and

(c) Instructions to contact the division at 503-947-7816 or 1-800-452-0288 ext. 1719 with questions about vocational assistance eligibility requirements and procedures.

Stat. Auth.: ORS 656.340, 656.726(4)

Stats. Implemented.: ORS 656.340

Hist.: WCD 11-1982(Admin)(Temp), f. 12-29-82, ef. 1-1-83; WCD 2-1983(Admin), f. & ef. 6-30-83; WCD 5-1983(Admin), f. 12-14-83, ef. 1-1-84; Renumbered from 436-061-0111, 5-1-85; WCD 7-1985(Admin), f. 12-12-85, ef. 1-1-86; WCD 11-1987, f. 12-17-87, ef. 1-1-88, Renumbered from 436-120-0060; WCD 10-1994, f. 11-1-94, cert. ef. 1-1-95, Renumbered from 436-120-0035; WCD 6-1996, f. 2-6-96, cert. ef. 3-1-96; WCD 6-2000, f. 4-27-00, cert. ef. 6-1-00, Renumbered from 436-120-0330 & 436-120-0370; WCD 4-2001, f. 4-13-01, cert. ef. 5-15-01; WCD 7-2002, f. 5-30-02, cert. ef. 7-1-02; WCD 3-2004, f. 3-5-04 cert. ef. 4-1-04; WCD 6-2005, f. 6-9-05, cert. ef. 7-1-05; WCD 8-2005, f. 12-6-05, cert. ef. 1-1-06; WCD 8-2007, f. 11-1-07, cert. ef. 12-1-07; Renumbered from 436-120-0320 by WCD 3-2009, f. 12-1-09, cert. ef. 1-1-10; WCD 5-2010, f. 9-15-10, cert. ef. 11-15-10

436-120-0165

End of Eligibility for Vocational Assistance

A worker's eligibility ends when any of the following conditions apply:

(1) Based on new information that did not exist or that could not have been obtained with reasonable effort at the time the insurer determined eligibility, the worker no longer meets the eligibility requirements.

(2) The worker has maintained suitable employment for at least 60 days.

(3) The worker, prior to beginning an authorized return-to-work plan, refused an offer of suitable employment. If the employer-at-injury offers employment to a non-medically stationary worker, the offer must be made in accordance with OAR 436-060.

(4) The worker, prior to beginning an authorized return-to-work plan, left suitable employment after the injury or aggravation for a reason unrelated to the limitations caused by the injury.

(5) The worker, prior to beginning an authorized return-to-work plan, refused or failed to make a reasonable effort in available light-duty work intended to result in suitable employment. Prior to ending eligibility, the insurer must document the existence of one or more suitable jobs that would be available for the worker after completion of the light-duty work. If the employer-at-injury offers such employment to a non-medically stationary worker, the offer must be made in accordance with OAR 436-060.

(6) The worker, after completing an authorized training plan, refused an offer of suitable employment.

(7) The worker declined or became unavailable for vocational assistance. The insurer must determine if the reasons are for reasonable or unreasonable cause prior to ending the worker's eligibility. If the reason was for incarceration, this reason must be cited in the notice to the worker. Declining vocational assistance to accept modified or new employment that results from an employer-at-injury activated use of the Preferred Worker Program, under OAR 436-110, is reasonable cause.

(8) The worker refused a suitable training site after the vocational counselor and worker have agreed in writing upon a return-to-work goal.

(9) The worker failed after written warning to participate in the development or implementation of a return-to-work plan. No written warning is required if the worker fails to attend two consecutive training days and fails, without reasonable cause, to notify the vocational counselor or the insurer by the close of next business day.

(10) The worker's lack of suitable employment cannot be resolved by providing vocational assistance. This includes circumstances in which the worker cannot benefit from, or participate in, vocational assistance because of medical conditions unrelated to the injury.

(11) The worker misrepresented information relevant to providing vocational assistance.

(12) The worker refused after written warning to return property provided by the insurer or reimburse the insurer as required. No vocational assistance will be provided under subsequent openings of the claim until the worker returns the property or reimburses the funds.

(13) The worker misused funds provided for the purchase of property or services. No vocational assistance will be provided under subsequent openings of the claim until the worker reimburses the insurer for the misused funds.

(14) After written warning the worker continues to harass any participant to the vocational process. This section does not apply if such behavior is the result of a documented medical or mental condition.

(15) The worker entered into a claim disposition agreement and disposed of vocational rights. The parties may agree in writing to suspend vocational services pending approval by the Workers' Compensation Board. The insurer must end eligibility when the Worker's Compensation Board approves the claims disposition agreement that disposes of vocational assistance rights. No notice regarding the end of eligibility is required.

(16) The worker received maximum direct employment services and is not entitled to other categories of vocational assistance.

Stat. Auth.: ORS 656.340, 656.726(4)

Stats. Implemented: ORS 656.340

Hist.: WCD 11-1982(Temp), f. 12-29-82 eff. 1/1/83; WCD 2-1983, 6-30-83, eff. 6-30-83; WCD 5-1983, 12-14-83, eff. 1-1-84; Renumbered from 436-061-0126, 5-1-85; WCD 7-

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1985, 12-12-85, eff. 1/1/86; Renumbered from 436-120-0090, WCD 11-1987, 12-17-87, eff. 1-1-88; WCD 10-1994, f. 11-1-94, cert. ef. 1-1-95, Renumbered from 436-120-0045; WCD 6-1996, f. 2-6-96, cert. ef. 3-1-96; WCD 6-2000, f. 4-27-00, cert. ef. 6-1-00; WCD 4-2001, f. 4-13-01, cert. ef. 5-15-01; WCD 14-2001(Temp), f. 12-17-01, cert. ef. 1-2-02 thru 6-30-02; WCD 7-2002, f. 5-30-02, cert. ef. 7-1-02; WCD 3-2004, f. 3-5-04, cert. ef. 4-1-04; WCD 6-2005, f. 6-9-05, cert. ef. 7-1-05; WCD 8-2007, f. 11-1-07, cert. ef. 12-1-07; Renumbered from 436-120-0350 by WCD 3-2009, f. 12-1-09, cert. ef. 1-1-10; WCD 5-2010, f. 9-15-10, cert. ef. 11-15-10

436-120-0400

Selection of Category of Vocational Assistance

(1) The insurer must select one of the following categories of vocational assistance before referring a worker to a vocational assistance provider:

(a) Direct employment services, if the worker has the necessary transferable skills to obtain suitable new employment.

(b) Training, if the worker needs training in order to return to employment which pays a wage significantly closer to 100 percent of the adjusted weekly wage. "Significantly closer" may vary depending on several factors, including, but not limited to, the worker's wage at injury, adaptability, skills, geographic location, limitations and the potential for the worker's income to increase with time as the result of training.

(2) The insurer must notify the worker of the category selection and the reason for the selection.

(3) The insurer must reconsider the category of vocational assistance within 30 days of the insurer's knowledge of a change in circumstances including, but not limited to:

(a) A change in the worker's permanent limitations;

(b) A change in the labor market; or

(c) The category of vocational assistance proves to be inappropriate.

(4) The insurer must notify the worker immediately if the reconsideration in section (3) results in a change in the vocational assistance category.

Stat. Auth.: ORS 656.340(9) & 656.726(4)

Stats. Implemented: ORS 656.340(7)

Hist.: WCD 11-1987, f. 12-17-87, ef. 1-1-88; WCD 10-1994, f. 11-1-94, cert. ef. 1-1-95, Renumbered from 436-120-0083 & 0085; WCD 6-1996, f. 2-6-96, cert. ef. 3-1-96; WCD 6-2000, f. 4-27-00, cert. ef. 6-1-00; WCD 6-2005, f. 6-9-05, cert. ef. 7-1-05; WCD 8-2007, f. 11-1-07, cert. ef. 12-1-07; WCD 5-2010, f. 9-15-10, cert. ef. 11-15-10

436-120-0430

Direct Employment

(1) If the insurer determines the worker is entitled to direct employment services, the insurer must provide an eligible worker with at least four months of direct employment services.

(2) Direct employment services must be provided by a certified vocational counselor.

(3) Direct employment services must begin on the date the insurer approves a direct employment plan, or on the completion date of an authorized training plan.

(4) Direct employment services may include, but are not limited to:

(a) Employment counseling.

(b) Job search skills instruction, which teaches workers how to write resumes, research the job market, locate suitable new employment, complete employment applications, interview for employment, and develop other skills related to obtaining suitable new employment.

(c) Job development with related return-to-work activities, which helps the worker contact appropriate prospective employers.

(d) Job analysis.

(5) The insurer must provide return-to-work follow-up for at least 60 days after the worker becomes employed to ensure the work is suitable and to provide any necessary assistance that enables the worker to continue the employment.

Stat. Auth.: ORS 656.340(9) & 656.726(4)

Stats. Implemented: ORS 656.340(7)

Hist.: WCD 11-1982(Admin)(Temp), f. 12-29-82, ef. 1-1-83; WCD 2-1983(Admin), f. & ef. 6-30-83; WCD 5-1983(Admin), f. 12-14-83, ef. 1-1-84; Renumbered from 436-061-0060, 5-1-85; WCD 7-1985(Admin), f. 12-12-85, ef. 1-1-86; WCD 11-1987, f. 12-17-87, ef. 1-1-88, Renumbered from 436-120-0030; WCD 10-1994, f. 11-1-94, cert. ef. 1-1-95; WCD 6-2000, f. 4-27-00, cert. ef. 6-1-00, Renumbered from 436-120-0075 & 436-120-0083; WCD 14-2001(Temp), f. 12-17-01, cert. ef. 1-2-02 thru 6-30-02; WCD 7-2002, f. 5-30-02, cert. ef. 7-1-02; WCD 6-2005, f. 6-9-05, cert. ef. 7-1-05; WCD 8-2007, f. 11-1-07, cert. ef. 12-1-07; WCD 5-2010, f. 9-15-10, cert. ef. 11-15-10

436-120-0443

Training

(1) Training services include but are not limited to plan development, training, monthly monitoring of training progress, and job placement services.

(2) The training plan must be developed and monitored by a certified vocational counselor.

(3) The selection of plan objectives and the kind of training must attempt to minimize the length and cost of training necessary to prepare the worker for suitable employment.

(4) If there are any changes made to the original training plan, an addendum to Form 1081 – Return to Work Plan must be completed, signed by all parties, and submitted to the director.

(5) Basic education may be offered, with or without other training components, to raise the worker's education to a level to enable the worker to obtain suitable employment.

(6) On-the-job training prepares the worker for permanent, suitable employment with the training employer and for employment in the labor market at large. On-the-job training must be considered first in developing a training plan.

(7) Occupational skills training is offered through a community college, based on a predetermined curriculum, at the training employer's location.

(8) Formal training may be offered through a vocational school licensed by an appropriate licensing body, community college, or other post-secondary educational facility that is part of a state system of higher education.

(9) Rehabilitation facilities training provides evaluation, training, and employment for severely disabled individuals.

(10) Notwithstanding OAR 436-120-0145(2), the director may order the insurer, or the insurer may elect, to provide training outside Oregon if such training would be more timely, appropriate, or cost effective than other alternatives.

(11) Training status continues during the following breaks:

(a) A regularly scheduled break of not more than six weeks between fixed school terms;

(b) A break of not more than two weeks between the end of one kind of training and the start of another for which the starting date is flexible; or

(c) A period of illness or recuperation that does not prevent completion of the training by the planned date.

(12) A worker actively engaged in training must receive temporary disability compensation under ORS 656.268 and ORS 656.340.

(13) Temporary disability compensation is limited to 16 months unless extended to 21 months by the insurer. In no event will temporary disability compensation during training be paid for more than 21 months.

(14) Training costs may be paid for periods longer than 21 months. Reasons for extending training may include but are not limited to:

(a) Reasons beyond the worker's control.

(b) An "exceptional disability," defined as a disability equal to or greater than the complete loss, or loss of use, of both legs. Exceptional disability also includes brain injury that results in impairment equal to or greater than Class III as defined in OAR 436-035.

(c) An "exceptional loss of earning capacity" exists when no suitable training plan of 16 months or less is likely to eliminate the worker's substantial handicap to employment. The extension must allow the worker to obtain a wage as close as possible to the worker's adjusted weekly wage and at least 10 percent greater than could be expected with a shorter training program.

(15) An eligible worker is entitled to four months of job placement assistance after completion of training.

(16) When the worker returns to work following training, the insurer must monitor the worker's progress for at least 60 days to assure the suitability of the employment before ending eligibility.

Stat. Auth.: ORS 656.340(9), 656.726(4)

Stats. Implemented: ORS 656.340

Hist.: WCD 11-1982(Admin)(Temp), f. 12-29-82, ef. 1-1-83; WCD 2-1983(Admin), f. & ef. 6-30-83; Renumbered from 436-061-0060, WCD 5-1983(Admin), f. 12-14-83, ef. 1-1-84; 5-1-85; WCD 7-1985(Admin), f. 12-12-85, ef. 1-1-86; Renumbered from 436-120-0030, WCD 11-1987, f. 12-17-87, ef. 1-1-88; Renumbered from 436-120-0075 & 436-120-0085, WCD 10-1994, f. 11-1-94, cert. ef. 1-1-95; Renumbered from 436-120-0450 & 436-120-0460, WCD 6-2000, f. 4-27-00, cert. ef. 6-1-00; WCD 4-2001, f. 4-13-01, cert. ef. 5-15-01; WCD 7-2002, f. 5-30-02, cert. ef. 7-1-02; WCD 6-2005, f. 6-9-05, cert. ef. 7-1-05; WCD 8-2007, f. 11-1-07, cert. ef. 12-1-07; WCD 3-2009, f. 12-1-09, cert. ef. 1-1-10; Renumbered from 436-120-0440, WCD 5-2010, f. 9-15-10, cert. ef. 11-15-10

436-120-0445

Training Requirements

(1) Basic education is limited to six months.

(2) On-the-Job Training

(a) Training time is limited to 12 months.

(b) The insurer must reimburse the training employer for a portion of the worker's wages.

(c) The on-the-job training contract between the training employer, the insurer, and the worker must include, but is not limited to:

(A) The worker's name;

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- (B) The employer's legal business name;
- (C) The employer's current workers' compensation insurance policy number;
- (D) The name of the individual providing the training;
- (E) The training plan start and end dates;
- (F) The job title and duties;
- (G) The skills to be taught;
- (H) The base wage and the terms of wage reimbursement;
- (I) An agreement that the employer will pay all taxes normally paid on the entire wage and will maintain workers' compensation insurance for the trainee; and
- (J) An acknowledgement that the training may not prepare the worker for jobs elsewhere, if the training prepares a worker for a job unique to the training site.

(d) The insurer must pay temporary disability compensation as provided in ORS 656.268.

(e) Absent a need to accommodate the worker's documented medical condition or class schedule, the worker's schedule must be the same as for a regular full-time employee.

(3) Occupational Skills Training

(a) Training is limited to 12 months.

(b) The training is primarily for the worker's benefit. The worker does not receive wages.

(c) Training does not establish any employer-employee relationship with the training employer. The training employer makes no guarantee of employing the worker when the training is completed.

(d) The training employer has a sufficient number of employees to accomplish its regular work and the training of the worker, and the worker does not displace an employee.

(e) Absent a need to accommodate the worker's documented medical condition or class schedule, the worker's schedule must be the same as for a regular full-time employee.

(4) Formal Training

(a) Training time is limited to 16 months unless extended by the insurer.

(b) Course load must be consistent with the worker's abilities, limitations, and length of time since the worker last attended school.

(c) Courses must relate to the vocational goal.

(5) If the worker begins training before eligibility determination, and then the insurer finds the worker eligible for vocational assistance and the insurer finds the worker's training suitable, the insurer may elect, or the director may order the insurer, to reimburse the worker for costs required by that training and verified by the insurer or the director, including temporary disability as required under ORS 656.268 and 656.340.

Stat. Auth.: ORS 656.340(9), 656.726(4)

Stats. Implemented: ORS 656.340

Hist.: WCD 11-1982(Admin)(Temp), f. 12-29-82, ef. 1-1-83; WCD 2-1983(Admin), f. & ef. 6-30-83; Renumbered from 436-061-0060, WCD 5-1983(Admin), f. 12-14-83, ef. 1-1-84; 5-1-85; WCD 7-1985(Admin), f. 12-12-85, ef. 1-1-86; Renumbered from 436-120-0030, WCD 11-1987, f. 12-17-87, ef. 1-1-88; Renumbered from 436-120-0075 & 436-120-0085, WCD 10-1994, f. 11-1-94, cert. ef. 1-1-95; Renumbered from 436-120-0450 & 436-120-0460, WCD 6-2000, f. 4-27-00, cert. ef. 6-1-00; WCD 4-2001, f. 4-13-01, cert. ef. 5-15-01; WCD 7-2002, f. 5-30-02, cert. ef. 7-1-02; WCD 6-2005, f. 6-9-05, cert. ef. 7-1-05; WCD 8-2007, f. 11-1-07, cert. ef. 12-1-07; WCD 3-2009, f. 12-1-09, cert. ef. 1-1-10; Renumbered from 436-120-0440, WCD 5-2010, f. 9-15-10, cert. ef. 11-15-10

436-120-0447

Ending a Return to Work Plan

(1) Training must end if:

- (a) The worker has successfully completed training;
- (b) The worker's eligibility has ended under OAR 436-120-0165; or
- (c) The worker is not enrolled and actively engaged in the training.

(2) The training plan must be re-evaluated when:

(a) A change occurs in the worker's limitations that may render the training inappropriate.

(b) The worker's training performance is unsatisfactory and training is not likely to result in employment in that field.

(A) In an academic program, the worker's training performance is unsatisfactory when the worker fails to maintain at least a 2.00 grade point average for at least two grading periods, or fails to complete the minimum credit hours required under the training plan.

(B) The vocational counselor must report any unsatisfactory performance and the insurer must give the worker a written warning of the possible end of training at the first indication of unsatisfactory performance.

(3) The insurer will not provide any further training to a worker who has completed one training plan unless there is reasonable cause to do so.

Stat. Auth.: ORS 656.340(9), 656.726(4)

Stats. Implemented: ORS 656.340

Hist.: WCD 11-1982(Admin)(Temp), f. 12-29-82, ef. 1-1-83; WCD 2-1983(Admin), f. & ef. 6-30-83; Renumbered from 436-061-0060, WCD 5-1983(Admin), f. 12-14-83, ef. 1-1-84; 5-1-85; WCD 7-1985(Admin), f. 12-12-85, ef. 1-1-86; Renumbered from 436-120-0030, WCD 11-1987, f. 12-17-87, ef. 1-1-88; Renumbered from 436-120-0075 & 436-120-0085, WCD 10-1994, f. 11-1-94, cert. ef. 1-1-95; Renumbered from 436-120-0450 & 436-120-0460, WCD 6-2000, f. 4-27-00, cert. ef. 6-1-00; WCD 4-2001, f. 4-13-01, cert. ef. 5-15-01; WCD 7-2002, f. 5-30-02, cert. ef. 7-1-02; WCD 6-2005, f. 6-9-05, cert. ef. 7-1-05; WCD 8-2007, f. 11-1-07, cert. ef. 12-1-07; WCD 3-2009, f. 12-1-09, cert. ef. 1-1-10; Renumbered from 436-120-0440, WCD 5-2010, f. 9-15-10, cert. ef. 11-15-10

436-120-0500

Return-to-Work Plans: Development and Implementation

(1) A return-to-work plan should be a collaborative effort between the vocational counselor and the injured worker, and should include all the rights and responsibilities of the worker, the insurer, and the vocational counselor. Prior to submitting the plan to the insurer, the vocational counselor must review the plan and plan support with the worker. Certain information may be excluded, as allowed by OAR 436-010. The injured worker must be given the opportunity to review the plan with the worker's representative prior to signing it. The vocational assistance provider must confirm the worker's understanding of and agreement with the plan by obtaining the worker's signature. The counselor must submit copies signed by the vocational counselor and the worker to all parties. If the insurer lacks sufficient information to make a decision, the insurer must advise the parties what information is needed and when it expects to make a decision.

(2) If the insurer does not approve a return-to-work plan within 90 days of determining the worker is entitled to a training plan, or within 45 days of determining the worker is entitled to a direct employment plan, the insurer must contact the division within five days to schedule a conference. The purpose of the conference will be to identify and remove all obstacles to return-to-work plan completion and approval. The insurer, the worker, the plan developer, and any other parties involved in the return-to-work process must attend the conference. The conference may be postponed for a period of time agreeable to the parties. The insurer or the worker may request a conference with the division if other delays in the vocational rehabilitation process occur.

(3) If, during development of a return-to-work plan, an employer offers the worker a job, the insurer must perform a job analysis, obtain approval from the attending physician, verify the suitability of the wage, and confirm the offer is for a bona fide, suitable job as defined in OAR 436-120-0005. If the job is suitable, the insurer must help the worker return to work with the employer. The insurer must provide return-to-work follow-up during the first 60 days after the worker returns to work. If return to work with the employer is unfeasible or, during the 60-day follow-up the job proves unsuitable, the insurer must immediately resume development of the return-to-work plan.

(4) If the vocational goal or category of assistance is later changed, the insurer must amend the plan. All amendments to the plan must be initiated by the insurer, vocational assistance provider, and the worker.

Stat. Auth.: ORS 656.340(9) & 656.726(4)

Stats. Implemented: ORS 656.340(9)

Hist.: WCD 5-1983(Admin), f. 12-14-83, ef. 1-1-84; Renumbered from 436-061-0172, 5-1-85; WCD 7-1985(Admin), f. 12-12-85, ef. 1-1-86; WCD 11-1987, f. 12-17-87, ef. 1-1-88; WCD 10-1994, f. 11-1-94, cert. ef. 1-1-95; Renumbered from OAR 436-120-0105 & 436-120-0170; WCD 6-1996, f. 2-6-96, cert. ef. 3-1-96; WCD 23-1996, f. 12-13-96, cert. ef. 2-1-97; Renumbered from 436-120-0600, WCD 6-2000, f. 4-27-00, cert. ef. 6-1-00; WCD 4-2001, f. 4-13-01, cert. ef. 5-15-01; WCD 7-2002, f. 5-30-02, cert. ef. 7-1-02; WCD 3-2004, f. 3-5-04 cert. ef. 4-1-04; WCD 6-2005, f. 6-9-05, cert. ef. 7-1-05; WCD 8-2007, f. 11-1-07, cert. ef. 12-1-07; WCD 3-2009, f. 12-1-09, cert. ef. 1-1-10; WCD 5-2010, f. 9-15-10, cert. ef. 11-15-10

436-120-0720

Fee Schedule and Conditions for Payment of Vocational Assistance Costs

(1) The director has established the following fee schedule for professional costs and direct worker purchases. The schedule sets maximum spending limits per claim opening for each category; however, the insurer may spend more than the maximum limit if the insurer determines the individual case so warrants. Spending limits are to be adjusted annually, effective July 1. The annual adjustment is based on the conversion factor described in OAR 436-120-0005 and published with the cost-of-living matrix.

(2) For workers found to have an exceptional disability or exceptional loss of earning capacity as defined in OAR 436-120-0443 the fee schedule spending limits for the Training category and DE/Training Combined category listed below must be increased by 30%.

(3) Amounts include professional costs, travel/wait, and other travel expenses: [Table not included. See ED, NOTE.]

(4) Wage reimbursement for on-the-job training contracts are not covered by the fee schedule.

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(5) Services and direct worker purchases provided after eligibility ends to complete a plan or employment is subject to the maximum amounts in effect at the time of closure.

(6) The insurer must pay, within 60 days of receipt, the vocational assistance provider's billing for services provided under the insurer-vocational assistance provider agreement. The insurer must not deny payment on the grounds the worker was not eligible for the assistance if the vocational assistance provider performed the services in good faith without knowledge of the ineligibility.

(7) An insurer entitled to claims cost reimbursement under OAR 436-110 for services provided under OAR 436-120 is subject to the following limitations:

(a) Optional services are not reimbursable.

(b) The insurer must obtain the director's approval in advance for any waiver of the provisions of OAR 436-120.

[ED. NOTE: Tables referenced are available from the agency.]

Stat. Auth.: ORS 656.340(9) & 656.726(4)

Stats. Implemented: ORS 656.340 & 656.258

Hist.: WCD 6-1980(Admin), f. 5-22-80, ef. 6-1-80; WCD 4-1981(Admin), f. 12-4-81, ef. 1-1-82; WCD 11-1982(Admin)(Temp), f. 12-29-82, ef. 1-1-83; WCD 2-1983(Admin), f. & ef. 6-30-83; WCD 5-1983(Admin), f. 12-14-83, ef. 1-1-84; Renumbered from 436-061-0120, 5-1-85; WCD 7-1985(Admin), f. 12-12-85, ef. 1-1-86; WCD 11-1987, f. 12-17-87, ef. 1-1-88; WCD 10-1994, f. 11-1-94, cert. ef. 1-1-95, Renumbered from 436-120-0070 & 436-120-0215; WCD 6-1996, f. 2-6-96, cert. ef. 3-1-96; WCD 6-2000, f. 4-27-00, cert. ef. 6-1-00; WCD 4-2001, f. 4-13-01, cert. ef. 5-15-01; WCD 7-2002, f. 5-30-02, cert. ef. 7-1-02; WCD 3-2004, f. 3-5-04, cert. ef. 4-1-04; WCD 6-2005, f. 6-9-05, cert. ef. 7-1-05; WCD 8-2007, f. 11-1-07, cert. ef. 12-1-07; WCD 3-2009, f. 12-1-09, cert. ef. 1-1-10; WCD 5-2010, f. 9-15-10, cert. ef. 11-15-10

436-120-0820

Renewal of Certification

(1) A certified individual must renew their certification every five years by submitting the following documentation to the director no later than 30 days prior to the end of their certification period:

(a) Current certification by the Commission on Rehabilitation Counselor Certification (CRCC) or the Commission for Case Managers Certification (CCMC) or the Certification of Disability Management Specialists Commission (CDMSC) and six hours of training on the Oregon vocational assistance and reemployment assistance rules; or

(b) Verification of a minimum of 60 hours of continuing education units under this rule within the five years prior to renewal.

(A) At least eight hours must be for training in ethical practices in rehabilitation counseling.

(B) At least six hours of training must be on the Oregon vocational assistance and reemployment assistance rules. Individuals already certified on the effective date of these rules will have no less than one year to complete this requirement.

(2) The department will accept continuing education units for training approved by the CRCC, CCMC or the CDMSC; courses in or related to psychology, sociology, counseling, and vocational rehabilitation, if given by an accredited institution of higher learning; training presented by the department pertaining to OAR 436-120, 436-105, and 436-110; and any continuing education program certified by the department for vocational rehabilitation providers. Sixty minutes of continuing education will count as one unit, except as noted in section (3) of this rule.

(3) In the case of college course work, the department will grant credit only for grades of C or above and will multiply the number of credit hours by six to establish the number of continuing education units.

(4) Failure to meet the requirements of this section will cause an individual's certification to expire. Such an individual may reapply for certification upon completion of the required 60 hours of continuing education.

Stat. Auth.: ORS 656.340(9) & 656.726(4)

Stats. Implemented: ORS 656.340

Hist.: WCD 10-1994, f. 11-1-94, cert. ef. 1-1-95; WCD 6-1996, f. 2-6-96, cert. ef. 3-1-96; WCD 6-2000, f. 4-27-00, cert. ef. 6-1-00; WCD 4-2001, f. 4-13-01, cert. ef. 5-15-01; WCD 7-2002, f. 5-30-02, cert. ef. 7-1-02; WCD 8-2007, f. 11-1-07, cert. ef. 12-1-07; WCD 3-2009, f. 12-1-09, cert. ef. 1-1-10; WCD 5-2010, f. 9-15-10, cert. ef. 11-15-10

436-120-0830

Classification of Vocational Assistance Staff

Individuals providing vocational assistance will be classified as follows:

(1) Vocational Rehabilitation Counselor certification allows the individual to determine eligibility and provide vocational assistance services. Vocational Rehabilitation Counselor certification requires:

(a) Certification by the following national certifying organizations: Commission on Rehabilitation Counselor Certification (CRCC), the Commission for Case Managers Certification (CCMC), or the Certification of Disability Management Specialists Commission (CDMSC);

(b) A master's degree in vocational rehabilitation counseling and at least six months of direct experience;

(c) A master's degree in psychology, counseling, or a field related to vocational rehabilitation, and 12 months of direct experience; or

(d) A bachelor's or higher degree and 24 months of direct experience. Thirty-six months of direct experience may substitute for a bachelor's degree.

(2) Vocational Rehabilitation Intern certification allows an individual who does not meet the requirements for certification as a Vocational Rehabilitation Counselor the opportunity to gain direct experience. Vocational Rehabilitation Intern certification requires a master's degree in psychology, counseling, or a field related to vocational rehabilitation; or a bachelor's degree and at least six hours of training on the Oregon vocational assistance and reemployment assistance rules. Thirty-six months of direct experience may substitute for a bachelor's degree. The Vocational Rehabilitation Intern certification is subject to the following conditions:

(a) The intern must be supervised by a certified Vocational Rehabilitation Counselor who must co-sign and assume responsibility for all the intern's eligibility determinations, return-to-work plans, vocational and billing reports.

(b) When the intern has met the experience requirements, the intern may apply for certification as a Vocational Rehabilitation Counselor.

(3) Return-to-Work Specialist certification allows the person to provide job search skills instruction, job development, return-to-work follow-up, labor market search, and to determine eligibility for vocational assistance, except where such determination requires a judgment as to whether the worker has a substantial handicap to employment. This certification requires 24 months of direct experience. Full-time (or the equivalent) additional college coursework in psychology, counseling, education, a human services related field, or a field related to vocational rehabilitation may substitute for up to 18 months of direct experience, on a month-for-month basis. To conduct only labor market research/or job development does not require certification when conducted under the supervision of a certified vocational rehabilitation counselor.

(4) To meet the direct experience requirements for Vocational Rehabilitation Counselor, the individual must:

(a) Perform return-to-work plan development and implementation for the required number of months; or

(b) Perform three or more of the qualifying job functions listed in paragraphs (A) through (J) of this subsection for the required number of months, with at least six months of the experience in one or more of functions listed in paragraphs (A) through (D) of this subsection. The qualifying job functions are:

(A) Return-to-work plan development and implementation;

(B) Employment counseling;

(C) Job development;

(D) Early return-to-work assistance which must include working directly with workers and their employers;

(E) Vocational testing;

(F) Job search skills instruction;

(G) Job analysis;

(H) Transferable skills assessment or employability evaluations;

(I) Return-to-work plan review and approval; or

(J) Employee recruitment and selection for a wide variety of occupations.

(5) To meet the direct experience requirements for Vocational Rehabilitation Intern or Return-to-Work Specialist, the individual must:

(a) Perform return-to-work plan development and implementation for the required number of months; or

(b) Perform three or more of the qualifying job functions listed in paragraphs (4)(b)(A) through (J) of this rule for the required number of months.

(6) To receive credit for direct experience, the individual must:

(a) Perform one or more of the qualifying job functions listed in paragraphs (4)(b)(A) through (J) of this rule at least 50 percent of the work time for each month of direct experience credit. Qualifying job functions performed in a job that is less than full time will be prorated. For purposes of this rule, full time will be 40 hours a week. An individual will not receive credit for any function performed less than 160 hours.

(b) Provide any documentation required by the director, including work samples. The director may also require verification by the individual's past or present employers.

(7) All degrees must be from accredited institutions and documented by a copy of the transcript(s) with the application for certification.

Stat. Auth.: ORS 656.340(9) & 656.726(4)

Stats. Implemented: ORS 656.340

ADMINISTRATIVE RULES

Hist.: WCD 11-1987, f. 12-17-87, ef. 1-1-88; WCD 10-1994, f. 11-1-94, cert. ef. 1-1-95, Renumbered from 436-120-0205; WCD 6-1996, f. 2-6-96, cert. ef. 3-1-96; WCD 6-2000, f. 4-27-00, cert. ef. 6-1-00; WCD 7-2002, f. 5-30-02, cert. ef. 7-1-02; WCD 3-2004, f. 3-5-04 cert. ef. 4-1-04; WCD 8-2007, f. 11-1-07, cert. ef. 12-1-07; WCD 3-2009, f. 12-1-09, cert. ef. 1-1-10; WCD 5-2010, f. 9-15-10, cert. ef. 11-15-10

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Department of Corrections Chapter 291

Rule Caption: Presentence Reports.

Adm. Order No.: DOC 10-2010

Filed with Sec. of State: 9-8-2010

Certified to be Effective: 9-8-10

Notice Publication Date: 5-1-2010

Rules Amended: 291-038-0005, 291-038-0015

Subject: The rule change is needed to implement Or Laws 2005 Ch 473 (SB 914(2005)). That legislation directs the Oregon Department of Corrections to require that a presentence report provide an analysis of the disposition most likely to reduce the defendant's criminal conduct, explain why the disposition would have such an effect, and provide an assessment of the availability to the defendant of relevant programs and treatment. The Criminal Justice Commission is amending its rule pertaining to Presentence Reports to be consistent changes adopted by the Department of Corrections to implement SB 914.

Rules Coordinator: Janet R. Worley — (503) 945-0933

291-038-0005

Authority, Purpose and Policy

(1) Authority: The authority for this rule is granted to the Director of the Department of Corrections in accordance with ORS 137.077, 137.079, 144.120, 144.185, 144.791, 179.040, 423.020, 423.030, and 423.075.

(2) Purpose: The purpose of this rule is to establish the criteria for a uniform presentence report format for use by the sentencing court and the Board of Parole and Post-Prison Supervision in accordance with requirements of ORS 144.791. If no presentence report is prepared, the Department of Corrections shall prepare a report of similar content for the Board of Parole and Post-Prison Supervision in accordance with ORS 144.185.

(3) Policy: The Department of Corrections realizes the importance of identifying and reporting current and valid information concerning convicted offenders; further, it is imperative that the preparation and presentation of this information is accomplished in a standard, consistent manner and meets the requirements specified in ORS 144.791. The presentence report shall provide information such that it is a useful tool in the supervision and management of the offender and in reducing future criminal conduct.

Stat. Auth.: ORS 137.077, 137.079, 144.120, 144.185, 144.791, 179.040, 423.020, 423.030 & 423.075

Stats. Implemented: ORS 137.077, 137.079, 144.120, 144.185, 144.791, 179.040, 423.020, 423.030 & 423.075

Hist.: CD 32-1986, f. & ef. 9-19-86; DOC 9-1998, f. 4-17-98, cert. ef. 5-1-98; DOC 10-2010, f. & cert. ef. 9-8-10

291-038-0015

Procedures

(1) When a person is convicted of a felony and the court requests a presentence report, the county community corrections office shall furnish a presentence report to the sentencing court.

(2) If a presentence report has previously been prepared with respect to the defendant, the local community corrections office shall furnish a copy of that report, and a supplemental report bringing it up to date, to the sentencing court.

(3) The presentence report shall include:

(a) A summary of the factual circumstances of the crime or crimes of conviction and an appropriate classification of each crime of conviction on the crime seriousness scale in accordance with Criminal Justice Commission rules OAR 213-017-000 to 213-017-0011. If the crime of conviction is subclassified in accordance with Criminal Justice Commission rules 291-018-0000 to 291-018-0090 and 213-019-0000 to 213-019-0015, the presentence report shall state the factual circumstances that justify the proposed subclassification.

(b) A listing of all prior adult felony and Class A misdemeanor convictions and all prior juvenile adjudications and an assessment of the appropriate classification of the criminal history on the Criminal History Scale in accordance with Criminal Justice Commission rules OAR 213-004-0006 to 213-004-0013.

(c) An analysis of the disposition that is most likely to reduce the defendant's criminal conduct and why such disposition would have the desired effect.

(d) An assessment of the availability to the defendant of any relevant programs or treatment, both in and out of custody, whether provided by the Department of Corrections or another entity.

(e) A proposed grid block classification for each crime of conviction and the presumptive sentence for each crime of conviction.

(A) If the proposed grid block classification is a grid block above the dispositional line, the presentence report shall state the presumptive prison term range and the presumptive duration of post-prison supervision.

(B) If the proposed grid block classification is grid block 8-G, 8-H, or 8-I, the presentence report shall state whether the offender is eligible for an optional probationary sentence. If the offender is eligible, the presentence report may include a recommendation that an optional probationary sentence be imposed with a further recommendation for the appropriate conditions of probation designed to reduce future criminal conduct.

(C) If the proposed grid block classification is a grid block below the dispositional line, the presentence report shall provide the following information:

(i) The presumptive term of probation;

(ii) The maximum number of custody units that may be imposed and the number of custody units that may be used to impose jail time as part of the probationary sentence;

(iii) A recommendation for the appropriate conditions of probation including both custody and non-custody conditions; and

(iv) Any other information relevant to the imposition of a presumptive sentence as provided by these rules.

(f) Contain a recommendation as to whether a departure from the guidelines is appropriate. If the recommendation is made, the presentence report shall indicate the aggravating or mitigating factors upon which the departure recommendation is made. Such recommendations shall be consistent with the requirements for departures as defined by Criminal Justice Commission rule OAR 213-008-0007.

(g) Contain recommendations with respect to the sentencing of the defendant, including incarceration or alternatives to incarceration, restitution, special conditions, in-custody or community-based treatment programs, and post-prison supervision.

(h) Contain such additional information as the court may request upon consultation with the district attorney and the defendant or defense counsel. All recommendations shall be for the information of the court and shall not limit the sentencing authority of the court.

[ED. NOTE: Attachments referenced are available from the agency.]

Stat. Auth.: ORS 137.077, 137.079, 144.120, 144.185, 144.791, 179.040, 423.020, 423.030 & 423.075

Stats. Implemented: ORS 137.077, 137.079, 144.120, 144.185, 144.791, 179.040, 423.020, 423.030 & 423.075

Hist.: CD 32-1986, f. & ef. 9-19-86; DOC 9-1998, f. 4-17-98, cert. ef. 5-1-98; DOC 10-2010, f. & cert. ef. 9-8-10

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Rule Caption: Disabled — ADA and Employment with the Oregon Department of Corrections.

Adm. Order No.: DOC 11-2010

Filed with Sec. of State: 9-8-2010

Certified to be Effective: 9-8-10

Notice Publication Date: 5-1-2010

Rules Repealed: 291-059-0010, 291-059-0020, 291-059-0030

Subject: The Oregon Department of Corrections administers State HR Policy 50.020.10, ADA and Reasonable Accommodation in Employment as the agency's policy for compliance with the Americans with Disabilities Act (ADA). The Department proposes to repeal these rules since the content is covered in a statewide HR policy.

Rules Coordinator: Janet R. Worley — (503) 945-0933

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Rule Caption: Active and Inactive Probation Supervision for Offenders.

Adm. Order No.: DOC 12-2010

Filed with Sec. of State: 9-8-2010

Certified to be Effective: 9-8-10

Notice Publication Date: 5-1-2010

Rules Amended: 291-206-0005, 291-206-0010, 291-206-0015, 291-206-0020, 291-206-0025

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Rules Repealed: 291-206-0005(T), 291-206-0010(T), 291-206-0015(T), 291-206-0020(T), 291-206-0025(T)

Subject: Amendment of these rules is necessary provide further clarification for implementation of Or Laws 2009 Ch. 660 (HB 3508), which allows an offender sentenced to probation to be eligible for a reduction on the period of active probation for compliance with the conditions of probation and the offenders supervision plan. Modification of these rules includes defining compliance with conditions of probation and the supervision plan, explaining the process for placing an offender on inactive supervision, and clarifying that the rules apply to offenders convicted of a crime committed before July 1, 2011, and who are on probation on or after February 24, 2010.

Rules Coordinator: Janet R. Worley—(503) 945-0933

291-206-0005

Authority, Purpose, and Policy

(1) Authority: The authority for this rule is granted to the Director of the Department of Corrections in accordance with ORS 179.040, 423.020, 423.030, 423.075, 423.478, 423.483, 423.525, and 423.530.

(2) Purpose: The purpose of these rules is to describe the manner in which an offender sentenced to probation under the rules of the Oregon Criminal Justice Commission may be placed on inactive supervision or returned to active supervision in accordance with the provisions of Or Laws 2009 Ch 660.

(3) Policy:

(a) It is the policy of the Department of Corrections that eligible offenders sentenced to probation may be considered by the supervisory authority for a reduction in the period of active probation for compliance with conditions of probation and their supervision plan pursuant to Or Laws 2009 Ch 660, as provided in these rules.

(b) Offenders whose supervision has been transferred to another state under the Interstate Compact for Adult Offender Supervision are ineligible for inactive probation under these rules.

(c) These rules apply to offenders convicted of a crime committed before July 1, 2011, and who are on probation on or after February 24, 2010.

Stat. Auth.: ORS 179.040, 423.020, 423.030, 423.075 & 2009 OL Ch. 660
Stats. Implemented: ORS 179.040, 423.020, 423.030, 423.075 & 2009 OL Ch. 660
Hist.: DOC 3-2010, f. & cert. ef. 2-24-10; DOC 4-2010(Temp), f. & cert. ef. 3-23-10 thru 9-19-10; DOC 12-2010, f. & cert. ef. 9-8-10

291-206-0010

Definitions

(1) Active Probation Supervision: Supervision requiring the supervising officer's regular contact and monitoring to assure continued compliance with the general and special conditions of probation supervision.

(2) Compensatory Fines: A court-imposed penalty for the commission of a crime resulting in injury for which the person injured has a remedy by civil action (unless the issue of punitive damages has been previously decided on a civil case arising out of the same act and transaction). The court may award compensatory fines in addition to restitution.

(3) Compliance with the Conditions of Probation and Supervision Plan: For purposes of these rules an eligible offender shall be deemed by the supervisory authority to be in compliance with the conditions of probation and any applicable supervision plan if:

(a) All special conditions imposed by the sentencing court for the offender on the term of probation under consideration for inactive supervision have been satisfactorily completed, including the full payment of any restitution or compensatory fine ordered;

(b) There have been no technical violations of probation conditions reported to the sentencing court for the immediate six months prior to the consideration for inactive status;

(c) There have been no new crime violations of probation conditions reported to the sentencing court during the term of probation under consideration for inactive supervision; and

(d) All terms of any applicable supervision plan have been satisfied.

(4) Inactive Probation Supervision: A reduced level of supervision that does not include any direct supervision by a supervising officer or regular reporting; however, the offender remains subject to arrest by a supervising officer for violations of condition of supervision and return to active supervision at any time until expiration of the term of probation. All general and special conditions of supervision remain in effect with the following exceptions:

(a) General Condition #1 — Pay supervision fees (fines, restitution or other fees previously ordered by the court remain in effect); and

(b) Special conditions specifically deleted by the court.

(5) Offender: Any person under supervision who is on parole, post prison supervision, transitional leave, local control or probation status.

(6) Supervising Officer: The parole and probation officer assigned to supervise the offender.

(7) Supervisory Authority: The state or local corrections agency or official designated in each county by that county's Board of County Commissioners or county court to operate correction supervision services, custodial facilities, or both per ORS 144.087(1).

Stat. Auth.: ORS 179.040, 423.020, 423.030, 423.075 & 2009 OL Ch. 660
Stats. Implemented: ORS 179.040, 423.020, 423.030, 423.075 & 2009 OL Ch. 660
Hist.: DOC 3-2010, f. & cert. ef. 2-24-10; DOC 4-2010(Temp), f. & cert. ef. 3-23-10 thru 9-19-10; DOC 12-2010, f. & cert. ef. 9-8-10

291-206-0015

Period of Active Probation Supervision

(1) Except as provided in subsections (2), (3), and (4) of this rule, all persons convicted of a felony committed on or after November 1, 1989 and sentenced to probation under the rules of the Oregon Criminal Justice Commission shall serve a minimum period of active probation supervision as follows:

(a) Nine months of active probation supervision for crimes in crime categories 1 and 2;

(b) Twelve months of active probation supervision for crimes in crime categories 3, 4, and 5;

(c) Eighteen months of active probation supervision for crimes in crime categories 6, 7, and 8; or

(d) Thirty months of active probation supervision for crimes in crime categories 9, 10, and 11.

(2) All persons convicted of a felony and who are subject to a departure sentence as authorized by OAR 213-005-0008(2) shall serve a minimum period of active supervision, which equals one-half of the supervision period ordered by the sentencing court.

(3) All persons convicted of a felony and sentenced to probation pursuant to ORS 137.012 shall serve a minimum period of active supervision, which equals one-half of the supervision period ordered by the sentencing court.

(4) All persons convicted of a felony committed before November 1, 1989 and sentenced to probation shall serve a minimum period of active supervision, which equals one-half of the supervision period ordered by the sentencing court.

(5) When an eligible offender has served the minimum period of active probation supervision established under subsections (1), (2), (3), and (4) of this rule, the supervisory authority may place the offender on inactive supervision status in the manner provided in these rules.

Stat. Auth.: ORS 179.040, 423.020, 423.030, 423.075 & 2009 OL Ch. 660
Stats. Implemented: ORS 179.040, 423.020, 423.030, 423.075 & 2009 OL Ch. 660
Hist.: DOC 3-2010, f. & cert. ef. 2-24-10; DOC 4-2010(Temp), f. & cert. ef. 3-23-10 thru 9-19-10; DOC 12-2010, f. & cert. ef. 9-8-10

291-206-0020

Inactive Supervision

(1) Upon completion of the minimum period of active supervision as authorized in OAR 291-206-0015, the supervising officer or designee shall review the offender's file and determine if the offender is in compliance with the offender's probation conditions and any applicable supervision plan as defined in these rules.

(a) If the supervising officer or designee determines that the offender is in compliance, the supervising officer shall recommend to the supervisory authority that it place the offender on inactive probation supervision, not to exceed the supervision term imposed by the sentencing court under the rules of the Oregon Criminal Justice Commission and applicable laws. Upon receiving a request from the supervising officer, the supervising authority shall place the offender on inactive probation supervision if the supervisory authority determines that the offender is in compliance with probation conditions and any applicable supervision plan as defined in these rules.

(b) If the supervising officer or designee determines that the offender is not in compliance with the conditions of probation and any applicable supervision plan, the supervisory authority shall extend the period of active probation supervision for the remainder of the supervision period imposed by the sentencing court under the rules of the Oregon Criminal Justice Commission and applicable laws.

(2) Notwithstanding subsection (1) (b) of this rule, the supervising authority may later place the offender on inactive probation supervision upon request of the supervising officer if the supervisory authority determines that the offender has subsequently come into compliance with the

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conditions of probation and any applicable supervision plan, and that inactive probation supervision for the offender is in the best interest of the offender and the community.

(3) Offenders on or Requesting Compact Supervision in Another State:

(a) Offenders whose supervision has been transferred to another state under the Interstate Compact for Adult Offender Supervision are ineligible for inactive probation under these rules.

(b) An offender requesting to leave the State of Oregon to reside in another state while on inactive supervision must receive approval for transfer of the offender's supervision through the Interstate Compact process before being allowed to do so.

Stat. Auth.: ORS 179.040, 423.020, 423.030, 423.075 & 2009 OL Ch. 660
Stats. Implemented: ORS 179.040, 423.020, 423.030, 423.075 & 2009 OL Ch. 660
Hist.: DOC 3-2010, f. & cert. ef. 2-24-10; DOC 4-2010(Temp), f. & cert. ef. 3-23-10 thru 9-19-10; DOC 12-2010, f. & cert. ef. 9-8-10

291-206-0025

Return to Active Supervision

(1) An offender remains subject to arrest for violations of conditions of supervision while on inactive probation supervision.

(2) Once an offender has been placed on inactive probation supervision, the supervisory authority may return an offender to active probation supervision for the remainder of the supervision period imposed by the sentencing court under the rules of the Oregon Criminal Justice Commission and applicable laws, when the supervisory authority receives a report from a parole and probation officer showing good cause why inactive probation supervision is no longer in the offender's best interest or in the best interest of the community.

(3) If the supervisory authority has good cause to return an offender to active probation supervision, and the whereabouts of the offender is unknown, the supervising officer may request that the supervisory authority or the court issue a warrant for the offender's arrest.

(4) After reviewing the report submitted under subsection (2) of this rule, the supervisory authority may return the offender to active probation supervision not to exceed the supervision term imposed by the sentencing court under the rules of the Oregon Criminal Justice Commission and applicable laws, if the supervisory authority finds that returning the offender to active probation supervision is in the best interest of the offender and the community.

(5) When an offender is returned to active probation supervision, all general conditions and all previously imposed special conditions shall be in effect.

(6) Once returned to active probation supervision after a period of inactive probation supervision, the supervisory authority may again place the offender on inactive probation supervision upon request of the supervising officer if the supervisory authority determines that the offender has subsequently come into compliance with the conditions of probation and any applicable supervision plan, and that inactive probation supervision for the offender is in the best interest of the offender and the community.

Stat. Auth.: ORS 179.040, 423.020, 423.030, 423.075 & 2009 OL Ch. 660
Stats. Implemented: ORS 179.040, 423.020, 423.030, 423.075 & 2009 OL Ch. 660
Hist.: DOC 3-2010, f. & cert. ef. 2-24-10; DOC 4-2010(Temp), f. & cert. ef. 3-23-10 thru 9-19-10; DOC 12-2010, f. & cert. ef. 9-8-10

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Rule Caption: Citizens Complaints Concerning the Department of Corrections.

Adm. Order No.: DOC 13-2010

Filed with Sec. of State: 9-15-2010

Certified to be Effective: 9-15-10

Notice Publication Date: 7-1-2010

Rules Amended: 291-075-0010, 291-075-0015

Subject: The amendments are housekeeping items necessary to update the rules to current operations and organizational structure. The rules have not been revised since 2000.

Rules Coordinator: Janet R. Worley—(503) 945-0933

291-075-0010

Definitions

(1) Citizen Complaint: Any person writing to the Governor's Office requesting a response regarding the Oregon Department of Corrections.

(2) Functional Unit Manager: Any person within the Department of Corrections who reports to the Director, Deputy Director, an assistant director, or an administrator and has responsibility for the delivery of program services or coordination of program operations.

(3) Oregon Corrections Enterprises: A semi-independent state agency that is a non-Department of Corrections agency or division, which is under the authority of the Director of the Department of Corrections. For purposes of this rule only, Oregon Corrections Enterprises shall not be considered an external organization.

Stat. Auth.: ORS 179.040, 423.020, 423.030 & 423.075
Stats. Implemented: ORS 179.040, 423.020, 423.030 & 423.075
Hist.: CD 30-1983(Temp), f. & ef. 9-1-83; CD 46-1983, f. & ef. 12-2-83; CD 13-1985, f. & ef. 7-31-85; CD 11-1987, f. & ef. 1-22-87; CD 7-1992, f. 3-27-92, cert. ef. 3-31-92; DOC 26-1999(Temp), f. & cert. ef. 12-22-99 thru 6-19-00; DOC 14-2000, f. & cert. ef. 6-19-00; DOC 13-2010, f. & cert. ef. 9-15-10

291-075-0015

Procedures

(1) All citizen complaints directed to the Governor's Office and forwarded to the Department of Corrections regarding the Department or Oregon Corrections Enterprises shall be reviewed and logged by the Director's designee. The citizen complaint shall be assigned to the functional unit manager, Oregon Corrections Enterprises, or Inspector General's Office for investigation. All complaints alleging criminal conduct will be referred to the Oregon State Police by the Inspector General for review and investigation as appropriate.

(a) The functional unit manager, Oregon Corrections Enterprises, or Inspector General shall investigate the complaint and submit a response to the Director's designee within the assigned timeframe. The functional unit manager, Oregon Corrections Enterprises, or Inspector General shall recommend corrective action if the investigation reveals such action is needed.

(b) Where necessary corrective action has been recommended, that action shall be taken upon the approval of the Director, functional unit manager, Oregon Corrections Enterprises, or Inspector General's Office. When a letter of response is needed, the letter shall be prepared with the signature of the Director, functional unit manager, Oregon Corrections Enterprises, or Inspector General's Office as appropriate.

(c) A response delineating the investigation and action taken shall be signed by the Director, functional unit manager, Oregon Corrections Enterprises, or Inspector General's Office and given to the complainant within the assigned timeframe. A copy of the response will be forwarded to the Governor's Office. If additional investigation time is required, the Governor's Office will be informed in advance so that the complainant will be appropriately notified.

(2) Citizen complaints received by a functional unit or Oregon Corrections Enterprises shall be promptly investigated by the functional unit manager or designee at the location where the complaint is received and a response prepared and returned to the complainant within the assigned timeframe.

(3) A record will be kept of all complaints received, responses, and supporting documentation. The record shall be retained for a minimum of three years by the Director's designee.

Stat. Auth.: ORS 179.040, 423.020, 423.030 & 423.075
Stats. Implemented: ORS 179.040, 423.020, 423.030 & 423.075
Hist.: CD 30-1983(Temp), f. & ef. 9-1-83; CD 46-1983, f. & ef. 12-2-83; CD 13-1985, f. & ef. 7-31-85; CD 11-1987, f. & ef. 1-22-87; CD 7-1992, f. 3-27-92, cert. ef. 3-31-92; DOC 26-1999(Temp), f. & cert. ef. 12-22-99 thru 6-19-00; DOC 14-2000, f. & cert. ef. 6-19-00; DOC 13-2010, f. & cert. ef. 9-15-10

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Department of Energy Chapter 330

Rule Caption: Recognizes a national organization to certify low-impact hydroelectric facilities for the renewable portfolio standard.

Adm. Order No.: DOE 11-2010(Temp)

Filed with Sec. of State: 8-31-2010

Certified to be Effective: 8-31-10 thru 2-26-11

Notice Publication Date:

Rules Adopted: 330-160-0040

Rules Amended: 330-160-0015

Subject: ORS 469A, as amended by Or Laws 2010, Ch. 71 (Special Session) (HB 3649), provides that a hydropower generating unit, in operation prior to 1995 may be eligible if certified as a low-impact hydroelectric facility. In order for the Oregon Department of Energy (Department) to issue Renewable Energy Certificates for the generation from these facilities, the Department must first recognize a national organization to certify low-impact hydroelectric facilities, as mandated by ORS 469A.020. These rules recognize the Low

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Impact hydropower Institute as the national certification organization for low-impact hydroelectric facilities.

Rules Coordinator: Kathy Stuttaford—(503) 373-2127

330-160-0015

Definitions

For the purposes of Oregon Administrative Rules, Chapter 330, Division 160, the following definitions apply unless the context requires otherwise:

(1) “Banked Renewable Energy Certificate” has the meaning in ORS 469A.005.

(2) “Bundled Renewable Energy Certificate” has the meaning in ORS 469A.005.

(3) “Compliance Year” has the meaning in ORS 469A.005.

(4) “Department” means the Oregon Department of Energy.

(5) “Director” means the Director of the Oregon Department of Energy.

(6) “Electricity Service Supplier” has the meaning in ORS 469A.005.

(7) “Electric Utility” has the meaning in ORS 469A.005.

(8) “Qualifying Electricity” has the meaning in ORS 469A.005.

(9) “Renewable Energy Certificate” (REC or Certificate) means a unique representation of the environmental, economic, and social benefits associated with the generation of electricity from renewable energy sources that produce Qualifying Electricity. One Certificate is created in association with the generation of one megaWatt-hour (MWh) of Qualifying Electricity. While a Certificate is always directly associated with the generation of one MWh of electricity, transactions for Certificates may be conducted independently of transactions for the associated electricity.

(10) “Renewable Energy Source” has the meaning in ORS 469A.005.

(11) “RPS” means the Oregon renewable portfolio standard as established in ORS 469A.

(12) “Unbundled Renewable Energy Certificate” has the meaning in ORS 469A.005.

(13) “Vintage” means the month and year that qualifying electricity was created in accordance with WREGIS protocol.

(14) “WREGIS” means the Western Renewable Energy Generation Information System which is the renewable energy certificate tracking and reporting system established by the California Energy Commission and the Western Governors Association and governed by the Western Electricity Coordinating Council for use by states and provinces throughout the western power interconnection.

Stat. Auth.: ORS 469A.130

Stats. Implemented: ORS 469A.130 - 469A.145

Hist.: DOE 6-2008, f. & cert. ef. 9-3-08; DOE 11-2010(Temp), f. & cert. ef. 8-31-10 thru 2-26-11

330-160-0040

Low-impact Hydro Electric Facilities

Pursuant to ORS 469A.020(4), the Department recognizes the Low Impact Hydropower Institute (LIHI) as the national agency to certify hydroelectric facilities as low impact for purposes of the Oregon RPS. A hydroelectric generation facility with current certification from the Low Impact Hydropower Institute and that complies with other requirements of ORS 469A is eligible for the Oregon RPS.

Stat. Auth.: ORS 469A.025, OL 2010, Ch. 71(SS)

Stats. Implemented: ORS 469A.025

Hist.: DOE 11-2010(Temp), f. & cert. ef. 8-31-10 thru 2-26-11

Department of Environmental Quality Chapter 340

Rule Caption: This rulemaking increases water quality permit fees by 3% to address increasing permit program costs.

Adm. Order No.: DEQ 7-2010

Filed with Sec. of State: 8-27-2010

Certified to be Effective: 9-1-10

Notice Publication Date: 5-1-2010

Rules Amended: 340-045-0075, 340-071-0140

Subject: This amendment to the Oregon Administrative Rules will increase water quality permit fees. The rulemaking increases fees for all National Pollution Discharge Elimination System (NPDES) and Water Pollution Control Facility (WPCF) permits by 3% to address increased water quality permit program costs. WPCF-Onsite septic system permits are included in the fee increase. Suction dredge per-

mits covered by General Permit 700-PM are not included in the fee increase.

Rules Coordinator: Maggie Vandehey—(503) 229-6878

340-045-0075

Permit Fee Schedule

(1) The fee schedule for onsite sewage disposal system permits, including WPCF permits, is found in OAR chapter 340, division 071.

(2) The Department has established fees for various industrial, domestic and general permit categories. The industrial and domestic permit categories and fees are listed in Tables 70B and 70C. The general permit categories are defined in OAR 340-045-0033 and the fees are listed in Table 70G.

(3) The Department must consider the following criteria when classifying a facility for determining applicable fees. For industrial sources that discharge to surface waters, discharge flowrate refers to the system design capacity. For industrial sources that do not discharge to surface waters, discharge flow refers to the total annual flow divided by 365:

(a) Tier 1 industry. A facility is classified as a Tier 1 industry if the facility:

(A) Discharges at a flowrate that is greater than or equal to 1 mgd; or

(B) Discharges large biochemical oxygen demand loads; or

(C) Is a large metals facility; or

(D) Has significant toxic discharges; or

(E) Has a treatment system that will have a significant adverse impact on the receiving stream if not operated properly; or

(F) Needs special regulatory control, as determined by the Department.

(b) Tier 1 domestic facility. A facility is classified as a Tier 1 domestic facility if the facility:

(A) Has a dry weather design flow of 1 mgd or greater; or

(B) Serves an industry that can have a significant impact on the treatment system.

(c) Tier 2 industry or domestic facility: does not meet Tier 1 qualifying factors.

(4) New Permit Application Fee. Unless waived by this rule, the applicable new permit application fee listed in Table 70A, 70C or 70G (available on the Department’s website or upon request) must be submitted with each application. The amount of the fee is based on the facility category and type of permit (e.g., individual vs. general).

(5) Permit Modification Fee. Permit modification fees are listed in Tables 70A and 70C (available on the Department’s website or upon request). They vary with the type of permit, the type of modification and the timing of modification as follows:

(a) Modification at time of permit renewal:

(A) Major Modification — involves an increase in effluent limitations or any other change that involves significant analysis by the Department;

(B) Minor Modification — does not involve significant analysis by the Department.

(b) Modification prior to permit renewal:

(A) Major Modification — involves an increase in effluent limitations or any other change that involves significant analysis by the Department. A permittee requesting a significant modification to their permit may be required by the Department to enter into an agreement to pay for these services according to ORS 468.073. ORS 468.073 allows the Department “to expedite or enhance a regulatory process by contracting for services, hiring additional staff or covering costs of activities not otherwise provided during the ordinary course of Department business;”

(B) Minor Modification — does not involve significant analysis by the Department.

(6) Annual fees. Applicable annual fees for General and Industrial permit holders may be found in Tables 70G and 70B (available on the Department’s website or upon request). Annual fees for domestic sources may also be found in Table 70C (available on the Department’s website or upon request), and consist of the following:

(a) Base annual fee. This is based on the type of treatment system and the dry weather design flow;

(b) Population-based fee. A permit holder with treatment systems other than Type F (septage alkaline stabilization facilities) must pay a population-based fee. The applicable fee may be found in Table 70D (available on the Department’s website or upon request);

(c) Pretreatment fee. A source required by the Department to administer a pretreatment program pursuant to federal pretreatment program regulations (40CFR, Part 403; January 29, 1981 and amendments thereto) must pay an additional annual fee plus a fee for each significant industrial

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user specified in their annual report for the previous year. The applicable fee may be found in Table 70E (available on the Department's website or upon request).

(7) Technical Activities Fee. Technical activity fees are listed in Tables 70F and 70H (available on the Department's website or upon request). They are categorized as follows:

(a) All Permits. A permittee must pay a fee for NPDES and WPCF permit-related technical activities. A fee will be charged for initial submittal of engineering plans and specifications. Fees will not be charged for revisions and re-submittals of engineering plans and specifications or for facilities plans, design studies, reports, change orders, or inspections;

(b) General Permits. A permittee must pay the technical activity fee shown in Table 70H (available on the Department's website or upon request) when the following activities are required for application review:

- (A) Disposal system plan review;
- (B) Site inspection and evaluation.

(8) For permits administered by the Oregon Department of Agriculture, the following fees are applicable until superseded by a fee schedule established by the Oregon Department of Agriculture:

(a) WPCF and NPDES General Permits #800 for Confined Animal Feeding Operations Filing Fee — \$50;

(b) Individual Permits:

(A) Filing Fee — \$50;

(B) New Applications — \$6,280;

(C) Permit Renewals (including request for effluent limit modifications) — \$3,140;

(D) Permit Renewals (without request for effluent limit modifications) — \$1,416;

(E) Permit Modifications (involving increase in effluent limit modifications) — \$3,140;

(F) Permit Modifications (not involving an increase in effluent limitations) — \$500;

(G) Annual Compliance Determination Fee for dairies and other confined feeding operations — \$705;

(H) Annual Compliance Determination Fee for facilities not elsewhere classified with disposal of process wastewater — \$1,885;

(I) Annual Compliance Determination Fee for facilities not elsewhere classified that dispose of non-process wastewater (e.g., small cooling water discharges, boiler blowdown, filter backwash, log ponds) — \$1,180.

(c) Annual Compliance Determination Fee for facilities that dispose of wastewater only by evaporation from watertight ponds or basins — \$705.

(9) A surcharge in the amount listed below is imposed on municipalities that are permittees as defined in 2007 Oregon Laws chapter 696, section 2. The surcharge is imposed to defray the cost of conducting and administering the study of persistent pollutants discharged in the State of Oregon required under 2007 Oregon Laws chapter 696, section 3. A permittee subject to the surcharge must pay one half of the surcharge on or before July 15, 2008 and the other half of the surcharge on or before July 15, 2009.

Each municipality will pay a surcharge based on a dry weather design flow in millions of gallons per day (mgd) as follows:

less than 5 mgd = \$6,975

5 mgd to 9.9 mgd = \$13,950

10 mgd and greater = \$20,925

[ED. NOTE: Tables referenced are available from the agency.]

Stat. Auth.: ORS 468.020, 468B.020 & 468B.035

Stats. Implemented: ORS 468.065, 468B.015, 468B.035 & 468B.050

Hist.: DEQ 113, f. & ef. 5-10-76; DEQ 129, f. & ef. 3-16-77; DEQ 31-1979, f. & ef. 10-1-79; DEQ 18-1981, f. & ef. 7-13-81; DEQ 12-1983, f. & ef. 6-2-83; DEQ 9-1987, f. & ef. 6-3-87; DEQ 18-1990, f. & cert. ef. 6-7-90; DEQ 10-1991, f. & cert. ef. 7-1-91; DEQ 9-1992, f. & cert. ef. 6-5-92; DEQ 10-1992, f. & cert. ef. 6-9-92; DEQ 30-1992, f. & cert. ef. 12-18-92; DEQ 20-1994, f. & cert. ef. 10-7-94; DEQ 4-1998, f. & cert. ef. 3-30-98; Administrative correction 10-22-98; DEQ 15-2000, f. & cert. ef. 10-11-00; DEQ 2-2002, f. & cert. ef. 2-12-02; DEQ 7-2004, f. & cert. ef. 8-3-04; DEQ 5-2005, f. & cert. ef. 7-1-05; DEQ 11-2006, f. & cert. ef. 8-15-06; DEQ 5-2007, f. & cert. ef. 7-3-07; DEQ 8-2008, f. 6-27-08, cert. ef. 7-1-08; DEQ 7-2010, f. 8-27-10, cert. ef. 9-1-10

340-071-0140

Onsite System Fees

(1) This rule establishes the fees for site evaluations, permits, reports, variances, licenses, and other services the department provides under this division.

(2) Site evaluation and existing system evaluation fees are listed in **Table 9A**.

(3) Permitting fees for systems not subject to WPCF permits are listed in **Table 9B** and **Table 9C**.

(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**.

(5) Innovative or Alternative Technology or Material Review fees are listed in **Table 9F**.

(6) Material Plan Review fees are listed in Table 9F.

(7) Sewage Disposal Service License and Truck Inspection fees are listed in **Table 9E**.

(8) Contract county fee schedules.

(a) Each county having an agreement with the department under ORS 454.725 must adopt a fee schedule for services rendered and permits issued. The county fee schedule may not include the department's surcharge established in section (9) of this rule unless identified as a department surcharge.

(b) A copy of the fee schedule and any subsequent amendments to the schedule must be submitted to the department.

(c) Fees may not exceed actual costs for efficiently conducted services.

(9) Department surcharge.

(a) To offset a portion of the administrative and program oversight costs of the statewide onsite wastewater management program, the department 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 sewage disposal service license applications, pumper truck inspections, annual report evaluation fees, or certification of installers or maintenance providers.

(b) Proceeds from surcharges collected by the department and contract counties must be accounted for separately. Each contract county must forward the proceeds to the department in accordance with its agreement with the department.

(10) Refunds. The department 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

Rule Caption: DEQ Willamette Valley Field Burning Rule Revisions.

Adm. Order No.: DEQ 8-2010

Filed with Sec. of State: 8-27-2010

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Rules Adopted: 340-266-0065, 340-266-0075, 340-266-0140

Rules Amended: 340-266-0010, 340-266-0020, 340-266-0030, 340-266-0040, 340-266-0050, 340-266-0060, 340-266-0070, 340-266-0080, 340-266-0090, 340-266-0100, 340-266-0110, 340-266-0130

Subject: This rulemaking revises DEQ administrative rules that govern Willamette Valley field burning (OAR Chapter 340, Division 266), in order to implement Senate Bill 528, adopted by the 2009 Oregon Legislature. These rule changes will:

- Prohibit general field burning in the Willamette Valley,
- Reduce "identified species" and "steep terrain" burning from 25,000 to 15,000 acres per year,
- Prohibit straw stack burning and propane flaming after 2013,
- Allow up to 2,000 acres per year for emergency field burning to address major disease outbreaks and insect infestations, and
- Establish "critical non-burn areas" for field burning near power transmission lines, schools, hospitals, and airports.

Rules Coordinator: Maggie Vandehey — (503) 229-6878

340-266-0010

Introduction

(1) Except for the fee in OAR 340-266-0140, this Division applies to the open field burning, propane flaming, and stack burning of all perennial

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and annual grass seed and cereal grain crops, and associated residue within Multnomah, Washington, Clackamas, Marion, Polk, Yamhill, Linn, Benton and Lane Counties, herein referred to as the Willamette Valley. It also includes rules pertaining to fees for open field burning of perennial and annual grass seed crops in counties outside the Willamette Valley. Enforcement procedure and civil penalties for open field burning, propane flaming, and stack burning can be found in OAR chapter 603, division 077 and chapter 340, division 12.

(2) Organization of rules:

(a) OAR 340-266-0020 is the policy statement of the Environmental Quality Commission setting forth the goals of this Division;

(b) OAR 340-266-0030 contains definitions of terms which have specialized meanings within the context of this Division;

(c) OAR 340-266-0040 lists general provisions and requirements pertaining to all open field burning, propane flaming, and stack burning with particular emphasis on the duties and responsibilities of the grower registrant;

(d) OAR 340-266-0050 lists procedures and requirements for registration of acreage, issuance of permits, collection of fees, and keeping of records, with particular emphasis on the duties and responsibilities of the local permit issuing agencies;

(e) OAR 340-266-0060 establishes acreage limits and methods of determining acreage allocations;

(f) OAR 340-266-0065 establishes special provisions pertaining to "emergency open burning";

(g) OAR 340-266-0070 establishes criteria for authorization of open field burning, propane flaming, and stack burning pursuant to the administration of a daily smoke management control program;

(h) OAR 340-266-0075 establishes special provisions pertaining to areas where field burning is either prohibited or restricted.

(i) OAR 340-266-0080 establishes special provisions pertaining to field burning by public agencies for official purposes, such as "training fires";

(j) OAR 340-266-0090 establishes special provisions pertaining to "preparatory burning";

(k) OAR 340-266-0100 establishes special provisions pertaining to open field burning for experimental purposes;

(l) OAR 340-166-0110 establishes special provisions pertaining to emergency cessation of burning;

(m) OAR 340-266-0120 establishes special provisions pertaining to propane flaming;

(o) OAR 340-266-0130 establishes special provisions pertaining to "stack burning";

(p) OAR 340-266-0140 contains a requirement for fees for open field burning in counties outside of the Willamette Valley.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the Environmental Quality Commission under OAR 340-200-0040.

Stat. Auth.: ORS 468 & 468A

Stats. Implemented: ORS 468A.555

Hist.: DEQ 5-1984, f. & ef. 3-7-84; DEQ 12-1984, f. & ef. 7-13-84; DEQ 11-1987, f. & ef. 6-15-87; DEQ 5-1992, f. & cert. ef. 3-3-92 (and corrected 3-18-92); DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 8-1993, f. & cert. ef. 5-11-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-026-0001; DEQ 8-2010, f. & cert. ef. 8-27-10

340-266-0020

Policy

In the interest of public health and welfare, it is the declared public policy of the State of Oregon to reduce the practice of open field burning while developing and providing alternative methods of field sanitation and alternative methods of utilizing and marketing grass seed and cereal grain straw residues and to control, reduce, and prevent air pollution from open field burning, propane flaming, and stack burning by smoke management. In developing and carrying out a smoke management control program it is the policy of the Environmental Quality Commission:

(1) To allow for field burning based on the limits specified in state law while protecting public health and welfare, recognizing:

(a) The importance of flexibility and judgment in the daily decision-making process, within established and necessary limits;

(b) The need for operational efficiency within and between each organizational level;

(c) The need for effective compliance with all regulations and restrictions.

(2) To study, develop and encourage the use of reasonable and economically feasible alternatives to the practice of open field burning.

(3) To increase the degree of public safety by preventing unwanted wild fires and smoke from open field burning, propane flaming, and stack burning near highways and freeways within the State of Oregon. The

Environmental Quality Commission hereby adopts by reference, as rules of the Environmental Quality Commission, OAR 837-110-0105 through 837-110-0155, the rules of the State Fire Marshal filed with the Secretary of State on November 13, 2009. These rules shall apply to that area west of the Cascade Range and south to the Douglas/Lane County lines.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the Environmental Quality Commission under OAR 340-200-0040.

Stat. Auth.: ORS 468 & 468A

Stats. Implemented: ORS 468A.555

Hist.: DEQ 5-1984, f. & ef. 3-7-84; DEQ 5-1992, f. & cert. ef. 3-3-92 (and corrected 3-18-92); DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1994, f. & cert. ef. 5-31-94; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-026-0003; DEQ 8-2010, f. & cert. ef. 8-27-10

340-266-0030

Definitions

The definitions in OAR 340-200-0020, 340-204-0010 and this rule apply to this division. If the same term is defined in this rule and 340-200-0020 or 340-204-0010, the definition in this rule applies to this division.

(1) "Actively Extinguish" means the direct application of water or other fire retardant to an open field fire.

(2) "Burning Permit" or "Burn Permit" or "Permit" means a permit issued by the Department pursuant to ORS 468A.575.

(3) "Candidate Fields" means all grass seed or cereal grain fields being considered for open field burning or propane flaming.

(4) "Commission" means the Environmental Quality Commission.

(5) "Critical Non-Burn Area" means an area in a grass seed or cereal grain field where burning is prohibited, pursuant to OAR 340-266-0075. This prohibition may be permanent or for a limited period of time, where provided in these rules.

(6) "Cumulative Hours of Smoke Intrusion in the Eugene-Springfield Area" means the average of the totals of cumulative hours of smoke intrusion recorded for the Eugene site and the Springfield site, where it has been determined by the Department that open field burning, propane flaming, or stack burning was a significant contributor to the smoke intrusion:

(a) The Department shall record one hour of intrusion for each hour the nephelometer hourly reading exceeds a background level by 1.8 x 10⁻⁴ b-scat units or more but less than the applicable value in subsection (b) of this section;

(b) The Department shall record two hours of smoke intrusion for each hour the nephelometer hourly reading exceeds a background level by 5.0 x 10⁻⁴ b-scat units;

(c) The background level shall be the average of the three hourly readings immediately prior to the intrusion.

(7) "Department" means the Oregon Department of Agriculture, except for OAR 340-266-0065, where this means the Department of Environmental Quality. Under ORS 468A.575, the Department of Environmental Quality may enter into contracts with the Oregon Department of Agriculture or other agencies to carry out these rules to the extent permitted by law.

(8) "Director" means the Director of the Department of Environmental Quality or delegated employee representative pursuant to ORS 468.045(3).

(9) "Director of Agriculture" means the Director of the Oregon Department of Agriculture.

(10) "Drying Day" means a 24-hour period during which the relative humidity reached a minimum less than 50 percent and no rainfall was recorded at the nearest reliable measuring site.

(11) "Effective Mixing Height" means either the actual height of plume rise as determined by field observation or the calculated or estimated mixing height as determined by the Department.

(12) "Emergency Open Burning" means the open burning, propane flaming, or stack burning of a grass seed or cereal grain field infested with a disease or pest, where an extreme hardship exists due to a disease outbreak or insect infestation that outweighs the dangers to public health and safety from the burning, pursuant to the acreage limitation in OAR 340-266-0040, and the requirements in OAR 340-266-0065. Such burning shall be authorized by the Department as field-by-field burning, and utilize a field specific burn plan, to ensure the smoke does not endanger public health and safety to the greatest extent practicable.

(13) "Extreme Hardship due to disease outbreak or insect infestation" means a case-by-case finding related to the approval of emergency burning, based on the severity of an agronomic and economic impact on a grower that is caused by a disease outbreak or insect infestation, as determined by the Department, pursuant to OAR 340-266-0065. Agronomic impact includes, but is not limited to, the risk of disease spread, the extent of damage to the grass stand, loss in seed yield, quality, or purity, need for stand

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replacement if no burning occurs, availability and feasibility of alternatives, and effectiveness of burning in eradicating the problem. Economic impact includes, but is not limited to, loss in market value of the harvested seed, total fields owned by the grower in relation to the infested field or fields, and cost of alternative treatments compared to the cost of burning.”

(14) “Field-by-Field Burning” means burning on a limited or restricted basis in which the amount, rate, and area authorized for burning is closely controlled and monitored. Included under this definition are experimental open field burning, emergency burning, and burning within priority areas.

(15) “Field Reference Code” means a unique four-part code which identifies a particular registered field for mapping purposes. The first part of the code shall indicate the grower registration (form) number, the second part the line number of the field as listed on the registration form, the third part the crop type, and the fourth part the size (acreage) of the field (e.g., a 35 acre perennial (Chewings Fescue) field registered on Line 2 of registration form number 1953 would be 1953-2-P-CF-35).

(16) “Field Specific Burn Plan” means an individual burn plan designed for a field or acreage that has been approved for emergency burning, which identifies specific criteria, conditions, precautions, and requirements that need to be followed when burning in order to ensure the smoke does not endanger public health and safety.

(17) “Fire District” or “District” or “Fire Protection District” means a fire permit issuing agency.

(18) “Fire Permit” means a permit issued by a local fire permit issuing agency pursuant to ORS 477.515, 476.380, or 478.960.

(19) “Fires-Out Time” means the time announced by the Department when all flames and major smoke sources associated with open field burning should be out and prohibition conditions are scheduled to be imposed.

(20) “Fluffing” means an approved mechanical method of stirring or tedding crop residues for enhanced aeration and drying of the full fuel load, thereby improving the field’s combustion characteristics.

(21) “Grower” means a person that cultivates perennial or annual grass seed or cereal grain.

(22) “Grower Allocation” means the amount of acreage sub-allocated annually to the grower registrant, based on the grower registrant’s pro rata share of the maximum annual acreage limitation, representing the maximum amount for which burning permits may be issued, subject to daily authorization. Grower allocation is defined by the following identity:

Grower Allocation = (Maximum annual acreage limit) x ((Total acreage registered by the grower registrant) / (Total acreage registered in the valley))

(23) “Grower Registrant” means any person who registers acreage with the Department for purposes of open field burning, propane flaming, or receives a permit to stack burn.

(24) “Identified Species” means a grass seed field consisting of Creeping Red Fescue, Chewings Fescue, or Highland Bentgrass, or as identified by the Director of Agriculture.

(25) “Marginal Conditions” means atmospheric conditions such that smoke and particulate matter escape into the upper atmosphere with some difficulty but not such that limited additional smoke and particulate matter would constitute a danger to the public health and safety.

(26) “Marginal Day” means a day on which marginal conditions exist.

(27) “Nephelometer” means an instrument for measuring ambient smoke concentrations.

(28) “Northerly Winds” means winds coming from directions from 270° to 90° in the north part of the compass, averaged through the effective mixing height.

(29) “Open Field Burning” means burning of any grass seed or cereal grain crops, or associated residue, including steep terrain and species identified by the Director of Agriculture, or any “emergency” or “experimental” burning, as identified in these rules.

(30) “Open Field Burning Permit” means a permit issued by the Department pursuant to ORS 468A.575.

(31) “Permit Agent” means the person under contract or otherwise authorized by the Department to administer registration of acreage, issue burn permits, collect fees, and keep records for open field burning, propane flaming, or stack burning within their permit jurisdictions pursuant to ORS 468A.550 et seq.

(32) “Permit Issuing Agency” means the county court or board of county commissioners, or fire chief or a rural fire protection district or other person authorized to issue fire permits pursuant to ORS 477.515, 476.380, or 478.960.

(33) “Person” means, but is not limited to, individuals, corporations, associations, firms, partnerships, joint stock companies, public and munic-

ipal corporations, political subdivisions, states and their agencies, and the Federal Government and its agencies.

(34) “Preparatory Burning” means controlled burning of portions of selected fields for the specific purpose of reducing the fire hazard potential or other conditions which would otherwise inhibit rapid ignition burning when the field is subsequently open burned.

(35) “Priority Acreage” means acreage located within a priority area.

(36) “Priority Areas” means certain areas in the Willamette Valley where burning is restricted, such as near population centers, airports, Interstate I-5, and other highways, as specified in OAR 340-266-0075(1).

(37) “Problem Field” means a field where special precautions need to be taken by the grower because of potential fire hazard or proximity to a sensitive area, as specified in OAR 340-266-0075(4).

(38) “Prohibition Conditions” means conditions under which open field burning is not allowed except for individual burns specifically authorized by the Department pursuant to OAR 340-266-0070(2).

(39) “Propane Flaming” means the flame sanitization of a grass seed or cereal grain field using a mobile flamer device which meets the following design specifications and utilizes an auxiliary fuel such that combustion is nearly complete and emissions are significantly reduced:

(a) Flamer nozzles shall not be more than 15 inches apart;

(b) A heat deflecting hood is required and shall extend a minimum of three feet beyond the last row of nozzles.

(40) “Propane Flaming Permit” means a permit issued by the Department pursuant to ORS 468A.575 and consisting of a validation number and specifying the conditions and acreage specifically registered and allocated for propane flaming.

(41) “Quota” means an amount of acreage established by the Department for each fire district for use in authorizing daily burning limits in a manner to provide, as reasonably as practicable, an equitable opportunity for burning in each area.

(42) “Rapid Ignition Techniques” means a method of burning in which all sides of the field are ignited as rapidly as practicable in order to maximize plume rise. When using this method, little or no preparatory backfire burning shall be done.

(43) “Released Allocation” means that part of a grower’s allocation, by registration form, that is unused and voluntarily released to the Department for first come-first serve dispersal to other grower registrants.

(44) “Residue” means straw, stubble, screenings and associated crop material generated in the production of grass seed and cereal grain crops.

(45) “Responsible Person” means each person who is in ownership, control, or custody of the real property on which open field burning occurs, including any tenant thereof, or who is in ownership, control or custody of the material which is burned, or the grower registrant. Each person who causes or allows open field burning, propane flaming, or stack burning to be maintained shall also be considered a responsible person.

(46) “Screenings” means organic waste materials resulting from the seed cleaning process of grass seed and cereal grain.

(47) “Small-Seeded Seed Crops Requiring Flame Sanitation” means small-seeded grass, legume, and vegetable crops, or other types approved by the Department, which are planted in early autumn, are grown specifically for seed production, and which require flame sanitation for proper cultivation. For purposes of this Division, clover and sugar beets are specifically included. Cereal grains, hairy vetch, or field peas are specifically not included.

(48) “Smoke Management” means a system for the daily or hourly control of open field burning, propane flaming, or stack burning through authorization of the times, locations, amounts and other restrictions on burning, so as to provide for suitable atmospheric dispersion of smoke particulate and to minimize impact on the public.

(49) “Southerly Winds” means winds coming from directions from 90° to 270° in the south part of the compass, averaged through the effective mixing height.

(50) “Stack Burning” means the open burning of bound, baled, collected, gathered, accumulated, piled or stacked straw residue from perennial or annual grass seed or cereal grain crops.

(51) “Stack Burning Permit” means a permit issued by the Department pursuant to ORS 468A.575 that identifies the responsible person, date of permit issuance, and specifies the acreage and location authorized for stack burning.

(52) “State Fire Marshal Fire Safety Buffer Zone” means an area within 1/4 mile of Interstate I-5, and 1/8 mile of major highways, that is required to have a noncombustible ground surface, as specified in OAR 340-266-0075, and as defined in the State Fire Marshal rules in OAR 837 Division 110.

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(53) "Steep Terrain" means a grass seed or cereal grain field defined by Revised Universal Soil Loss Equation (RUSLE) and percent slope, as identified by the Director of Agriculture.

(54) "Test Fires" means individual field burns specifically authorized by the Department for the purpose of determining or monitoring atmospheric dispersion conditions.

(55) "Training Fires" means individual field burns set by or for a public agency for the official purpose of training personnel in fire-fighting techniques.

(56) "Unusually High Evaporative Weather Conditions" means a combination of meteorological conditions following periods of rain which result in sufficiently high rates of evaporation, as determined by the Department, where fuel (residue) moisture content would be expected to approach about 12 percent or less.

(57) "Validation Number" is used interchangeably with "Burn Permit" and means:

(a) For open field burning a unique five-part number issued by the Department or its delegate identifying a specific field and acreage allowed to be open field burned and the date and time the permit was issued (e.g., a validation number issued August 26 at 2:30 p.m. for a 70-acre burn for a field registered on Line 2 of registration form number 1953 would be 1953-2-0826-1430-070);

(b) For propane flaming and stack burning a unique five part alphanumeric, issued by the Department or its delegate, identifying a specific field and acreage allowed to be propane flamed or stack burned, the date and time the permit was issued, and the burn type (e.g., a validation number issued on July 15 for a 100 acre field to be propane flamed registered on Line 4 of registration form 9999 would be 9999-4-0715-P-100).

(58) "Ventilation Index (VI)" means a calculated value used as a criterion of atmospheric ventilation capabilities. The Ventilation Index as used in this Division is defined by the following identity:

$$VI = (\text{Effective mixing height (feet)}) / 1,000 \times (\text{Average wind speed through the effective mixing height (knots)})$$

(59) "Wildfire" means an uncontrollable fire started due to a breakdown of equipment, an accident caused by human error or negligence, or any other cause, including an intentional act.

(60) "Willamette Valley" means, for the purposes of these rules, Benton, Clackamas, Lane, Linn, Marion, Multnomah, Polk, Washington, and Yamhill counties.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the Environmental Quality Commission under OAR 340-200-0040.

[ED. NOTE: Formulas referenced are available from the agency.]
Stat. Auth.: ORS 468 & 468A

Stats. Implemented: ORS 468A.555

Hist.: DEQ 29, f. 6-12-71, ef. 7-12-71; DEQ 93(Temp), f. & ef. 7-11-75 thru 11-28-75; DEQ 104, f. & ef. 12-26-75; DEQ 114, f. & ef. 6-4-76; DEQ 138, f. 6-30-77; DEQ 140(Temp), f. & ef. 7-27-77 thru 11-23-77; DEQ 6-1978, f. & ef. 4-18-78; DEQ 8-1978(Temp), f. & ef. 6-8-78 thru 10-5-78; DEQ 22-1978, f. & ef. 12-28-78; DEQ 24-1979(Temp), f. & ef. 7-5-79; DEQ 28-1979, f. & ef. 9-13-79; DEQ 30-1979, f. & ef. 9-27-79; DEQ 2-1980, f. & ef. 1-21-80; DEQ 12-1980, f. & ef. 4-21-80; DEQ 9-1981, f. & ef. 3-19-81; DEQ 5-1984, f. & ef. 3-7-84; DEQ 11-1987, f. & ef. 6-15-87; DEQ 20-1988(Temp), f. 8-12-88, cert. ef. 8-12-88 thru 2-2-89; DEQ 8-1989, f. & cert. ef. 6-7-89; DEQ 5-1992, f. & cert. ef. 3-3-92 (and corrected 3-18-92); DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 8-1993, f. & cert. ef. 5-11-93; DEQ 14-1994, f. & cert. ef. 5-31-94; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-026-0005; DEQ 8-2010, f. & cert. ef. 8-27-10

340-266-0040

General Requirements

(1) No person shall cause or allow open field burning or propane flaming on any acreage unless said acreage has first been registered and mapped pursuant to OAR 340-266-0050(1), the registration fee has been paid, and the registration (permit application) has been approved by the Department.

(2) No person shall cause or allow open field burning, propane flaming, or stack burning without first obtaining and being able to readily demonstrate a valid burning permit and fire permit from the appropriate permit issuing agent pursuant to OAR 340-266-0050(2). One the specific day of and prior to open the field burning, propane flaming, or stack burning of any grass seed or cereal grain crop or associated residue the grower registrant shall obtain, in person or by telephone, a valid burning permit and fire permit from the appropriate permit issuing agent pursuant to 340-266-0050.

(3) The Department may prohibit any person from registering acreage for open field burning or propane flaming and may deny burn permits for open field burning, propane flaming, and stack burning until all delinquent registration fees, late fees, and burn permit fees from previous seasons are paid. The Department may also institute appropriate legal action to collect the delinquent fees.

(4) No person shall open field burn cereal grain acreage unless that person first issues to the Department a signed statement, and then acts to insure, that said acreage will be planted in the following growing season to a small-seeded seed crop requiring flame sanitation for proper cultivation, as defined in OAR 340-266-0030(40).

(5) No person shall cause or allow open field burning, propane flaming, or stack burning which is contrary to the Department's announced burning schedule specifying the times, locations and amounts of burning permitted, or to any other provision announced or set forth by the Department or this Division.

(6) Each responsible person open field burning or propane flaming shall have an operating radio receiver or other monitoring device approved by the Department, and shall directly monitor the Department's burn schedule announcements at all times while open field burning or propane flaming.

(7) Each responsible person open field burning or propane flaming shall actively extinguish all flames and major smoke sources when prohibition conditions are imposed by the Department or when instructed to do so by an agent or employee of the Department.

(8) Each responsible person open field burning shall make every reasonable effort to expedite and promote efficient burning and prevent excessive emissions of smoke by:

(a) Meeting all of the State Fire Marshal requirements specified in OAR 837-110-0040 through 837-110-0080;

(b) Ensuring field residues are evenly distributed, dry, and in good burning condition;

(c) Employing rapid ignition techniques on all acreage where there are no imminent fire hazards or public safety concerns.

(9) In the event of a "wildfire" and a grower is unable to comply with all of the requirements of this Division, the grower must:

(a) Immediately take action to stop, contain, and correct the problem.

(b) As soon as practicable notify the designated permit agent. If the permit agent is unavailable, the grower must contact the department.

(A) Notification must be by phone, fax, email, or in person, or other method as technology allows and is approved by the Department.

(B) If a grower is unable to contact his/her designated permit agent or the department, then a detailed message must be left with the Department and the permit agent explaining the problem, the solution, the field information, and grower information.

(10) Open field burning, propane flaming, or stack burning in compliance with this Division does not exempt any person from any civil or criminal liability for consequences or damages resulting from such burning, nor does it exempt any person from complying with any other applicable law, ordinance, regulation, rule, permit, order or decree of the Commission or any other government entity having jurisdiction.

(11) Open field burning shall be regulated in a manner consistent with the requirements of the Oregon Visibility Protection Plan for Class I Areas (Section 5.2 of the State of Oregon Clean Air Act Implementation Plan adopted under OAR 340-200-0040).

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the Environmental Quality Commission under OAR 340-200-0040.

Stat. Auth.: ORS 468 & 468A

Stats. Implemented: ORS 468A.555

Hist.: DEQ 29, f. 6-12-71, ef. 7-12-71; DEQ 93(Temp), f. & ef. 7-11-75 thru 11-28-75; DEQ 104, f. & ef. 12-26-75; DEQ 114, f. 6-4-76; DEQ 138, f. 6-30-77; DEQ 140(Temp), f. & ef. 7-27-77 thru 11-23-77; DEQ 6-1978, f. & ef. 4-18-78; DEQ 8-1978(Temp), f. & ef. 6-8-78 thru 10-5-78; DEQ 22-1978, f. & ef. 12-28-78; DEQ 30-1979, f. & ef. 9-27-79; DEQ 2-1980, f. & ef. 1-21-80; DEQ 12-1980, f. & ef. 4-21-80; DEQ 9-1981, f. & ef. 3-19-81; DEQ 5-1984, f. & ef. 3-7-84; DEQ 11-1987, f. & ef. 6-15-87; DEQ 20-1988(Temp), f. 8-12-88, cert. ef. 8-12-88 thru 2-2-88; DEQ 8-1989, f. & cert. ef. 6-7-89; DEQ 5-1992, f. & cert. ef. 3-3-92 (and corrected 3-18-92); DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 8-1993, f. & cert. ef. 5-11-93; DEQ 14-1994, f. & cert. ef. 5-31-94; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-026-0010; DEQ 8-2010, f. & cert. ef. 8-27-10

340-266-0050

Registration, Permits, Fees, Records

In administering a field burning smoke management program, the Department may contract with counties or fire districts or other responsible individual to administer registration of acreage, issuance of permits, collection of fees, and keeping of records for open field burning, propane flaming, or stack burning within their permit jurisdictions. The Department shall pay said authority for these services in accordance with the payment schedule provided for in ORS 468A.615. Three-quarters of said payment shall be made prior to July 1 of each year and the remainder shall be paid within ten days after completion of the end of season reconciliation:

(1) Registration of acreage:

(a) On or before April 1 of each year, each grower intending to open burn or propane flame under this Division shall register the total acreage

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be open burned or propane flamed. Said acreage shall be registered with the Department or its authorized permit agent on the registration forms provided. Candidate fields for open burning or propane flaming shall be listed on the registration form and shall also be delineated on specially provided registration map materials and identified using a unique field reference code. Each candidate field listed shall state if the field is located in a priority area, contains a critical nonburn area, is a problem field, or is being requested for emergency burning. Registration, listing of fields, and mapping shall be completed according to the established procedures of the Department. Fields to be registered for burning must be planted in crops that can be open burned or propane flamed in the same year they are registered, and must be owned or under the control of the registrant. At the time of registration, a non-refundable registration fee of \$4 shall be paid for each acre registered for open field burning and \$2 shall be paid for each acre registered for propane flaming. The registration fees for open field burning and propane flaming shall be paid into separate designated accounts. A complete registration (permit application) shall consist of a fully executed registration form, map and fee. Acreage registered by April 1 may be issued a burn permit if:

- (A) Allocation is available; and
- (B) The initial registration fee account has a sufficient balance.

(b) Registration for stack burning will occur twice annually. Each grower intending to stack burn under this Division during the first stack burn period of February 5 through May 31, must register between January 2 through January 31.

(c) Each grower intending to stack burn under this Division during the second stack burn period of October 5 through December 31, must register between September 1 and September 30.

(d) Registration of open field burning and propane flaming acreage after April 1 of each year shall require the prior approval of the Department and an additional \$2 per acre late registration fee. The late registration fee shall not be charged if the late registration is not due to the fault of the registrant or one under the registrant's control;

(e) Copies of all registration forms and fees shall be forwarded to the Department promptly by the permit agent. Registration map materials shall be made available to the Department at all times for inspection and reproduction;

(f) The Department shall act on any registration application within 60 days of receipt of a completed application. The Department may deny or revoke any registration application which is incomplete, false or contrary to state law or this Division;

(g) The grower registrant shall insure the information presented on the registration form and map is complete and accurate.

(2) Permits:

(a) Permits for open field burning, propane flaming, or stack burning shall be issued by the Department, or its authorized permit agent, to the grower registrant in accordance with the established procedures of the Department, and the times, locations, amounts and other restrictions set forth by the Department or this Division;

(b) A fire permit from the designated fire permit issuing agency is also required for all open burning pursuant to ORS 477.515, 476.380, 478.960;

(c) A valid open field burning permit shall consist of:

(A) An open field burning permit issued by the Department which specifies the permit conditions in effect at all times while burning and which identifies the acreage specifically registered and annually allocated for burning;

(B) A validation number issued by the designated permit agent on the day of the burn identifying the specific acreage allowed for burning and the date and time the permit was issued.

(d) A valid propane flaming permit shall consist of:

(A) A propane flaming permit issued by the Department which specifies the permit conditions in effect at all times while flaming and which identifies the acreage specifically registered and annually allocated for propane flaming;

(B) A validation number issued by the designated permit agent identifying the specific acreage allowed for propane flaming and the date and time the permit was issued.

(e) A valid stack burning permit shall consist of the name of the responsible person and date the permit was issued, and shall specify the acreage and location authorized;

(f) Each responsible person open field burning, propane flaming, or stack burning shall pay a per acre burn fee within ten days of the date the permit was issued. The fee shall be:

- (A) \$16 per acre sanitized by open field burning;
- (B) \$4 per acre sanitized by propane flaming;

(C) \$10 per acre burned in stacks.

(D) For grass seed and cereal grain residue from previous seasons, broken bales, or fields where a portion of straw was removed using usual or standard baling methods, the acreage actually burned shall be estimated and the same per acre fee as imposed in paragraph (C) of this subsection shall be charged. The estimated acreage shall be rounded to the nearest whole acre.

(g) Burning permits shall at all times be limited by and subject to the burn schedule and other requirements or conditions announced or set forth by the Department;

(h) No person shall issue burning permits for open field burning, propane flaming, or stack burning of:

(A) More acreage than the amount sub-allocated annually to the grower by the Department pursuant to OAR 340-266-0060(2);

(B) Priority or fire safety buffer zone acreage located on the upwind side of any city, airport, Interstate freeway or highway within the same priority area or buffer zone.

(i) It is the responsibility of each designated permit issuing agency to establish and implement a system for distributing open field burning, propane flaming, or stack burning permits to individual grower registrants when burning is authorized, provided that such system is fair, orderly and consistent with state law, this Division and any other provisions set forth by the Department.

(3) Fees:

(a) Permit agents shall collect, properly document, and promptly forward all required registration, late registration fees, and burn fees to the Department;

(b) All fees shall be deposited in the State Treasury to the credit of the Department of Agriculture Service Fund.

(4) Records:

(a) Permit agents shall at all times keep proper and accurate records of all transactions pertaining to registrations, permits, fees, allocations, and other matters specified by the Department. Such records shall be kept by the permit agent for a period of at least five years and made available for inspection by the appropriate authorities;

(b) Permit agents shall submit to the Department on specially provided forms weekly reports of all acreage burned in their permit jurisdictions. These reports shall cover the weekly period of Monday through Sunday, and shall be returned to the Department no later than the first working day of the following week.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the Environmental Quality Commission under OAR 340-200-0040.

Stat. Auth.: ORS 468 & 468A

Stats. Implemented: ORS 468A.615

Hist.: DEQ 93(Temp), f. & ef. 7-11-75 thru 11-28-75; DEQ 104, f. & ef. 12-26-75; DEQ 114, f. 6-4-76; DEQ 138, f. & ef. 6-30-77; DEQ 140(Temp), f. & ef. 7-27-77 thru 11-23-77; DEQ 6-1978, f. & ef. 4-18-78; DEQ 8-1978(Temp), f. & ef. 6-8-78 thru 10-5-78; DEQ 2-1980, f. & ef. 1-21-80; DEQ 12-1980, f. & ef. 4-21-80; DEQ 9-1981, f. & ef. 3-19-81; DEQ 5-1984, f. & ef. 3-7-84; DEQ 20-1988(Temp), f. 8-12-88, cert. ef. 8-12-88 thru 2-2-89; DEQ 8-1989, f. & cert. ef. 6-7-89; DEQ 5-1992, f. & cert. ef. 3-3-92 (and corrected 3-18-92); DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 8-1993, f. & cert. ef. 5-11-93; DEQ 14-1994, f. & cert. ef. 5-31-94; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-026-0012; DEQ 8-2010, f. & cert. ef. 8-27-10

340-266-0060

Acreage Limitations, Allocations

(1) Limitation of Acreage:

(a) The maximum acreage to be open field burned annually in the Willamette Valley under this Division shall not exceed 15,000 acres of steep terrain and "identified species" as defined in OAR 340-266-0030.

(b) Steep terrain and identified species burning is prohibited in Benton and Lane Counties, and in Linn County, except for portions of northeast Linn County that are east of the North Santiam River and north of Jefferson-Scio Drive and Robinson Drive to the west boundary of the city of Scio and north of Highway 226, and portions of northeast Linn County that are east of Richardson Gap Road and north of Fish Hatchery Drive.

(c) The Department may by order permit emergency open field burning, propane flaming, or stack burning of up to 2,000 acres annually, in addition to the limitations on acreage specified in this section. Requirements for emergency open burning are specified in OAR 340-266-0065.

(d) The maximum acreage to be propane flamed annually in the Willamette Valley under this Division shall not exceed 500 acres for the years 2009, 2010, 2011 and 2012. For the year 2013 and thereafter, all propane flaming is prohibited.

(e) The maximum acreage to be stack burned annually in the Willamette Valley under this Division shall not exceed 1000 acres for the

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years 2009, 2010, 2011 and 2012. For the year 2013 and thereafter all stack burning is prohibited.

(f) Other limitations on acreage allowed to be open field burned are specified in OAR 340-266-0090(1) and 340-266-0100(1);

(2) Allocation of Acreage:

(a) In the event that total open burning and propane flaming registration as of April 1 is less than or equal to the maximum acreage allowed to be open field burned or propane flamed annually, pursuant to subsection (1)(a) and (c) of this rule, the Department shall sub-allocate to each grower registrant and each district (subject to daily burn authorization) 100 percent of their respective registered acreage;

(b) In the event that total open burning and propane flaming registration as of April 1 exceeds the maximum acreage allowed to be open field burned or propane flamed annually, pursuant to subsection (1)(a) and (c) of this rule, the Department may sub-allocate to growers on a pro rata share basis not more than 100 percent of the maximum acreage limit, referred to as "grower allocation".

(c) Transfer of allocations for farm management purposes may be made within and between fire districts and between grower registrants on a one-in/one-out basis under the supervision of the Department. The Department may assist grower registrants by administering a reserve of released allocation for first come-first served utilization.

(d) In the event that total stack burning registration at the close of the first registration period of January 2 through January 31 is less than or equal to the maximum of 250 acres out of the 1000 acre annual allocation pursuant to subsection (1)(e) of this rule, for the first stack burn period of February 5 through May 31, the Department shall sub-allocate to each grower registrant (subject to daily burn authorization) 100 percent of their respective registered acreage.

(e) In the event that total stack burning registration at the close of the first registration period of January 2 through January 31 exceeds the maximum of 250 acres out of the 1000 acre annual allocation pursuant to subsection (1)(e) of this rule, for the first stack burn period of February 5 through May 31, the Department may sub-allocate to each grower registrant on a pro rata basis not more than 100 percent of the maximum acreage limit, referred to as "grower allocation." If any acreage remains unburned at the end of this first stack burn period, this acreage will be added to the maximum acreage allowed to be burned during the second burn period pursuant to subsections (2)(f)(g).

(f) In the event that total stack burning registration at the close of the second registration period of September 1 through September 30 is less than or equal to the maximum of 750 acres allowed to be burned for the second stack burn period of October 5 through December 31 pursuant to subsection (1)(e) of this rule, the Department shall sub-allocate to each grower registrant (subject to daily burn authorization) 100 percent of their respective registered acreage.

(g) In the event that total stack burning registration at the close of the second registration period of September 1 through September 30 exceeds the maximum of 750 acres out of the 1000 acre annual allocation pursuant to subsection (1)(e) of this rule, for the second stack burn period of October 5 through December 31, the Department may sub-allocate to each grower registrant on a pro rata basis not more than 100 percent of the maximum acreage limit, referred to as "grower allocation."

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the Environmental Quality Commission under OAR 340-200-0040.

Stat. Auth.: ORS 468 & 468A

Stats. Implemented: ORS 468A.610

Hist.: DEQ 93(Temp), f. & ef. 7-11-75 thru 11-28-75; DEQ 104, f. & ef. 12-26-75; DEQ 114, f. & ef. 6-4-76; DEQ 138, f. & ef. 6-30-77; DEQ 140(Temp), f. & ef. 7-27-77 thru 11-23-77; DEQ 6-1978, f. & ef. 4-18-78; DEQ 8-1978(Temp), f. & ef. 6-8-78 thru 10-5-78; DEQ 22-1978, f. & ef. 12-28-78; DEQ 13-1979, f. & ef. 6-8-79; DEQ 30-1979, f. & ef. 9-27-79; DEQ 2-1980, f. & ef. 1-21-80; DEQ 12-1980, f. & ef. 4-21-80; DEQ 9-1981, f. & ef. 3-19-81; DEQ 5-1984, f. & ef. 3-7-84; DEQ 11-1987, f. & ef. 6-15-87; DEQ 5-1992, f. & cert. ef. 3-3-92 (and corrected 3-18-92); DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 8-1993, f. & cert. ef. 5-11-93; DEQ 14-1994, f. & cert. ef. 5-31-94; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-026-0013; DEQ 8-2010, f. & cert. ef. 8-27-10

340-266-0065

Emergency Open Burning

In accordance with ORS 468A.610(11)(a), the Department of Environmental Quality may by order allow up to 2,000 acres each calendar year for emergency open burning, propane flaming or stack burning to address a disease outbreak or insect infestation on a grass seed or cereal grain field. A grower seeking emergency burning authorization must submit a petition to the Department of Environmental Quality requesting emergency burning in accordance with the dates specified in subsection (9), and shall include the information as provided in this rule.

(1) Such burning shall be limited to the minimum number of acres on the field to address the emergency, and in no case exceed the acreage approved for burning by the Department of Environmental Quality under these rules.

(2) In addition to the general requirements for burning in OAR 340-266-0040, any emergency burning approved under these rules shall be subject to special field-by-field authorization by the Department of Agriculture, and a field specific smoke management burn plan required in subsection (6), to protect public health and safety.

(3) Emergency burning shall be subject to the requirements in OAR 340-266-0050, including the registration and burn fee.

(4) Based on the submittal dates specified in subsection (9), a grower seeking emergency burning approval shall submit a petition to the Department of Environmental Quality containing the following documentation:

(a) A field burning registration form, in accordance with OAR 340-266-0050(1).

(b) Severity of the disease outbreak or insect infestation, the minimum number of acres being requested for burning to address the problem, and the type of burning to be used (open burning, propane flaming, or stack burning).

(A) Documentation shall include seed testing results from the most recent seed harvest, obtained from an independent seed lab operated by a registered seed technologist (RST), which shows the seed quality and purity results from the infested field or acreage, and how this is evidence of a major disease outbreak or insect infestation. Emphasis should be given to seed germination testing results, and whether the germination percentage is more than 10 percent under the required percentage established for that specific grass variety. Growers are encouraged to submit seed testing results and reference the Seed Standards established by Oregon Seed Certification Service at Oregon State University, as part of this documentation.

(B) Other documentation besides seed testing results may be submitted by the grower providing it also shows evidence of a major disease outbreak or insect infestation.

(C) Description of the extent of damage to the grass stand, whether stand replacement would be needed if no burning is conducted, and the extent to which burning is expected to remedy the disease outbreak or insect infestation. This shall include whether any alternatives to burning, such as crop rotation or chemical treatments, would be similar to or more effective in eradicating the problem.

(D) For the information noted above in paragraphs (A), (B) and (C), growers are required to include documentation from an extension agent, agronomist, or consultant.

(c) Description of how the severity of the disease outbreak or insect infestation affects the market value of the harvested seed and the extent of the financial or economic hardship this poses. This description shall include an estimate of the overall financial loss from the outbreak or infestation, in relation to total number of grass seed fields that are part of grower's farming operation, as a means of showing the extent of the financial impact, which shall be considered in the determination of extreme hardship.

(d) A field specific smoke management burn plan, as described in subsection (6) below.

(5) After receiving a petition for emergency burning, the Department of Environmental Quality may request additional information from the grower petitioner, in accordance with the provisions and conditions listed in subsection (4).

(6) Included in the emergency burning petition shall be a field specific burn plan, containing the information listed below. The information in subsection (a) below shall be provided primarily by the grower petitioner, in consultation with the Department of Agriculture. The information in subsections (b) and (c) shall be determined primarily by the Department of Agriculture, in consultation with the grower petitioner.

(a) Location of the field, and description of the potential risk to the public, associated with the burning of the field. This includes:

(A) Whether any burning restrictions or prohibitions apply to the field, as identified in OAR 340-266-0075, related to priority areas, critical non-burn areas, fire safety buffer zones, or problem fields.

(B) Any other unique factors in addition to (A) above, such as neighboring homes or residential areas within a 1/4 mile of the field, or any special events, community activities, sporting events, etc., that should be avoided on certain dates, that can be reasonably known in advance.

(b) Optimum meteorological conditions for burning the field, related to information provided in subsection (a). This includes the appropriate surface and transport winds, humidity, mixing height, and ventilation conditions.

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(c) Any special field preparation (such as fluffing), ignition techniques, need for preparatory burning, or other burning related precautions and instructions.

(7) In making a determination to approve a petition, based on the authority specified in subsection (10), the Department of Environmental Quality shall approve all, part, or none of the acres requested for emergency burning, based on the following:

(a) The information submitted under subsections (4)(b) and (c).

(b) Review of the field specific burn plan, required in subsection (6), and the extent of the constraints associated with burning the field and likelihood that the field can be burned with the risk to the public minimized to the greatest extent practicable.(c) Prior to approving any emergency burning petition, the Department of Environmental Quality shall post the field specific burn plan, and a summary of the emergency burning petition, on DEQ's website for a period of 7 days. Interested persons will be notified by the Department of Environmental Quality prior to or on the day of the posting. Comments can be submitted to the Department of Environmental Quality on the proposed burn plan during the 7 day period. Any comments received will be considered by the Department of Environmental Quality prior to acting on the emergency burning petition.

(d) Whether emergency burning petitions submitted by the dates in subsection (9) exceeds the specific allocation listed. In the event the total acres requested for emergency burning exceeds these allocations, the petitions shall be prioritized on a case-by-case basis, as part of the approval process.

(e) After evaluating all the information received pursuant to this rule concerning an emergency burning petition, the Department of Environmental Quality shall make a finding of whether an extreme hardship due to disease outbreak or insect infestation exists, and if so, whether it outweighs the dangers to public health and safety from emergency open burning, in accordance with ORS 468A.610(11)(a).

(8) Authorization for burning shall be provided on the day of the burn by the Department of Agriculture, as described in subsection (2).

(9) Petitions for emergency burning can be submitted at two different time periods during the year. The first is between March 1 and June 1. The second is between July 1 and September 1.

(a) Petitions submitted between March 1 and June 1 shall include the documentation specified in subsection (4), based primarily on evidence of a disease outbreak or insect infestation from the prior year seed harvest, and any other more recent evidence if available. These petitions shall also include an estimate of the affect on the upcoming seed harvest. These petitions will be limited to a 1,000 acre allocation, out of the annual 2,000 acre limit for emergency burning. After reviewing all petitions received by June 1, the Department of Environmental Quality shall notify each grower petitioner whether all, part, or none of the acres requested for emergency burning were approved.

(b) Petitions submitted between July 1 and September 1 shall include the documentation specified in subsection (4), based primarily on evidence of a disease outbreak or insect infestation from the most recent seed harvest. Prior year seed harvest information may be included, as well as other more recent evidence if available. These petitions shall be limited to a 1,000 acre allocation, out of the annual 2,000 acre limit for emergency burning. If any of the prior allocation in subsection (a) remains, it will be carried over to this allocation. Petitions submitted during this time period will receive an allocation on a first-come first-serve basis. However, petitions approved prior to August 15 will only allow a maximum of 200 acres per petition. After August 15, this limit will not apply, and the remainder of the allocation will be available on a first-come first-serve basis, providing any of the allocation remains. For each petition submitted during this time period, the Department of Environmental Quality shall notify each grower petitioner whether all, part, or none of the acres requested for emergency burning were approved.

(c) Any petitions not approved in subsection (a) due to limited allocation can be resubmitted on July 1 to be eligible to that allocation, subject to the same first-come-first serve allocation method.

(10) The Commission delegates to the Director the authority to permit emergency burning by order pursuant to and by the standards contained in ORS 468A.610(11)(a).

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the Environmental Quality Commission under OAR 340-200-0040.

Stat. Auth.: ORS 468 & 468A

Stats. Implemented: ORS 468A.610

Hist.: DEQ 8-2010, f. & cert . ef. 8-27-10

340-266-0070

Daily Burning Authorization Criteria

As part of the Smoke Management Program provided for in ORS 468A.590, the Department shall set forth the types and extent of open field burning, propane flaming, and stack burning to be allowed each day according to the provisions established in this section and this Division:

(1) During the active burning season and on an as needed basis, the Department shall announce the burning schedule over the burning radio network, or other communication technology method as approved by the Department, and operated specifically for this purpose. The schedule shall specify the times, locations, amounts and other restrictions in effect for open field burning, propane flaming, and stack burning. The Department shall notify the State Fire Marshal of the burning schedule for dissemination to appropriate Willamette Valley agencies.

(2) Prohibition conditions:

(a) Prohibition conditions shall be in effect at all times unless specifically determined and announced otherwise by the Department;

(b) Under prohibition conditions, no permits shall be issued and no open field burning shall be conducted in any area except for individual burns specifically authorized by the Department on a limited extent basis. Such limited burning may include field-by-field burning, preparatory burning, or burning of test fires, except that:

(A) No open field burning shall be allowed:

(i) In any area subject to a ventilation index of less than 10.0;

(ii) In any area upwind, or in the immediate vicinity, of any area in which, based upon real-time monitoring, a violation of federal or state air quality standards is projected to occur.

(B) Only test-fire burning may be allowed:

(i) In any area subject to a ventilation index of between 10.0 and 15.0, inclusive, except for experimental burning specifically authorized by the Department pursuant to OAR 340-266-0100;

(ii) When relative humidity at the nearest reliable measuring station exceeds 50 percent under forecast northerly winds or 65 percent under forecast southerly winds.

(3) Marginal conditions:

(a) The Department shall announce that marginal conditions are in effect and open field burning is allowed when, in its best judgment and within the established limits of this Division, the prevailing atmospheric dispersion and burning conditions are suitable for satisfactory smoke dispersal with minimal impact on the public, provided that the minimum conditions set forth in paragraphs (2)(b)(A) and (B) of this rule are satisfied;

(b) Under marginal conditions, permits may be issued and open field burning may be conducted in accordance with the times, locations, amounts, and other restrictions set forth by the Department and this Division.

(4) Hours of burning:

(a) Burning hours shall be limited to those specifically authorized by the Department each day and may be changed at any time when necessary to attain and maintain air quality;

(b) Burning hours may be reduced by the fire chief or his deputy, and burning may be prohibited by the State Fire Marshal, when necessary to prevent danger to life or property from fire, pursuant to ORS 478.960.

(5) Locations of burning:

(a) Locations of burning shall at all times be limited to those areas specifically authorized by the Department; except for areas where burning is restricted or prohibited, as specified in OAR 340-266-0075.

(6) Amounts of burning:

(a) To provide for an efficient and equitable distribution of burning, daily authorizations of acreages shall be issued by the Department in terms of single or multiple fire district quotas. The Department shall establish quotas for each fire district and may adjust the quotas of any district when conditions in its judgment warrant such action;

(b) Unless otherwise specifically announced by the Department, a one quota limit shall be considered in effect for each district authorized for burning;

(c) The Department may issue more restrictive limitations on the amount, density or frequency of burning in any area or on the basis of crop type, when conditions in its judgment warrant such action.

(7) Limitations on burning based on air quality:

(a) Should smoke intrusions occur in the Eugene-Springfield area from the burning of identified species, steep terrain, propane flaming, or stack burning, pursuant to OAR 340-266-0060, that are in excess of the cumulative hours identified below, the minimum allowable effective mixing height for any additional open field burning for remainder of the year shall be as follows:

Cumulative Hours in the Eugene-Springfield Area
Minimum Effective Mixing Height (feet)

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0-14 hours— No minimum
15-19 hours — 4,000
20-24 hours — 4,500
25 and greater — 5,500

(b) The effective mixing height restrictions in paragraph (a) of this subsection shall not apply to emergency burning or experimental burning, pursuant to OAR 340-266-0065 and 340-266-0100.

(8) Limitations on burning based on rainfall:

(a) Open field burning and propane flaming shall be prohibited in any area for one drying day (up to a maximum of four consecutive drying days) for each 0.10 inch increment of rainfall received per day at the nearest reliable measuring station;

(b) The Department may waive the restrictions of subsection (a) of this section when dry fields are available as a result of special field preparation or condition, irregular rainfall patterns, or unusually high evaporative weather condition.

(9) Other discretionary provisions and restrictions:

(a) The Department may require special field preparations before burning, such as, but not limited to, mechanical fluffing of residues, when conditions in its judgment warrant such action;

(b) The Department may designate specified periods following permit issuance within which time active field ignition must be initiated and/or all flames must be actively extinguished before said permit is automatically rendered invalid;

(c) The Department may designate additional areas as priority areas when conditions in its judgment warrant such action.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the Environmental Quality Commission under OAR 340-200-0040.

[ED. NOTE: Tables referenced are available from the agency.]

Stat. Auth.: ORS 468 & 468A

Stats. Implemented: ORS 468A.590

Hist.: DEQ 29, f. 6-12-71, ef. 7-12-71; DEQ 93(Temp), f. & ef. 7-11-75 thru 11-28-75; DEQ 104, f. & ef. 12-26-75; DEQ 114, f. & ef. 6-4-76; DEQ 138, f. 6-30-77; DEQ 6-1978, f. & ef. 4-18-78; DEQ 8-1978(Temp), f. & ef. 6-8-78 thru 10-5-78; DEQ 22-1978, f. & ef. 12-28-78; DEQ 24-1979(Temp), f. & ef. 7-5-79; DEQ 28-1979, f. & ef. 9-13-79; DEQ 30-1979, f. & ef. 9-27-79; DEQ 2-1980, f. & ef. 1-21-80; DEQ 12-1980, f. & ef. 4-21-80; DEQ 9-1981, f. & ef. 3-19-81; DEQ 5-1984, f. & ef. 3-7-84; DEQ 20-1988(Temp), f. 8-12-88, cert. ef. 8-12-88 thru 2-2-89; DEQ 8-1989, f. & cert. ef. 6-7-89; DEQ 5-1992, f. & cert. ef. 3-3-92 (and corrected 3-18-92); DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1994, f. & cert. ef. 5-31-94; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-026-0015; DEQ 8-2010, f. & cert. ef. 8-27-10

340-266-0075

Burning Restrictions and Prohibitions.

The following identifies smoke management requirements for Priority Areas, Critical Non-Burn Areas, Fire Marshal Buffer Zones, and Problem Fields, where burning is either restricted or prohibited, in order to further protect public health and safety from smoke impacts and potential fire hazards:

(1) Priority Areas:

(a) The following are priority areas where open field burning, propane flaming, and stack burning are restricted by the Department. No priority area acreage shall be burned upwind of any city, airport, Interstate freeway or highway within the same priority area. Any burning within a priority area is subject to field-by-field authorization by the Department.

(A) Within three miles of the city limits of incorporated cities having populations of 10,000 or greater;

(B) Within three miles of the city limits of the City of Lebanon;

(C) Within one mile of airports servicing regularly scheduled airline flights;

(D) Areas on the west and east side of and within 1/2 mile of Interstate I-5, from Portland to the Douglas/Lane County lines;

(E) Areas on the west and east side of and within 1/4 mile of these highways: 99, 99E, and 99W. Areas on the south and north side of and within 1/4 mile of U.S. Highway 20 between Albany and Lebanon, Oregon Highway 34 between Lebanon and Corvallis, Oregon Highway 228 from its junction south of Brownsville to its rail crossing at the community of Tulsa.

(b) Parts of the Interstate I-5 and highway priority areas identified above are subject to the State Fire Marshal rules for fire safety buffer zones, which require a noncombustible area be established. See subsection (3) of these rules.

(c) Each responsible person open field burning, propane flaming, or stack burning within a priority area shall refrain from burning and promptly extinguish any burning if it is likely that the resulting smoke would noticeably affect the priority area.

(2) Critical Non-Burn Areas:

(a) Burning is prohibited in critical non-burn areas. No person shall cause or allow any open field burning, propane flaming, or stack burning in the following critical non-burn areas:

(A) Any part of a field that is underneath a power transmission line of 230kV rating or greater, extending 75 feet on either side of the center line of the power transmission line.

(B) Any part of a field within 500 feet of a hospital.

(C) Any part of a field within 500 feet of a school, when the school is in-session. A school shall be considered not in-session during the following time periods:

(i) During the regular summer closure period, ending 7 days prior to the first day of regular fall classes. The Department will determine the end of the regular summer closure period by reviewing each affected schools regularly published school-year calendar;

(ii) 2 hours after the time the school day is officially over. The official end of the school day will be determined by the Department as published in each affected schools regular school-day calendar.

(D) Any part of a field within 500 feet of any airport servicing regularly scheduled airline flights. In cases where an airport does not have regularly scheduled flights, field by field burning may be authorized by the Department, in accordance with the requirements in subsection (4) that apply to problem fields.

(b) It shall be the responsibility of the grower to ensure the critical non-burn area does not burn. It is recommended that the field stubble either be flail-chopped, mowed, or otherwise cut close to the ground, and the loose straw removed so that the field will not sustain an open fire. Application of water to the critical non-burn area to ensure there is no combustion is also recommended. Should any open fire occur, all flame and smoke sources shall be immediately and actively extinguished.

(c) Each responsible person conducting open field burning, propane flaming, or stack burning adjacent to a critical non-burn area shall take appropriate steps to ensure that the critical nonburn area remains unburned.

(d) Field by field burning may be authorized by the Department within 500 feet of a school that is not in-session, subject to the following restrictions:

(A) No burning is allowed upwind of the school;

(B) The responsible person burning the field makes a visual observation to first confirm that there are no children or other persons present on the school grounds.

(e) When burning next to a school or hospital critical non-burn area, or beyond 500 feet of a school that is not in-session, the Department shall take special precautions to ensure that prevailing winds do not cause smoke to impact the school or hospital.

(f) Any field that is intersected by a power transmission line of 230kV rating or greater shall be registered and burned as two separate fields, to minimize the potential of smoke to come into direct contact with the power transmission line.

(3) State Fire Marshal Safety Buffer Zones:

(a) State Fire Marshal Rules for fire safety buffer zones, as specified in OAR 837, Division 110, establish a 1/2 mile buffer zone for Interstate I-5 and the highways listed below in this subsection. No person shall cause or allow any open field burning, propane flaming, or stack burning in the following portions of the State Fire Marshal fire safety buffer zones:

(A) Within 1/4 mile of either side of Interstate I-5, from Portland to the Douglas/Lane County lines.

(B) Within 1/8 mile of either side of the designated roadways listed below, as specified in the State Fire Marshal Rules in OAR 837, Division 110:

(i) ORE 99 — The section from Junction City to Eugene;

(ii) ORE 99E — The sections from Oregon City to Salem and from Albany to Junction City;

(iii) ORE 99W — The entire section from Portland to Junction City;

(iv) US 20 — The section from Philomath to Lebanon;

(v) ORE 22 - The section from ORE 18 to Mehama;

(vi) US 26 - The section from ORE 47 interchange to Portland;

(vii) ORE 34 - The section from Corvallis to Lebanon.

(b) The 1/4 and 1/8 mile safety buffer zone distances identified above must be a noncombustible area, as defined in the State Fire Marshal Rules. For all requirements related to the State Fire Marshal Fire Safety Buffer Zones, see OAR 837, Division 110. Nothing in the Departments' rules regarding fire safety buffer zones replaces or substitutes for meeting all the requirements in the State Fire Marshal Rules.

(c) The area beyond the 1/4 and 1/8 mile noncombustible area in the fire safety buffer zone represents the area that is considered a priority area as described above in subsection (1)(a)(D) and (E). Burning in this part of the fire safety buffer zone is subject to the restrictions for priority areas in subsection (1) of these rules.

(4) Problem Fields:

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(a) No problem fields shall be burned without first contacting the Department to determine what specific weather conditions and smoke management criteria need to be followed when burning the field, in order protect any school, hospital, airport, or other sensitive area, in proximity to the field.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the Environmental Quality Commission under OAR 340-200-0040.
Stat. Auth.: ORS 468 & ORS 468A
Stats. Implemented: ORS 468A.610
Hist.: DEQ 8-2010, f. & cert. . ef. 8-27-10

340-266-0080

Burning by Public Agencies (Training Fires)

In order to promote public safety through the training of firefighting personnel, open field burning on grass seed or cereal grain acreage by a fire department or rural fire protection district is subject to the following conditions:

(1) Such burning must be deemed necessary by the official local fire authority having jurisdiction, and must be conducted in a manner consistent with the primary purpose of providing training to firefighting personnel, in accordance with ORS 468A.020.

(2) Such burning must be limited to the minimum number of acres and occasions reasonably needed to ensure adequate fire fighting personnel training.

(3) Consultation with the Department of Agriculture by the fire department or rural fire protection district is required, in order to identify the appropriate atmospheric dispersion and burning conditions for optimum smoke dispersal, to protect the public from smoke impacts.

(4) No training fires shall be allowed on any acreage that is in a State Fire Marshal safety buffer zone, and any training fire being considered in a critical non-burn area, Priority Area, or Problem Field, shall comply with the requirements in subsection (3) of these rules.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the Environmental Quality Commission under OAR 340-200-0040.
Stat. Auth.: ORS 468 & 468A
Stats. Implemented: ORS 468A.020
Hist.: DEQ 5-1984, f. & ef. 3-7-84; DEQ 5-1992, f. & cert. ef. 3-3-92 (and corrected 3-18-92); DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 4-1993, f. & cert. ef. 5-11-93; DEQ 8-1993, f. & cert. ef. 5-11-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-026-0031; DEQ 8-2010, f. & cert. . ef. 8-27-10

340-266-0090

Preparatory Burning

The Department encourages the preparatory burning of portions of selected fields to reduce or eliminate potential fire hazards and safety problems and to expedite the subsequent burning of the field. Such burning shall be consistent with smoke management considerations and subject to the following conditions:

(1) Each responsible person shall limit the acres burned to the minimum necessary to eliminate potential fire hazards or safety problems but in no case exceed five acres for each burn unless specifically authorized by the Department.

(2) Each responsible person conducting preparatory burning shall employ backfiring burning techniques.

(3) Each responsible person conducting preparatory burning shall comply with the provisions of OAR 340-266-0040 through 340-266-0060 and 837-110-0010 through 837-110-0090.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the Environmental Quality Commission under OAR 340-200-0040.
Stat. Auth.: ORS 468 & 468A
Stats. Implemented: ORS 468A.600
Hist.: DEQ 11-1987, f. & ef. 6-15-87; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 8-1993, f. & cert. ef. 5-11-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-026-0033; DEQ 8-2010, f. & cert. . ef. 8-27-10

340-266-0100

Experimental Burning

The Department may allow open field burning for demonstration or experimental purposes pursuant to the provisions of ORS 468A.620, consistent with smoke management considerations and subject to the following conditions:

(1) Acreage experimentally open field burned, propane flamed, or stack burned shall not exceed 1,000 acres annually.

(2) Acreage experimentally burned shall not apply to the district allocation or to the maximum annual acreage limit specified in OAR 340-266-0060(1).

(3) Such burning is exempt from the provisions of 340-266-0070 but must comply with the provisions of OAR 340-266-0040 and 340-266-0050,

except that the Department may elect to waive all or part of the per acre open field burning or propane flaming fee.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the Environmental Quality Commission under OAR 340-200-0040.
Stat. Auth.: ORS 468 & 468A
Stats. Implemented: ORS 468A.620
Hist.: DEQ 5-1984, f. & ef. 3-7-84; DEQ 11-1987, f. & ef. 6-15-87; DEQ 5-1992, f. & cert. ef. 3-3-92 (and corrected 3-18-92); DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-026-0035; DEQ 8-2010, f. & cert. . ef. 8-27-10

340-266-0110

Emergency Burning Cessation

Pursuant to ORS 468A.610 and upon finding of danger to public health or safety, the Commission may order temporary emergency cessation of all open field burning in any area of the Willamette Valley.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the Environmental Quality Commission under OAR 340-200-0040.
Stat. Auth.: ORS 468 & 468A
Stats. Implemented: ORS 468A.610
Hist.: DEQ 5-1984, f. & ef. 3-7-84; DEQ 5-1992, f. & cert. ef. 3-3-92 (and corrected 3-18-92); DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-026-0040; DEQ 8-2010, f. & cert. . ef. 8-27-10

340-266-0130

Stack Burning

The open burning of piled or stacked residue from perennial or annual grass seed or cereal grain crops used for seed production is allowed subject to the following conditions:

(1) No person shall cause or allow to be initiated or maintained any stack burning on any day or at any time if the Department has notified the State Fire Marshal that such burning is prohibited because of meteorological or air quality conditions.

(2) No person shall cause or allow stack burning of any grass seed or cereal grain residue unless said residue is dry and free of all other combustible and non-combustible material.

(3) Each responsible person shall make every reasonable effort to promote efficient burning, minimize smoke emissions, and extinguish any stack burning which is in violation of any rule of the Commission.

(4) No stack burning shall be conducted within any State Fire Marshal buffer zone "non-combustible ground surface" area (e.g., within 1/4 mile of Interstate I-5, or 1/8 mile of any designated roadway), as specified in OAR 837-110-0080.

(5) The acreage must be registered and permitted pursuant to OAR 340-266-0050.

(6) Unless otherwise specifically agreed by the parties, after the straw is removed from the fields of the grower, the responsibility for the further disposition of the straw, including burning or disposal, and payment of the appropriate fees, shall be upon the person who bales, removes, controls, or is in possession of the straw.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the Environmental Quality Commission under OAR 340-200-0040.
Stat. Auth.: ORS 468 & 468A
Stats. Implemented: ORS 468A.600
Hist.: DEQ 11-1987, f. & ef. 6-15-88; DEQ 8-1989, f. & cert. ef. 6-7-89; DEQ 5-1992, f. & cert. ef. 3-3-92 (and corrected 3-18-92); DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 8-1993, f. & cert. ef. 5-11-93; DEQ 14-1994, f. & cert. ef. 5-31-94; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-026-0055; DEQ 8-2010, f. & cert. . ef. 8-27-10

340-266-0140

Burning Fees Outside Willamette Valley

In accordance with ORS 468A.615(1)(b), each person open field burning perennial or annual grass seed crops in counties outside the Willamette Valley, shall pay the Department \$8.00 for each acre burned.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the Environmental Quality Commission under OAR 340-200-0040.
Stat. Auth.: ORS 468 & 468A
Stats. Implemented: ORS 468A.615
Hist.: DEQ 8-2010, f. & cert. . ef. 8-27-10

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Rule Caption: Update of air quality ambient benchmark concentrations for ethyl benzene, lead, manganese and mercury.

Adm. Order No.: DEQ 9-2010

Filed with Sec. of State: 8-31-2010

Certified to be Effective: 8-31-10

Notice Publication Date: 3-1-2010

Rules Amended: 340-246-0090

ADMINISTRATIVE RULES

Subject: The Oregon Department of Environmental Quality adopted a new air toxic ambient benchmark concentration for ethyl benzene and revised three current benchmarks for lead, manganese, and mercury. Air toxics are pollutants known or suspected to cause cancer or other serious health effects. Ambient benchmarks are concentrations of air toxics that serve as goals in the Oregon program. They are based on levels protective of human health considering sensitive populations, like the elderly and children, used to support scientifically sound evaluation and decision-making. The Air Toxics Program requires a periodic review of ambient benchmark concentrations to consider new scientific understanding of chemical toxicity and exposure.

DEQ and its Air Toxics Science Advisory Committee evaluated new developments for four air toxics: lead, ethyl benzene, manganese and mercury. In 2008, the U.S. Environmental Protection Agency adopted a new lower federal National Ambient Air Quality Standard for lead. In addition, the California Environmental Protection Agency's Office of Environmental Health and Hazard Assessment concluded that ethyl benzene should be considered a cancer-causing agent, and that acceptable ambient thresholds for manganese and mercury exposure should be lowered, making them more protective of children's health. After consultation with the committee, DEQ concluded that benchmark for lead should align with the federal standard, a new benchmark should be added for ethyl benzene, and the current benchmark for manganese should be more protective.

DEQ and the advisory committee agree new scientific evidence is insufficient to warrant lowering DEQ's current benchmark concentration for mercury at this time, although the rule now clarifies that this concentration applies only to elemental mercury.

Rules Coordinator: Maggie Vandehey—(503) 229-6878

340-246-0090

Ambient Benchmarks for Air Toxics

(1) Purpose. Ambient benchmarks are concentrations of air toxics that serve as goals in the Oregon Air Toxics Program. They are based on human health risk and hazard levels considering sensitive populations. Ambient benchmarks are not regulatory standards, but reference values by which air toxics problems can be identified, addressed and evaluated. The Department will use ambient benchmarks as indicated in these rules, to implement the Geographic, Source Category, and Safety Net Programs. Ambient benchmarks set by the procedures described in this rule apply throughout Oregon, including that area within the jurisdiction of the Lane Regional Air Protection Agency. Ambient benchmarks are subject to public notice and comment before adoption by the Commission as administrative rules.

(2) Establishing Ambient Benchmarks

(a) The Department will consult with the ATSAC to prioritize air toxics for ambient benchmark development. Highest priority air toxics are those that pose the greatest risk to public health.

(b) To prioritize air toxics, the Department will apply the criteria described in OAR 340-246-0090(2)(c) to modeling, monitoring, and emissions inventory data.

(c) Ambient benchmark prioritization criteria will include at least the following:

(A) Toxicity or potency of a pollutant;

(B) Exposure and number of people at risk;

(C) Impact on sensitive human populations;

(D) The number and degree of predicted ambient benchmark exceedances; and

(E) Potential to cause harm through persistence and bio-accumulation.

(d) The Department will develop ambient benchmarks for proposal to the ATSAC based upon a protocol that uses reasonable estimates of plausible upper-bound exposures that neither grossly underestimate nor grossly overestimate risks.

(e) Within three months of the first meeting of the ATSAC, the Department will propose ambient benchmark concentrations for the highest priority air toxics for review by the ATSAC. The Department will propose additional and revised air toxics ambient benchmarks for review by the ATSAC based on the prioritization criteria in OAR 340-246-0090(2)(c). Once the ATSAC has completed review of each set of proposed ambient benchmarks, the Department will, within 60 days, begin the process to pro-

pose ambient benchmarks as administrative rules for adoption by the Environmental Quality Commission.

(f) If the Department is unable to propose ambient benchmarks to the ATSAC by the deadlines specified in OAR 340-246-0090(2)(e), the ATSAC will review the most current EPA ambient benchmarks. If EPA ambient benchmarks are not available, the ATSAC will review the best available information from other states and local air authorities.

(g) The ATSAC will consider proposed ambient benchmarks and evaluate their adequacy for meeting risk and hazard levels, considering human health, including sensitive human populations, scientific uncertainties, persistence, bio-accumulation, and, to the extent possible, multiple exposure pathways. The ATSAC will conduct this review consistent with the criteria in OAR 340-246-0090(2)(c) and (d). The ATSAC will report these findings to the Department. If the ATSAC unanimously disagrees with the Department's recommendation, the Department will re-consider and re-submit its recommendation at a later date.

(h) The ATSAC will complete review of and report findings on each set of ambient benchmarks as expeditiously as possible, but no later than 12 months after the Department has proposed them. If the ATSAC is unable to complete review of ambient benchmarks within 12 months after the Department's proposal, the Department will initiate rulemaking to propose ambient benchmarks.

(i) The Department will review all ambient benchmarks at least every five years and, if necessary, propose revised or additional ambient benchmarks to the ATSAC. At its discretion, the Department may review and propose a benchmark for review by the ATSAC at any time when new information is available.

(3) Ambient Benchmarks. Benchmark concentrations are in units of micrograms of air toxic per cubic meter of ambient air, on an average annual basis. The Chemical Abstract Service Registry Number (CASRN) is shown in parentheses.

(a) The ambient benchmark for acetaldehyde (75-07-0) is 0.45 micrograms per cubic meter.

(b) The ambient benchmark for acrolein (107-02-8) is 0.02 micrograms per cubic meter.

(c) The ambient benchmark for acrylonitrile (107-13-1) is 0.01 micrograms per cubic meter.

(d) The ambient benchmark for ammonia (7664-41-7) is 200 micrograms per cubic meter.

(e) The ambient benchmark for arsenic (7440-38-2) is 0.0002 micrograms per cubic meter.

(f) The ambient benchmark for benzene (71-43-2) is 0.13 micrograms per cubic meter.

(g) The ambient benchmark for beryllium (7440-41-7) is 0.0004 micrograms per cubic meter.

(h) The ambient benchmark for 1,3-butadiene (106-99-0) is 0.03 micrograms per cubic meter.

(i) The ambient benchmark for cadmium and cadmium compounds (7440-43-9) is 0.0006 micrograms per cubic meter.

(j) The ambient benchmark for carbon disulfide (75-15-0) is 800 micrograms per cubic meter.

(k) The ambient benchmark for carbon tetrachloride (56-23-5) is 0.07 micrograms per cubic meter.

(l) The ambient benchmark for chlorine (7782-50-5) is 0.2 micrograms per cubic meter.

(m) The ambient benchmark for chloroform (67-66-3) is 98 micrograms per cubic meter.

(n) The ambient benchmark for chromium, hexavalent (18540-29-9) is 0.00008 micrograms per cubic meter.

(o) The ambient benchmark for cobalt and cobalt compounds (7440-48-4) is 0.1 micrograms per cubic meter.

(p) The ambient benchmark for 1,4-dichlorobenzene (106-46-7) is 0.09 micrograms per cubic meter.

(q) The ambient benchmark for 1,3-dichloropropene (542-75-6) is 0.25 micrograms per cubic meter.

(r) The ambient benchmark for diesel particulate matter (none) is 0.1 micrograms per cubic meter. The benchmark for diesel particulate matter applies only to such material from diesel-fueled internal combustion sources.

(s) The ambient benchmark for dioxins and furans (1746-01-6) is 0.0000003 micrograms per cubic meter. The benchmark for dioxin is for total chlorinated dioxins and furans expressed as 2,3,7,8-TCDD toxicity equivalents.

(t) The ambient benchmark for ethyl benzene (100-41-4) is 0.4 micrograms per cubic meter.

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(u) The ambient benchmark for ethylene dibromide (106-93-4) is 0.002 micrograms per cubic meter.

(v) The ambient benchmark for ethylene dichloride (107-06-2) is 0.04 micrograms per cubic meter.

(w) The ambient benchmark for ethylene oxide (75-21-8) is 0.01 micrograms per cubic meter.

(x) The ambient benchmark for formaldehyde (50-00-0) is 3 micrograms per cubic meter.

(y) The ambient benchmark for n-hexane (110-54-3) is 7000 micrograms per cubic meter.

(z) The ambient benchmark for hydrogen chloride (7647-01-0) is 20 micrograms per cubic meter.

(aa) The ambient benchmark for hydrogen cyanide (74-90-8) is 9 micrograms per cubic meter.

(bb) The ambient benchmark for hydrogen fluoride (7664-39-3) is 14 micrograms per cubic meter.

(cc) The ambient benchmark for lead and lead compounds (7439-92-1) is 0.15 micrograms per cubic meter.

(dd) The ambient benchmark for manganese and manganese compounds (7439-96-5) is 0.09 micrograms per cubic meter.

(ee) The ambient benchmark for elemental mercury (7439-97-6) is 0.3 micrograms per cubic meter.

(ff) The ambient benchmark for methyl bromide (74-83-9) is 5 micrograms per cubic meter.

(gg) The ambient benchmark for methyl chloride (74-87-3) is 90 micrograms per cubic meter.

(hh) The ambient benchmark for methyl chloroform (71-55-6) is 1000 micrograms per cubic meter.

(ii) The ambient benchmark for methylene chloride (75-09-2) is 2.1 micrograms per cubic meter.

(jj) The ambient benchmark for naphthalene (91-20-3) is 0.03 micrograms per cubic meter.

(kk) The ambient benchmark for nickel refinery dust (7440-02-0) is 0.004 micrograms per cubic meter.

(ll) The ambient benchmark for nickel subsulfide (12035-72-2) is 0.002 micrograms per cubic meter.

(mm) The ambient benchmark for soluble nickel compounds (various) is 0.05 micrograms per cubic meter, where soluble nickel compounds may include any or all of the following: nickel acetate (373-02-4), nickel chloride (7718-54-9), nickel carbonate (3333-39-3), nickel carbonyl (13463-39-3), nickel hydroxide (12054-48-7), nickelocene (1271-28-9), and nickel sulfate (7786-81-4).

(nn) The ambient benchmark for phosphine (7803-51-2) is 0.3 micrograms per cubic meter.

(oo) The ambient benchmark for phosphoric acid (7664-38-2) is 10 micrograms per cubic meter.

(pp) The ambient benchmark for total (as the sum of congeners) polychlorinated biphenyls (1336-36-3) is 0.01 micrograms per cubic meter.

(qq) The ambient benchmark for total polycyclic aromatic hydrocarbons (none) is 0.0009 micrograms per cubic meter, where total polycyclic aromatic hydrocarbons are the sum of the toxicity equivalency factor (with respect to benzo(a)pyrene (50-32-8)) adjusted concentrations for all of the following individual polycyclic aromatic hydrocarbons: benzo(a)anthracene (56-55-3), benzo(a)pyrene (50-32-8), benzo(b)fluoranthene (205-99-2), benzo(k)fluoranthene (207-08-9), carbazole (86-74-8), chrysene (218-01-9), dibenz(a,h)acridine (226-36-8), dibenz(a,h)anthracene (226-36-8), dibenz(a,j)acridine (224-42-0), 7H-dibenzo(c,g)carbazole (194-59-2), dibenzo(a,e)pyrene (192-65-4), dibenzo(a,i)pyrene (189-55-9), dibenzo(a,l)pyrene (191-30-0), 7,12-dimethylbenz(a)anthracene (57-97-6), 1,6-dinitropyrene (42397-64-8), 1,8-dinitropyrene (42397-65-9), indeno(1,2,3-c,d)pyrene (193-39-5), 3-methylcholanthrene (56-49-5), 5-methylchrysene (3697-24-3), 1-nitropyrene (5522-43-0), 2-nitrofluorene (607-57-8), 4-nitropyrene (59865-13-3), 5-nitroacenaphthene (607-87-9) 6-nitrochrysene (7496-02-8), acenaphthene (83-32-9), acenaphthylene (208-96-8), anthracene (120-12-7), benzo(g,h,i)perylene (191-24-2), fluoranthene (206-44-0), fluorene (86-73-7), phenanthrene (85-01-8), and pyrene (129-00-0).

(rr) The ambient benchmark for tetrachloroethylene (127-18-4) is 35 micrograms per cubic meter.

(ss) The ambient benchmark for toluene (108-88-3) is 400 micrograms per cubic meter.

(tt) The ambient benchmark for 2,4- & 2,6 toluene diisocyanate, mixture (26471-62-5) is 0.07 micrograms per cubic meter.

(uu) The ambient benchmark for trichloroethylene (79-01-6) is 0.5 micrograms per cubic meter.

(vv) The ambient benchmark for vinyl chloride (75-01-4) is 0.1 micrograms per cubic meter.

(ww) The ambient benchmark for white phosphorus (7723-14-0) is 0.07 micrograms per cubic meter.

(xx) The ambient benchmark for xylenes (1330-20-7) is 700 micrograms per cubic meter.

(yy) The ambient benchmark for hydrogen sulfide (7783-06-4) is 2.0 micrograms per cubic meter.

(zz) The ambient benchmark for methanol (67-56-1) is 4000 micrograms per cubic meter.

Stat. Auth.: ORS 468.035, 468A.010(1) & 468A.015
Stat. Implemented:
Hist.: DEQ 15-2003, f. & cert. ef. 11-3-03; DEQ 12-2006, f. & cert. ef. 8-15-06; DEQ 9-2010, f. & cert. ef. 8-31-10

Rule Caption: PM_{2.5} New Source Review/Prevention of Significant Deterioration/Air Contaminant Discharge Permit Deferral.

Adm. Order No.: DEQ 10-2010(Temp)

Filed with Sec. of State: 8-31-2010

Certified to be Effective: 9-1-10 thru 2-28-11

Notice Publication Date:

Rules Amended: 340-200-0020, 340-202-0210, 340-216-0020, 340-224-0010, 340-224-0050, 340-224-0070, 340-225-0020, 340-225-0030, 340-225-0045, 340-225-0050, 340-225-0060, 340-225-0090

Subject: This rulemaking aligns Oregon rules with proposed EPA standards for fine particulate matter less than 2.5 microns in diameter. Adoption allows DEQ to continue implementing the New Source Review/Prevention of Significant Deterioration Program.

For certain sources subject to new air quality standards, the amendments allow DEQ to defer the requirement to submit an application or obtain an Air Contaminant Discharge Permit for up to twelve months.

Rules Coordinator: Maggie Vandehey — (503) 229-6878

340-200-0020

General Air Quality Definitions

As used in divisions 200 through 268, unless specifically defined otherwise:

(1) "Act" or "FCAA" means the Federal Clean Air Act, 42 U.S.C.A. 7401 to 7671q.

(2) "Activity" means any process, operation, action, or reaction (e.g., chemical) at a source that emits a regulated pollutant.

(3) "Actual emissions" means the mass emissions of a pollutant from an emissions source during a specified time period.

(a) For determining actual emissions as of the baseline period:

(A) Except as provided in paragraph (B), actual emissions equal the average rate at which the source actually emitted the pollutant during a baseline period and that represents normal source operation;

(B) The Department presumes that the source-specific mass emissions limit included in a source's permit that was effective on September 8, 1981 is equivalent to the source's actual emissions during the baseline period if it is within 10% of the actual emissions calculated under paragraph (A).

(b) For any source that had not begun normal operation, actual emissions equal the potential to emit of the source.

(c) For determining actual emissions for Emission Statements under OAR 340-214-0200 through 340-214-0220 and Oregon Title V Operating Permit Fees under OAR 340 division 220, actual emissions include, but are not limited to, routine process emissions, fugitive emissions, excess emissions from maintenance, startups and shutdowns, equipment malfunction, and other activities, except categorically insignificant activities and secondary emissions.

(d) For Oregon Title V Operating Permit Fees under OAR 340 division 220, actual emissions must be directly measured with a continuous monitoring system or calculated using a material balance or verified emission factor in combination with the source's actual operating hours, production rates, or types of materials processed, stored, or combusted during the specified time period.

(4) "Adjacent" means interdependent facilities that are nearby to each other.

(5) "Affected source" means a source that includes one or more affected units that are subject to emission reduction requirements or limitations under Title IV of the FCAA.

(6) "Affected states" means all states:

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(a) Whose air quality may be affected by a proposed permit, permit modification, or permit renewal and that are contiguous to Oregon; or

(b) That are within 50 miles of the permitted source.

(7) "Aggregate insignificant emissions" means the annual actual emissions of any regulated air pollutant from one or more designated activities at a source that are less than or equal to the lowest applicable level specified in this section. The total emissions from each designated activity and the aggregate emissions from all designated activities must be less than or equal to the lowest applicable level specified.

(a) One ton for total reduced sulfur, hydrogen sulfide, sulfuric acid mist, any Class I or II substance subject to a standard promulgated under or established by Title VI of the Act, and each criteria pollutant, except lead;

(b) 120 pounds for lead;

(c) 600 pounds for fluoride;

(d) 500 pounds for PM10 in a PM10 nonattainment area;

(e) 500 pounds for PM2.5 in a PM2.5 nonattainment area;

(f) The lesser of the amount established in OAR 340-244-0040, Table 1 or 340-244-0230, Table 3, or 1,000 pounds;

(g) An aggregate of 5,000 pounds for all Hazardous Air Pollutants.

(8) "Air Contaminant" means a dust, fume, gas, mist, odor, smoke, vapor, pollen, soot, carbon, acid or particulate matter, or any combination thereof.

(9) "Air Contaminant Discharge Permit" or "ACDP" means a written permit issued, renewed, amended, or revised by the Department, pursuant to OAR 340 division 216.

(10) "Alternative method" means any method of sampling and analyzing for an air pollutant that is not a reference or equivalent method but has been demonstrated to the Department's satisfaction to, in specific cases, produce results adequate for determination of compliance. An alternative method used to meet an applicable federal requirement for which a reference method is specified must be approved by EPA unless EPA has delegated authority for the approval to the Department.

(11) "Ambient Air" means that portion of the atmosphere, external to buildings, to which the general public has access.

(12) "Applicable requirement" means all of the following as they apply to emissions units in an Oregon Title V Operating Permit program source or ACDP program source, including requirements that have been promulgated or approved by the EPA through rule making at the time of issuance but have future-effective compliance dates:

(a) Any standard or other requirement provided for in the applicable implementation plan approved or promulgated by the EPA through rule-making under Title I of the Act that implements the relevant requirements of the Act, including any revisions to that plan promulgated in 40 CFR Part 52;

(b) Any standard or other requirement adopted under OAR 340-200-0040 of the State of Oregon Clean Air Act Implementation Plan, that is more stringent than the federal standard or requirement which has not yet been approved by the EPA, and other state-only enforceable air pollution control requirements;

(c) Any term or condition in an ACDP, OAR 340 division 216, including any term or condition of any preconstruction permits issued pursuant to OAR 340 division 224, New Source Review, until or unless the Department revokes or modifies the term or condition by a permit modification;

(d) Any term or condition in a Notice of Construction and Approval of Plans, OAR 340-210-0205 through 340-210-0240, until or unless the Department revokes or modifies the term or condition by a Notice of Construction and Approval of Plans or a permit modification;

(e) Any term or condition in a Notice of Approval, OAR 340-218-0190, issued before July 1, 2001, until or unless the Department revokes or modifies the term or condition by a Notice of Approval or a permit modification;

(f) Any term or condition of a PSD permit issued by the EPA until or unless the EPA revokes or modifies the term or condition by a permit modification;

(g) Any standard or other requirement under section 111 of the Act, including section 111(d);

(h) Any standard or other requirement under section 112 of the Act, including any requirement concerning accident prevention under section 112(r)(7) of the Act;

(i) Any standard or other requirement of the acid rain program under Title IV of the Act or the regulations promulgated thereunder;

(j) Any requirements established pursuant to section 504(b) or section 114(a)(3) of the Act;

(k) Any standard or other requirement under section 126(a)(1) and (c) of the Act;

(l) Any standard or other requirement governing solid waste incineration, under section 129 of the Act;

(m) Any standard or other requirement for consumer and commercial products, under section 183(e) of the Act;

(n) Any standard or other requirement for tank vessels, under section 183(f) of the Act;

(o) Any standard or other requirement of the program to control air pollution from outer continental shelf sources, under section 328 of the Act;

(p) Any standard or other requirement of the regulations promulgated to protect stratospheric ozone under Title VI of the Act, unless the Administrator has determined that such requirements need not be contained in an Oregon Title V Operating Permit; and

(q) Any national ambient air quality standard or increment or visibility requirement under part C of Title I of the Act, but only as it would apply to temporary sources permitted pursuant to section 504(e) of the Act.

(13) "Baseline Emission Rate" means the actual emission rate during the baseline period. Baseline emission rate does not include increases due to voluntary fuel switches or increased hours of operation that occurred after the baseline period.

(14) "Baseline Period" means any consecutive 12 calendar month period during the calendar years specified in (a) through (b) below. The Department may allow the use of a prior time period upon a determination that it is more representative of normal source operation.

(a) For any regulated pollutant other than PM2.5, calendar years 1977 or 1978;

(b) For PM2.5, calendar years 2006 or 2007.

(15) "Best Available Control Technology" or "BACT" means an emission limitation, including, but not limited to, a visible emission standard, based on the maximum degree of reduction of each air contaminant subject to regulation under the Act which would be emitted from any proposed major source or major modification which, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, is achievable for such source or modification through application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of such air contaminant. In no event may the application of BACT result in emissions of any air contaminant that would exceed the emissions allowed by any applicable new source performance standard or any standard for hazardous air pollutant. If an emission limitation is not feasible, a design, equipment, work practice, or operational standard, or combination thereof, may be required. Such standard must, to the degree possible, set forth the emission reduction achievable and provide for compliance by prescribing appropriate permit conditions.

(16) "Capacity" means the maximum regulated pollutant emissions from a stationary source under its physical and operational design.

(17) "Capture system" means the equipment (including but not limited to hoods, ducts, fans, and booths) used to contain, capture and transport a pollutant to a control device.

(18) "Categorically insignificant activity" means any of the following listed pollutant emitting activities principally supporting the source or the major industrial group. Categorically insignificant activities must comply with all applicable requirements.

(a) Constituents of a chemical mixture present at less than 1% by weight of any chemical or compound regulated under divisions 200 through 268 excluding divisions 248 and 262 of this chapter, or less than 0.1% by weight of any carcinogen listed in the U.S. Department of Health and Human Service's Annual Report on Carcinogens when usage of the chemical mixture is less than 100,000 pounds/year;

(b) Evaporative and tail pipe emissions from on-site motor vehicle operation;

(c) Distillate oil, kerosene, and gasoline fuel burning equipment rated at less than or equal to 0.4 million Btu/hr;

(d) Natural gas and propane burning equipment rated at less than or equal to 2.0 million Btu/hr;

(e) Office activities;

(f) Food service activities;

(g) Janitorial activities;

(h) Personal care activities;

(i) Groundskeeping activities including, but not limited to building painting and road and parking lot maintenance;

(j) On-site laundry activities;

(k) On-site recreation facilities;

(l) Instrument calibration;

(m) Maintenance and repair shop;

(n) Automotive repair shops or storage garages;

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(o) Air cooling or ventilating equipment not designed to remove air contaminants generated by or released from associated equipment;

(p) Refrigeration systems with less than 50 pounds of charge of ozone depleting substances regulated under Title VI, including pressure tanks used in refrigeration systems but excluding any combustion equipment associated with such systems;

(q) Bench scale laboratory equipment and laboratory equipment used exclusively for chemical and physical analysis, including associated vacuum producing devices but excluding research and development facilities;

(r) Temporary construction activities;

(s) Warehouse activities;

(t) Accidental fires;

(u) Air vents from air compressors;

(v) Air purification systems;

(w) Continuous emissions monitoring vent lines;

(x) Demineralized water tanks;

(y) Pre-treatment of municipal water, including use of deionized water purification systems;

(z) Electrical charging stations;

(aa) Fire brigade training;

(bb) Instrument air dryers and distribution;

(cc) Process raw water filtration systems;

(dd) Pharmaceutical packaging;

(ee) Fire suppression;

(ff) Blueprint making;

(gg) Routine maintenance, repair, and replacement such as anticipated activities most often associated with and performed during regularly scheduled equipment outages to maintain a plant and its equipment in good operating condition, including but not limited to steam cleaning, abrasive use, and woodworking;

(hh) Electric motors;

(ii) Storage tanks, reservoirs, transfer and lubricating equipment used for ASTM grade distillate or residual fuels, lubricants, and hydraulic fluids;

(jj) On-site storage tanks not subject to any New Source Performance Standards (NSPS), including underground storage tanks (UST), storing gasoline or diesel used exclusively for fueling of the facility's fleet of vehicles;

(kk) Natural gas, propane, and liquefied petroleum gas (LPG) storage tanks and transfer equipment;

(ll) Pressurized tanks containing gaseous compounds;

(mm) Vacuum sheet stacker vents;

(nn) Emissions from wastewater discharges to publicly owned treatment works (POTW) provided the source is authorized to discharge to the POTW, not including on-site wastewater treatment and/or holding facilities;

(oo) Log ponds;

(pp) Storm water settling basins;

(qq) Fire suppression and training;

(rr) Paved roads and paved parking lots within an urban growth boundary;

(ss) Hazardous air pollutant emissions of fugitive dust from paved and unpaved roads except for those sources that have processes or activities that contribute to the deposition and entrainment of hazardous air pollutants from surface soils;

(tt) Health, safety, and emergency response activities;

(uu) Emergency generators and pumps used only during loss of primary equipment or utility service due to circumstances beyond the reasonable control of the owner or operator, or to address a power emergency as determined by the Department;

(vv) Non-contact steam vents and leaks and safety and relief valves for boiler steam distribution systems;

(ww) Non-contact steam condensate flash tanks;

(xx) Non-contact steam vents on condensate receivers, deaerators and similar equipment;

(yy) Boiler blowdown tanks;

(zz) Industrial cooling towers that do not use chromium-based water treatment chemicals;

(aaa) Ash piles maintained in a wetted condition and associated handling systems and activities;

(bbb) Oil/water separators in effluent treatment systems;

(ccc) Combustion source flame safety purging on startup;

(ddd) Broke beaters, pulp and repulping tanks, stock chests and pulp handling equipment, excluding thickening equipment and repulpers;

(eee) Stock cleaning and pressurized pulp washing, excluding open stock washing systems; and

(fff) White water storage tanks.

(19) "Certifying individual" means the responsible person or official authorized by the owner or operator of a source who certifies the accuracy of the emission statement.

(20) "CFR" means Code of Federal Regulations.

(21) "Class I area" means any Federal, State or Indian reservation land which is classified or reclassified as Class I area. Class I areas are identified in OAR 340-204-0050.

(22) "Commence" or "commencement" means that the owner or operator has obtained all necessary preconstruction approvals required by the Act and either has:

(a) Begun, or caused to begin, a continuous program of actual on-site construction of the source to be completed in a reasonable time; or

(b) Entered into binding agreements or contractual obligations, which cannot be canceled or modified without substantial loss to the owner or operator, to undertake a program of construction of the source to be completed in a reasonable time.

(23) "Commission" or "EQC" means Environmental Quality Commission.

(24) "Constant Process Rate" means the average variation in process rate for the calendar year is not greater than plus or minus ten percent of the average process rate.

(25) "Construction":

(a) Except as provided in subsection(b) of this section means any physical change including, but not limited to, fabrication, erection, installation, demolition, or modification of a source or part of a source;

(b) As used in OAR 340 division 224 means any physical change including, but not limited to, fabrication, erection, installation, demolition, or modification of an emissions unit, or change in the method of operation of a source which would result in a change in actual emissions.

(26) "Continuous compliance determination method" means a method, specified by the applicable standard or an applicable permit condition, which:

(a) Is used to determine compliance with an emission limitation or standard on a continuous basis, consistent with the averaging period established for the emission limitation or standard; and

(b) Provides data either in units of the standard or correlated directly with the compliance limit.

(27) "Continuous Monitoring Systems" means sampling and analysis, in a timed sequence, using techniques which will adequately reflect actual emissions or concentrations on a continuing basis in accordance with the Department's Continuous Monitoring Manual, and includes continuous emission monitoring systems, continuous opacity monitoring system (COMS) and continuous parameter monitoring systems.

(28) "Control device" means equipment, other than inherent process equipment, that is used to destroy or remove air pollutant(s) prior to discharge to the atmosphere. The types of equipment that may commonly be used as control devices include, but are not limited to, fabric filters, mechanical collectors, electrostatic precipitators, inertial separators, afterburners, thermal or catalytic incinerators, adsorption devices (such as carbon beds), condensers, scrubbers (such as wet collection and gas absorption devices), selective catalytic or non-catalytic reduction systems, flue gas recirculation systems, spray dryers, spray towers, mist eliminators, acid plants, sulfur recovery plants, injection systems (such as water, steam, ammonia, sorbent or limestone injection), and combustion devices independent of the particular process being conducted at an emissions unit (e.g., the destruction of emissions achieved by venting process emission streams to flares, boilers or process heaters). For purposes of OAR 340-212-0200 through 340-212-0280, a control device does not include passive control measures that act to prevent pollutants from forming, such as the use of seals, lids, or roofs to prevent the release of pollutants, use of low-polluting fuel or feedstocks, or the use of combustion or other process design features or characteristics. If an applicable requirement establishes that particular equipment which otherwise meets this definition of a control device does not constitute a control device as applied to a particular pollutant-specific emissions unit, then that definition will be binding for purposes of OAR 340-212-0200 through 340-212-0280.

(29) "Criteria Pollutant" means nitrogen oxides, volatile organic compounds, particulate matter, PM10, PM2.5, sulfur dioxide, carbon monoxide, or lead.

(30) "Data" means the results of any type of monitoring or method, including the results of instrumental or non-instrumental monitoring, emission calculations, manual sampling procedures, recordkeeping procedures, or any other form of information collection procedure used in connection with any type of monitoring or method.

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(31) "De minimis emission level" means: [Table not included. See ED. NOTE.]

NOTE: De minimis is compared to all increases that are not included in the PSEL.

(32) "Department":

(a) Means Department of Environmental Quality; except

(b) As used in OAR 340 divisions 218 and 220 means Department of Environmental Quality or in the case of Lane County, Lane Regional Air Protection Agency.

(33) "Device" means any machine, equipment, raw material, product, or byproduct at a source that produces or emits a regulated pollutant.

(34) "Direct PM2.5" has the meaning provided in the definition of PM2.5.

(35) "Director" means the Director of the Department or the Director's designee.

(36) "Draft permit" means the version of an Oregon Title V Operating Permit for which the Department or Lane Regional Air Protection Agency offers public participation under OAR 340-218-0210 or the EPA and affected State review under 340-218-0230.

(37) "Effective date of the program" means the date that the EPA approves the Oregon Title V Operating Permit program submitted by the Department on a full or interim basis. In case of a partial approval, the "effective date of the program" for each portion of the program is the date of the EPA approval of that portion.

(38) "Emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the owner or operator, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency does not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.

(39) "Emission" means a release into the atmosphere of any regulated pollutant or any air contaminant.

(40) "Emission Estimate Adjustment Factor" or "EEAF" means an adjustment applied to an emission factor to account for the relative inaccuracy of the emission factor.

(41) "Emission Factor" means an estimate of the rate at which a pollutant is released into the atmosphere, as the result of some activity, divided by the rate of that activity (e.g., production or process rate). Where an emission factor is required sources must use an emission factor approved by EPA or the Department.

(42)(a) Except as provided in subsection (b) of this section, "Emission Limitation" and "Emission Standard" mean a requirement established by a State, local government, or the EPA which limits the quantity, rate, or concentration of emissions of air pollutants on a continuous basis, including any requirements which limit the level of opacity, prescribe equipment, set fuel specifications, or prescribe operation or maintenance procedures for a source to assure continuous emission reduction.

(b) As used in OAR 340-212-0200 through 340-212-0280, "Emission limitation or standard" means any applicable requirement that constitutes an emission limitation, emission standard, standard of performance or means of emission limitation as defined under the Act. An emission limitation or standard may be expressed in terms of the pollutant, expressed either as a specific quantity, rate or concentration of emissions (e.g., pounds of SO₂ per hour, pounds of SO₂ per million British thermal units of fuel input, kilograms of VOC per liter of applied coating solids, or parts per million by volume of SO₂) or as the relationship of uncontrolled to controlled emissions (e.g., percentage capture and destruction efficiency of VOC or percentage reduction of SO₂). An emission limitation or standard may also be expressed either as a work practice, process or control device parameter, or other form of specific design, equipment, operational, or operation and maintenance requirement. For purposes of 340-212-0200 through 340-212-0280, an emission limitation or standard does not include general operation requirements that an owner or operator may be required to meet, such as requirements to obtain a permit, to operate and maintain sources in accordance with good air pollution control practices, to develop and maintain a malfunction abatement plan, to keep records, submit reports, or conduct monitoring.

(43) "Emission Reduction Credit Banking" means to presently reserve, subject to requirements of OAR 340 division 268, Emission Reduction Credits, emission reductions for use by the reserver or assignee for future compliance with air pollution reduction requirements.

(44) "Emission Reporting Form" means a paper or electronic form developed by the Department that must be completed by the permittee to

report calculated emissions, actual emissions, or permitted emissions for interim emission fee assessment purposes.

(45) "Emissions unit" means any part or activity of a source that emits or has the potential to emit any regulated air pollutant.

(a) A part of a source is any machine, equipment, raw material, product, or byproduct that produces or emits regulated air pollutants. An activity is any process, operation, action, or reaction (e.g., chemical) at a stationary source that emits regulated air pollutants. Except as described in subsection (d) of this section, parts and activities may be grouped for purposes of defining an emissions unit if the following conditions are met:

(A) The group used to define the emissions unit may not include discrete parts or activities to which a distinct emissions standard applies or for which different compliance demonstration requirements apply; and

(B) The emissions from the emissions unit are quantifiable.

(b) Emissions units may be defined on a pollutant by pollutant basis where applicable.

(c) The term emissions unit is not meant to alter or affect the definition of the term "unit" under Title IV of the FCAA.

(d) Parts and activities cannot be grouped for determining emissions increases from an emissions unit under OAR 340-224-0050 through 340-224-0070, or 340 division 210, or for determining the applicability of any New Source Performance Standard (NSPS).

(46) "EPA" or "Administrator" means the Administrator of the United States Environmental Protection Agency or the Administrator's designee.

(47) "Equivalent method" means any method of sampling and analyzing for an air pollutant that has been demonstrated to the Department's satisfaction to have a consistent and quantitatively known relationship to the reference method, under specified conditions. An equivalent method used to meet an applicable federal requirement for which a reference method is specified must be approved by EPA unless EPA has delegated authority for the approval to the Department.

(48) "Event" means excess emissions that arise from the same condition and occur during a single calendar day or continue into subsequent calendar days.

(49) "Exceedance" means a condition that is detected by monitoring that provides data in terms of an emission limitation or standard and that indicates that emissions (or opacity) are greater than the applicable emission limitation or standard (or less than the applicable standard in the case of a percent reduction requirement) consistent with any averaging period specified for averaging the results of the monitoring.

(50) "Excess emissions" means emissions in excess of a permit limit or any applicable air quality rule.

(51) "Excursion" means a departure from an indicator range established for monitoring under OAR 340-212-0200 through 340-212-0280 and 340-218-0050(3)(a), consistent with any averaging period specified for averaging the results of the monitoring.

(52) "Federal Land Manager" means with respect to any lands in the United States, the Secretary of the federal department with authority over such lands.

(53) Federal Major Source means a source with potential to emit any individual regulated pollutant, excluding hazardous air pollutants listed in OAR 340 division 244, greater than or equal to 100 tons per year if in a source category listed below, or 250 tons per year if not in a source category listed. Potential to emit calculations must include emission increases due to a new or modified source.

(a) Fossil fuel-fired steam electric plants of more than 250 million BTU/hour heat input;

(b) Coal cleaning plants with thermal dryers;

(c) Kraft pulp mills;

(d) Portland cement plants;

(e) Primary Zinc Smelters;

(f) Iron and Steel Mill Plants;

(g) Primary aluminum ore reduction plants;

(h) Primary copper smelters;

(i) Municipal Incinerators capable of charging more than 50 tons of refuse per day;

(j) Hydrofluoric acid plants;

(k) Sulfuric acid plants;

(l) Nitric acid plants;

(m) Petroleum Refineries;

(n) Lime plants;

(o) Phosphate rock processing plants;

(p) Coke oven batteries;

(q) Sulfur recovery plants;

(r) Carbon black plants, furnace process;

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- (s) Primary lead smelters;
 - (t) Fuel conversion plants;
 - (u) Sintering plants;
 - (v) Secondary metal production plants;
 - (w) Chemical process plants;
 - (x) Fossil fuel fired boilers, or combinations thereof, totaling more than 250 million BTU per hour heat input;
 - (y) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
 - (z) Taconite ore processing plants;
 - (aa) Glass fiber processing plants;
 - (bb) Charcoal production plants.
- (54) "Final permit" means the version of an Oregon Title V Operating Permit issued by the Department or Lane Regional Air Protection Agency that has completed all review procedures required by OAR 340-218-0120 through 340-218-0240.

(55) "Fugitive Emissions":

(a) Except as used in subsection (b) of this section, means emissions of any air contaminant which escape to the atmosphere from any point or area that is not identifiable as a stack, vent, duct, or equivalent opening.

(b) As used to define a major Oregon Title V Operating Permit program source, means those emissions which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

(56) "General permit":

(a) Except as provided in subsection (b) of this section, means an Oregon Air Contaminant Discharge Permit established under OAR 340-216-0060;

(b) As used in OAR 340 division 218 means an Oregon Title V Operating Permit established under OAR 340-218-0090.

(57) "Generic PSEL" means: [Table not included. See ED. NOTE.]

NOTE: Sources are eligible for a generic PSEL if expected emissions are less than or equal to the levels listed in the table above. Baseline emission rate and netting basis do not apply to pollutants at sources using generic PSELS.

(58) "Growth Allowance" means an allocation of some part of an airshed's capacity to accommodate future proposed major sources and major modifications of sources.

(59) "Immediately" means as soon as possible but in no case more than one hour after a source knew or should have known of an excess emission period.

(60) "Inherent process equipment" means equipment that is necessary for the proper or safe functioning of the process, or material recovery equipment that the owner or operator documents is installed and operated primarily for purposes other than compliance with air pollution regulations. Equipment that must be operated at an efficiency higher than that achieved during normal process operations in order to comply with the applicable emission limitation or standard is not inherent process equipment. For the purposes of OAR 340-212-0200 through 340-212-0280, inherent process equipment is not considered a control device.

(61) "Insignificant Activity" means an activity or emission that the Department has designated as categorically insignificant, or that meets the criteria of aggregate insignificant emissions.

(62) "Insignificant Change" means an off-permit change defined under OAR 340-218-0140(2)(a) to either a significant or an insignificant activity which:

(a) Does not result in a re-designation from an insignificant to a significant activity;

(b) Does not invoke an applicable requirement not included in the permit; and

(c) Does not result in emission of regulated air pollutants not regulated by the source's permit.

(63) "Late Payment" means a fee payment which is postmarked after the due date.

(64) "Lowest Achievable Emission Rate" or "LAER" means that rate of emissions which reflects: the most stringent emission limitation which is contained in the implementation plan of any state for such class or category of source, unless the owner or operator of the proposed source demonstrates that such limitations are not achievable; or the most stringent emission limitation which is achieved in practice by such class or category of source, whichever is more stringent. The application of this term cannot permit a proposed new or modified source to emit any air contaminant in excess of the amount allowable under applicable New Source Performance Standards (NSPS) or standards for hazardous air pollutants.

(65) "Maintenance Area" means a geographical area of the State that was designated as a nonattainment area, redesignated as an attainment area

by EPA, and redesignated as a maintenance area by the Environmental Quality Commission in OAR 340, division 204.

(66) "Maintenance Pollutant" means a pollutant for which a maintenance area was formerly designated a nonattainment area.

(67) "Major Modification" means any physical change or change of operation of a source that results in the following for any regulated air pollutant:

(a) An increase in the PSEL by an amount equal to or more than the significant emission rate over the netting basis; and

(b) The accumulation of physical changes and changes of operation since baseline would result in a significant emission rate increase.

(A) Calculations of emission increases in (b) must account for all accumulated increases in actual emissions due to physical changes and changes of operation occurring at the source since the baseline period, or since the time of the last construction approval issued for the source pursuant to the New Source Review Regulations in OAR 340 division 224 for that pollutant, whichever time is more recent. These include emissions from insignificant activities.

(B) Emission increases due solely to increased use of equipment or facilities that existed during the baseline period are not included, if that increased use was possible during the baseline period under the baseline configuration of the source, and the increased use of baseline equipment capacity is not to support a physical change or change in operation.

(c) For new or modified major sources that were permitted to construct and operate after the baseline period and were not subject to New Source Review, a major modification means:

(A) Any change at a source, including production increases, that would result in a Plant Site Emission Limit increase of 1 ton or more for any regulated pollutant for which the source is a major source; or

(B) The addition or modification of any stationary source or sources after the initial construction that have cumulative potential emissions greater than or equal to the significant emission rate, excluding any emission decreases.

(C) Changes to the PSEL solely due to the availability of better emissions information are exempt from being considered an increase.

(d) The following are not considered major modifications:

(A) Except as provided in (c), proposed increases in hours of operation or production rates that would cause emission increases above the levels allowed in a permit and would not involve a physical change or change in method of operation in the source;

(B) Pollution control projects that are determined by the Department to be environmentally beneficial;

(C) Routine maintenance, repair, and replacement of components;

(D) Temporary equipment installed for maintenance of the permanent equipment if the temporary equipment is in place for less than six months and operated within the permanent equipment's existing PSEL;

(E) Use of alternate fuel or raw materials, that were available and the source was capable of accommodating in the baseline period.

(68) "Major Source":

(a) Except as provided in subsection (b), means a source that emits, or has the potential to emit, any regulated air pollutant at a Significant Emission Rate. This includes emissions from insignificant activities.

(b) As used in OAR 340 division 210, Stationary Source Notification Requirements, OAR 340 division 218, rules applicable to sources required to have Oregon Title V Operating Permits, OAR 340 division 220, Oregon Title V Operating Permit Fees, and 340-216-0066 Standard ACDPs, means any stationary source (or any group of stationary sources that are located on one or more contiguous or adjacent properties and are under common control of the same person (or persons under common control)) belonging to a single major industrial grouping or supporting the major industrial group and that is described in paragraphs (A), (B) or (C) of this subsection. For the purposes of this subsection, a stationary source or group of stationary sources is considered part of a single industrial grouping if all of the pollutant emitting activities at such source or group of sources on contiguous or adjacent properties belong to the same Major Group (i.e., all have the same two-digit code) as described in the Standard Industrial Classification Manual (U.S. Office of Management and Budget, 1987) or support the major industrial group.

(A) A major source of hazardous air pollutants, which means:

(i) For pollutants other than radionuclides, any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit, in the aggregate, 10 tons per year (tpy) or more of any hazardous air pollutants that has been listed pursuant to OAR 340-244-0040; 25 tpy or more of any combination of such hazardous air pollutants, or such lesser quantity as the

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Administrator may establish by rule. Emissions from any oil or gas exploration or production well, along with its associated equipment, and emissions from any pipeline compressor or pump station will not be aggregated with emissions from other similar units, whether or not such units are in a contiguous area or under common control, to determine whether such units or stations are major sources; or

(ii) For radionuclides, "major source" will have the meaning specified by the Administrator by rule.

(B) A major stationary source of air pollutants, as defined in section 302 of the Act, that directly emits or has the potential to emit 100 tpy or more of any regulated air pollutant, including any major source of fugitive emissions of any such pollutant. The fugitive emissions of a stationary source are not considered in determining whether it is a major stationary source for the purposes of section 302(j) of the Act, unless the source belongs to one of the following categories of stationary source:

- (i) Coal cleaning plants (with thermal dryers);
- (ii) Kraft pulp mills;
- (iii) Portland cement plants;
- (iv) Primary zinc smelters;
- (v) Iron and steel mills;
- (vi) Primary aluminum ore reduction plants;
- (vii) Primary copper smelters;
- (viii) Municipal incinerators capable of charging more than 50 tons of refuse per day;
- (ix) Hydrofluoric, sulfuric, or nitric acid plants;
- (x) Petroleum refineries;
- (xi) Lime plants;
- (xii) Phosphate rock processing plants;
- (xiii) Coke oven batteries;
- (xiv) Sulfur recovery plants;
- (xv) Carbon black plants(furnace process);
- (xvi) Primary lead smelters;
- (xvii) Fuel conversion plants;
- (xviii) Sintering plants;
- (xix) Secondary metal production plants;
- (xx) Chemical process plants;
- (xxi) Fossil-fuel boilers, or combination thereof, totaling more than 250 million British thermal units per hour heat input;
- (xxii) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
- (xxiii) Taconite ore processing plants;
- (xxiv) Glass fiber processing plants;
- (xxv) Charcoal production plants;
- (xxvi) Fossil-fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input; or
- (xxvii) Any other stationary source category, that as of August 7, 1980 is being regulated under section 111 or 112 of the Act.

(C) A major stationary source as defined in part D of Title I of the Act, including:

(i) For ozone nonattainment areas, sources with the potential to emit 100 tpy or more of VOCs or oxides of nitrogen in areas classified as "marginal" or "moderate," 50 tpy or more in areas classified as "serious," 25 tpy or more in areas classified as "severe," and 10 tpy or more in areas classified as "extreme"; except that the references in this paragraph to 100, 50, 25, and 10 tpy of nitrogen oxides do not apply with respect to any source for which the Administrator has made a finding, under section 182(f)(1) or (2) of the Act, that requirements under section 182(f) of the Act do not apply;

(ii) For ozone transport regions established pursuant to section 184 of the Act, sources with the potential to emit 50 tpy or more of VOCs;

(iii) For carbon monoxide nonattainment areas:

(I) That are classified as "serious"; and

(II) In which stationary sources contribute significantly to carbon monoxide levels as determined under rules issued by the Administrator, sources with the potential to emit 50 tpy or more of carbon monoxide.

(iv) For particulate matter(PM10) nonattainment areas classified as "serious," sources with the potential to emit 70 tpy or more of PM10.

(69) "Material Balance" means a procedure for determining emissions based on the difference in the amount of material added to a process and the amount consumed and/or recovered from a process.

(70) "Modification," except as used in the term "major modification," means any physical change to, or change in the method of operation of, a stationary source that results in an increase in the stationary source's potential to emit any regulated air pollutant on an hourly basis. Modifications do not include the following:

(a) Increases in hours of operation or production rates that do not involve a physical change or change in the method of operation;

(b) Changes in the method of operation due to using an alternative fuel or raw material that the stationary source was physically capable of accommodating during the baseline period; and

(c) Routine maintenance, repair and like-for-like replacement of components unless they increase the expected life of the stationary source by using component upgrades that would not otherwise be necessary for the stationary source to function.

(71) "Monitoring" means any form of collecting data on a routine basis to determine or otherwise assess compliance with emission limitations or standards. Monitoring may include record keeping if the records are used to determine or assess compliance with an emission limitation or standard (such as records of raw material content and usage, or records documenting compliance with work practice requirements). Monitoring may include conducting compliance method tests, such as the procedures in appendix A to 40 CFR part 60, on a routine periodic basis. Requirements to conduct such tests on a one-time basis, or at such times as a regulatory authority may require on a non-regular basis, are not considered monitoring requirements for purposes of this definition. Monitoring may include one or more than one of the following data collection techniques as appropriate for a particular circumstance:

(a) Continuous emission or opacity monitoring systems.

(b) Continuous process, capture system, control device or other relevant parameter monitoring systems or procedures, including a predictive emission monitoring system.

(c) Emission estimation and calculation procedures (e.g., mass balance or stoichiometric calculations).

(d) Maintaining and analyzing records of fuel or raw materials usage.

(e) Recording results of a program or protocol to conduct specific operation and maintenance procedures.

(f) Verifying emissions, process parameters, capture system parameters, or control device parameters using portable or in situ measurement devices.

(g) Visible emission observations and recording.

(h) Any other form of measuring, recording, or verifying on a routine basis emissions, process parameters, capture system parameters, control device parameters or other factors relevant to assessing compliance with emission limitations or standards.

(72) "Netting Basis" means the baseline emission rate MINUS any emission reductions required by rule, orders, or permit conditions required by the SIP or used to avoid SIP requirements, MINUS any unassigned emissions that are reduced from allowable under OAR 340-222-0045, MINUS any emission reduction credits transferred off site, PLUS any emission increases approved through the New Source Review regulations.

(a) With the first permitting action for a source after July 1, 2002, the baseline emissions rate will be frozen for all pollutants required to have a baseline emission rate other than PM2.5 and recalculated only if:

(A) A better emission factor is established for the baseline period and approved by the Department;

(B) A currently operating emissions unit that the Department formerly thought had negligible emissions, is determined to have non-de minimis emissions and needs to be added to the baseline emission rate; or

(C) A new pollutant is added to the regulated pollutant list (e.g., PM2.5). For a pollutant that is newly regulated after 11/15/90, the initial netting basis is the actual emissions during the baseline period defined for that pollutant; or any 12 consecutive month period within the 24 months immediately preceding its designation as a regulated pollutant if a baseline period is not defined for the pollutant. The Department may allow a prior 12 consecutive month time period to be used if it is shown to be more representative of normal source operation.

(b) The baseline emission rate and netting basis for PM2.5 will be established for a source with the first permitting action involving a public notice after September 1, 2010. The baseline emission rate for PM2.5 will be frozen with the permit action involving a public notice that is five years or more after the baseline emission rate is established and recalculated only as specified in (a)(A) and (B).

(c) Netting basis is zero for:

(A) any source constructed after the baseline period and has not undergone New Source Review;

(B) Any pollutant that has a generic PSEL in a permit;

(C) Any source permitted as portable; and

(D) Any source with a netting basis calculation resulting in a negative number.

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(d) If a source relocates to an adjacent site, and the time between operation at the old and new sites is less than six months, the source may retain the netting basis from the old site.

(e) Emission reductions required by rule, order, or permit condition affect the netting basis if the source currently has devices or emissions units that are subject to the rules, order, or permit condition. The baseline emission rate is not affected.

(f) Netting basis for a pollutant with a revised definition will be adjusted if the source is emitting the pollutant at the time of redefining and the pollutant is included in the permit's netting basis.

(g) Where EPA requires an attainment demonstration based on dispersion modeling, the netting basis will be established at no more than the level used in the dispersion modeling to demonstrate attainment with the ambient air quality standard (i.e., the attainment demonstration is an emission reduction required by rule).

(73) "Nitrogen Oxides" or "NOx" means all oxides of nitrogen except nitrous oxide.

(74) "Nonattainment Area" means a geographical area of the State, as designated by the Environmental Quality Commission or the EPA, that exceeds any state or federal primary or secondary ambient air quality standard.

(75) "Nonattainment Pollutant" means a pollutant for which an area is designated a nonattainment area.

(76) "Normal Source Operation" means operations which do not include such conditions as forced fuel substitution, equipment malfunction, or highly abnormal market conditions.

(77) "Offset" means an equivalent or greater emission reduction that is required before allowing an emission increase from a proposed major source or major modification of an existing source.

(78) "Opacity" means the degree to which an emission reduces transmission of light and obscures the view of an object in the background as measured in accordance with OAR 340-212-0120 and 212-0140. Unless otherwise specified by rule, opacity shall be measured in accordance with EPA Method 9 or a continuous opacity monitoring system (COMS) installed and operated in accordance with the Department's Continuous Monitoring Manual. For all standards, the minimum observation period shall be six minutes, though longer periods may be required by a specific rule or permit condition. Aggregate times (e.g. 3 minutes in any one hour) consist of the total duration of all readings during the observation period that equal or exceed the opacity percentage in the standard, whether or not the readings are consecutive.

(79) "Oregon Title V Operating Permit" means any permit covering an Oregon Title V Operating Permit source that is issued, renewed, amended, or revised pursuant to division 218.

(80) "Oregon Title V Operating Permit program" means a program approved by the Administrator under 40 CFR Part 70.

(81) "Oregon Title V Operating Permit program source" means any source subject to the permitting requirements, OAR 340 division 218.

(82) "Ozone Season" means the contiguous 3 month period during which ozone exceedances typically occur (i.e., June, July, and August).

(83) "Particulate Matter" means all finely divided solid or liquid material, other than uncombined water, emitted to the ambient air. When used in emission standards, particulate matter is defined by the method specified within the standard or by an applicable reference method in accordance with OAR 340-212-0120 and 340-212-0140. Unless otherwise specified, sources with exhaust gases at or near ambient conditions may be tested with DEQ Method 5 or DEQ Method 8, as approved by the Department. Direct heat transfer sources shall be tested with DEQ Method 7; indirect heat transfer combustion sources and all other non-fugitive emissions sources not listed above shall be tested with DEQ Method 5.

(84) "Permit" means an Air Contaminant Discharge Permit or an Oregon Title V Operating Permit.

(85) "Permit modification" means a permit revision that meets the applicable requirements of OAR 340 division 216, 340 division 224, or 340-218-0160 through 340-218-0180.

(86) "Permit revision" means any permit modification or administrative permit amendment.

(87) "Permitted Emissions" as used in OAR division 220 means each regulated pollutant portion of the PSEL, as identified in an ACDP, Oregon Title V Operating Permit, review report, or by the Department pursuant to OAR 340-220-0090.

(88) "Permittee" means the owner or operator of the facility, authorized by the ACDP or the Oregon Title V Operating Permit to operate the source.

(89) "Person" means individuals, corporations, associations, firms, partnerships, joint stock companies, public and municipal corporations, political subdivisions, the State of Oregon and any agencies thereof, and the federal government and any agencies thereof.

(90) "Plant Site Emission Limit" or "PSEL" means the total mass emissions per unit time of an individual air pollutant specified in a permit for a source. The PSEL for a major source may consist of more than one permitted emission.

(91) "PM10":

(a) When used in the context of emissions, means finely divided solid or liquid material, including condensable particulate, other than uncombined water, with an aerodynamic diameter less than or equal to a nominal 10 micrometers, emitted to the ambient air as measured by an applicable reference method in accordance with the Department's Source Sampling Manual (January, 1992);

(b) When used in the context of ambient concentration, means airborne finely divided solid or liquid material with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured in accordance with 40 CFR Part 50, Appendix J.

(92) "PM2.5":

(a) Prior to January 1, 2011, direct PM2.5 emissions means finely divided filterable material, with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers, emitted to the ambient air.

(b) On or after January 1, 2011, direct PM2.5 emissions means finely divided solid or liquid material, including condensable particulate, other than uncombined water, with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers, emitted to the ambient air.

(c) When used in the context of PM2.5 precursor emissions, means sulfur dioxide (SO2) and nitrogen oxides (NOx) emitted to the ambient air as measured by an EPA reference method in 40 CFR Part 60, appendix A.

(d) When used in the context of ambient concentration, means particles with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers as measured by a reference method based on 40 CFR Part 50, Appendix L, or an equivalent method designated in accordance with 40 CFR Part 53.

(93) "Pollutant-specific emissions unit" means an emissions unit considered separately with respect to each regulated air pollutant.

(94) "Potential to emit" or "PTE" means the lesser of:

(a) The capacity of a stationary source; or

(b) The maximum allowable emissions taking into consideration any physical or operational limitation, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, if the limitation is enforceable by the Administrator.

(c) This definition does not alter or affect the use of this term for any other purposes under the Act or the term "capacity factor" as used in Title IV of the Act and the regulations promulgated thereunder. Secondary emissions are not considered in determining the potential to emit.

(95) "Predictive emission monitoring system (PEMS)" means a system that uses process and other parameters as inputs to a computer program or other data reduction system to produce values in terms of the applicable emission limitation or standard.

(96) "Process Upset" means a failure or malfunction of a production process or system to operate in a normal and usual manner.

(97) "Proposed permit" means the version of an Oregon Title V Operating Permit that the Department or a Regional Agency proposes to issue and forwards to the Administrator for review in compliance with OAR 340-218-0230.

(98) "Reference method" means any method of sampling and analyzing for an air pollutant as specified in 40 CFR Part 60, 61 or 63.

(99) "Regional Agency" means Lane Regional Air Protection Agency.

(100) "Regulated air pollutant" or "Regulated Pollutant":

(a) Except as provided in subsections (b) and (c) of this rule, means:

(A) Nitrogen oxides or any VOCs;

(B) Any pollutant for which a national ambient air quality standard has been promulgated;

(C) Any pollutant that is subject to any standard promulgated under section 111 of the Act;

(D) Any Class I or II substance subject to a standard promulgated under or established by Title VI of the Act; or

(E) Any pollutant listed under OAR 340-244-0040 or 340-244-0230.

(b) As used in OAR 340 division 220, regulated pollutant means particulates, volatile organic compounds, oxides of nitrogen and sulfur dioxide.

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(c) As used in OAR 340 division 224 any pollutant listed under OAR 340-244-0040 or 340-244-0230 is not a regulated pollutant.

(101) "Renewal" means the process by which a permit is reissued at the end of its term.

(102) "Responsible official" means one of the following:

(a) For a corporation: a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:

(A) The facilities employ more than 250 persons or have gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars); or

(B) The delegation of authority to such representative is approved in advance by the Department or Lane Regional Air Protection Agency.

(b) For a partnership or sole proprietorship: a general partner or the proprietor, respectively;

(c) For a municipality, State, Federal, or other public agency: either a principal executive officer or ranking elected official. For the purposes of this Division, a principal executive officer of a Federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of the EPA); or

(d) For affected sources:

(A) The designated representative in so far as actions, standards, requirements, or prohibitions under Title IV of the Act or the regulations promulgated there under are concerned; and

(B) The designated representative for any other purposes under the Oregon Title V Operating Permit program.

(103) "Secondary Emissions" means emissions that are a result of the construction and/or operation of a source or modification, but that do not come from the source itself. Secondary emissions must be specific, well defined, quantifiable, and impact the same general area as the source associated with the secondary emissions. Secondary emissions may include, but are not limited to:

(a) Emissions from ships and trains coming to or from a facility;

(b) Emissions from off-site support facilities that would be constructed or would otherwise increase emissions as a result of the construction or modification of a source.

(104) "Section 111" means section 111 of the FCAA which includes Standards of Performance for New Stationary Sources (NSPS).

(105) "Section 111(d)" means subsection 111(d) of the FCAA which requires states to submit to the EPA plans that establish standards of performance for existing sources and provides for implementing and enforcing such standards.

(106) "Section 112" means section 112 of the FCAA which contains regulations for Hazardous Air Pollutants (HAP).

(107) "Section 112(b)" means subsection 112(b) of the FCAA which includes the list of hazardous air pollutants to be regulated.

(108) "Section 112(d)" means subsection 112(d) of the FCAA which directs the EPA to establish emission standards for sources of hazardous air pollutants. This section also defines the criteria to be used by the EPA when establishing the emission standards.

(109) "Section 112(e)" means subsection 112(e) of the FCAA which directs the EPA to establish and promulgate emissions standards for categories and subcategories of sources that emit hazardous air pollutants.

(110) "Section 112(r)(7)" means subsection 112(r)(7) of the FCAA which requires the EPA to promulgate regulations for the prevention of accidental releases and requires owners or operators to prepare risk management plans.

(111) "Section 114(a)(3)" means subsection 114(a)(3) of the FCAA which requires enhanced monitoring and submission of compliance certifications for major sources.

(112) "Section 129" means section 129 of the FCAA which requires the EPA to establish emission standards and other requirements for solid waste incineration units.

(113) "Section 129(e)" means subsection 129(e) of the FCAA which requires solid waste incineration units to obtain Oregon Title V Operating Permits.

(114) "Section 182(f)" means subsection 182(f) of the FCAA which requires states to include plan provisions in the State Implementation Plan for NO_x in ozone nonattainment areas.

(115) "Section 182(f)(1)" means subsection 182(f)(1) of the FCAA which requires states to apply those plan provisions developed for major VOC sources and major NO_x sources in ozone nonattainment areas.

(116) "Section 183(e)" means subsection 183(e) of the FCAA which requires the EPA to study and develop regulations for the control of certain VOC sources under federal ozone measures.

(117) "Section 183(f)" means subsection 182(f) of the FCAA which requires the EPA to develop regulations pertaining to tank vessels under federal ozone measures.

(118) "Section 184" means section 184 of the FCAA which contains regulations for the control of interstate ozone air pollution.

(119) "Section 302" means section 302 of the FCAA which contains definitions for general and administrative purposes in the Act.

(120) "Section 302(j)" means subsection 302(j) of the FCAA which contains definitions of "major stationary source" and "major emitting facility."

(121) "Section 328" means section 328 of the FCAA which contains regulations for air pollution from outer continental shelf activities.

(122) "Section 408(a)" means subsection 408(a) of the FCAA which contains regulations for the Title IV permit program.

(123) "Section 502(b)(10) change" means a change which contravenes an express permit term but is not a change that:

(a) Would violate applicable requirements;

(b) Would contravene federally enforceable permit terms and conditions that are monitoring, recordkeeping, reporting, or compliance certification requirements; or

(c) Is a Title I modification.

(124) "Section 504(b)" means subsection 504(b) of the FCAA which states that the EPA can prescribe by rule procedures and methods for determining compliance and for monitoring.

(125) "Section 504(e)" means subsection 504(e) of the FCAA which contains regulations for permit requirements for temporary sources.

(126) "Significant Air Quality Impact" means an additional ambient air quality concentration equal to or greater than in the concentrations listed in Table 1. The threshold concentrations listed in Table 1 are used for comparison against the ambient air quality standard and do not apply for protecting PSD Class I increments or air quality related values (including visibility). For sources of VOC or NO_x, a major source or major modification has a significant impact if it is located within the Ozone Precursor Distance defined in OAR 340-225-0020.

(127) "Significant Emission Rate" or "SER," except as provided in subsections(a) through(c) of this section, means an emission rate equal to or greater than the rates specified in Table 2.

(a) For the Medford-Ashland Air Quality Maintenance Area, the Significant Emission Rate for PM₁₀ is defined in Table 3.

(b) For regulated air pollutants not listed in Table 2 or 3, the significant emission rate is zero unless the Department determines the rate that constitutes a significant emission rate.

(c) Any new source or modification with an emissions increase less than the rates specified in Table 2 or 3 associated with a new source or modification which would construct within 10 kilometers of a Class I area, and would have an impact on such area equal to or greater than 1 ug/m³ (24 hour average) is emitting at a significant emission rate.

(128) "Significant Impairment" occurs when the Department determines that visibility impairment interferes with the management, protection, preservation, or enjoyment of the visual experience within a Class I area. The Department will make this determination on a case-by-case basis after considering the recommendations of the Federal Land Manager and the geographic extent, intensity, duration, frequency, and time of visibility impairment. These factors will be considered along with visitor use of the Class I areas, and the frequency and occurrence of natural conditions that reduce visibility.

(129) "Source" means any building, structure, facility, installation or combination thereof that emits or is capable of emitting air contaminants to the atmosphere, is located on one or more contiguous or adjacent properties and is owned or operated by the same person or by persons under common control. The term includes all pollutant emitting activities that belong to a single major industrial group (i.e., that have the same two-digit code) as described in the Standard Industrial Classification Manual, (U.S. Office of Management and Budget, 1987) or that support the major industrial group.

(130) "Source category":

(a) Except as provided in subsection(b) of this section, means all the pollutant emitting activities that belong to the same industrial grouping(i.e., that have the same two-digit code) as described in the Standard Industrial Classification Manual, (U.S. Office of Management and Budget, 1987).

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(b) As used in OAR 340 division 220, Oregon Title V Operating Permit Fees, means a group of major sources that the Department determines are using similar raw materials and have equivalent process controls and pollution control equipment.

(131) "Source Test" means the average of at least three test runs conducted in accordance with the Department's Source Sampling Manual.

(132) "Startup" and "shutdown" means that time during which an air contaminant source or emission-control equipment is brought into normal operation or normal operation is terminated, respectively.

(133) "State Implementation Plan" or "SIP" means the State of Oregon Clean Air Act Implementation Plan as adopted by the Commission under OAR 340-200-0040 and approved by EPA.

(134) "Stationary source" means any building, structure, facility, or installation at a source that emits or may emit any regulated air pollutant.

(135) "Substantial Underpayment" means the lesser of ten percent (10%) of the total interim emission fee for the major source or five hundred dollars.

(136) "Synthetic minor source" means a source that would be classified as a major source under OAR 340-200-0020, but for limits on its potential to emit air pollutants contained in a permit issued by the Department under OAR 340 division 216 or 218.

(137) "Title I modification" means one of the following modifications pursuant to Title I of the FCAA:

(a) A major modification subject to OAR 340-224-0050, Requirements for Sources in Nonattainment Areas;

(b) A major modification subject to OAR 340-224-0060, Requirements for Sources in Maintenance Areas;

(c) A major modification subject to OAR 340-224-0070, Prevention of Significant Deterioration Requirements for Sources in Attainment or Unclassified Areas;

(d) A modification that is subject to a New Source Performance Standard under Section 111 of the FCAA; or

(e) A modification under Section 112 of the FCAA.

(138) "Total Reduced Sulfur" or "TRS" means the sum of the sulfur compounds hydrogen sulfide, methyl mercaptan, dimethyl sulfide, dimethyl disulfide, and any other organic sulfides present expressed as hydrogen sulfide(H₂S).

(139) "Typically Achievable Control Technology" or "TACT" means the emission limit established on a case-by-case basis for a criteria pollutant from a particular emissions unit in accordance with OAR 340-226-0130. For existing sources, the emission limit established will be typical of the emission level achieved by emissions units similar in type and size. For new and modified sources, the emission limit established will be typical of the emission level achieved by well controlled new or modified emissions units similar in type and size that were recently installed. TACT determinations will be based on information known to the Department while considering pollution prevention, impacts on other environmental media, energy impacts, capital and operating costs, cost effectiveness, and the age and remaining economic life of existing emission control equipment. The Department may consider emission control technologies typically applied to other types of emissions units where such technologies could be readily applied to the emissions unit. If an emission limitation is not feasible, a design, equipment, work practice, operational standard, or combination thereof, may be required.

(140) "Unassigned Emissions" means the amount of emissions that are in excess of the PSEL but less than the Netting Basis.

(141) "Unavoidable" or "could not be avoided" means events that are not caused entirely or in part by poor or inadequate design, operation, maintenance, or any other preventable condition in either process or control equipment.

(142) "Upset" or "Breakdown" means any failure or malfunction of any pollution control equipment or operating equipment that may cause excess emissions.

(143) "Visibility Impairment" means any humanly perceptible change in visual range, contrast or coloration from that which existed under natural conditions. Natural conditions include fog, clouds, windblown dust, rain, sand, naturally ignited wildfires, and natural aerosols.

(144) "Volatile Organic Compounds" or "VOC" means any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, that participates in atmospheric photochemical reactions.

(a) This includes any such organic compound except the following, which have been determined to have negligible photochemical reactivity in the formation of tropospheric ozone: methane; ethane; methylene chloride(dichloromethane); dimethyl carbonate; 1,1,1-trichloroethane(methyl

chloroform); 1,1,2-trichloro-1,2,2-trifluoroethane(CFC-113); trichlorofluoromethane(CFC-11); dichlorodifluoromethane(CFC-12); chlorodifluoromethane(HCFC-22); trifluoromethane(HFC-23); 1,2-dichloro-1,1,2,2-tetrafluoroethane (CFC-114); chloropentafluoroethane(CFC-115); 1,1,1-trifluoro 2,2-dichloroethane(HCFC-123); 1,1,1,2-tetrafluoroethane(HFC-134a); 1,1-dichloro 1-fluoroethane(HCFC-141b); 1-chloro 1,1-difluoroethane(HCFC-142b); 2-chloro-1,1,1,2-tetrafluoroethane(HCFC-124); pentafluoroethane(HFC-125); 1,1,2,2-tetrafluoroethane(HFC-134); 1,1,1-trifluoroethane(HFC-143a); 1,1-difluoroethane (HFC-152a); parachlorobenzotrifluoride(PCBTF); cyclic, branched, or linear completely methylated siloxanes; acetone; perchloroethylene(tetrachloroethylene); 3,3-dichloro-1,1,1,2,2-pentafluoropropane(HCFC-225ca); 1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb); 1,1,1,2,3,4,4,5,5,5-decafluoropentane HFC 43-10mee); difluoromethane(HFC-32); ethylfluoride(HFC-161); 1,1,1,3,3,3-hexafluoropropane(HFC-236fa); 1,1,2,2,3-pentafluoropropane(HFC-245ca); 1,1,2,3,3-pentafluoropropane(HFC-245ea); 1,1,1,2,3-pentafluoropropane(HFC-245eb); 1,1,1,3,3-pentafluoropropane(HFC-245fa); 1,1,1,2,3,3-hexafluoropropane(HFC-236ea); 1,1,1,3,3-pentafluorobutane(HFC-365mfc); chlorofluoromethane (HCFC-31); 1 chloro-1-fluoroethane(HCFC-151a); 1,2-dichloro-1,1,2-trifluoroethane(HCFC-123a); 1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxybutane(C4F9OCH3 or HFE-7100); 2-(difluoromethoxy)methyl)-1,1,1,2,3,3,3-heptafluoropropane((CF3)2CFCF2OCH3); 1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane(C4F9OC2H5 or HFE-7200); 2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane((CF3)2CFCF2OC2H5); methyl acetate; 1,1,1,2,2,3,3-heptafluoro-3-methoxy-propane(n-C3F7OCH3, HFE-7000); 3-ethoxy-1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethyl) hexane(HFE-7500); 1,1,1,2,3,3,3-heptafluoropropane(HFC 227ea); methyl formate (HCOOCH3); (1) 1,1,1,2,2,3,4,5,5,5-decafluoro-3-methoxy-4-trifluoromethyl-pentane(HFE-7300); and perfluorocarbon compounds that fall into these classes:

(A) Cyclic, branched, or linear, completely fluorinated alkanes;

(B) Cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;

(C) Cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and

(D) Sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.

(b) For purposes of determining compliance with emissions limits, VOC will be measured by an applicable reference method in accordance with the Department's Source Sampling Manual, January, 1992. Where such a method also measures compounds with negligible photochemical reactivity, these negligibly-reactive compounds may be excluded as VOC if the amount of such compounds is accurately quantified, and the Department approves the exclusion.

(c) The Department may require an owner or operator to provide monitoring or testing methods and results demonstrating, to the Department's satisfaction, the amount of negligibly-reactive compounds in the source's emissions.

(d) The following compound(s) are VOC for purposes of all record-keeping, emissions reporting, photochemical dispersion modeling and inventory requirements which apply to VOC and must be uniquely identified in emission reports, but are not VOC for purposes of VOC emissions limitations or VOC content requirements: t-butyl acetate.

(145) "Year" means any consecutive 12 month period of time.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the EQC under OAR 340-200-0040.

[ED. NOTE: Tables referenced are available from the agency.]

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 468.020

Stats. Implemented: ORS 468A.025

Hist.: [DEQ 15-1978, f. & ef. 10-13-78; DEQ 4-1993, f. & cert. ef. 3-10-93]; [DEQ 47, f. 8-31-72, ef. 9-15-72; DEQ 63, f. 12-20-73, ef. 1-11-74; DEQ 107, f. & ef. 1-6-76; Renumbered from 340-020-0033.04; DEQ 25-1981, f. & ef. 9-8-81; DEQ 5-1983, f. & ef. 4-18-83; DEQ 18-1984, f. & ef. 10-16-84; DEQ 8-1988, f. & cert. ef. 5-19-88 (and corrected 5-31-88); DEQ 14-1989, f. & cert. ef. 6-26-89; DEQ 42-1990, f. 12-13-90, cert. ef. 1-2-91; DEQ 2-1992, f. & cert. ef. 1-30-92; DEQ 7-1992, f. & cert. ef. 3-30-92; DEQ 27-1992, f. & cert. ef. 11-12-92; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0145, 340-020-0225, 340-020-0305, 340-020-0355, 340-020-0460 & 340-020-0520; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 20-1993(Temp), f. & cert. ef. 11-4-93; DEQ 13-1994, f. & cert. ef. 5-19-94; DEQ 21-1994, f. & cert. ef. 10-14-94; DEQ 24-1994, f. & cert. ef. 10-28-94; DEQ 10-1995, f. & cert. ef. 5-1-95; DEQ 12-1995, f. & cert. ef. 5-23-95; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 19-1996, f. & cert. ef. 9-24-96; DEQ 22-1996, f. & cert. ef. 10-22-96; DEQ 9-1997, f. & cert. ef. 5-9-97; DEQ 14-1998, f. & cert. ef. 9-14-98; DEQ 16-1998, f. & cert. ef. 9-23-98; DEQ 21-1998, f. & cert. ef. 10-14-98; DEQ 1-1999, f. & cert. ef. 1-25-99; DEQ 6-1999, f. & cert. ef. 5-21-99; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-020-0205, 340-028-0110; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 2-2005, f. & cert. ef. 2-10-05; DEQ 2-2006, f. & cert. ef. 3-14-06; DEQ 6-2007(Temp), f. & cert. ef. 8-17-07 thru 2-12-08; DEQ 8-2007, f. & cert. ef. 11-8-07; DEQ

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10-2008, f. & cert. ef. 8-25-08; DEQ 5-2010, f. & cert. ef. 5-21-10; DEQ 10-2010(Temp), f. 8-31-10, cert. ef. 9-1-10 thru 2-28-11

340-202-0210

Ambient Air Increments

(1) This rule defines significant deterioration. In areas designated as Class I, II or III, emissions from new or modified sources must be limited such that increases in pollutant concentration over the baseline concentration defined in Division 225 must be limited to those set out in **Table 1**.

(2) For any period other than an annual period, the applicable maximum allowable increase may be exceeded during one such period per year at any one location.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the Environmental Quality Commission under OAR 340-200-0040.

[ED. NOTE: Tables referenced are available from the agency.]

Stat. Auth.: ORS 468 & 468A

Stats. Implemented: ORS 468A.025

Hist.: DEQ 18-1979, f. & ef. 6-22-79; DEQ 8-1988, f. & cert. ef. 5-19-88 (corrected 9-30-88); DEQ 7-1992, f. & cert. ef. 3-30-92; DEQ 17-1995, f. & cert. ef. 7-12-95; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-031-0110; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 10-2010(Temp), f. 8-31-10, cert. ef. 9-1-10 thru 2-28-11

340-216-0020

Applicability

This division applies to all sources referred to in Table 1. This division also applies to Oregon Title V Operating Permit program sources when an ACDP is required by OAR 340-218-0020 or 340-224-0010. Sources referred to in Table 1 are subject to fees as set forth in **Table 2**.

(1) No person may construct, install, establish, develop or operate any air contaminant source which is referred to in Table 1 without first obtaining an Air Contaminant Discharge Permit (ACDP) from the Department or Regional Authority, unless otherwise deferred from the requirement to obtain an ACDP in subsection (1)(c) or (d) of this rule. No person may continue to operate an air contaminant source if the ACDP expires, or is terminated or revoked; except as provided in OAR 340-216-0082.

(a) For portable sources, a single permit may be issued for operating at any area of the state if the permit includes the requirements from both the Department and Regional Authorities.

(b) The Department or Regional Authority where the portable source's Corporate offices are located will be responsible for issuing the permit. If the corporate office of a portable source is located outside of the state, the Department will be responsible for issuing the permit.

(c) An air contaminant source required to obtain an ACDP or ACDP Attachment pursuant to a NESHAP or NSPS adopted by the Commission by rule is not required to submit an application for an ACDP or ACDP Attachment until four months after the effective date of the Commission's adoption of the NESHAP or NSPS, and is not required to obtain an ACDP or ACDP Attachment until six months after the Commission's adoption of the NESHAP or NSPS. In addition, the Department may defer the requirement to submit an application for, or to obtain an ACDP or ACDP Attachment, or both, for up to an additional twelve months.

(d) Gasoline dispensing facilities are not required to submit an application for an ACDP or ACDP Attachment until May 1, 2010 or obtain an ACDP or ACDP attachment until June 1, 2010. The Department may defer the requirement to submit an application for, or to obtain an ACDP or ACDP Attachment, or both, for up to an additional six months.

(e) Deferrals of Oregon permitting requirements do not relieve an air contaminant source from the responsibility of complying with federal NESHAP or NSPS requirements.

(2) No person may construct, install, establish, or develop any source that will be subject to the Oregon Title V Operating Permit program without first obtaining an ACDP from the Department or Regional Authority.

(3) No person may modify any source that has been issued an ACDP without first complying with the requirements of OAR 340-210-0205 through 340-210-0250.

(4) No person may modify any source required to have an ACDP such that the source becomes subject to the Oregon Title V Operating Permit program without complying with the requirements of OAR 340-210-0205 through 340-210-0250.

(5) No person may increase emissions above the PSEL by more than the de minimis levels specified in OAR 340-200-0020 without first applying for and obtaining a modified ACDP.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the EQC under OAR 340-211-0040.

[ED. NOTE: Tables referenced are available from the agency.]

Stat. Auth.: ORS 468.020

Stats. Implemented: ORS 468A

Hist.: DEQ 47, f. 8-31-72, ef. 9-15-72; DEQ 63, f. 12-20-73, ef. 1-11-74; DEQ 107, f. & ef. 1-6-76; Renumbered from 340-020-0033; DEQ 125, f. & ef. 12-16-76; DEQ 20-1979, f. &

ef. 6-29-79; DEQ 23-1980, f. & ef. 9-26-80; DEQ 13-1981, f. 5-6-81, ef. 7-1-81; DEQ 11-1983, f. & ef. 5-31-83; DEQ 3-1986, f. & ef. 2-12-86; DEQ 12-1987, f. & ef. 6-15-87; DEQ 27-1991, f. & cert. ef. 11-29-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0155; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 22-1994, f. & cert. ef. 10-4-94; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 19-1996, f. & cert. ef. 9-24-96; DEQ 22-1996, f. & cert. ef. 10-22-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1720; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 4-2002, f. & cert. ef. 3-14-02; DEQ 7-2007, f. & cert. ef. 10-18-07; DEQ 8-2007, f. & cert. ef. 11-8-07; DEQ 15-2008, f. & cert. ef. 12-31-08; DEQ 8-2009, f. & cert. ef. 12-16-09; DEQ 9-2009(Temp), f. 12-24-09, cert. ef. 1-1-10 thru 6-30-10; Administrative correction 7-27-10; DEQ 10-2010(Temp), f. 8-31-10, cert. ef. 9-1-10 thru 2-28-11

340-224-0010

Applicability and General Prohibitions

(1) Within designated Nonattainment and Maintenance areas, this division applies to owners and operators of proposed major sources and major modifications of air contaminant sources. Within attainment and unclassifiable areas, this division applies to owners and operators of proposed Federal Major sources and major modifications at Federal Major sources. This division does not apply to owners or operators of proposed non-major sources or non-major modifications. Such owners or operators are subject to other Department rules, including Highest and Best Practicable Treatment and Control Required (OAR 340-226-0100 through 340-226-0140), Notice of Construction and Approval of Plans (340-210-0205 through 340-210-0250), ACDPs (OAR 340 division 216), Emission Standards for Hazardous Air Contaminants (OAR 340 division 244), and Standards of Performance for New Stationary Sources (OAR 340 division 238).

(2) No owner or operator may begin construction of a major source or a major modification of an air contaminant source without having received an air contaminant discharge permit (ACDP) from the Department and having satisfied the requirements of this division.

(3) Unless and until the PM10 Surrogate Policy established in the EPA guidance document entitled "Interim Implementation for the New Source Review Requirements for PM2.5" (John S. Seitz, EPA, October 23, 1997) is withdrawn, an owner or operator seeking approval to construct a major source or major modification may still rely upon the PM10 surrogate policy as provided in Section 4 below as long as the following conditions are met:

(a) The appropriateness of the PM10-based assessment for determining PM2.5 compliance has been adequately demonstrated based on the specifics of the project; and

(b) The owner or operator can show that a PM2.5 analysis is not technically feasible.

(4) An owner or operator relying on the PM 10 Surrogate Policy is not required to submit a PM2.5-based analysis to demonstrate compliance with the PM2.5 standards as otherwise provided in OAR 340-225.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the EQC under OAR 340-200-0040.

Stat. Auth.: ORS 468.020

Stats. Implemented: ORS 468A.025

Hist.: DEQ 25-1981, f. & ef. 9-8-81; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0220; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 26-1996, f. & cert. ef. 11-26-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1900; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 1-2004, f. & cert. ef. 4-14-04; DEQ 10-2010(Temp), f. 8-31-10, cert. ef. 9-1-10 thru 2-28-11

340-224-0050

Requirements for Sources in Nonattainment Areas

Proposed major sources and major modifications that would emit a nonattainment pollutant within a designated nonattainment area, including VOC or NOx in a designated Ozone Nonattainment Area and SO2 or NOx in a designated PM2.5 Nonattainment Area must meet the requirements listed below:

(1) Lowest Achievable Emission Rate (LAER). The owner or operator must demonstrate that the source or modification will comply with LAER for each nonattainment pollutant and precursor(s) emitted at or above the significant emission rate (SER).

(a) For a major modification, the requirement for LAER applies only to each emissions unit that emits the pollutant in question and was installed since the baseline period or the most recent New Source Review construction approval for that pollutant, and to each modified emission unit that increases actual emissions of the pollutant in question above the netting basis.

(b) For phased construction projects, the LAER determination must be reviewed at the latest reasonable time before commencing construction of each independent phase.

(c) When determining LAER for a change that was made at a source before the current NSR application, the Department will consider technical feasibility of retrofitting required controls provided:

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(A) The change was made in compliance with NSR requirements in effect when the change was made, and

(B) No limit will be relaxed that was previously relied on to avoid NSR.

(d) Individual modifications with potential to emit less than 10 percent of the SER are exempt from this section unless:

(A) They are not constructed yet;

(B) They are part of a discrete, identifiable, larger project that was constructed within the previous 5 years and is equal to or greater than 10 percent of the SER; or

(C) they were constructed without, or in violation of, the Department's approval.

(2) Offsets and Net Air Quality Benefit. The owner or operator must obtain offsets and demonstrate that a net air quality benefit will be achieved as specified in OAR 340-225-0090.

(3) Additional Requirements for Federal Major Sources:

(a) The owner or operator of a source that emits or has the potential to emit 100 tons per year of any regulated NSR pollutant must evaluate alternative sites, sizes, production processes, and environmental control techniques for the proposed source or modification and demonstrate that benefits of the proposed source or modification will significantly outweigh the environmental and social costs imposed as a result of its location, construction or modification.

(b) The owner or operator of a source that emits or has the potential to emit 100 tons per year of any regulated NSR pollutant must demonstrate that all major sources owned or operated by such person (or by an entity controlling, controlled by, or under common control with such person) in the state are in compliance, or are on a schedule for compliance, with all applicable emission limitations and standards under the Act.

(c) The owner or operator of a federal major source must meet the visibility impact requirements in OAR 340-225-0070.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the EQC under OAR 340-200-0040.

Stat. Auth.: ORS 468.020

Stats. Implemented: ORS 468A.025

Hist.: DEQ 25-1981, f. & ef. 9-8-81; DEQ 5-1983, f. & ef. 4-18-83; DEQ 27-1992, f. & cert. ef. 11-12-92; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0240; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 10-1995, f. & cert. ef. 5-1-95; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 26-1996, f. & cert. ef. 11-26-96; DEQ 16-1998, f. & cert. ef. 9-23-98; DEQ 1-1999, f. & cert. ef. 1-25-99; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1930; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 1-2004, f. & cert. ef. 4-14-04; DEQ 3-2007, f. & cert. ef. 4-12-07; DEQ 10-2010(Temp), f. 8-31-10, cert. ef. 9-1-10 thru 2-28-11

340-224-0070

Prevention of Significant Deterioration Requirements for Sources in Attainment or Unclassified Areas

Proposed new federal major sources or major modifications at federal major sources locating in areas designated attainment or unclassifiable must meet the following requirements:

(1) Best Available Control Technology (BACT). The owner or operator of the proposed major source or major modification must apply BACT for each pollutant emitted at a SER over the netting basis. In the Medford-Ashland AQMA, the owner or operator of any proposed new Federal Major PM10 source, or proposed major modification of a Federal Major PM10 source must comply with the LAER emission control technology requirement in 340-224-0050(1), and is exempt from the BACT provision of this section.

(a) For a major modification, the requirement for BACT applies only to:

(A) Each new emissions unit that emits the pollutant in question and was installed since the baseline period or the most recent New Source Review construction approval for that pollutant and

(B) Each modified emissions unit that increases the actual emissions of the pollutant in question above the netting basis.

(b) For phased construction projects, the BACT determination must be reviewed at the latest reasonable time before commencement of construction of each independent phase.

(c) When determining BACT for a change that was made at a source before the current NSR application, any additional cost of retrofitting required controls may be considered provided:

(A) The change was made in compliance with NSR requirements in effect at the time the change was made, and

(B) No limit is being relaxed that was previously relied on to avoid NSR.

(d) Individual modifications with potential to emit less than 10 percent of the significant emission rate are exempt from this section unless:

(A) They are not constructed yet;

(B) They are part of a discrete, identifiable larger project that was constructed within the previous 5 years and that is equal to or greater than 10 percent of the significant emission rate; or

(C) They were constructed without, or in violation of, the Department's approval.

(2) Air Quality Analysis: The owner or operator of a source subject to this rule must provide an analysis of the air quality impacts for the proposed source or modification in accordance with OAR 340-225-0050 through 340-225-0070. The owner or operator of any source subject to this rule that significantly affects air quality in a designated nonattainment or maintenance area must meet the requirements of net air quality benefit in 340-225-0090.

(3) Air Quality Monitoring: The owner or operator of a source subject to this rule must conduct ambient air quality monitoring in accordance with the requirements in OAR 340-225-0050.

(4) The owner or operator of a source subject to this rule and significantly impacting a PM10 maintenance area (significant air quality impact is defined in OAR 340-200-0020), must comply with the requirements of 340-224-0060(2).

(5) The owner or operator of a source subject to this rule and significantly impacting a PM2.5 nonattainment area (significant air quality impact is defined in OAR 340-200-0020) must comply with the requirements of 340-224-0050(2).

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the EQC under OAR 340-200-0040.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 468.020

Stats. Implemented: ORS 468A.025

Hist.: DEQ 25-1981, f. & ef. 9-8-81; DEQ 5-1983, f. & ef. 4-18-83; DEQ 18-1984, f. & ef. 10-16-84; DEQ 14-1985, f. & ef. 10-16-85; DEQ 5-1986, f. & ef. 2-21-86; DEQ 8-1988, f. & cert. ef. 5-19-88 (and corrected 5-31-88); DEQ 27-1992, f. & cert. ef. 11-12-92, Section (8) Renumbered from 340-020-0241; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0245; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 26-1996, f. & cert. ef. 11-26-96; DEQ 16-1998, f. & cert. ef. 9-23-98; DEQ 1-1999, f. & cert. ef. 1-25-99; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1940; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 11-2002, f. & cert. ef. 10-8-02; DEQ 1-2004, f. & cert. ef. 4-14-04; DEQ 1-2005, f. & cert. ef. 1-4-05; DEQ 10-2010(Temp), f. 8-31-10, cert. ef. 9-1-10 thru 2-28-11

340-225-0020

Definitions

The definitions in OAR 340-200-0020 and this rule apply to this division. If the same term is defined in this rule and 340-200-0020, the definition in this rule applies to this division.

(1) "Allowable Emissions" means the emissions rate of a stationary source calculated using the maximum rated capacity of the source (unless the source is subject to federally enforceable limits which restrict the operating rate, or hours of operation, or both) and the most stringent of the following:

(a) The applicable standards as set forth in 40 CFR parts 60, 61 and 63;

(b) The applicable State Implementation Plan emissions limitation, including those with a future compliance date; or

(c) The emissions rate specified as a federally enforceable permit condition.

(2) "Background Light Extinction" means the reference levels (Mm-1) shown in the estimates of natural conditions as referenced in the FLAG to be representative of the PSD Class I or Class II area being evaluated.

(3) "Baseline Concentration" means:

(a) Except as provided in subsection (c), the ambient concentration level for sulfur dioxide and PM10 that existed in an area during the calendar year 1978. If no ambient air quality data is available in an area, the baseline concentration may be estimated using modeling based on actual emissions for 1978. Actual emission increases or decreases occurring before January 1, 1978 must be included in the baseline calculation, except that actual emission increases from any major source or major modification on which construction commenced after January 6, 1975 must not be included in the baseline calculation;

(b) The ambient concentration level for nitrogen oxides that existed in an area during the calendar year 1988.

(c) For the area of northeastern Oregon within the boundaries of the Umatilla, Wallowa-Whitman, Ochoco, and Malheur National Forests, the ambient concentration level for PM10 that existed during the calendar year 1993. The Department may allow the source to use an earlier time period if the Department determines that it is more representative of normal emissions.

(d) For PM10 in the Medford-Ashland AQMA: the ambient PM10 concentration levels that existed during the year that EPA redesignates the AQMA to attainment for PM10.

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(e) The ambient concentration level for PM2.5 that existed in an area during the calendar year 2007.

(4) "Competing PSD Increment Consuming Source Impacts" means the total modeled concentration above the modeled Baseline Concentration resulting from increased emissions of all other sources since the baseline concentration year that are within the Range of Influence of the source in question. Allowable Emissions may be used as a conservative estimate, in lieu of Actual Emissions, in this analysis.

(5) "Competing NAAQS Source Impacts" means total modeled concentration resulting from allowable emissions of all other sources that are within the Range of Influence of the source in question.

(6) "FLAG" refers to the Federal Land Managers' Air Quality Related Values Work Group Phase I Report. See 66 Federal Register 2, January 3, 2001 at 382 to 383.

(7) "General Background Concentration" means impacts from natural sources and unidentified sources that were not explicitly modeled. The Department may determine this as site-specific ambient monitoring or representative ambient monitoring from another location.

(8) "Predicted Maintenance Area Concentration" means the future year ambient concentration predicted by the Department in the applicable maintenance plan as follows:

(a) The future year (2015) concentrations for the Grants Pass UGB are 89 µg/m3 (24-hour average) and 21 µg/m3 (annual average).

(b) The future year (2015) concentrations for the Klamath Falls UGB are 114 µg/m3 (24-hour average) and 25 µg/m3 (annual average).

(c) The future year (2025) concentrations for the Lakeview UGB are 126 µg/m3 (24-hour average) and 27 µg/m3 (annual average).

(9) "Nitrogen Deposition" means the sum of anion and cation nitrogen deposition expressed in terms of the mass of total elemental nitrogen being deposited. As an example, Nitrogen Deposition for NH4NO3 is 0.3500 times the weight of NH4NO3 being deposited.

(10) "Ozone Precursor Distance" means the distance in kilometers from the nearest boundary of a designated ozone nonattainment or maintenance area within which a major new or modified source of VOC or NOx is considered to significantly affect that designated area. The determination of significance is made by either the formula method or the demonstration method.

(a) The Formula Method.

(A) For sources with complete permit applications submitted before January 1, 2003: $D = 30 \text{ km}$

(B) For sources with complete permit applications submitted on or after January 1, 2003: $D = (Q/40) \times 30 \text{ km}$

(C) D is the Ozone Precursor Distance in kilometers. The value for D is 100 kilometers when D is calculated to exceed 100 kilometers. Q is the larger of the NOx or VOC emissions increase from the source being evaluated in tons/year, and is quantified relative to the netting basis.

(D) If a source is located at a distance less than D from the designated area, the source is considered to have a significant effect on the designated area. If the source is located at a distance equal to or greater than D, it is not considered to have a significant effect.

(b) The Demonstration Method. An applicant may demonstrate to the Department that the source or proposed source would not significantly impact a nonattainment area or maintenance area. This demonstration may be based on an analysis of major topographic features, dispersion modeling, meteorological conditions, or other factors. If the Department determines that the source or proposed source would not significantly impact the nonattainment area or maintenance area under high ozone conditions, the Ozone Precursor Distance is zero kilometers.

(11) "Ozone Precursor Offsets" means the emission reductions required to offset emission increases from a major new or modified source located inside the designated nonattainment or maintenance area or within the Ozone Precursor Distance. Emission reductions must come from within the designated area or from within the Ozone Precursor Distance of the offsetting source as described in OAR 340-225-0090. The offsets determination is made by either the formula method or the demonstration method.

(a) The Formula Method.

(A) Required offsets (RO) for new or modified sources are determined as follows:

(i) For sources with complete permit applications submitted before January 1, 2003: $RO = SQ$

(ii) For sources with complete permit applications submitted on or after January 1, 2003: $RO = (SQ \text{ minus } (40/30 * SD))$

(B) Contributing sources may provide offsets (PO) calculated as follows: $PO = CQ \text{ minus } (40/30 * CD)$

(C) Multiple sources may contribute to the required offsets of a new source. For the formula method to be satisfied, total provided offsets (PO) must equal or exceed the required offset (RO).

(D) Definitions of factors used in paragraphs (A) (B) and (C) of this subsection:

(i) RO is the required offset of NOx or VOC in tons per year as a result of the source emissions increase. If RO is calculated to be negative, RO is set to zero;

(ii) SQ is the source emissions increase of NOx or VOC in tons per year above the netting basis;

(iii) SD is the source distance in kilometers to the nonattainment or maintenance area. SD is zero for sources located within the nonattainment or maintenance area.

(iv) PO is the provided offset from a contributing source and must be equal to or greater than zero;

(v) CQ is the contributing emissions reduction in tons per year quantified relative to contemporaneous pre-reduction actual emissions (OAR 340-268-0030(1)(b)).

(vi) CD is the contributing source distance in kilometers to the nonattainment or maintenance area. For a contributing source located within the nonattainment or maintenance area, CD equals zero.

(b) The Demonstration Method. An applicant may demonstrate to the Department using dispersion modeling or other analyses the level and location of offsets that would be sufficient to provide actual reductions in concentrations of VOC or NOx in the designated area during high ozone conditions. The modeled reductions of ambient VOC or NOx concentrations resulting from the emissions offset must be demonstrated over a greater area and over a greater period of time within the designated area as compared to the modeled ambient VOC or NOx concentrations resulting from the emissions increase from the source subject to this rule. If the Department determines that the demonstration is acceptable, then the Department will approve the offsets proposed by the applicant. The demonstration method does not apply to sources located inside an ozone nonattainment area.

(12) "Range of Influence (ROI)" means:

(a) For PSD Class II and Class III areas, the Range of Influence of a competing source (in kilometers) is defined by:

(A) $ROI \text{ (km)} = Q \text{ (tons/year)} / K \text{ (tons/year km)}$.

(B) Definition of factors used in paragraph (A) of this subsection:

(i) ROI is the distance a source has an effect on an area and is compared to the distance from a potential competing source to the Significant Impact Area of a proposed new source. Maximum ROI is 50 km, however the Department may request that sources at a distance greater than 50 km be included in a competing source analysis.

(ii) Q is the emission rate of the potential competing source in tons per year.

(iii) K (tons/year km) is a pollutant specific constant as defined in the table below: (b) For PSD Class I areas, the Range of Influence of a competing source includes emissions from all sources that occur within the modeling domain of the source being evaluated. The Department determines the modeling domain on a case-by-case basis.

(13) "Source Impact Area" means a circular area with a radius extending from the source to the largest distance to where predicted impacts from the source or modification equal or exceed the Class II Significant Air Quality Impact levels set out in Table 1 of OAR 340 division 200. This definition only applies to PSD Class II areas and is not intended to limit the distance for PSD Class I modeling.

(14) "Sulfur Deposition" means the sum of anion and cation sulfur deposition expressed in terms of the total mass of elemental sulfur being deposited. As an example, sulfur deposition for (NH4)2SO4 is 0.2427 times the weight of (NH4)2SO4 being deposited.

[ED. NOTE: Tables referenced are available from the agency.]

Stat. Auth.: ORS 468.020

Stats. Implemented: ORS 468A

Hist.: DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 11-2002, f. & cert. ef. 10-8-02; DEQ 12-2002(Temp), f. & cert. ef. 10-8-02 thru 4-6-03; Administrative correction 11-10-03; DEQ 1-2004, f. & cert. ef. 4-14-04; DEQ 1-2005, f. & cert. ef. 1-4-05; DEQ 9-2005, f. & cert. ef. 9-9-05; DEQ 10-2010(Temp), f. 8-31-10, cert. ef. 9-1-10 thru 2-28-11

340-225-0030

Procedural Requirements

Information Required. In addition to the requirements defined in OAR 340-216-0040, the owner or operator of a source (where required by divisions 222 or 224) must submit all information necessary to perform any analysis or make any determination required under these rules. Such information must include, but is not limited to:

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(1) Emissions data for all existing and proposed emission points from the source or modification. This data must represent maximum emissions for the following averaging times by pollutant: [Table not included. See ED. NOTE.]

(2) Stack parameter data (height above ground, exit diameter, exit velocity, and exit temperature data for all existing and proposed emission points from the source or modification;

(3) An analysis of the air quality and visibility impact of the source or modification, including meteorological and topographical data, specific details of models used, and other information necessary to estimate air quality impacts; and

(4) An analysis of the air quality and visibility impacts, and the nature and extent of all commercial, residential, industrial, and other source emission growth, that has occurred since January 1, 1978, in the area the source or modification would significantly affect.

[ED. NOTE: Table referenced is available from the agency.]

Stat. Auth.: ORS 468.020

Stats. Implemented: ORS 468A

Hist.: DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 10-2010(Temp), f. 8-31-10, cert. ef. 9-1-10 thru 2-28-11

340-225-0045

Requirements for Analysis in Maintenance Areas

Modeling: For determining compliance with the limits established in OAR 340-224-0060(2)(c) and (2)(d), NAAQS, and PSD Increments, the following methods must be used:

(1) A single source impact analysis is sufficient to show compliance with standards, PSD increments, and limits if modeled impacts from the source being evaluated are less than the Class II Significant Air Quality Impact levels specified in OAR 340-200-0020, Table 1 for all maintenance pollutants.

(2) If the above requirement is not satisfied, the owner or operator of a proposed source or modification being evaluated must perform competing source modeling as follows:

(a) For demonstrating compliance with the maintenance area limits established in OAR 340-224-0060(2)(c) and (2)(d), the owner or operator of a proposed source or modification must show that modeled impacts from the proposed increased emissions plus Competing Source Impacts, plus predicted maintenance area concentration are less than the limits for all averaging times.

(b) For demonstrating compliance with the NAAQS, the owner or operator of a proposed source or modification must show that the total modeled impacts plus total Competing NAAQS Source Impacts plus General Background Concentrations are less than the NAAQS for all averaging

(c) For demonstrating compliance with the PSD Increments (as defined in OAR 340-202-0210, Table 1), the owner or operator of a proposed source or modification must show that modeled impacts from the proposed increased emissions (above the baseline concentration) plus competing PSD Increment Consuming Source Impacts (above the baseline concentration) are less than the PSD increments for all averaging times.

Stat. Auth.: ORS 468.020

Stats. Implemented: ORS 468A, 468A.025 & 468A.035

Hist.: DEQ 11-2002, f. & cert. ef. 10-8-02; DEQ 1-2005, f. & cert. ef. 1-4-05; DEQ 10-2010(Temp), f. 8-31-10, cert. ef. 9-1-10 thru 2-28-11

340-225-0050

Requirements for Analysis in PSD Class II and Class III Areas

Modeling: For determining compliance with the NAAQS and PSD Increments in PSD Class II and Class III areas, the following methods must be used:

(1) A single source impact analysis is sufficient to show compliance with standards and increments if modeled impacts from the source being evaluated are less than the Class II Significant Air Quality Impact levels specified in OAR 340-200-0020, Table 1 for all pollutants.

(2) If the above requirement is not satisfied, the owner or operator of a proposed source or modification being evaluated must perform competing source modeling as follows:

(a) For demonstrating compliance with the PSD Increments (as defined in OAR 340-202-0210, Table 1), the owner or operator of a proposed source or modification must show that modeled impacts from the proposed increased emissions (above the modeled Baseline Concentration) plus Competing PSD Increment Consuming Source Impacts (above the modeled Baseline Concentration) are less than the PSD increments for all averaging times.

(b) For demonstrating compliance with the NAAQS, the owner or operator of a proposed source must show that the total modeled impacts plus total Competing NAAQS Source Impacts plus General Background Concentrations are less than the NAAQS for all averaging times.

(3) Additional Impact Modeling:

(a) When referred to this rule by divisions 222 or 224, the owner or operator of a source must provide an analysis of the impairment to visibility, soils and vegetation that would occur as a result of the source or modification, and general commercial, residential, industrial and other growth associated with the source or modification. As a part of this analysis, deposition modeling analysis is required for sources emitting heavy metals above the significant emission rates as defined in OAR 340-200-0020, Table 2. Concentration and deposition modeling may also be required for sources emitting other compounds on a case-by-case basis;

(b) The owner or operator must provide an analysis of the air quality concentration projected for the area as a result of general commercial, residential, industrial and other growth associated with the source or modification.

(4) Air Quality Monitoring:

(a)(A) When referred to this rule by division 224, the owner or operator of a source must submit with the application an analysis of ambient air quality in the area impacted by the proposed project. This analysis, which is subject to the Department's approval, must be conducted for each pollutant potentially emitted at a significant emission rate by the proposed source or modification. The analysis must include continuous air quality monitoring data for any pollutant that may be emitted by the source or modification, except for volatile organic compounds. The data must relate to the year preceding receipt of the complete application and must have been gathered over the same time period. The Department may allow the owner or operator to demonstrate that data gathered over some other time period would be adequate to determine that the source or modification would not cause or contribute to a violation of an ambient air quality standard or any applicable pollutant increment. Pursuant to the requirements of these rules, the owner or operator must submit for the Department's approval, a preconstruction air quality monitoring plan. This plan must be submitted in writing at least 60 days prior to the planned beginning of monitoring and approved in writing by the Department before monitoring begins.

(B) Required air quality monitoring must be conducted in accordance with 40 CFR 58 Appendix B, "Quality Assurance Requirements for Prevention of Significant Deterioration (PSD) Air Monitoring" (July 1, 2000) and with other methods on file with the Department.

(C) The Department may exempt the owner or operator of a proposed source or modification from preconstruction monitoring for a specific pollutant if the owner or operator demonstrates that the air quality impact from the emissions increase would be less than the amounts listed below or that modeled competing source concentration (plus General Background Concentration) of the pollutant within the Source Impact Area are less than the following significant monitoring concentrations:

(i) Carbon monoxide; 575 ug/m³, 8 hour average;

(ii) Nitrogen dioxide; 14 ug/m³, annual average;

(iii) PM₁₀; 10 ug/m³, 24 hour average.

(iv) PM_{2.5}; 10 ug/m³, 24 hour average;

(v) Sulfur dioxide; 13 ug/m³, 24 hour average;

(vi) Ozone; Any net increase of 100 tons/year or more of VOCs from a source or modification subject to PSD requires an ambient impact analysis, including the gathering of ambient air quality data. However, requirement for ambient air monitoring may be exempted if existing representative monitoring data shows maximum ozone concentrations are less than 50% of the ozone NAAQS based on a full season of monitoring;

(vii) Lead; 0.1 ug/m³, 24 hour average;

(viii) Fluorides; 0.25 ug/m³, 24 hour average;

(ix) Total reduced sulfur; 10 ug/m³, 1 hour average;

(x) Hydrogen sulfide; 0.04 ug/m³, 1 hour average;

(xi) Reduced sulfur compounds; 10 ug/m³, 1 hour average.

(D) The Department may allow the owner or operator of a source (where required by divisions 222 or 224) to substitute post construction monitoring for the requirements of (4)(a)(A) for a specific pollutant if the owner or operator demonstrates that the air quality impact from the emissions increase would not cause or contribute to an exceedance of any air quality standard. This analysis must meet the requirements of 340-225-0050(2)(b) and must use representative or conservative General Background Concentration data.

(E) When PM₁₀ preconstruction monitoring is required by this section, at least four months of data must be collected, including the season(s) the Department judges to have the highest PM₁₀ levels. PM₁₀ must be measured in accordance with 40 CFR part 50, Appendix J (July 1, 1999). In some cases, a full year of data will be required.

(b) After construction has been completed, the Department may require ambient air quality monitoring as a permit condition to establish the

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effect of emissions, other than volatile organic compounds, on the air quality of any area that such emissions could affect.

[ED. NOTE: Tables referenced are available from the agency.]

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 468.020

Stats. Implemented: ORS 468A

Hist.: DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 11-2002, f. & cert. ef. 10-8-02; DEQ 10-2010, f. & cert. ef. 4-14-04; DEQ 10-2010(Temp), f. 8-31-10, cert. ef. 9-1-10 thru 2-28-11

340-225-0060

Requirements for Demonstrating Compliance with Standards and Increments in PSD Class I Areas

For determining compliance with standards and increments in PSD Class I areas, the following methods must be used:

(1) Before January 1, 2003, the owner or operator of a source (where required by divisions 222 or 224) must model impacts and demonstrate compliance with standards and increments on all PSD Class I areas that may be affected by the source or modification.

(2) On or after January 1, 2003, the owner or operator of a source (where required by divisions 222 or 224) must meet the following requirements:

(a) A single source impact analysis will be sufficient to show compliance with increments if modeled impacts from the source being evaluated are demonstrated to be less than the impact levels specified in Table I below. [Table not printed. See Ed. Note.]

(b) If the above requirement is not satisfied, the owner or operator must also show that the increased source impacts (above Baseline Concentration) plus Competing PSD Increment Consuming Source Impacts are less than the PSD increments for all averaging times.

(c) A single source impact analysis will be sufficient to show compliance with standards if modeled impacts from the source being evaluated are demonstrated to be less than the impact levels specified in OAR 340-200-0020, Table 1 for all pollutants.

(d) If the requirement of (2)(a) is not satisfied, and background monitoring data for each PSD Class I area shows that the NAAQS is more controlling than the PSD increment then the source must also demonstrate compliance with the NAAQS by showing that their total modeled impacts plus total modeled Competing NAAQS Source Impacts plus General Background Concentrations are less than the NAAQS for all averaging times.

[ED. NOTE: Table referenced is available from the agency.]

Stat. Auth.: ORS 468.020

Stats. Implemented: ORS 468A

Hist.: DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 11-2002, f. & cert. ef. 10-8-02; DEQ 10-2010(Temp), f. 8-31-10, cert. ef. 9-1-10 thru 2-28-11

340-225-0090

Requirements for Demonstrating a Net Air Quality Benefit

Demonstrations of net air quality benefit for offsets must include the following:

(1) Ozone areas (VOC and NOx emissions). For sources capable of impacting a designated ozone nonattainment or maintenance area;

(a) Offsets for VOC and NOx are required if the source will be located within the designated area or within the Ozone Precursor Distance.

(b) The amount and location of offsets must be determined in accordance with this subsection:

(A) For new or modified sources locating within a designated nonattainment area, the offset ratio is 1.1:1. These offsets must come from within either the same designated nonattainment area as the new or modified source or another ozone nonattainment area (with equal or higher nonattainment classification) that contributes to a violation of the NAAQS in the same designated nonattainment area as the new or modified source.

(B) For new or modified sources locating within a designated maintenance area, the offset ratio is 1.1:1. These offsets may come from within either the designated area or the ozone precursor distance.

(C) For new or modified sources locating outside the designated area, but within the ozone precursor distance, the offset ratio is 1:1. These offsets may come from within either the designated area or the ozone precursor distance.

(D) Offsets from outside the designated area but within the Ozone Precursor Distance must be from sources affecting the designated area in a comparable manner to the proposed emissions increase. Methods for determining offsets are described in the Ozone Precursor Offsets definition (OAR 340-225-0020(11)).

(c) In lieu of obtaining offsets, the owner or operator may obtain an allocation at the rate of 1:1 from a growth allowance, if available, in an applicable maintenance plan.

(d) Sources within or affecting the Medford Ozone Maintenance Area are exempt from the requirement for NOx offsets relating to ozone formation.

(e) Sources within or affecting the Salem Ozone Maintenance Area are exempt from the requirement for VOC and NOx offsets relating to ozone formation.

(2) Non-Ozone areas (PM2.5, PM10, SO2, CO, NOx, and Lead emissions)

(a) For a source locating within a designated nonattainment area, the owner or operator must:

(A) Obtain offsets from within the same designated nonattainment area;

(B) Provide a minimum of 1:1 offsets for emission increases over the Netting Basis or;

(C) For PM2.5 precursor emissions increases over the Netting Basis, provide a minimum of 40:1 (SO2:Direct PM2.5) for offsets for SO2 or 1:40 (Direct PM2.5:SO2).

(D) Provide a net air quality benefit within the designated nonattainment area. "Net Air Quality Benefit" means a reduction in concentration at a majority of the modeled receptors and less than a significant impact level increase at all modeled receptors;

(E) Provide offsets sufficient to demonstrate reasonable further progress toward achieving the NAAQS.

(b) For a source locating outside a designated nonattainment area but causing a significant air quality impact on the area, the owner or operator must provide offsets sufficient to reduce the modeled impacts below the significant air quality impact level (OAR 340-200-0020) at all receptors within the designated nonattainment area. These offsets may come from within or outside the designated nonattainment area.

(c) For a source locating inside or causing a significant air quality impact on a designated maintenance area, the owner or operator must either provide offsets sufficient to reduce modeled impacts below the significant air quality impact level (OAR 240-200-0020) at all receptors within the designated maintenance area or obtain an allocation from an available growth allowance as allowed by an applicable maintenance plan. These offsets may come from within or outside the designated maintenance area.

(A) Medford-Ashland AQMA: Proposed new major PM10 sources or major PM10 modifications locating within the AQMA that are required to provide emission offsets under OAR 340-224-0060(2)(a) must provide reductions in PM10 emissions equal to 1.2 times the emissions increase over the netting basis from the new or modified source, and must provide a net air quality benefit within the AQMA. "Net Air Quality Benefit" means a reduction in concentration at a majority of the modeled receptors and less than a significant impact level increase at all modeled receptors.

(B) Medford-Ashland AQMA: Proposed new major PM10 sources or major PM10 modifications located outside the Medford-Ashland AQMA that cause a significant air quality impact on the AQMA must provide reductions in PM10 emissions sufficient to reduce modeled impacts below the significant air quality impact level (OAR 240-200-0020) at all receptors within the AQMA. (3) Except as provided below, the emission reductions used as offsets must be of the same type of pollutant as the emissions from the new source or modification. Sources of PM10 must be offset with particulate in the same size range. In PM2.5 nonattainment areas, the following offsets are allowed for SO2, NOx and direct PM2.5:

(a) SO2 may be used to offset direct PM2.5 at a ratio of 40:1;

(b) Direct PM2.5 may be used to offset SO2 at a ratio of 1:40.

(4) The emission reductions used as offsets must be contemporaneous, that is, the reductions must take effect before the time of startup but not more than two years before the submittal of a complete permit application for the new source or modification. This time limitation may be extended through banking, as provided for in OAR 340 division 268, Emission Reduction Credit Banking. In the case of replacement facilities, the Department may allow simultaneous operation of the old and new facilities during the startup period of the new facility, if net emissions are not increased during that time period. Any emission reductions must be federally enforceable at the time of the issuance of the permit.

(5) Offsets required under this rule must meet the requirements of Emissions Reduction Credits in OAR 340 division 268.

(6) Emission reductions used as offsets must be equivalent in terms of short term, seasonal, and yearly time periods to mitigate the effects of the proposed emissions.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the EQC under OAR 340-200-0040.

Stat. Auth.: ORS 468.020

Stats. Implemented: ORS 468A.025

Hist.: DEQ 25-1981, f. & ef. 9-8-81; DEQ 5-1983, f. & ef. 4-18-83; DEQ 8-1988, f. & cert. ef. 5-19-88 (and corrected 5-31-88); DEQ 22-1989, f. & cert. ef. 9-26-89; DEQ 27-1992, f.

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& cert. ef. 11-12-92; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0260; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 4-1995, f. & cert. ef. 2-17-95; DEQ 26-1996, f. & cert. ef. 11-26-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1970; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0111; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01, Renumbered from 340-224-0090 & 340-240-0260; DEQ 11-2002, f. & cert. ef. 10-8-02; DEQ 12-2002(Temp), f. & cert. ef. 10-8-02 thru 4-6-03; Administrative correction 11-10-03; DEQ 1-2004, f. & cert. ef. 4-14-04; DEQ 1-2005, f. & cert. ef. 1-4-05; DEQ 3-2007, f. & cert. ef. 4-12-07; DEQ 10-2010(Temp), f. 8-31-10, cert. ef. 9-1-10 thru 2-28-11

Department of Fish and Wildlife Chapter 635

Rule Caption: Open Fall Chinook Sport Fishery On the Snake River Below Hells Canyon Dam.

Adm. Order No.: DFW 119-2010(Temp)

Filed with Sec. of State: 8-18-2010

Certified to be Effective: 9-1-10 thru 12-31-10

Notice Publication Date:

Rules Amended: 635-023-0134

Subject: Amended rule implements a fall Chinook fishery on the Snake River from the Oregon-Washington border upstream to the deadline below Hells Canyon Dam beginning on September 1, 2010 to coincide with the state of Idaho's regulations for this fishery.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-023-0134

Snake River Fishery

(1) The **2010 Oregon Sport Fishing Regulations** provide requirements for 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 **2010 Oregon Sport Fishing Regulations**.

(2) Notwithstanding, all other specifications and regulations as outlined in the 2010 Oregon Sport Fishing Regulations, the following conditions apply:

(a) The Snake River from the Oregon-Washington border upstream to the deadline below Hell's Canyon Dam is open seven (7) days per week, effective from Wednesday, September 1, 2010 until further notice.

(b) Daily bag limit is two (2) adipose fin-clipped fall Chinook salmon per day of which only one (1) can be an adult in excess of 24 inches in length.

(c) Barbless hooks are required.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 496.162 & 506.129

Hist.: DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 47-2005(Temp), f. 5-19-05, cert. ef. 5-21-05 thru 6-20-05; Administrative correction 7-20-05; DFW 31-2006(Temp), f. 5-18-06, cert. ef. 5-20-06 thru 6-19-06; Administrative correction 7-21-06; DFW 31-2007(Temp), f. 5-9-07, cert. ef. 5-11-07 thru 6-18-07; DFW 43-2007(Temp), f. 6-14-07, cert. ef. 6-19-07 thru 7-2-07; Administrative correction 2-8-08; DFW 43-2008(Temp), f. 4-25-08, cert. ef. 4-26-08 thru 7-20-08; DFW 64-2008(Temp), f. 6-18-08, cert. ef. 6-21-08 thru 7-31-08; Administrative correction 8-21-08; DFW 156-2008, f. 12-31-08, cert. ef. 1-1-09; DFW 58-2009(Temp), f. 5-27-09, cert. ef. 5-30-09 thru 7-12-09; DFW 80-2009(Temp), f. 6-30-09, cert. ef. 7-1-09 thru 7-17-09; Administrative correction 7-21-09; DFW 128-2009(Temp), f. 10-12-09, cert. ef. 10-18-09 thru 4-15-10; DFW 144-2009, f. 12-8-09, cert. ef. 1-1-10; DFW 42-2010(Temp), f. 4-13-10, cert. ef. 4-24-10 thru 7-31-10; DFW 107-2010(Temp), f. 7-26-10, cert. ef. 7-31-10 thru 8-4-10; Administrative correction, 8-18-10; DFW 119-2010(Temp), f. 8-18-10, cert. ef. 9-1-10 thru 12-31-10

Rule Caption: Treaty Indian Fall Commercial Gill Net Fishery In Columbia River Above Bonneville Dam Implemented.

Adm. Order No.: DFW 120-2010(Temp)

Filed with Sec. of State: 8-18-2010

Certified to be Effective: 8-24-10 thru 10-31-10

Notice Publication Date:

Rules Amended: 635-041-0075

Rules Suspended: 635-041-0075(T)

Subject: Amended rule allows the commercial sales of fish caught during the Treaty Indian fall commercial gill net fishery in the Columbia River above Bonneville Dam (Zone 6). The fall commercial gill net chinook and steelhead fishery begins at 6:00 a.m. Tuesday, August 24, 2010 and runs through 6:00 p.m. Friday, September 10, 2010. Rule modifications are consistent with action taken August 17, 2010 by the Columbia River Compact agencies of Oregon and Washington.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-041-0075

Fall Salmon Season

(1) The commercial platform and hook-and-line fisheries and the Yakama, Warm Springs and Umatilla tribal subsistence fisheries downstream of Bonneville Dam (bank fishing only) conducted under agreements with the states of Oregon and Washington opened 6:00 a.m. Wednesday, June 16, 2010 and continue until further notice. The commercial platform and hook-and-line fisheries above Bonneville Dam (Zone 6) opened 6:00 a.m. Wednesday, June 16, 2010 and continue until further notice.

(a) Allowable sales include Chinook, steelhead, sockeye, coho, wall-eye, shad, yellow perch, bass and carp. Sturgeon caught in the tribal fisheries below Bonneville Dam may not be retained or 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 use. Fish may NOT be sold on USACE Property below Bonneville Dam, but may be caught and transported off USACE property for sale.

(b) Gear is restricted to subsistence fishing gear:

(A) In Zone 6: hoopnets, dipnets and rod and reel with hook-and-line are allowed; and

(B) Below Bonneville Dam: hoopnets, dipnets, spears, gaffs, clubs, fouling hooks and rod and reel with hook-and-line are allowed.

(c) Salmon, steelhead, walleye, shad, carp, bass and yellow perch landed during an open commercial fishing period may be sold at any time.

(d) Closed areas in Zone 6, except the Spring Creek sanctuary, are as set forth in OAR 635-041-0045 and remain in effect. Closed areas downstream of Bonneville Dam, are as set forth in OAR 635-041-0015 and remain in effect.

(2) Commercial sales of gill net caught fish from Zone 6 of the mainstem Columbia River is allowed beginning 6:00 a.m. Tuesday, August 24, 2010. Authorized gill net fishing periods are: 6:00 a.m. Tuesday, August 24 through 6:00 p.m. Friday, August 27, 2010 (3.5 days); 6:00 a.m. Monday, August 30 through 6:00 p.m. Friday, September 3, 2010 (4.5 days); and 6:00 a.m. Tuesday, September 7 through 6:00 p.m. Friday, September 10, 2010 (3.5 days).

(a) No minimum mesh size restriction is in effect.

(b) Allowable sales include Chinook, steelhead, walleye, shad, yellow perch, bass and carp.

(c) 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 use.

(d) Salmon, steelhead, walleye, shad, carp, bass and yellow perch landed during an open commercial fishing period may be sold at any time.

(e) All standard river mouth and dam sanctuaries in Zone 6, including the small Spring Creek Hatchery sanctuary, as set forth in OAR 635-041-0045 remain in effect.

(3) Sales of salmon, steelhead, walleye, shad, carp, bass and yellow perch caught in Yakama Nation tributary fisheries in the Wind River, Big White Salmon River, Klickitat River, and Icicle Creek during those days and hours when the tributaries are open under lawfully enacted tribal fishing periods are allowed.

(4) Until further notice, sales of adipose fin-clipped Chinook salmon, caught in Nez Perce tributary fisheries in the Snake River Basin Tributary Treaty Area, including treaty spring fisheries in the Imnaha and Grande Ronde subbasins, may be sold during those days and hours when the tributaries are open under lawfully enacted tribal fishing periods.

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-

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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; DFW 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

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Rule Caption: Fall Commercial Drift Gill Net Seasons Set for August In Columbia River Mainstem.

Adm. Order No.: DFW 121-2010(Temp)

Filed with Sec. of State: 8-18-2010

Certified to be Effective: 8-19-10 thru 8-31-10

Notice Publication Date:

Rules Amended: 635-042-0031

Rules Suspended: 635-042-0031(T)

Subject: Amended rule implements fall commercial salmon drift gill net seasons in the Columbia River mainstem in zones 4 and 5. Three commercial drift gill net fishing periods were adopted. The fishing periods are: 8:00 p.m. Thursday, August 19 to 6:00 a.m. Friday, August 20, 2010 (10 hours); 9:00 p.m. Sunday, August 22 to 6:00 a.m. Monday, August 23, 2010 (9 hours); and 9:00 p.m. Tuesday, August 24 to 6:00 a.m. Wednesday, August 25, 2010 (9 hours).

Rules Coordinator: Therese Kucera—(503) 947-6033

635-042-0031

Early Fall Salmon Season

(1) Salmon and white sturgeon may be taken for commercial purposes in the waters of the Columbia River:

(a) Zones 4-5, as identified in OAR 635-042-0001 as follows:

8:00 p.m. Thursday, August 19 to 6:00 a.m. Friday, August 20, 2010 (10 hours);
9:00 p.m. Sunday, August 22 to 6:00 a.m. Monday, August 23, 2010 (9 hours); and
9:00 p.m. Tuesday, August 24 to 6:00 a.m. Wednesday, August 25, 2010 (9 hours);

(2) Only drift gill nets may be used. It is unlawful to use a gill net having a mesh size less than 9 inches or more than 9.75 inches (as described in OAR 635-042-0010 (4)). 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. 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.

(3) A maximum of four (4) white sturgeon, 43-54 inches in fork length, may be possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) the fishery is open. The sturgeon possession and sales limit includes mainstem fisheries only. Retention of green sturgeon is prohibited.

(4) Closed waters, as described in OAR 635-042-0005 for Grays River, Elokomin-B, Cowlitz River, Kalama-B, Lewis-B, Washougal and Sandy rivers sanctuaries are in effect during open fishing periods identified above.

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. 8-14-08 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

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Rule Caption: Inseason Actions Implemented by the Federal Government for Commercial Groundfish Fisheries.

Adm. Order No.: DFW 122-2010(Temp)

Filed with Sec. of State: 8-25-2010

Certified to be Effective: 8-25-10 thru 11-30-10

Notice Publication Date:

Rules Amended: 635-004-0019

Rules Suspended: 635-004-0019(T)

Subject: The amended rule adopts in-season actions implemented by the federal government for Pacific ocean commercial groundfish fisheries, including changes to cumulative trip limits for fixed gear

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fisheries and changes to lingcod retention allowances for vessels fishing in the salmon troll fishery.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-004-0019

Inclusions and Modifications

(1) OAR chapter 635, division 004, modifies or is in addition to provisions contained in **Code of Federal Regulations, Title 50, Part 660, Subpart G, West Coast Groundfish Fisheries.**

(2) The **Code of Federal Regulations (CFR), Title 50, Part 660, Subpart G,** provides requirements for commercial groundfish fishing in the Pacific Ocean off the Oregon coast. However, additional regulations may be promulgated subsequently, and these supersede, to the extent of any inconsistency, the **Code of Federal Regulations.**

(3) Notwithstanding the regulations as defined in OAR 635-004-0018, the National Oceanic and Atmospheric Administration (NOAA), by means of **Federal Register/Vol. 75, No. 162/Monday, August 23, 2010,** announced inseason management measures effective August 18, 2010, including, but not limited to, changes to cumulative trip limits for the limited entry fixed-gear sablefish fishery and lingcod retention allowances for vessels fishing in the salmon troll fishery and operating outside of the non-trawl RCA.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: DFW 76-1999(Temp), f. 9-30-99, cert. ef. 10-1-99 thru 12-31-99; DFW 81-1999(Temp), f. & cert. ef. 10-12-99 thru 12-31-99; DFW 98-1999, f. 12-27-99, cert. ef. 1-1-00; DFW 23-2005(Temp), f. & cert. ef. 4-8-05 thru 10-4-05; DFW 30-2005(Temp), f. 4-29-05, cert. ef. 5-1-05 thru 10-27-05; DFW 43-2005(Temp), f. & cert. ef. 5-13-05 thru 10-17-05; DFW 68-2005(Temp), 6-30-05, cert. ef. 7-1-05 thru 12-27-05; DFW 114-2005(Temp), f. 9-30-05, cert. ef. 10-1-05 thru 12-31-05; DFW 125-2005(Temp), f. & cert. ef. 10-19-05 thru 12-31-05; DFW 134-2005(Temp), f. & cert. ef. 11-30-05 thru 12-31-05; DFW 147-2005(Temp), f. 12-28-05, cert. ef. 1-1-06 thru 6-28-06; DFW 8-2006(Temp), f. 2-28-06, cert. ef. 3-1-06 thru 8-25-06; DFW 25-2006(Temp), f. 4-28-06, cert. ef. 5-1-06 thru 10-27-06; DFW 55-2006(Temp), f. 6-30-06, cert. ef. 7-1-06 thru 12-27-06; DFW 110-2006(Temp), f. 9-29-06, cert. ef. 10-1-06 thru 12-31-06; Administrative Correction 1-16-07; DFW 29-2007(Temp), f. & cert. ef. 5-1-07 thru 10-27-07; DFW 58-2007(Temp), f. 7-18-07, cert. ef. 8-1-07 thru 12-31-07; DFW 106-2007(Temp), f. 10-5-07, cert. ef. 10-6-07 thru 12-31-07; DFW 123-2007(Temp), f. 11-26-07, cert. ef. 11-28-07 thru 12-31-07; DFW 126-2007(Temp), f. & cert. ef. 12-11-07 thru 12-31-07; DFW 41-2008(Temp), f. 4-23-08, cert. ef. 5-1-08 thru 10-27-08; DFW 88-2008(Temp), f. & cert. ef. 8-1-08 thru 12-31-08; DFW 146-2008(Temp), f. & cert. ef. 12-4-08 thru 12-31-08; DFW 1-2009(Temp), f. & cert. ef. 1-5-09 thru 5-1-09; DFW 29-2009(Temp), f. & cert. ef. 3-18-09 thru 5-1-09; DFW 41-2009(Temp), f. 4-29-09, cert. ef. 5-1-09 thru 10-27-09; DFW 39-2009, f. & cert. ef. 4-27-09; DFW 81-2009(Temp), f. & cert. ef. 7-2-09 thru 12-28-09; DFW 136-2009, f. 10-28-09 thru 12-31-09; DFW 138-2009(Temp), f. & cert. ef. 11-2-09 thru 12-31-09; Administrative correction 1-25-10; DFW 25-2010(Temp), f. & cert. ef. 3-3-10 thru 8-29-10; DFW 59-2010(Temp), f. & cert. ef. 5-12-10 thru 11-7-10; DFW 109-2010(Temp), f. & cert. ef. 7-30-10 thru 11-30-10; DFW 122-2010(Temp), f. & cert. ef. 8-25-10 thru 11-30-10

Rule Caption: Coho Seasons Extended In the Santiam Basin.

Adm. Order No.: DFW 123-2010(Temp)

Filed with Sec. of State: 8-26-2010

Certified to be Effective: 9-1-10 thru 12-31-10

Notice Publication Date:

Rules Amended: 635-017-0090

Rules Suspended: 635-017-0090(T)

Subject: This amended rule allows for expanded coho seasons in the mainstem Santiam River (months of September and October added); North Fork Santiam River (Stayton to Scio Bridge season expanded into September and October); and South Fork Santiam River (season expanded to include months of September and October) in the reach from mouth up to the Grant Street Bridge in Lebanon.

These modifications will allow sport anglers opportunities to harvest returns of naturally produced coho salmon found upstream of Willamette Falls in the Santiam Basin. Willamette Falls historically restricted access to fall returning salmon prior to development of a fish ladder that provided access year-round to all fish species. Hatchery programs were discontinued in the late 1990's in response to ESA listing of several salmon and steelhead stocks in the region. Hatchery fish released in the late 1990's continue to naturally reproduce which has led to an increasing trend in abundance of coho upstream of Willamette Falls.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-017-0090

Inclusions and Modifications

(1) The **2010 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 **2010 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) The Tualatin River (Clackamas/Washington Co.):

(a) From the mouth upstream to the Highway 210 Bridge at Scholls: Open for trout May 22 through October 31; 2 trout per day; 8-inch minimum length; use of bait allowed May 22 through October 31. Open for coho salmon August 1 through October 31.

(b) From Highway 210 Bridge at Scholls upstream to Highway 47 Bridge at Gaston: Open for trout May 22 through October 31; 2 trout per day; 8-inch minimum length; angling restricted to artificial flies and lures. Open for coho salmon August 1 through October 31.

(c) Tualatin River and tributaries upstream from Highway 47 Bridge and Tualatin River Basin tributaries not listed in the 2010 Oregon Sport Fishing Regulations: Open for trout May 22 through October 31; 2 trout per day; 8-inch minimum length; angling restricted to artificial flies and lures.

(d) All other General Statewide and Willamette Zone regulations, as provided in the 2010 Oregon Sport Fishing Regulations, remain in effect.

(4) Yamhill River (Yamhill Co.):

(a) From the mouth upstream to the confluence of North and South forks of the Yamhill River: Open to angling for warmwater game fish March 1 through October 31; Open for trout May 22 through October 31; 2 trout per day; 8-inch minimum length; Use of bait allowed March 1 through October 31. Open for coho salmon August 1 through October 31.

(b) South Yamhill River from the confluence with North Yamhill River upstream to the mouth of Rock Creek near the town of Grande Ronde: Open for trout May 22 through October 31; limit 5 trout per day, of which no more than 2 may be non fin-clipped trout; 8-inch minimum length for all trout; angling restricted to artificial flies and lures. Open for coho salmon August 1 through October 31.

(c) South Yamhill River above Rock Creek and all Yamhill, South Yamhill, and North Yamhill rivers tributaries not listed in the 2010 Oregon Sport Fishing Regulations: Open for trout May 22 through October 31; 2 trout per day; 8-inch minimum length; angling restricted to artificial flies and lures.

(d) All other General Statewide and Willamette Zone regulations, as provided in the 2010 Oregon Sport Fishing Regulations, remain in effect.

(5) Gales Creek (Tualatin River tributary, Washington Co.):

(a) From the mouth upstream to NW Clapshaw Hill Road in Gales Creek: Open for trout May 22 through October 31; 2 trout per day; 8-inch minimum length; angling restricted to artificial flies and lures. Open for coho salmon August 1 through October 31.

(b) Upstream of NW Clapshaw Hill Road and tributaries not listed in the 2010 Oregon Sport Fishing Regulations: Open for trout May 22 through October 31; 2 trout per day; 8-inch minimum length; angling restricted to artificial flies and lures.

(c) All other General Statewide and Willamette Zone regulations, as provided in the 2010 Oregon Sport Fishing Regulations, remain in effect.

(6) Clackamas, Sandy, and Lower Willamette (below the falls) rivers:

(a) Effective June 18, through October 31, 2010 the daily bag limit for adult fin-clipped salmon or adult fin-clipped steelhead is 2 per day, 20 per

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year; 5 jacks per day, 2 daily jack limits in possession, with the exception that in the Clackamas, Sandy, and Lower Willamette rivers one additional adipose fin-clipped steelhead 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 2010 Oregon Sport Fishing Regulations, remain in effect.

(7) Effective September 1 through December 31, 2010 the Santiam River is open to the harvest of coho salmon as follows:

(a) Mainstem (open September 1 through December 31, 2010); North Fork up to Stayton-Scio Bridge in Stayton (open September 1 through December 31, 2010); North Fork from Stayton-Scio Bridge in Stayton up to Big Cliff Dam (open November 1 through December 31, 2010); South Fork up to Grant Street Bridge in Lebanon (open September 1 through December 31, 2010); South Fork from Grant Street Bridge in Lebanon up to Foster Dam (open November 1 through December 31, 2010).

(b) All other General Statewide and Willamette Zone regulations, as provided in the 2010 Oregon Sport Fishing Regulations, remain in effect.

[Publications: Publications referenced are available from the agency.]

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. 10-1-00 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. 1-1-10; 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

Rule Caption: Amend Bass and Walleye Fishing Tournament Rules to Establish Grandfather Rights for Permit Applications.

Adm. Order No.: DFW 124-2010

Filed with Sec. of State: 9-3-2010

Certified to be Effective: 9-3-10

Notice Publication Date: 8-1-2010

Rules Amended: 635-001-0105

Subject: The rule amendments establish a new bass fishing tournament permitting system that will apply to all Oregon waters and will include the following provisions: (1) Establish “grandfather” rules in which organizations that have held a tournament continuously for 25 years or more, on a specific lake or reservoir, will be granted a permit automatically, providing prescribed requirements have been met; (2) Establish the use of a “drawing” to determine which non-grandfathered groups will be granted permits if the number of applicants exceeds the number of permits available; (3) Establish a point system by which organizations unsuccessful in obtaining a permit will gain “preference” during the next year’s selection process; and (4) Removes rule provision that recognizes the role of the annual Oregon BASS event in determining the permit recipients — instead a new timeline is established with the Department accepting tournament permit applications beginning November 1 of the year preceding the year in which the tournament is to be held and then processed in order received beginning December 15 of the year preceding the year in which the tournament is to be held.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-001-0105

Bass and Walleye Fishing Tournaments

Black bass or walleye fishing tournaments are subject to provisions of ORS 498.279 and the following rules:

(1) Permit Application and Processing; General Provisions.

(a) The Department will accept applications for bass tournaments beginning November 1 of the year preceding the year in which the proposed tournament will be held. Requests will be processed and permits issued in order of time of receipt at the Bend ODFW office beginning December 15 of the year preceding the year in which the proposed tournament will be held.

(b) Parties requesting conflicting tournaments are encouraged to resolve the conflict among themselves. Parties may submit an amended tournament request that resolves conflicts among competing applicants that reserves the priority date of the original requests.

(c) At the request of the Commission, the sponsor of the event shall report the results of the event to the Commission, on a form provided by the Commission not later than 30 days after the end of the event.

(d) The Commission may order closure of any waters to competitions or contests when the Commission considers such action necessary to protect wildlife resources.

(e) Live fish must be released in scattered locations at least one mile from the weigh-in site or at locations designated by ODFW. The tournament director or a designee may exceed possession limits for the purpose of transporting fish from the weigh-in site to release sites on the same water.

(f) No bass or walleye may be retained by tournament sponsors or participants after a tournament ends except as specified in subsection (1)(g).

(g) The tournament director may dispose of fish that die during or as a result of tournament activities in the following manner:

(A) donated in accordance with local bag and possession limits to individuals at the weigh-in site not participating in or with the tournament. The tournament sponsor must issue a receipt for donated fish that must stay with the fish. The receipt must include the name of the recipient and the species and number of fish donated;

(B) the tournament director may exceed the bag or possession limit in order to transport the fish to donate them in a manner detailed in OAR 635-002-0005.

(2) Large Tournaments.

(a) Large tournaments are those with more than 24 boats or 49 individuals participating.

(b) A permit from ODFW is required. Sponsors must apply for permits at least 30 days prior to the event. Permit applications must include a written description of the manner in which the competition or contest is to be conducted. Such description shall include the location, dates and times of the event, the maximum number of boats participating, the amounts of prizes, and the equipment and methods to be used by contestants to keep fish taken in a live and healthy condition. Permits must be in possession of

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the sponsor or a designated representative at the tournament location, and must be shown to OSP or ODFW employees on request.

(c) The frequency of bass tournaments and number of participants is limited. Surface areas of tournament waters will be based on Atlas of Oregon Lakes (OSU Press, 1985) (See Table 1). No more large competitions or contests for bass may be held on any particular body of water than provided by table 1, and no more often than once in any 13-day period except on the Columbia River downstream from Bonneville Dam, including the Willamette River upstream to Willamette Falls, and on Columbia River impoundments, where a competition or contest may not be held at launch sites less than 10 river miles apart more often than once in any 13-day period. Distance between launch sites will be determined from the River Mile Index for the Main Stem Columbia River (Hydrology Subcommittee of the Columbia Basin Inter-Agency Committee, 1962) and the Willamette River Recreation Guide (Oregon State Marine Board and Oregon Parks and Recreation Department, 1998).

(d) If an organization has applied for and received a tournament permit for a particular lake continuously for the past 25 years, that organization will receive "grandfather" rights to a permit on that lake. That organization will retain "grandfather" rights as long as it:

(A) continuously reapplies for a permit every year; and

(B) draws a minimum of 50 participants for two years in a 3-year period. If an organization with "grandfather" rights to a certain waterbody fails to meet the above criteria, ODFW shall rescind that organization's grandfather rights but may permit the organization to retain its grandfather rights if it failed to meet these criteria due to circumstances beyond its control. Once organizations with grandfather rights are allotted permits (which includes preference for selecting a date for a particular lake) the remaining permits will be awarded to competing organizations through a point system as described below:

(i) Every year that an organization applies for one of the remaining permits and does not draw one, that organization receives a "point." An organization can only receive a maximum of one point per year per waterbody. An organization must apply every year to retain their points, otherwise their points go to zero;

(ii) If the number of organizations competing for the remaining permits after the grandfather allocation on a waterbody is less than the number of permits available, all organizations receive a permit and lose all of their points;

(iii) If the number of organizations competing for the remaining permits on a waterbody is more than the number of permits available after the grandfather allocation, permits are allocated by lottery among the permit applicants with the most points. If permits are still available after this allocation, they are allocated by lottery among the remaining organizations with the next most points, and so on until all authorized permits are allocated;

(iv) If an organization with a permit applies for an additional permit, it will only be considered after all organizations without permits have been granted one.

(e) Notwithstanding restrictions set forth in the Oregon Sport Fishing regulations published annually, the following catch and possession restrictions apply to participants in bass fishing tournaments. Participants competing as individuals may continue to fish while holding five bass of any size in the livewell, as long as one bass is released immediately upon catching a bass. Two person teams may continue to fish while holding 10 bass of any size in the livewell, regardless of the number of bass caught by each angler, as long as one bass is released immediately when either team member catches a bass. The released bass may be either the bass just caught, or from the livewell. However, if the number of participants on any single boat is three or more anglers, the possession limit per boat is limited to 10 bass of any size.

(f) Frequency of walleye tournaments is limited to one in each 13-day period, and the total number of tournaments is further limited as provided in Table 2, however, a competition or contest for walleye on the Columbia River downstream from Bonneville Dam, including the Willamette River upstream to Willamette Falls, and on Columbia River impoundments, may not be held at launch sites less than 10 river miles apart more often than once in any 13-day period. Distance between launch sites will be determined from the River Mile Index for the Main Stem Columbia River (Hydrology Subcommittee, 1962) and the Willamette River Recreation Guide (Oregon State Marine Board and Oregon Parks and Recreation Department, 1998).

(g) There is no limit on the number of participants in a walleye tournament.

(3) Small Bass or Walleye Tournaments.

(a) Small black bass or walleye fishing tournaments are those which have fewer than 50 participants and 25 participating boats.

(b) Sponsors must notify the local ODFW District fish biologist and OSP office of the location, date and time of the event at least 10 days prior to the commencement of the event.

(c) Tournament participant boats must be clearly marked as "Contestant" or "Tournament" in a manner visible without magnification from a minimum distance of 50 yards.

(d) Notwithstanding restrictions set forth in the Oregon Sport Fishing regulations published annually, the catch and possession restrictions in subsection (2)(c) of these rules apply to participants in small bass fishing tournaments.

[ED. NOTE: Tables and publications referenced are available from the agency.]

Stat. Auth.: ORS 498.118, 496.138 & 496.146

Stats. Implemented: ORS 498.279 & 498.284

Hist.: FWC 96-1987, f. & ef. 11-17-87; FWC 77-1995, f. 9-13-95, cert. ef. 1-1-96; DFW 78-2001, f. & cert. ef. 8-24-01; DFW 127-2003, f. 12-11-03, cert. ef. 1-1-04; DFW 124-2010, f. & cert. ef. 9-3-10

Rule Caption: Amend Clackamas Subbasin Fish Management Rules to Update Status and Pursue Reintroduction of Bull Trout.

Adm. Order No.: DFW 125-2010

Filed with Sec. of State: 9-3-2010

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Notice Publication Date: 8-1-2010

Rules Amended: 635-500-0880

Subject: Rule amendments in the Clackamas Subbasin Fish Management Plan reflect the current status of bull trout in the Clackamas subbasin and direct staff to pursue reintroduction of bull trout in a manner consistent with the recovery of listed anadromous salmonids in the Clackamas River subbasin. Bull trout are indigenous to the Clackamas River subbasin, but have not been observed in this watershed since 1963. When the Clackamas River Subbasin Fish Management Plan was developed in 1992, there was inadequate information to conclude whether bull trout had been extirpated from the watershed. In 1999 bull trout were listed as a threatened species under the federal Endangered Species Act (ESA) by the US Fish and Wildlife Service (USFWS).

Rules Coordinator: Therese Kucera—(503) 947-6033

635-500-0880

Trout

(1) The following operating principles apply to the Clackamas subbasin:

(a) Trout in the Clackamas subbasin shall be managed for natural production. No hatchery trout shall be stocked in flowing waters of the Clackamas subbasin; and

(b) Natural barriers to anadromous fish passage shall not be removed. Culverts and man-made obstacles may be improved to allow anadromous fish passage, if fish historically passed the barrier.

(2) In accordance with these operating principles, it is the objective of the Department to:

(a) Maintain the genetics and production of indigenous wild trout populations, by maintaining genetic diversity, preserving and restoring historical distribution, and by sustaining multiple-age classes; and

(b) Reintroduce bull trout in the Clackamas subbasin to restore a self-sustaining population consistent with achieving the desired status of anadromous salmonid populations identified in the Lower Columbia River Conservation and Recovery Plan for Oregon Populations of Salmon and Steelhead (OAR 635-500-6575).

Stat. Auth.: ORS 496.146 & 496.162

Stats. Implemented: ORS 496.138

Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92; DFW 26-1998(Temp), f. & cert. ef. 3-25-98; DFW 26-1998(Temp), f. & cert. ef. 3-25-98 thru 4-24-98; DFW 71-1998, f. & cert. ef. 8-28-98; DFW 125-2010, f. & cert. ef. 9-3-10

Rule Caption: Adopted Rules Authorizing Department Staff to Represent the Agency in Certain Wildlife Related Contested Cases.

Adm. Order No.: DFW 126-2010

Filed with Sec. of State: 9-10-2010

Certified to be Effective: 9-10-10

Notice Publication Date: 8-1-2010

Rules Adopted: 635-001-0070

ADMINISTRATIVE RULES

Subject: Subject to the approval of the Attorney General, an officer or employee of the Department, designated by the Director, is authorized to represent the Department in contested case hearings concerning suspension from the Landowner Preference Program or the Master Hunter Program, suspension of certification as a Hunter Education Instructor, or suspension or revocation of licenses or tags under the Wildlife Violator Compact.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-001-0070

Agency Representation by Employee

(1) Subject to the approval of the Attorney General, an officer or employee of the Department, designated by the Director, is authorized to represent the Department in contested case hearings concerning suspension from the Landowner Preference Program or the Master Hunter Program, suspension of certification as a Hunter Education Instructor, or suspension or revocation of licenses or tags under the Wildlife Violator Compact.

(2) The agency representative may not give legal advice or present 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 motions, evidence, examination and cross-examination of witnesses or presentation of factual arguments or arguments on:

(A) The application of statutes or rules to the facts 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;

(D) The admissibility of evidence; and

(E) The correctness of procedures being followed in the contested case hearing.

Stat. Auth.: ORS 183.452 & 496.138

Stats. Implemented: ORS 183.452 & 496.138

Hist.: DFW 126-2010, f. & cert. ef. 9-10-10

Rule Caption: Amended Rules regarding furbearer record cards and harvest reporting.

Adm. Order No.: DFW 127-2010

Filed with Sec. of State: 9-10-2010

Certified to be Effective: 9-10-10

Notice Publication Date: 8-1-2010

Rules Amended: 635-050-0045, 635-050-0180

Subject: These amendments modify the language related to the bobcat and otter record cards to make it consistent with other proportions of this rule. These amendments also provide furtakers that did not submit their harvest reports before the deadline an option to pay a penalty so that they may purchase a hunting license for furbearers or furtakers license the following season.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-050-0045

General Furbearer Regulations

The following general regulations apply to furbearer seasons:

(1) The appropriate furtaker's license or hunting license for furbearers must be in possession to hunt and/or trap furbearers.

(2) Any person possessing a valid furtaker's license or hunting license for furbearers is required to fill out and return a completed harvest report form to the Department at 3406 Cherry Avenue NE, Salem, Oregon 97303. The form shall be postmarked by April 15, 2011 for the 2010–2011 seasons and April 15, 2012 for the 2011–2012 seasons. Failure to do so shall deny the license holder the opportunity to purchase a hunting license for furbearers or furtaker's license for the following furbearer season, unless the non-compliant licensee pays a fee of \$50.00 and completes and returns the harvest report form prior to the requested license being issued.

(3) Any person may sell or exchange the hide, carcass, or any part thereof, of any legally taken furbearing or unprotected mammal.

(4) All traps and snares, whether set for furbearing or other unprotected mammals, shall be legibly marked or branded with the owner's

license (brand) number that has been assigned by the Department; except that unmarked traps or snares may be set for nongame mammals unprotected by law or Department regulations by any person or member of his immediate family upon land of which he is the lawful owner. A landowner is required to register the location of such land with the Department and shall possess each year a free landowner's license before hunting or trapping furbearing mammals.

(5) No branded trap or snare may be sold unless accompanied by a uniform bill of sale.

(6) Bobcat, raccoon and opossum may be hunted with the aid of an artificial light provided the light is not cast from or attached to a motor vehicle or boat.

(7) An artificial light may be used to provide light to aid in the dispatch of animals legally restrained in a trap or snare.

(8) Use of dogs is permitted to hunt or pursue bobcat, raccoon, fox, and unprotected mammals except in game bird nesting habitat during April, May, June or July, except as authorized by the Fish and Wildlife Commission.

(9) It is unlawful for any person to trap for furbearers, predatory animals or unprotected mammals using:

(a) A steel foothold trap with a jaw spread greater than 9 inches.

(b) A No. 3 or larger foothold trap or any foothold trap with an inside jaw spread at dog greater than 6" not having a jaw spacing of at least 3/16 of one inch when the trap is sprung (measurement excludes pads on padded jaw traps) and when the trap is placed in a manner that is not capable of drowning a trapped animal.

(c) The flesh of any game bird, game fish, game mammal for trap bait.

(d) Any instant-kill trap having a jaw spread of 9 inches or more in any land set.

(e) Any toothed trap, or trap with a protuberance on the facing edge of the jaws that is intended to hold the animal (except pads on padded jaw traps).

(f) Or possessing the branded traps or snares of another unless in possession of written permission from the person to whom the brand is registered.

(g) Sight bait within 15 feet of any foothold trap set for carnivores.

(10) Except for persons authorized to enforce the wildlife laws, it is unlawful to disturb or remove the traps or snares of any licensed trapper while he is trapping on public lands or on land where he has permission to trap.

(11) All traps or snares set or used for the taking of furbearing or unprotected mammals shall be inspected at least every 48 hours and all trapped animals removed. This regulation does not apply to the taking of predatory animals.

(12) Any person setting a trap for predatory animals, as defined in ORS 610.002, must check the trap as follows:

(a) For killing traps and snares, at least once every 30 days and remove all animals;

(b) For restraining traps and snares, at least once every 76 hours and remove all animals. However, restraining traps and snares set by a person owning, leasing, occupying, possessing or having charge of or dominion over any land, place, building, structure, wharf, pier or dock or their agent, and set for predatory animals damaging land, livestock or agricultural or forest crops, shall be checked at least once every 7 days. Any person(s) acting as an agent for a landowner shall have in their possession written authority from the landowner or lawful occupant of the land. Such written authority shall contain at least all of the following:

(A) The date of issuance of the authorization;

(B) The name, address, telephone number and signature of the person granting the authorization;

(C) The name, address and telephone number of the person to whom the authorization is granted; and

(D) The expiration date of the authorization, which shall be not later than one year from the date of issuance of the authorization.

(13) A "killing trap" means a device used to kill a mammal as part of a killing trap system. A killing trap system is a system set with the intent to kill a mammal comprising a combination of: equipment (the trap and trigger configuration), and set (including site modifications, lures, baits, location and other relevant requirements).

(14) A "restraining trap" means a device used to capture and restrain (but not kill) a mammal as part of a restraining trap system. A restraining trap system is a system set with the intent to capture and restrain (but not kill) a mammal comprising a combination of: equipment (the trap and the trigger configuration), and set (including site modifications, lures, baits, location and other relevant requirements).

ADMINISTRATIVE RULES

(15) These general furbearer regulations do not apply to the trapping of gophers, moles, ground squirrels and mountain beaver.

(16) When any furbearer or raw furbearer pelt is transferred to the possession of another person, a written record indicating the name and address of the person from whom the raw pelt was obtained shall accompany such transfer and remain with same so long as preserved in raw pelt form.

(17) It is unlawful for any person to damage or destroy any muskrat house at any time except where such muskrat house is an obstruction to a private or public ditch or watercourse.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
Hist.: FWC 59-1989, f. & cert. ef. 8-15-89; FWC 70-1990, f. & cert. ef. 7-25-90; FWC 60-1992, f. & cert. ef. 7-30-92; FWC 49-1994, f. & cert. ef. 8-12-94; FWC 43-1996, f. & cert. ef. 8-12-96; DFW 62-1998, f. & cert. ef. 8-10-98; DFW 39-2000, f. & cert. ef. 7-25-00; DFW 73-2002, f. & cert. ef. 7-16-02; DFW 9-2004, f. & cert. ef. 2-11-04; DFW 31-2004, f. & cert. ef. 5-1-04; DFW 67-2004, f. & cert. ef. 7-13-04; DFW 60-2006, f. & cert. ef. 7-12-06; DFW 83-2008, f. & cert. ef. 7-25-08; DFW 82-2010, f. & cert. ef. 6-15-10; DFW 127-2010, f. & cert. ef. 9-10-10

635-050-0180

Bobcat and River Otter Record Cards

(1) Each person desiring to hunt or trap bobcat or river otter shall purchase a bobcat or river otter record card prior to hunting or trapping bobcat or river otter.

(2) Bobcat record cards will be available for a fee of \$20.00 (plus a \$2.00 license agent fee) per card.

(3) River otter record cards will be available for a fee of \$15.00 (plus a \$2.00 license agent fee) per card.

(4) Record cards will be available at the Salem headquarters and regional offices of the Department.

(5) River otter cards will have spaces for recording 15 river otters. There is no limit on the purchase of river otter record cards.

(6) Each western Oregon bobcat record card will have spaces for recording 15 bobcats. There is no limit on purchase of western Oregon bobcat record cards.

(7) No more than one record card for eastern Oregon bobcats will be issued to any furtaker or hunter. A duplicate card may be issued, but no more than the bag limit described for eastern Oregon bobcats in OAR 635-050-0080 may be taken in a season.

(8) No person may obtain or possess both eastern and western Oregon bobcat record cards.

(9) Bobcat and river otter record cards shall not be sold after the end of their respective seasons.

(10) Each furtaker shall have the appropriate record card on his person while trapping or hunting bobcat or river otter.

(11) Furtakers shall not have record cards other than their own on their person while in the field.

(12) Upon coming into possession of any bobcat or river otter, the furtaker shall immediately write on the record card, species, sex, date of possession and county of harvest.

(13) Each furtaker shall retain the record card until he disposes of the raw pelts.

(14) Fees paid for unused record cards shall not be refunded.

(15) It is unlawful to alter or be in possession of an altered bobcat or river otter record card.

(16) Each licensee shall register a brand number to obtain a bobcat or river otter record card.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
Hist.: FWC 140, f. & ef. 8-29-77; FWC 165, f. & ef. 12-23-77; FWC 44-1978, f. & ef. 9-1-78; FWC 37-1979, f. & ef. 8-29-79; FWC 53-1979(Temp), f. & ef. 11-6-79; FWC 54-1979(Temp), f. & ef. 11-8-79; FWC 60-1979(Temp), f. & ef. 12-18-79; FWC 2-1980(Temp), f. & ef. 1-8-80; FWC 35-1980, f. & ef. 7-2-80; FWC 21-1981, f. & ef. 6-29-81. Renumbered from 635-050-0025(1); FWC 43-1982, f. & ef. 7-9-82; FWC 27-1983, f. & ef. 7-8-83; FWC 52-1984, f. & ef. 9-5-84; FWC 44-1985, f. & ef. 8-22-85; FWC 48-1986, f. & ef. 8-28-86; FWC 79-1988, f. & cert. ef. 9-2-88; FWC 59-1989, f. & cert. ef. 8-15-89; FWC 60-1992, f. & cert. ef. 7-30-92; FWC 49-1994, f. & cert. ef. 8-12-94; DFW 39-2000, f. & cert. ef. 7-25-00; DFW 31-2004, f. & cert. ef. 5-1-04; DFW 67-2004, f. & cert. ef. 7-13-04; DFW 142-2009, f. & cert. ef. 1-1-10; DFW 127-2010, f. & cert. ef. 9-10-10

Rule Caption: Treaty Indian Fall Commercial Gill Net Fishery In Columbia River Above Bonneville Dam Continued.

Adm. Order No.: DFW 128-2010(Temp)

Filed with Sec. of State: 9-10-2010

Certified to be Effective: 9-10-10 thru 10-31-10

Notice Publication Date:

Rules Amended: 635-041-0075

Rules Suspended: 635-041-0075(T)

Subject: This amended rule allows the commercial sales of fish caught during the Treaty Indian fall commercial gill net fishery in the Columbia River above Bonneville Dam (Zone 6). Rule modifications extend the current fishery by 24-hours and authorizes a new 4.5 day fishery which begins at 6:00 a.m. Monday, September 13 and runs through 6:00 p.m. Friday, September 17, 2010. Modifications are consistent with action taken September 9, 2010 by the Columbia River Compact agencies of Oregon and Washington in concert with the Columbia River Treaty Tribes.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-041-0075

Fall Salmon Season

(1) The commercial platform and hook-and-line fisheries and the Yakama, Warm Springs and Umatilla tribal subsistence fisheries downstream of Bonneville Dam (bank fishing only) conducted under agreements with the states of Oregon and Washington opened 6:00 a.m. Wednesday, June 16, 2010 and continue until further notice. The commercial platform and hook-and-line fisheries above Bonneville Dam (Zone 6) opened 6:00 a.m. Wednesday, June 16, 2010 and continue until further notice.

(a) Allowable sales include Chinook, steelhead, sockeye, coho, wall-eye, shad, yellow perch, bass and carp. Sturgeon caught in the tribal fisheries below Bonneville Dam may not be retained or 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 use. Fish may NOT be sold on USACE Property below Bonneville Dam, but may be caught and transported off USACE property for sale.

(b) Gear is restricted to subsistence fishing gear:

(A) In Zone 6: hoopnets, dipnets and rod and reel with hook-and-line are allowed; and

(B) Below Bonneville Dam: hoopnets, dipnets, spears, gaffs, clubs, fouling hooks and rod and reel with hook-and-line are allowed.

(c) Salmon, steelhead, walleye, shad, carp, bass and yellow perch landed during an open commercial fishing period may be sold at any time.

(d) Closed areas in Zone 6, except the Spring Creek sanctuary, are as set forth in OAR 635-041-0045 and remain in effect. Closed areas downstream of Bonneville Dam, are as set forth in OAR 635-041-0015 and remain in effect.

(2) Commercial sales of gill net caught fish from Zone 6 of the mainstem Columbia River is allowed beginning 6:00 a.m. Tuesday, August 24, 2010. Authorized gill net fishing periods are: 6:00 a.m. Tuesday, August 24 through 6:00 p.m. Friday, August 27, 2010 (3.5 days); 6:00 a.m. Monday, August 30 through 6:00 p.m. Friday, September 3, 2010 (4.5 days); 6:00 a.m. Tuesday, September 7 through 6:00 p.m. Saturday, September 11, 2010 (4.5 days); and 6:00 a.m. Monday, September 13 through 6:00 p.m. Friday, September 17, 2010 (4.5 days).

(a) No minimum mesh size restriction is in effect.

(b) Allowable sales include Chinook, steelhead, walleye, shad, yellow perch, bass and carp.

(c) 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 use.

(d) Salmon, steelhead, walleye, shad, carp, bass and yellow perch landed during an open commercial fishing period may be sold at any time.

(e) All standard river mouth and dam sanctuaries in Zone 6, including the small Spring Creek Hatchery sanctuary, as set forth in OAR 635-041-0045 remain in effect.

(3) Sales of salmon, steelhead, walleye, shad, carp, bass and yellow perch caught in Yakama Nation tributary fisheries in the Wind River, Big White Salmon River, Klickitat River, and Icicle Creek during those days and hours when the tributaries are open under lawfully enacted tribal fishing periods are allowed.

(4) Until further notice, sales of adipose fin-clipped Chinook salmon, caught in Nez Perce tributary fisheries in the Snake River Basin Tributary Treaty Area, including treaty spring fisheries in the Imnaha and Grande Ronde subbasins, may be sold during those days and hours when the tributaries are open under lawfully enacted tribal fishing periods.

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. &

ADMINISTRATIVE RULES

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 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. & cert. ef. 8-8-90; FWC 90-1990, f. & cert. ef. 8-31-90; FWC 96-1990(Temp), f. & cert. ef. 9-10-90; FWC 98-1990(Temp), f. & cert. ef. 9-14-90, cert. ef. 9-17-90; FWC 85-1991, f. & 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. & 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. 9-9-92; FWC 91-1992(Temp), f. & cert. ef. 9-16-92, cert. ef. 9-17-92; FWC 96-1992(Temp), f. & cert. ef. 9-23-92; 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. 8-6-93, 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. & 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; FWC 76-1998(Temp), f. & cert. ef. 9-8-98 thru 9-25-98; FWC 77-1998(Temp), f. & cert. ef. 9-15-98 thru 9-25-98; FWC 79-1998(Temp), f. & cert. ef. 9-21-98, 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; FWC 59-1999(Temp), f. & cert. ef. 8-23-99 thru 9-11-99; FWC 62-1999(Temp), f. & cert. ef. 9-3-99 thru 9-11-99; FWC 65-1999(Temp), f. & cert. ef. 9-14-99, cert. ef. 9-15-99 thru 9-17-99; FWC 69-1999(Temp), f. & cert. ef. 9-17-99 thru 9-18-99; FWC 72-1999(Temp), f. & cert. ef. 9-21-99, cert. ef. 9-22-99 thru 10-22-99; FWC 74-1999(Temp), f. & cert. ef. 9-28-99, cert. ef. 9-29-99 thru 10-22-99; Administrative correction 11-17-99; FWC 50-2000(Temp), f. & cert. ef. 8-18-00, cert. ef. 8-21-00 thru 9-9-00; FWC 60-2000(Temp), f. & cert. ef. 9-11-00, cert. ef. 9-12-00 thru 12-31-00; FWC 61-2000(Temp), f. & cert. ef. 9-15-00, cert. ef. 9-19-00 thru 12-31-00; Administrative correction 6-19-01; FWC 75-2001(Temp), f. & cert. ef. 8-20-01 thru 9-8-01; FWC 87-2001(Temp), f. & cert. ef. 9-11-01 thru 9-15-01; FWC 91-2001(Temp), f. & cert. ef. 9-19-01 thru 12-31-01; FWC 94-2001(Temp), f. & cert. ef. 9-26-01, cert. ef. 9-27-01 thru 12-31-01; FWC 100-2001(Temp), f. & cert. ef. 10-16-01, cert. ef. 10-17-01 thru 12-31-01; FWC 89-2002(Temp), f. & cert. ef. 8-16-02, cert. ef. 8-18-02 thru 12-31-02; FWC 98-2002(Temp), f. & cert. ef. 8-30-02 thru 12-31-02; FWC 102-2002(Temp), f. & cert. ef. 9-13-02 thru 12-31-02; FWC 104-2002(Temp), f. & cert. ef. 9-19-02 thru 12-31-02; FWC 113-2002(Temp), f. & cert. ef. 10-14-02, cert. ef. 10-15-02 thru 12-31-02; FWC 77-2003(Temp), f. & cert. ef. 8-13-03 thru 12-31-03; FWC 81-2003(Temp), f. & cert. ef. 8-25-03, cert. ef. 8-26-03 thru 12-31-03; FWC 91-2003(Temp), f. & cert. ef. 9-12-03, cert. ef. 9-16-03 thru 12-31-03; FWC 97-2003(Temp), f. & cert. ef. 9-22-03, cert. ef. 9-24-03 thru 12-31-03; FWC 101-2003(Temp), f. & cert. ef. 10-1-03 thru 12-31-03; FWC 103-2003(Temp), f. & cert. ef. 10-3-03, cert. ef. 10-8-03 thru 12-31-03; FWC 104-2003(Temp), f. & cert. ef. 10-10-03, cert. ef. 10-11-03 thru 12-31-03; FWC 88-2004(Temp), f. & cert. ef. 8-23-04 thru 12-31-04; FWC 95-2004(Temp), f. & cert. ef. 9-17-04, cert. ef. 9-19-04 thru 12-31-04; FWC 99-2004(Temp), f. & cert. ef. 9-24-04 thru 12-31-04; FWC 104-2004(Temp), f. & cert. ef. 10-12-04, cert. ef. 10-13-04 thru 12-31-04; FWC 110-2004(Temp), f. & cert. ef. 10-29-04 thru 12-31-04; Administrative correction, 2-18-05; FWC 96-2005(Temp), f. & cert. ef. 8-22-05 thru 12-31-05; FWC 104-2005(Temp), f. & cert. ef. 9-12-05 thru 12-31-05; FWC 109-2005(Temp), f. & cert. ef. 9-19-05 thru 12-31-05; FWC 113-2005(Temp), f. & cert. ef. 9-28-05 thru 12-31-05; FWC 120-2005(Temp), f. & cert. ef. 10-11-05 thru 12-31-05; Administrative correction 1-19-06; FWC 71-2006(Temp), f. & cert. ef. 7-31-06, cert. ef. 8-1-06 thru 12-31-06; FWC 86-2006(Temp), f. & cert. ef. 8-18-06, cert. ef. 8-21-06 thru 12-31-06; FWC 94-2006(Temp), f. & cert. ef. 9-18-06, cert. ef. 9-11-06 thru 12-31-06; FWC 101-2006(Temp), f. & cert. ef. 9-15-06, cert. ef. 9-18-06 thru 12-31-06; FWC 107-2006(Temp), f. & cert. ef. 9-28-06, cert. ef. 10-3-06 thru 12-31-06; FWC 115-2006(Temp), f. & cert. ef. 10-13-06, cert. ef. 10-15-06 thru 12-31-06; Administrative correction 1-16-07; FWC 60-2007(Temp), f. & cert. ef. 7-30-07, cert. ef. 8-1-07 thru 12-31-07; FWC 77-2007(Temp), f. & cert. ef. 8-17-07, cert. ef. 8-22-07 thru 12-31-07; FWC 88-2007(Temp), f. & cert. ef. 9-10-07, cert. ef. 9-11-07 thru 12-31-07; FWC 95-2007(Temp), f. & cert. ef. 9-21-07, cert. ef. 9-25-07 thru 12-31-07; FWC 100-2007(Temp), f. & cert. ef. 9-28-07, cert. ef. 10-3-07 thru 12-31-07; FWC 110-2007(Temp), f. & cert. ef. 10-16-07, cert. ef. 10-20-07 thru 12-31-07; FWC 106-2008(Temp), f. & cert. ef. 9-4-08, cert. ef. 9-6-08 thru 10-31-08; FWC 109-2008(Temp), f. & cert. ef. 9-12-08, cert. ef. 9-15-08 thru 10-31-08; FWC 112-2008(Temp), f. & cert. ef. 9-17-08, cert. ef. 9-18-08 thru 10-31-08; FWC 117-2008(Temp), f. & cert. ef. 9-22-08 thru 10-31-08; FWC 122-2008(Temp), f. & cert. ef. 9-29-08 thru 10-31-08; FWC 125-2008(Temp), f. & cert. ef. 10-6-08, cert. ef. 10-7-08 thru 10-31-08; FWC 134-2008(Temp), f. & cert. ef. 10-17-08 thru 10-31-08; FWC 141-2008(Temp), f. & cert. ef. 11-10-08, cert. ef. 11-12-08 thru 11-30-08; FWC 88-2009(Temp), f. & cert. ef. 7-31-09, cert. ef. 8-1-09 thru 12-31-09; FWC 95-2009(Temp), f. & cert. ef. 8-19-09, cert. ef. 8-24-09 thru 12-31-09; FWC 111-2009(Temp), f. & cert. ef. 9-11-09, cert. ef. 9-13-09 thru 9-30-09; FWC 114-2009(Temp), f. & cert. ef. 9-18-09, cert. ef. 9-21-09 thru 10-31-09; FWC 119-2009(Temp), f. & cert. ef. 9-29-09 thru 10-31-09; FWC 129-2009(Temp), f. & cert. ef. 10-13-09, cert. ef. 10-14-09 thru 10-31-09; Administrative correction 11-19-09; FWC 111-2010(Temp), f. & cert. ef. 7-30-10, cert. ef. 8-1-10 thru 10-31-10; FWC 120-2010(Temp), f. & cert. ef. 8-24-10 thru 10-31-10; FWC 128-2010, f. & cert. ef. 9-10-10 thru 10-31-10

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Rule Caption: 2010 Fall Commercial In-Seasons Modifications for Columbia River Select Area Fisheries.

Adm. Order No.: DFW 129-2010(Temp)

Filed with Sec. of State: 9-10-2010

Certified to be Effective: 9-10-10 thru 10-31-10

Notice Publication Date:

Rules Amended: 635-042-0145, 635-042-0160, 635-042-0170, 635-042-0180

Rules Suspended: 635-042-0145(T), 635-042-0160(T), 635-042-0170(T), 635-042-0180(T)

Subject: Amended rules prohibit the sales and/or retention of white sturgeon in all Fall Select Area commercial fisheries effective at 11:59 p.m. Saturday, September 11, 2010. Fall Select Area fisheries modified include: Youngs Bay; Blind and Knappa sloughs; Tongue Point/South Channel and Deep River.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-042-0145

Youngs Bay Salmon Season

(1) Salmon, white sturgeon, and shad may be taken for commercial purposes in those waters of Youngs Bay.

(a) The open fishing periods are established in three segments categorized as the winter fishery, paragraph (A); the spring fishery, paragraph (B); and fall fishery, paragraph (C), as follows:

(A) Winter Season:

(i) Entire Youngs Bay: None scheduled.

(ii) Upstream of old Youngs Bay Bridge: None scheduled.

(iii) Walluski Area: None scheduled.

(B) Spring Season: Entire Youngs Bay: From 7:00 p.m. Tuesday, May 11 through 12:00 noon Friday May 14, 2010; 12:00 noon Monday May 17 through 12:00 noon Friday May 21, 2010; 12:00 noon Monday May 24 through 12:00 noon Friday May 28, 2010; 12:00 noon Monday May 31 through 12:00 noon Friday June 4, 2010; 12:00 noon Monday June 7, through 12:00 noon Friday June 11, 2010.

(C) Fall Season: 7:00 a.m. Wednesday August 4 to 7:00 p.m. Thursday August 5 (36 hours); 7:00 a.m. Wednesday August 11 to 7:00 p.m. Thursday August 12 (36 hours); 7:00 a.m. Wednesday August 18 to 7:00 p.m. Thursday August 19 (36 hours); 7:00 a.m. Wednesday August 25 to 7:00 p.m. Thursday August 26 (36 hours); 7:00 p.m. Monday August 30 through 7:00 a.m. Friday September 3, 2010 (3.5 days); and 7:00 p.m. Monday September 6 through noon Sunday October 31, 2010 (56 days).

(b) The fishing areas for the winter, spring and fall fisheries are:

(A) From February 21 through March 15 and from April 15 through May 10, 2010, the fishing area is identified as the waters of Youngs Bay with the upper boundary markers at the confluence of the Klaskanine and Youngs rivers; except for those waters which are closed southerly of the alternate Highway 101 Bridge (Lewis and Clark River).

(B) From May 11 through June 11, 2010, the fishing area extends to the upper boundary at a line from the posted sign on the shore of the Youngs River to the point of land at the confluence of the Youngs and Klaskanine rivers to the posted sign on the shore of the Klaskanine River.

(C) From August 4 through October 31, 2010 the fishing area includes all waters from the new Highway 101 Bridge upstream to the upper boundary markers at Battle Creek Slough; except for closed waters southerly of the alternate Highway 101 Bridge (Lewis and Clark River).

(2) Gill nets may not exceed 1,500 feet (250 fathoms) in length and weight may not exceed two pounds per any fathom. 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. 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. Nets fished any time between official sunset and 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.

(a) It is *unlawful* to use a gill net having a mesh size that is less than 7-inches during the winter season. It is *unlawful* to use a gill net having a mesh size that is more than 9.75-inches through August 26, 2010; and more than 6-inches thereafter.

(b) The use of additional weights or anchors attached directly to the leadline is allowed upstream of markers located approximately 200 yards upstream of the mouth of the Walluski River during all Youngs Bay commercial fisheries.

(3) A maximum of two white sturgeon may be possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) that the fisheries are open, prior to 11:59 p.m. Saturday, September 11, 2010 at which time white sturgeon may no longer be retained. During the fishing periods identified in (1)(a)(A), (1)(a)(B) and (1)(a)(C), the weekly white sturgeon limit applies to combined possessions

ADMINISTRATIVE RULES

and sales for all open Select Area fisheries, prior to 11:59 p.m. Saturday, September 11, 2010 at which time white sturgeon may no longer be retained.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 496.162, 506.129 & 507.030

Hist.: FWC 32-1979, f. & cert. ef. 8-22-79; FWC 28-1980, f. & cert. ef. 6-23-80; FWC 42-1980(Temp), f. & cert. ef. 8-22-80; FWC 30-1981, f. & cert. ef. 8-14-81; FWC 42-1981(Temp), f. & cert. ef. 11-5-81; FWC 54-1982, f. & cert. ef. 8-17-82; FWC 37-1983, f. & cert. ef. 8-18-83; FWC 61-1983(Temp), f. & cert. ef. 10-19-83; FWC 42-1984, f. & cert. ef. 8-20-84; FWC 39-1985, f. & cert. ef. 8-15-85; FWC 37-1986, f. & cert. ef. 8-11-86; FWC 72-1986(Temp), f. & cert. ef. 10-31-86; FWC 64-1987, f. & cert. ef. 8-7-87; FWC 73-1988, f. & cert. ef. 8-19-88; FWC 55-1989(Temp), f. & cert. ef. 8-20-89; FWC 82-1990(Temp), f. & cert. ef. 8-14-90; FWC 86-1991, f. & cert. ef. 8-7-91; cert. ef. 8-18-91; FWC 123-1991(Temp), f. & cert. ef. 10-21-91; FWC 30-1992(Temp), f. & cert. ef. 4-27-92; FWC 35-1992(Temp), f. & cert. ef. 5-22-92; cert. ef. 5-25-92; FWC 74-1992 (Temp), f. & cert. ef. 8-10-92; cert. ef. 8-16-92; FWC 28-1993(Temp), f. & cert. ef. 4-26-93; FWC 48-1993, f. & cert. ef. 8-9-93; FWC 21-1994(Temp), f. & cert. ef. 4-22-94; cert. ef. 4-25-94; FWC 51-1994, f. & cert. ef. 8-19-94; FWC 64-1994(Temp), f. & cert. ef. 9-14-94; cert. ef. 9-15-94; FWC 66-1994(Temp), f. & cert. ef. 9-20-94; FWC 27-1995, f. & cert. ef. 3-29-95; cert. ef. 4-1-95; FWC 48-1995(Temp), f. & cert. ef. 6-5-95; FWC 66-1995, f. & cert. ef. 8-22-95; cert. ef. 8-27-95; FWC 69-1995, f. & cert. ef. 8-25-95; cert. ef. 8-27-95; FWC 8-1995, f. & cert. ef. 2-28-96; cert. ef. 3-1-96; FWC 37-1996(Temp), f. & cert. ef. 6-11-96; cert. ef. 6-12-96; FWC 41-1996, f. & cert. ef. 8-12-96; FWC 45-1996(Temp), f. & cert. ef. 8-16-96; cert. ef. 8-19-96; FWC 54-1996(Temp), f. & cert. ef. 9-23-96; FWC 4-1997, f. & cert. ef. 1-30-97; FWC 47-1997, f. & cert. ef. 8-15-97; DFW 8-1998(Temp), f. & cert. ef. 2-5-98 thru 2-28-98; DFW 14-1998, f. & cert. ef. 3-3-98; DFW 18-1998(Temp), f. & cert. ef. 3-9-98; cert. ef. 3-11-98 thru 3-31-98; DFW 60-1998(Temp), f. & cert. ef. 8-7-98 thru 8-21-98; DFW 67-1998, f. & cert. ef. 8-24-98; DFW 10-1999, f. & cert. ef. 2-26-99; DFW 52-1999(Temp), f. & cert. ef. 8-2-99 thru 8-6-99; 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 66-2001(Temp), f. & cert. ef. 8-2-01; cert. ef. 8-6-01 thru 8-14-01; DFW 76-2001(Temp), f. & cert. ef. 8-20-01 thru 10-31-01; 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; FWC 82-2002(Temp), f. & cert. ef. 8-5-02; cert. ef. 8-7-02 thru 9-1-02; DFW 96-2002(Temp), f. & cert. ef. 8-26-02 thru 12-31-02; DFW 12-2003, f. & cert. ef. 2-14-03; DFW 17-2003(Temp), f. & cert. ef. 2-27-03; cert. ef. 3-1-03 thru 8-1-03; DFW 32-2003(Temp), f. & cert. ef. 4-23-03 thru 8-1-03; DFW 34-2003(Temp), f. & cert. ef. 4-24-03 thru 10-1-03; DFW 36-2003(Temp), f. & cert. ef. 4-30-03; cert. ef. 5-1-03 thru 10-1-03; DFW 37-2003(Temp), f. & cert. ef. 5-7-03 thru 10-1-03; DFW 75-2003(Temp), f. & cert. ef. 8-1-03 thru 12-31-03; DFW 89-2003(Temp), f. & 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. & cert. ef. 4-8-04; cert. ef. 4-12-04 thru 4-15-04; DFW 39-2004(Temp), f. & cert. ef. 5-5-04; cert. ef. 5-6-04 thru 7-31-04; DFW 44-2004(Temp), f. & cert. ef. 5-17-04; cert. ef. 5-20-04 thru 7-31-04; DFW 79-2004(Temp), f. & cert. ef. 8-2-04; cert. ef. 8-3-04 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 15-2005(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 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 46-2005(Temp), f. & cert. ef. 5-17-05; cert. ef. 5-18-05 thru 10-16-05; DFW 73-2005(Temp), f. & cert. ef. 7-8-05; cert. ef. 7-11-05 thru 7-31-05; DFW 77-2005(Temp), f. & cert. ef. 7-14-05; cert. ef. 7-18-05 thru 7-31-05; DFW 85-2005(Temp), f. & cert. ef. 8-1-05; cert. ef. 8-3-05 thru 12-31-05; DFW 109-2005(Temp), f. & cert. ef. 8-5-05 thru 12-31-05; DFW 110-2005(Temp), f. & cert. ef. 9-26-05 thru 12-31-05; DFW 116-2005(Temp), f. & cert. ef. 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. & cert. ef. 3-16-06 thru 7-27-06; DFW 15-2006(Temp), f. & cert. ef. 3-23-06 thru 7-27-06; DFW 17-2006(Temp), f. & cert. ef. 3-29-06; cert. ef. 3-30-06 thru 7-27-06; DFW 29-2006(Temp), f. & cert. ef. 5-16-06 thru 7-31-06; 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 52-2006(Temp), f. & cert. ef. 6-28-06 thru 7-27-06; DFW 73-2006(Temp), f. & cert. ef. 8-1-06; cert. ef. 8-2-06 thru 12-31-06; DFW 103-2006(Temp), f. & cert. ef. 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. & 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 16-2007(Temp), f. & cert. ef. 3-14-07 thru 9-9-07; DFW 25-2007(Temp), f. & cert. ef. 4-17-07; cert. ef. 4-18-07 thru 7-26-07; DFW 45-2007(Temp), f. & cert. ef. 6-15-07; cert. ef. 6-25-07 thru 7-31-07; DFW 50-2007(Temp), f. & cert. ef. 6-29-07; cert. ef. 7-4-07 thru 7-31-07; DFW 61-2007(Temp), f. & cert. ef. 7-30-07; cert. ef. 8-1-07 thru 10-31-07; DFW 108-2007(Temp), f. & cert. ef. 10-12-07; cert. ef. 10-14-07 thru 12-31-07; Administrative correction 1-24-08; DFW 6-2008(Temp), f. & cert. ef. 1-29-08; cert. ef. 1-31-08 thru 7-28-08; DFW 16-2008(Temp), f. & cert. ef. 2-26-08; cert. ef. 3-2-08 thru 8-28-08; DFW 30-2008(Temp), f. & cert. ef. 3-27-08; cert. ef. 3-30-08 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. & cert. ef. 7-24-08; cert. ef. 8-1-08 thru 12-31-08; DFW 108-2008(Temp), f. & cert. ef. 9-8-08; cert. ef. 9-9-08 thru 12-31-08; Administrative correction 1-23-09; DFW 12-2009(Temp), f. & cert. ef. 2-13-09; cert. ef. 2-15-09 thru 7-31-09; DFW 24-2009(Temp), f. & cert. ef. 3-10-09; cert. ef. 3-11-09 thru 7-31-09; DFW 49-2009(Temp), f. & cert. ef. 5-14-09; cert. ef. 5-17-09 thru 7-31-09; DFW 89-2009(Temp), f. & cert. ef. 8-3-09; cert. ef. 8-4-09 thru 12-31-09; DFW 107-2009(Temp), f. & cert. ef. 9-2-09; cert. ef. 9-5-09 thru 10-31-09; Administrative correction 11-19-09; DFW 17-2010(Temp), f. & cert. ef. 2-22-10 thru 7-31-10; DFW 20-2010(Temp), f. & cert. ef. 2-26-10 thru 7-31-10; DFW 30-2010(Temp), f. & cert. ef. 3-11-10; cert. ef. 3-14-10 thru 7-31-10; DFW 35-2010(Temp), f. & cert. ef. 3-23-10; cert. ef. 3-24-10 thru 7-31-10; 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. & cert. ef. 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

635-042-0160

Blind Slough and Knappa Slough Select Area Salmon Season

(1) Salmon, white sturgeon, and shad may be taken for commercial purposes during open fishing periods described as the winter fishery and the fall fishery in paragraphs (1)(a)(A) or (1)(a)(B) of this rule in those waters of Blind Slough and Knappa Slough. The following restrictions apply:

(a) The open fishing periods are established in segments categorized as the winter fishery in Blind Slough only in paragraph (A), and the spring fishery in Blind Slough and Knappa Slough in paragraph (B). The seasons

are open nightly from 7:00 p.m. to 7:00 a.m. the following morning (12 hours), as follows:

(A) Blind Slough Only: None scheduled.

(B) Blind and Knappa Sloughs:

(i) Open 7:00 p.m. to 7:00 a.m. nightly (12 hours) during the following weeks: Monday, August 30 through Friday, September 3, 2010 (4 nights); Monday, September 6 through Friday, September 10, 2010 (4 nights); Monday, September 13 through Friday, September 17, 2010 (4 nights); and

(ii) Open 6:00 p.m. to 8:00 a.m. nightly (14 hours) during the following weeks: Monday, September 20 through Friday, September 24 (4 nights); Monday, September 27 through Friday, October 1 (4 nights); Monday, October 4 through Friday, October 8 (4 nights); Monday, October 11 through Friday, October 15 (4 nights); Monday, October 18 through Friday, October 22 (4 nights); Monday, October 25 through Friday, October 29 (4 nights).

(b) The fishing areas for the winter and fall 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 eastern end of Minaker Island to markers on Karlson Island and the Oregon shore.

(C) During the periods from May 11 through June 11, 2010 identified above in (1)(a)(B), the Knappa Slough fishing area extends from a line between the northerly most marker at the mouth of Blind Slough westerly to a marker on Karlson Island downstream to the boundary lines defined by markers on the west end of Minaker Island to markers on Karlson Island and the Oregon shore (fall boundary).

(c) Gear restrictions are as follows:

(A) During the winter fishery, outlined above in (1)(a)(A), 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 less than 7-inches.

(B) During the fall fishery, outlined above in (1)(a)(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. 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. Nets fished any time between official sunset and 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.

(2) A maximum of two white sturgeon may be possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) that the fishery is open, prior to 11:59 p.m. Saturday, September 11, 2010 at which time white sturgeon may no longer be retained. During the fishing periods identified in sections (1)(a)(A) and (1)(a)(B) the weekly white sturgeon limit applies to combined possessions and sales for all open Select Area fisheries only, prior to 11:59 p.m. Saturday, September 11, 2010 at which time white sturgeon may no longer be retained.

(3) Oregon licenses are required in the open waters upstream from the railroad bridge.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 496.162, 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. & cert. ef. 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. & 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. & cert. ef. 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. & 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. & cert. ef. 4-8-04; cert. ef. 4-12-04 thru 4-15-04; DFW 39-2004(Temp), f. & cert. ef. 5-5-04; cert. ef. 5-6-04 thru 7-31-04; DFW 44-2004(Temp), f. & cert. ef. 5-17-04; cert. ef. 5-20-04 thru 7-31-04; DFW 79-2004(Temp), f. & cert. ef. 8-2-04; cert. ef. 8-3-04 thru 12-31-04; DFW 95-2004(Temp), f. & cert. ef. 9-17-04; cert. ef. 9-19-04 thru 12-31-04; DFW 109-

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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. 3-16-06 thru 7-27-06; DFW 16-2006(Temp), f. 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

635-042-0170

Tongue Point Basin and South Channel

(1) Tongue Point fishing area includes all waters bounded by a line from a yellow 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 at the rock jetty on the northwesterly tip of Mott Island, a line from a marker at the southeast end of Mott Island northeasterly to a marker on the northwest tip of Lois Island, and a line from a marker on the southwest end of Lois Island due 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" thence 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 upstream terminus of South Channel.

(3)(a) Salmon and white sturgeon 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:

(b) Fall Season:

(A) Open 7:00 p.m. to 7:00 a.m. (12 hours) nightly during the following weeks: Monday, August 30 through Friday, September 3, 2010 (4 nights); Monday, September 6 through Friday, September 10, 2010 (4 nights); Monday, September 13 through Friday, September 17, 2010 (4 nights); and

(B) Open 4:00 p.m. to 8:00 a.m. (16 hours) nightly during the following weeks: Monday, September 20 through Friday, September 24 (4 nights); Monday, September 27 through Friday, October 1 (4 nights); Monday, October 4 through Friday, October 8 (4 nights); Monday, October 11 through Friday, October 15 (4 nights); Monday, October 18 through Friday, October 22 (4 nights); Monday, October 25 through Friday, October 29 (4 nights).

(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, gillnets with lead line in excess of two pounds per fathom may be stored on boats.

(b) In waters described in section (2) as South Channel, nets are restricted to 100 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. While fishing during the seasons described in this rule, gillnets up to 250 fathoms in length may be stored on boats.

(c) Nets not specifically authorized for use in the fisheries described in sections (1) and (2) above 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 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.

(5) A maximum of two white sturgeon may be possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) that the fishery is open, prior to 11:59 p.m. Saturday, September 11, 2010 at which time white sturgeon may no longer be retained. During the fishing periods identified in sections (3)(a)(i) and (3)(a)(ii) above, the weekly white sturgeon combined possession and sales limit applies to open Select Area fisheries only, prior to 11:59 p.m. Saturday, September 11, 2010 at which time white sturgeon may no longer be retained.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 496.162, 506.129 & 507.030

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. 9-14-01 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

635-042-0180

Deep River Select Area Salmon Season

(1) Salmon and white sturgeon may be taken for commercial purposes from the US Coast Guard navigation marker #16 southwest to a marker on the Washington shore. Concurrent waters extend downstream of the Highway 4 Bridge. Washington State waters extend upstream of the Highway 4 Bridge.

(2) The fishing seasons are open:

(a) Winter season: None scheduled.

(b) Fall season:

(A) Open 7:00 p.m. to 9:00 a.m. (14 hours) nightly during the following nights and weeks: Monday, August 16 through Tuesday, August 17 (1 night); Thursday, August 19 through Friday, August 20 (1 night); Monday, August 23 through Tuesday, August 24 (1 night); Thursday, August 26 through Friday, August 27 (1 night); Monday, August 30 through Friday, September 3 (4 nights); Monday, September 6 through Friday, September 10 (4 nights); Monday, September 13 through Friday, September 17 (4 nights); and

(B) Open 4:00 p.m. to 9:00 a.m. (17 hours) nightly during the following weeks: Monday, September 20 through Friday, September 24 (4 nights); Monday, September 27 through Friday, October 1 (4 nights); Monday, October 4 through Friday, October 8 (4 nights); Monday, October 11 through Friday, October 15 (4 nights); Monday, October 18 through Friday, October 22 (4 nights); Monday, October 25 through Friday, October 29 (4 nights).

(3) 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. Nets not

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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. Nets fished any time between official sunset and 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.

(a) During the winter season, outlined above in (2)(a), it is *unlawful* to use a gill net having a mesh size that is less than 7-inches;

(b) During the fall season, outlined above in (2)(b) it is *unlawful* to use a gill net having a mesh size that is more than 6-inches.

(4) A maximum of two white sturgeon may be possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) that the fishery is open, prior to 11:59 p.m. Saturday, September 11, 2010 at which time white sturgeon may no longer be retained. During the fishing periods identified in (2)(a) and (2)(b) above, the weekly white sturgeon limit applies to combined possessions and sales for open Select Area fisheries only, prior to 11:59 p.m. Saturday, September 11, 2010 at which time white sturgeon may no longer be retained.

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 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. & cert. ef. 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. & 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. & cert. ef. 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. & cert. ef. 5-5-04, cert. ef. 5-6-04 thru 7-31-04; DFW 44-2004(Temp), f. & cert. ef. 5-17-04, cert. ef. 5-20-04 thru 7-31-04; DFW 79-2004(Temp), f. & cert. ef. 8-3-04 thru 12-31-04; DFW 95-2004(Temp), f. & 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. & 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. & cert. ef. 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 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 77-2006(Temp), f. & cert. ef. 8-8-06, cert. ef. 9-4-06 thru 12-31-06; DFW 103-2006(Temp), f. & cert. ef. 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. & cert. ef. 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. & cert. ef. 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. & cert. ef. 7-30-07, cert. ef. 8-1-07 thru 10-31-07; DFW 108-2007(Temp), f. & cert. ef. 10-12-07, cert. ef. 10-14-07 thru 12-31-07; Administrative Correction 1-24-08; DFW 6-2008(Temp), f. & cert. ef. 1-29-08, cert. ef. 1-31-08 thru 7-28-08; DFW 16-2008(Temp), f. & cert. ef. 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. & cert. ef. 7-24-08, cert. ef. 8-1-08 thru 12-31-08; DFW 108-2008(Temp), f. & cert. ef. 9-9-08 thru 12-31-08; Administrative correction 1-23-09; DFW 12-2009(Temp), f. & cert. ef. 2-13-09, cert. ef. 2-15-09 thru 7-31-09; DFW 23-2009(Temp), f. & cert. ef. 3-5-09, cert. ef. 3-6-09 thru 4-30-09; DFW 35-2009(Temp), f. & cert. ef. 4-7-09, cert. ef. 4-8-09 thru 4-30-09; DFW 49-2009(Temp), f. & cert. ef. 5-14-09, cert. ef. 5-17-09 thru 7-31-09; DFW 89-2009(Temp), f. & cert. ef. 8-3-09, cert. ef. 8-4-09 thru 12-31-09; DFW 107-2009(Temp), f. & cert. ef. 9-2-09, cert. ef. 9-5-09 thru 10-31-09; DFW 112-2009(Temp), f. & cert. ef. 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. & cert. ef. 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. & cert. ef. 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

Rule Caption: Amend Kirk Park and Fern Ridge Dam units Goose hunting Closure Date.

Adm. Order No.: DFW 130-2010(Temp)

Filed with Sec. of State: 9-13-2010

Certified to be Effective: 9-13-10 thru 3-2-11

Notice Publication Date:

Rules Amended: 635-054-0005

Subject: Amend rule to close to all goose hunting except the September Canada Goose seasons in Kirk Park and Fern Ridge Dam units; located north and south of Clear Lake Rd.

Rules Coordinator: Theresse Kucera—(503) 947-6033

635-054-0005

Geese

The Document entitled “2010–2011 Oregon Game Bird Regulations,” is incorporated by reference into these rules. Notwithstanding this, the 2010–2011 Game Bird regulations are amended to close all goose hunting

after September 20, 2010 in the Kirk Park and Fern Ridge Dam units located north and south of Clear Lake Rd.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 21-1981, f. & ef. 6-29-81; FWC 32-1981, f. & ef. 8-28-81; FWC 59-1982, f. & ef. 8-30-82; FWC 46-1983, f. & ef. 9-19-83; FWC 51-1984, f. & ef. 9-5-84; FWC 80-1984 (Temp), f. & ef. 12-4-84; FWC 64-1985, f. & ef. 10-2-85; FWC 58-1986, f. & ef. 9-17-86; FWC 84-1987, f. & ef. 9-22-87; FWC 82-1988, f. & cert. ef. 9-2-88; FWC 107-1989, f. & cert. ef. 9-2-89; FWC 78-1990, f. & cert. ef. 8-1-90; FWC 94-1990, f. & cert. ef. 9-4-90; FWC 5-1991(Temp), f. & cert. ef. 1-25-91; FWC 81-1991, f. & cert. ef. 7-29-91; FWC 100-1991, f. & cert. ef. 9-9-91; FWC 72-1992, f. & cert. ef. 8-7-92; FWC 82-1992, f. & cert. ef. 8-26-92; FWC 44-1993, f. & cert. ef. 8-4-93; FWC 51-1993, f. & cert. ef. 8-25-93; FWC 47-1994, f. & cert. ef. 8-3-94; FWC 58-1994, f. & cert. ef. 9-1-94; FWC 63-1995, f. & cert. ef. 8-3-95; FWC 71-1995, f. & cert. ef. 8-31-95; FWC 42-1996, f. & cert. ef. 8-12-96; FWC 50-1996, f. & cert. ef. 8-30-96; FWC 36-1997, f. & cert. ef. 6-17-97; FWC 45-1997, f. & cert. ef. 8-13-97; FWC 63-1997(Temp), f. & cert. ef. 10-7-97; DFW 70-1999(Temp), f. & cert. ef. 9-17-99 thru 1-28-00; Administrative correction 6-20-01; DFW 130-2010(Temp), f. & cert. ef. 9-13-10 thru 3-2-11

Department of Human Services, Addictions and Mental Health Division: Mental Health Services Chapter 309

Rule Caption: Update and combine the “Medicaid Payments” rules with portions of the “Other Contract Services” rules.

Adm. Order No.: MHS 11-2010

Filed with Sec. of State: 8-25-2010

Certified to be Effective: 8-25-10

Notice Publication Date: 6-1-2010

Rules Adopted: 309-016-0600, 309-016-0605, 309-016-0610, 309-016-0615, 309-016-0620, 309-016-0625, 309-016-0630, 309-016-0635, 309-016-0640, 309-016-0645, 309-016-0650, 309-016-0660, 309-016-0665, 309-016-0670, 309-016-0675, 309-016-0680, 309-016-0685, 309-016-0690, 309-016-0695, 309-016-0700, 309-016-0705, 309-016-0710, 309-016-0715, 309-016-0720, 309-016-0725, 309-016-0730, 309-016-0735, 309-016-0740, 309-016-0745, 309-016-0750, 309-016-0755

Rules Repealed: 309-016-0000, 309-016-0005, 309-016-0010, 309-016-0015, 309-016-0020, 309-016-0027, 309-016-0030, 309-016-0035, 309-016-0040, 309-016-0070, 309-016-0072, 309-016-0075, 309-016-0077, 309-016-0080, 309-016-0085, 309-016-0088, 309-016-0095, 309-016-0100, 309-016-0102, 309-016-0105, 309-016-0110, 309-016-0015, 309-016-0120, 309-016-0130, 309-016-0140, 309-016-0150, 309-016-0160, 309-016-0170, 309-016-0180, 309-016-0190, 309-016-0200, 309-016-0210, 309-016-0220, 309-016-0230, 309-016-0300, 309-016-0310, 309-016-0320, 309-016-0330, 309-016-0340, 309-016-0350, 309-016-0360, 309-016-0370, 309-016-0380, 309-016-0390, 309-016-0400, 309-016-0410, 309-016-0420, 309-016-0430, 309-016-0440, 309-016-0450

Subject: The Addictions and Mental Health Division is updating the “Medicaid Payments” rules to reflect changes made to the service delivery by the new “Integrated Services and Supports” Rule (ISSR), which is being developed in conjunction with this rule revision. This revision also combines rules in OAR 309-016 (“Medicaid Payments”) and OAR 309-034 (“Other Contract Services”) for clarity and to reduce repetition.

Rules Coordinator: Richard Luthe—(503) 947-1186

309-016-0600

Scope

These rules specify standards for authorized appropriate reimbursement of Medicaid or State Children’s Health Plan funded addictions and mental health services and supports and those payments made for acute inpatient services in a general medical setting or a freestanding facility meeting the federal definition as an institute for mental disease reimbursed as a result of a request for payment. The requirements set forth here in OAR 309-016-0600 through 309-016-0755 and referenced rules must be met in order for Medicaid payment to have been made appropriately.

Stat. Auth.: ORS 409.010, 409.050, 430.640, 430.705 & 430.715

Stats. Implemented: ORS 414.025, 414.065 & 430.640

Hist.: MHS 8-2010(Temp), f. 6-15-10, cert. ef. 7-1-10 thru 8-28-10; MHS 11-2010, f. & cert. ef. 8-25-10

ADMINISTRATIVE RULES

309-016-0605

Definitions

(1) "Action" means:

(a) The denial, limitation or restriction of a requested covered services including the type or level of service;

(b) The reduction, suspension or termination of a previously authorized service; or

(c) The failure to provide services in a timely manner, as defined by the Addictions and Mental Health Division (AMH) of the Department of Human Services (DHS).

(2) "Active Treatment" means a service provided as prescribed in a professionally developed and supervised Individual Services and Supports Plan to address or improve a condition.

(3) "Addictions and Mental Health Division" (AMH) means the division of the Division of Human Services (DHS) responsible for the administration of addictions and mental health services provided in Oregon or to its residents.

(4) "Allowable Cost" means the cost of treatment services based on cost finding principles found in the appropriate OMB Circular such as "Cost Principles for Non-Profit Organization" (OMB Circular A-122) or "Cost Principles for State, Local, and Indian Tribal Governments" (OMB Circular A-87) and including allowable costs incurred for interest on the acquisition of buildings and improvements thereon.

(5) "Appeal" means a request by an Individual or their representative to review an Action as defined in this rule.

(6) "Certificate of Approval" means the document awarded by AMH signifying that a specific, named organization is judged by the Division to operate in compliance with applicable rules. A "Certificate of Approval" for mental health services is valid only when signed by the Assistant Administrator of the Office of Mental Health Services and, in the case of a subcontract provider of a CMHP, the CMHP director.

(7) "Certification of Need" means the procedures established by the Addictions and Mental Health Division (AMH) to certify in writing a child's need for psychiatric residential treatment services.

(8) "Child" or "Children" means a person under the age of 18. An individual with Medicaid eligibility, who is in need of services specific to children, adolescents, or young adults in transition, will be considered a child until age 21 for purposes of these rules.

(9) "Children, Adults and Families" (CAF) means the Division serving as Oregon's child welfare agency.

(10) "Clean Claim(s)" means a claim that can be processed without obtaining additional information from the provider of the service or from a third party. It includes a claim with errors originating in the State's claims system. It does not include a claim from a provider who is under investigation for fraud or abuse, or a claim under review for medical necessity.

(11) "Commission on Accreditation of Rehabilitation" (CARF) means an organization that accredits behavioral health care and community providers based on the current edition of the "CARF Behavioral Health" standards manual.

(12) "Community Mental Health Program" (CMHP) means an entity that is responsible for planning and delivery of services for persons with substance use disorders, mental health diagnosis, or developmental disabilities, operated in a specific geographic area of the state under an intergovernmental agreement or direct contract with the Addictions and Mental Health Division.

(13) "Complaint" means an expression of dissatisfaction from an Individual or their representative to a Practitioner or Provider about any matter other than an Action.

(14) "Council on Accreditation of Services for Families and Children Facilities" (COA) means an organization that accredits behavioral health care and social service programs based on the current edition of the COA "Standards for Behavioral Health Care Services and Community Support and Education Services Manual."

(15) "Division" means the Department of Human Services, Addictions and Mental Health Division.

(16) "Division of Medical Assistance Programs" (DMAP) means the division of the Department of Human Services (DHS) 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.

(17) "DMAP/AMH" means the Division of Medical Assistance or Addictions and Mental Health Division. Both DMAP and AMH have delegated responsibilities for the administration of Medicaid funded addictions and mental health services and supports. A lead agency will be identified to

each entity involved in any process when the delegation of such is necessary.

(18) "Diagnostic and Statistical Manual" (DSM) means the current edition of the Diagnostic and Statistical Manual of Mental Disorders, published by the American Psychiatric Association.

(19) "Grievance System" means the overall system in which an Individual can express dissatisfaction and that expression acted on if necessary. The Grievance System includes a Complaint process, and Appeals process and access to the Division of Medical Assistance Programs (DMAP) Administrative Hearing process.

(20) "Individual" means any person being considered for or receiving services and supports.

(21) "Individual Service and Support Plan" (ISSP) means a comprehensive plan for services and supports provided to or coordinated for an individual and his or her family, as applicable, that is reflective of the assessment and the desired outcomes of service.

(22) "Interdisciplinary Team" means the group of people designated to advise in the planning and provision of services and supports to individuals receiving Intensive Treatment Services (ITS) and Enhanced Care Services (ECS) and may include multiple disciplines or agencies. For ITS programs, the composition of the interdisciplinary team must be consistent with the requirements of 42 CFR Part 441.156.

(23) "Joint Commission on Accreditation of Healthcare Organizations" (JCAHO) means the Joint Commission on Accreditation of Healthcare Organizations. The Joint Commission accredits psychiatric residential treatment facilities according to its current edition of the "Comprehensive Accreditation Manual for Behavioral Health Care."

(24) "Letter of Approval" means the document awarded to service providers under OAR 309-012-0010 which states that the provider is in compliance with applicable administrative rules of the Division. Letters of Approval issued for mental health services are obsolete upon their expiration date, or upon the effective date of 309-012-0140, whichever is later.

(25) "Licensed Medical Practitioner" (LMP) means a person who meets the following minimum qualifications as documented by the LMHA or designee:

(a) Physician licensed to practice in the State of Oregon; or

(b) Nurse practitioner licensed to practice in the State of Oregon; or

(c) Physician's Assistant licensed to practice in the State of Oregon.

(d) In addition, whose training, experience and competence demonstrate the ability to conduct a mental health assessment and provide medication management.

(e) For ICTS and ITS providers, a "Licensed Medical Practitioner" or "LMP" means a board-certified or board-eligible child and adolescent psychiatrist licensed to practice in the State of Oregon.

(26) "Local Mental Health Authority" (LMHA) means one of the following entities:

(a) The board of county commissioners of one or more counties that establishes or operates a Community Mental Health Program (CMHP);

(b) The tribal council, in the case of a federally recognized tribe of Native Americans that elects to enter into an agreement to provide mental health services; or

(c) A regional local mental health authority comprised of two or more boards of county commissioners.

(27) "Medicaid" means the federal grant-in-aid program to state governments to provide medical assistance to eligible persons, under Title XIX of the Social Security Act.

(28) "Medicaid Management Information System" The mechanized claims processing and information retrieval system that all states are required to have according to section 1903(a)(3) of the Social Security Act and defined in regulation at 42 CFR 433.111. All states operate an MMIS to support Medicaid business functions and maintain information in such areas as provider enrollment; client eligibility, including third party liability; benefit package maintenance; managed care enrollment; claims processing; and prior authorization.

(29) "Medically Appropriate" means services and medical supplies required for prevention, diagnosis or treatment of a physical or mental health condition, or injuries, and which 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 and professional standards of care as effective;

(c) Not solely for the convenience of an individual or a provider of the service or medical supplies; and

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(d) The most cost effective of the alternative levels of medical services or medical supplies that can be safely provided to an individual.

(30) "National Provider Identifier" (NPI) means a unique 10-digit identifier mandated by the Administrative Simplification provisions of the federal Health Insurance Portability and Accountability Act (HIPAA) for all healthcare providers that is good for the life of the provider.

(31) "Non-Contiguous Area Provider" means a provider located more than 75 miles from Oregon and enrolled with AMH.

(32) "Plan of Care" (PoC) means a tool within the Medicaid Management Information System used to authorize certain Medicaid funded services for Individuals.

(33) "Provider" means an organizational entity, or qualified person, that is operated by or contractually affiliated with, a community mental health program, or contracted directly with the Division, for the direct delivery of addictions, problem gambling or mental health services and supports.

(34) "Psychiatric Residential Treatment Facility" means facilities that are structured residential treatment environments with daily 24-hour supervision and active psychiatric treatment, Psychiatric Residential Treatment Services (PRTS), Secure Children's Inpatient Treatment Programs (SCIP), Secure Adolescent Inpatient Treatment Programs (SAIP), and Sub-acute psychiatric treatment for children who require active treatment for a diagnosed mental health condition in a 24-hour residential setting.

(35) "Psychiatric Residential Treatment Services" means services delivered in a PRTF that include 24-hour supervision for children who have serious psychiatric, emotional or acute mental health conditions that require intensive therapeutic counseling and activity and intensive staff supervision, support and assistance.

(36) "Qualified Mental Health Associate" (QMHA) means a person delivering services under the direct supervision of a Qualified Mental Health Professional (QMHP) and meeting the following minimum qualifications as documented by the LMHA or designee:

(a) A bachelor's degree in a behavioral sciences field; or

(b) A combination of at least three year's relevant work, education, training or experience; and

(c) Has the competencies necessary to:

(A) Communicate effectively;

(B) Understand mental health assessment, treatment and service terminology and to apply the concepts; and

(C) Provide psychosocial skills development and to implement interventions prescribed on a Treatment Plan within the scope of his or her practice.

(37) "Qualified Mental Health Professional" (QMHP) means a Licensed Medical Practitioner (LMP) or any other person meeting the following minimum qualifications as documented by the LMHA or designee:

(a) Graduate degree in psychology;

(b) Bachelor's degree in nursing and licensed by the State of Oregon;

(c) Graduate degree in social work;

(d) Graduate degree in a behavioral science field;

(e) Graduate degree in recreational, art, or music therapy; or

(f) Bachelor's degree in occupational therapy and licensed by the State of Oregon; and

(g) Whose education and experience demonstrates the competencies to identify precipitating events; gather histories of mental and physical disabilities, alcohol and drug use, past mental health services and criminal justice contacts; assess family, social and work relationships; conduct a mental status examination; document a multiaxial DSM diagnosis; write and supervise a Treatment Plan; conduct a Comprehensive Mental Health Assessment; and provide individual, family, and/or group therapy within the scope of his or her practice.

(38) "Representative" means a person who acts on behalf of an individual at the individual's request with respect to a grievance, including, but not limited to a relative, friend, employee of the Division, attorney or legal guardian.

(39) "System Of Care" means the comprehensive array of mental health and other necessary services which are organized to meet the multiple and changing needs of children with severe emotional disorders and their families.

(40) "Usual and Customary Charge" 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% 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.

Stat. Auth.: ORS 409.010, 409.050, 430.640, 430.705 & 430.715

Stats. Implemented: ORS 414.025, 414.065 & 430.640

Hist.: MHS 8-2010(Temp), f. 6-15-10, cert. ef. 7-1-10 thru 8-28-10; MHS 11-2010, f. & cert. ef. 8-25-10

309-016-0610

Clinical Documentation

Providers shall comply with clinical documentation as required in the Integrated Services and Supports Rule (OARs 309-032-1525 through 309-032-1535)

Stat. Auth.: ORS 409.010, 409.050, 430.640, 430.705 & 430.715

Stats. Implemented: ORS 414.025, 414.065 & 430.640

Hist.: MHS 8-2010(Temp), f. 6-15-10, cert. ef. 7-1-10 thru 8-28-10; MHS 11-2010, f. & cert. ef. 8-25-10

309-016-0615

Billing

Billing Requirements. Providers shall meet all requirements in Oregon Administrative Rule 410-120-1280 Medical Assistance Programs Billing

Stat. Auth.: ORS 409.010, 409.050, 430.640, 430.705 & 430.715

Stats. Implemented: ORS 414.025; 414.065 & RS 430.640

Hist.: MHS 8-2010(Temp), f. 6-15-10, cert. ef. 7-1-10 thru 8-28-10; MHS 11-2010, f. & cert. ef. 8-25-10

309-016-0620

Submission

(1) Timely Submission Providers shall meet all requirements in Oregon Administrative Rule 410-120-1300 Medical Assistance Programs Timely Submission of Claims

(2) Submission Process

(a) Services may be received directly from any appropriately enrolled AMH or DMAP Provider;

(b) All services shall be billed directly to DMAP/AMH in accordance with billing instructions contained in the DMAP/AMH administrative rules and supplemental information;

(c) DMAP/AMH shall pay at the AMH FFS rate in effect on the date the service is provided subject to the rules and limitations described in the appropriate DMAP and AMH administrative rules and supplemental information.

Stat. Auth.: ORS 409.010, 409.050, 430.640, 430.705 & 430.715

Stats. Implemented: ORS 414.025, 414.065 & 430.640

Hist.: MHS 8-2010(Temp), f. 6-15-10, cert. ef. 7-1-10 thru 8-28-10; MHS 11-2010, f. & cert. ef. 8-25-10

309-016-0625

Allowable and Non-Allowable Costs

(1) Costs of a services will be subject, but not limited to the allowable and non-allowable costs as determined by cost finding principles found in "Cost Principles for a Non-Profit Organization" (OMB Circular A-122) or "Cost Principles for State, Local, and Indian Tribal Governments" (OMB Circular A-87) with the exception of interest: Mortgage interest on the acquisition of buildings and improvements, which is necessary and proper, will be classified as an allowable cost for a non-profit psychiatric residential treatment facility:

(a) "Necessary" requires that the interest be incurred on a loan made for a purpose reasonably related to patient care.

(b) "Proper" requires that interest be incurred at a rate not in excess of what a prudent borrower would have had to pay in the money market existing at the time the loan was made.

(2) In accord with the Deficit Reduction Act of 1984, as outlined in the Social Security Act, Section 1851(V)(I)(O), for determining the allowance for depreciation and interest on capital indebtedness with respect to a non-profit psychiatric residential treatment facility which has undergone a change of ownership, this rule provides that the valuation of the asset after such a change of ownership has occurred shall be the lesser of the allowable acquisition cost of such an asset to the owner of record as of July 18, 1984, or the acquisition cost of such an asset to the new owner. In the case where the asset was in existence prior to July 18, 1984, the value of the asset will be based on the allowable acquisition cost to the first owner of record after July 18, 1984, thereby eliminating upward revaluation of an

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asset. The recapture of depreciation only up to the full value of the initial asset is allowed.

(3) Non-allowable costs include but are not limited to:

(a) Room and Board except when providing Psychiatric Residential Treatment Services for children and adolescents reimbursed under the Inpatient psychiatric Services for Individuals Under Age 21 section of the Code of Federal Regulations (42CFR440.160).

(b) Educational program services as defined by the Department of Education.

(c) Costs of services otherwise reimbursed as payment(s) in full through DMAP medical programs.

(d) Costs (including legal fees, accounting and administrative costs, travel costs, and costs of feasibility studies) attributable to the negotiation or settlement of the sale or purchase of any capital asset (by acquisition or merger) for which any payment made as payment(s) in full has previously been made.

Stat. Auth.: ORS 409.010, 409.050, 430.640, 430.705 & 430.715

Stats. Implemented: ORS 414.025, 414.065 & 430.640

Hist.: MHS 8-2010(Temp), f. 6-15-10, cert. ef. 7-1-10 thru 8-28-10; MHS 11-2010, f. & cert. ef. 8-25-10

309-016-0630

Payment

(1) The Division of Medical Assistance Programs or the Addictions and Mental Health Division (DMAP/AMH) will make payment in compliance with 42CFR 447.10. Any contracted Billing Agent or Billing Service submitting claims on behalf of a Provider but not receiving payment in the name of or on behalf of the Provider does not meet the requirements for Billing Provider enrollment. If electronic transactions will be submitted, Billing Agents and Billing Services must register and comply with Department of Human Services (DHS) Electronic Data Interchange (EDI) rules, OAR 407-120-0100 through 407-120-0200. DMAP/AMH may require that payment for services be made only after review by DMAP/AMH.

(2) AMH sets Fee-for-Service (FFS) payment rates.

(3) All FFS payment rates are the rates in effect on the date of service that are the lesser of the amount billed, the AMH maximum allowable amount or the reimbursement specified in the individual program Provider rules:

(a) AMH's maximum allowable rate setting process uses a methodology that is based on the existing Medicaid fee schedule with adjustments for legislative changes and payment levels. The rates are updated periodically and posted on the AMH web site at <http://egov.oregon.gov/DHS/mentalhealth/tools-providers.shtml>

(b) Provider rules may specify reimbursement rates for particular services or items. Provider specific rates are determined based on the Provider's allowable costs of providing the service.

(4) DHS sets payment rates for out-of-state institutions and similar facilities, such as psychiatric and rehabilitative care facilities at a rate that is:

(a) Consistent with similar services provided in the State of Oregon; and

(b) The lesser of the rate paid to the most similar facility licensed in the State of Oregon or the rate paid by the Medical Assistance Programs in that state for that service.

(5) DMAP/AMH will not make payment on claims that have been assigned, sold, or otherwise transferred or when the Billing Provider, Billing Agent or Billing Service receives a percentage of the amount billed or collected 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.

(6) Payment for DMAP Clients with Medicare and Medicaid, excluding qualified Medicare beneficiary programs:

(a) DMAP/AMH limits payment to the Medicaid allowed amount less the Medicare payment up to the Medicare co-insurance and deductible, whichever is less. DMAP/AMH payment cannot exceed the co-insurance and deductible amounts due;

(b) DMAP/AMH pays the DMAP/AMH allowable rate for DMAP/AMH covered services that are documented to be not covered by Medicare.

(7) For Clients with Third-Party Resources (TPR), DMAP/AMH pays the DMAP/AMH allowed rate less the TPR payment but not to exceed the billed amount.

(8) DMAP/AMH payments, including contracted Prepaid Health Plan (PHP) payments, unless in error, constitute payment in full, except in lim-

ited instances involving allowable spend-down or copayments. For DMAP/AMH such payment in full includes:

(a) Zero payments for claims where a third party or other resource has paid an amount equivalent to or exceeding the DMAP/AMH allowable payment; and

(b) Denials of payment for failure to submit a claim in a timely manner, failure to obtain Payment Authorization in a timely and appropriate manner, or failure to follow other required procedures identified in the individual Provider rules.

(9) AMH will reimburse providers consistent with all requirements in 42CFR447.45 Timely Claims Payment including but not limited to:

(a) The Division must pay 90 percent of all clean claims from Providers within 30 days of the date of receipt.

(b) The Division must pay 99 percent of all clean claims from Providers within 90 days of the date of receipt.

(c) The Division must pay all other claims within 12 months of the date of receipt except in various circumstances listed in 42CFR447.45(4).

(10) Payment by DMAP/AMH does not limit DHS or any state or federal oversight entity from reviewing or auditing a claim before or after the payment. Payment may be denied or subject to recovery if medical review, audit or other post-payment review determines the service was not provided in accordance with applicable rules or does not meet the criteria for quality of care, or medical appropriateness of the care or payment.

Stat. Auth.: ORS 409.010, 409.050, 430.640, 430.705 & 430.715

Stats. Implemented: ORS 414.025, 414.065 & 430.640

Hist.: MHS 8-2010(Temp), f. 6-15-10, cert. ef. 7-1-10 thru 8-28-10; MHS 11-2010, f. & cert. ef. 8-25-10

309-016-0635

Overpayment

(1) DHS Identified. Notwithstanding Oregon Administrative Rule 410-120-1397 when DHS determines an overpayment has been made to a Provider, the amount of overpayment is subject to recovery by DHS. The overpayment amount will be determined at DHS' discretion through direct examination of claims, through statistical sampling and extrapolation techniques or other means. Procedures for recovery of funds are as described in the Office of Medical Assistance Programs General Rules for Oregon Medical Assistance Programs (OAR 410-120-1505) or by applicable contract language.

(2) Provider identified. When a provider discovers that they requested and may have received reimbursement not in compliance with all applicable rules they must contact AMH Medicaid Policy Unit and Office of Payment Accuracy and Recovery (OPAR) promptly to report the possible inappropriate payment and discuss the manner by which the appropriateness will be determined as well as programmatic changes and other notifications to be made.

Stat. Auth.: ORS 409.010, 409.050, 430.640, 430.705 & 430.715

Stats. Implemented: ORS 414.025, 414.065 & 430.640

Hist.: MHS 8-2010(Temp), f. 6-15-10, cert. ef. 7-1-10 thru 8-28-10; MHS 11-2010, f. & cert. ef. 8-25-10

309-016-0640

Notice of Action Requirements of Providers

When a Provider (or authorized staff acting with authority to determine the Individual's needs) takes or intends to take any Action the Individual shall be mailed a written client Notice of Action in accordance with Oregon Administrative Rule 410-141-0263.

Stat. Auth.: ORS 409.010, 409.050, 430.640, 430.705 & 430.715

Stats. Implemented: ORS 414.025, 414.065 & 430.640

Hist.: MHS 8-2010(Temp), f. 6-15-10, cert. ef. 7-1-10 thru 8-28-10; MHS 11-2010, f. & cert. ef. 8-25-10

309-016-0645

Administrative Hearing

A Division of Medical Assistance Programs (DMAP) Member or their representative that disagrees with a Notice of Action may request a DMAP Administrative Hearing consistent with Oregon Administrative Rule 410-120-1865 Denial, Reduction or Termination of Services.

Stat. Auth.: ORS 409.010, 409.050, 430.640, 430.705 & 430.715

Stats. Implemented: ORS 414.025, 414.065 & 430.640

Hist.: MHS 8-2010(Temp), f. 6-15-10, cert. ef. 7-1-10 thru 8-28-10; MHS 11-2010, f. & cert. ef. 8-25-10

309-016-0650

Provider Appeals

Providers have the right to file an appeal consistent with Oregon Administrative Rule 410-120-1560 Provider Appeals, 410-120-1570 Claims Re-determinations, 410-120-1580 Provider Appeals —

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Administrative Review and 410-120-1600 Provider Appeals — Contested Case Hearings.

Stat. Auth.: ORS 409.010, 409.050, 430.640, 430.705 & 430.715
Stats. Implemented: ORS 414.025, 414.065 & 430.640
Hist.: MHS 8-2010(Temp), f. 6-15-10, cert. ef. 7-1-10 thru 8-28-10; MHS 11-2010, f. & cert. ef. 8-25-10

309-016-0660

Program

Conditions of Provider Participation. Provider shall meet the following requirements:

(1) Possess the appropriate current and valid License, Letter of Approval and/or Certificate of Approval issued by AMH for the mental health and addictions services provided.

(2) Develop a Cost Allocation Plan to support the Provider's Usual and Customary Charge

(3) Provide services in accordance with the Civil Rights Act of 1964, the Americans with Disabilities Act and any other state and federal laws and regulations listed in the contract with AMH.

(4) Participate in the claim review process outlined in OAR 410-120-1397

Stat. Auth.: ORS 409.010, 409.050, 430.640, 430.705 & 430.715
Stats. Implemented: ORS 414.025, 414.065 & 430.640
Hist.: MHS 8-2010(Temp), f. 6-15-10, cert. ef. 7-1-10 thru 8-28-10; MHS 11-2010, f. & cert. ef. 8-25-10

309-016-0665

Individual Provider Enrollment

Providers shall meet all requirements in Oregon Administrative Rule 410-120-1260 Medical Assistance Programs Provider Enrollment and 407-120-0310 Provider Requirements and 407-120-0320 Provider Enrollment.

Stat. Auth.: ORS 409.010, 409.050, 430.640, 430.705 & 430.715
Stats. Implemented: ORS 414.025, 414.065 & 430.640
Hist.: MHS 8-2010(Temp), f. 6-15-10, cert. ef. 7-1-10 thru 8-28-10; MHS 11-2010, f. & cert. ef. 8-25-10

309-016-0670

Sanctions

Sanctions will be imposed on Providers when necessary in accordance with Oregon Administrative Rule 410-120-1400 through 410-120-1460 Medical Assistance Programs Provider Sanctions and Types and Conditions of Sanction

Stat. Auth.: ORS 409.010, 409.050, 430.640, 430.705 & 430.715
Stats. Implemented: ORS 414.025, 414.065 & 430.640
Hist.: MHS 8-2010(Temp), f. 6-15-10, cert. ef. 7-1-10 thru 8-28-10; MHS 11-2010, f. & cert. ef. 8-25-10

309-016-0675

Prior Authorization

Authorization of Payment.

(1) Some of the services or items covered by the Addictions and Mental Health Division (AMH) require authorization before payment will be made. Some services require authorization before the service can be provided. Services requiring prior authorization can be found on the MH Procedure Codes and Reimbursement Rates Table located at <http://www.oregon.gov/DHS/mentalhealth/tools-providers.shtml>. The procedure for receiving authorization is detailed in the Provider Manual found on the same website.

(2) Documentation submitted when requesting authorization must support the medical justification for the service. A complete request is one that contains all necessary documentation and meets any other requirements as described in the appropriate Provider rules.

(3) AMH will authorize for the level of care or type of service that meets the Individual's medical need. Only services which are Medically Appropriate and for which the required documentation has been supplied may be authorized. The authorizing agency may request additional information from the Provider to determine medical appropriateness or appropriateness of the service.

(4) The Division and its authorizing agencies are not required to authorize services or to make payment for authorized services under the following circumstances:

(a) The individual was not eligible for Medicaid at the time services were provided. The provider is responsible for checking the individual's eligibility each time services are provided;

(b) The Provider does not hold a valid Certificate of Approval from AMH for the service;

(c) The Provider cannot produce appropriate documentation to support medical appropriateness, or the appropriate documentation was not submitted to AMH;

(d) The service has not been adequately documented (see 309-016-0610.); that is, the documentation in the Provider's files is not adequate to determine the type, medical appropriateness, or frequency and duration of services provided and required documentation is not in the Provider's files;

(e) The services billed or provided are not consistent with the information submitted when authorization was requested or the services provided are determined retrospectively not to be medically appropriate;

(f) The services billed are not consistent with those provided;

(g) The services were not provided within the timeframe specified on the authorization of payment document;

(h) The services were not authorized or provided in compliance with these rules, the General Rules and in the appropriate Provider rules.

(i) The provider was not eligible to receive reimbursement from Medicaid at the time the service was rendered.

(5) Payment made for services described in subsections (a)-(h) of this rule will be recovered (see also Basis for Mandatory Sanctions and Basis for Discretionary Sanctions).

(6) Retroactive Eligibility:

(a) In those instances when Individuals are made retroactively eligible, authorization for payment may be given if:

(A) The Individual was eligible on the date of service;

(B) The services provided meet all other criteria and Oregon Administrative Rules; and

(C) The request for authorization is received by AMH within 90 days of the date of service;

(b) Services provided when a Medicaid-eligible Individual is retroactively disenrolled from a Prepaid Health Plan (PHP) or services provided after the Individual was disenrolled from a PHP may be authorized if:

(A) The Individual was eligible on the date of service;

(B) The services provided meet all other criteria and Oregon Administrative Rules; and

(C) The request for authorization is received by AMH within 90 days of the date of service;

(c) Any requests for authorization after 90 days from date of service require documentation from the Provider that authorization could not have been obtained within 90 days of the date of service.

(7) AMH will process requests for prior authorization that do not require additional information from the provider or third party consistent with timeliness of payments for clean claims described in 42CFR447.45 and included in 309-016-0630(9).

(8) Prior Authorization is valid for the time period specified on the authorization notice, but not to exceed 12 months, unless the Individual's benefit package no longer covers the service, in which case the authorization will terminate on the date coverage ends.

(9) Prior Authorization for Individuals with other insurance or for Medicare beneficiaries:

(a) When Medicare is the primary payer for a service, no Prior Authorization from AMH is required, unless specified in the appropriate program Provider rules;

(b) For Individuals who have private insurance or other Third Party Resources (TPRs), such as Blue Cross, Tri-Care, etc., AMH requires Prior Authorization as specified above and in the appropriate Provider rules when the other insurer or resource does not cover the service or when the other insurer reimburses less than the AMH rate;

(c) For Individuals in a Medicare's Social Health Maintenance Organization (SHMO), the SHMO requires Payment Authorization for some services. AMH requires Prior Authorization for services which are covered by AMH but which are not covered under the SHMO as specified above and in the appropriate Provider rules.

Stat. Auth.: ORS 409.010, 409.050, 430.640, 430.705 & 430.715
Stats. Implemented: ORS 414.025, 414.065 & 430.640
Hist.: MHS 8-2010(Temp), f. 6-15-10, cert. ef. 7-1-10 thru 8-28-10; MHS 11-2010, f. & cert. ef. 8-25-10

309-016-0680

Limitations

(1) Published Payment Schedule

(a) Payment will be made at each Provider's usual and customary charge or AMH's published reimbursement upper payment limit, whichever is less, minus payments received or due from other payors. Payments to other specified Providers will be made according to other approved schedules:

(A) Limitations contained in the Medicaid Rehabilitative Services Procedure Codes and Reimbursement Rates Schedule, such as the maximum rate and the amount, duration, and scope of services provided, are

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subject to change at the discretion of AMH. Providers will be notified of such changes in writing;

(B) Payment will be made for services listed in the Medicaid Rehabilitative Services Procedure Codes and Reimbursement Rates Schedule which are rendered to Medicaid-eligible Individuals by qualified staff meeting the definition of OAR 309-032-1520 during the period in which the Provider is enrolled in the Oregon Medical Assistance Program.

Stat. Auth.: ORS 409.010, 409.050, 430.640, 430.705 & 430.715
Stats. Implemented: ORS 414.025, 414.065 & 430.640
Hist.: MHS 8-2010(Temp), f. 6-15-10, cert. ef. 7-1-10 thru 8-28-10; MHS 11-2010, f. & cert. ef. 8-25-10

309-016-0685

Variations

A variance from those portions of these rules that are not derived from federal regulations, Oregon's Medicaid State Plan or the General Rules for Oregon Medical Assistance Programs may be granted to an applicant for a period of up to one year in the following manner:

(1) The applicant shall submit to the DHS/AMH Medicaid Policy Unit a written request which includes:

(a) The section(s) of the rule from which the variance is sought;
(b) The reason for the proposed variance;
(c) The alternative practice proposed; and
(d) A plan and timetable for compliance with the section of the rule from which the variance is sought unless under the discretion of AMH the practice detailed in the variance will be ongoing to be renewed annually.

(2) The Deputy Assistant Director of the Addictions and Mental Health Division shall approve or deny the request for variance in writing.

(3) The DHS/AMH Medicaid Policy Unit shall notify the Provider of the decision in writing within 30 days of receipt of the request.

(4) Appeal of the denial of a variance request shall be to the DHS/AMH Assistant Director, whose decision shall be final.

(5) Variations may only be granted for up to one year. A Provider requesting a Variance to be continued beyond one year must re-apply.

Stat. Auth.: ORS 409.010, 409.050, 430.640, 430.705 & 430.715
Stats. Implemented: ORS 414.025, 414.065 & 430.640
Hist.: MHS 8-2010(Temp), f. 6-15-10, cert. ef. 7-1-10 thru 8-28-10; MHS 11-2010, f. & cert. ef. 8-25-10

Personal Care

309-016-0690

Individual Eligibility.

(1) To be eligible for State Plan Personal Care services under these rules, a person must require assistance from a qualified provider due to a disabling mental health condition with one or more of the Personal Assistance Services identified in OAR 411-034-0020(2)(a)-(f). The qualified provider must be providing these services, paid by the Division in accordance with an authorized service plan.

(2) A person eligible for State Plan Personal Care services under these rules must be a current recipient of at least one of the following programs defined in OAR 461-101-0010:

- (a) Extended Medical (EXT);
- (b) Medical Assistance Assumed (MAA);
- (c) Medical Assistance to Families (MAF);
- (d) Oregon Health Plan (OHP);
- (e) Oregon Supplemental Income Program Medical (OSIPM);
- (f) Temporary Assistance to Needy Families (TANF); or
- (g) Refugee Assistance (REF).

(3) State Plan Personal Care services are not available for individuals in a prison, hospital, sub-acute care facility, nursing facility or other medical institution.

(4) The Division or its designee has the authority to close the eligibility and authorization for State Plan Personal Care services if an individual fails to employ a qualified provider or to receive Personal Assistance Services from a qualified provider paid by the Division for thirty continuous calendar days or longer.

(5) Individuals served under the Medicaid 1915(c) Home and Community-Based Services waiver for the aged and physically disabled, or the 1115(c) Independent Choices waiver, are not eligible to receive State Plan Personal Care services.

(6) Individuals receiving medical and long-term care services through the Program of All-inclusive Care for the Elderly (PACE), as described in OAR chapter 411, division 045, must not also receive State Plan Personal Care services under these rules.

Stat. Auth.: ORS 409.010, 409.050, 430.640, 430.705 & 430.715
Stats. Implemented: ORS 414.025, 414.065 & 430.640
Hist.: MHS 8-2010(Temp), f. 6-15-10, cert. ef. 7-1-10 thru 8-28-10; MHS 11-2010, f. & cert. ef. 8-25-10

309-016-0695

Covered Services

Specific personal care services must be prescribed by a physician or licensed practitioner of the healing arts in accordance with a plan of treatment or authorized for the individual in accordance with a service plan approved by the State or designee. The services are provided by an individual who is qualified to provide such services and who is not a legally responsible relative of the Individual. The services may be furnished in a home or other allowable location.

(1) Personal Care tasks include:

(a) Basic personal hygiene — providing or assisting with:

(A) Bathing (tub, bed bath, shower);

(B) Shampoo, hair grooming;

(C) Shaving;

(D) Nail care — hands;

(E) Nail care — feet;

(F) Foot care;

(G) Dressing; and

(H) Skin care — application of emollients if approved by physician, repositioning (see 5b).

(b) Bowel and bladder care:

(A) Assisting on and off toilet, commode or bedpan, diapering;

(B) External cleansing of perineal area;

(C) External cleansing of Foley catheter — after demonstrating technique to RN;

(D) Emptying catheter drainage bag — after demonstrating technique to RN;

(E) Changing colostomy or ileostomy bag for individual with stabilized condition;

(F) Encouraging adequate fluid intake; and

(G) Maintenance bowel care;

(c) Assisting individual to take medications:

(A) Open and properly reseal medication containers if individual unable to do so;

(B) Observe to assure individual taking medication as ordered by physician;

(C) Remind appropriate person when prescription refill needed; and

(D) Administration of stabilized, maintenance medication(s).

(d) Assist oxygen:

(A) Maintain clean equipment; and

(B) Assist with maintaining adequate supply.

(e) Assist with mobility, transfers and comfort:

(A) Assist with ambulation with or without aids. Assure repositioning every two hours or more often for bedridden or wheelchair-using individuals

(B) Encourage active range-of-motion exercises when indicated;

(C) Assist with passive range-of-motion exercise if ordered by physician and RN has observed and approved technique; and

(D) Assist with transfers with or without mechanical devices.

(f) Nutrition:

(A) Prepare nutritional meals;

(B) Plan and prepare special diets as ordered by physician;

(C) Assure adequate fluid intake; and

(D) Feed if necessary.

(g) Care of disoriented, mentally or physically disabled individual:

(A) Assure maximum safety of individuals; and

(B) Provide or assist with approved activities.

(h) First aid and handling of emergencies;

(A) Discussed and approved at time of first visit; and

(B) Maintain and prioritize emergency notification system.

(i) Perform housekeeping tasks necessary to maintain a healthy and safe environment for the individual.

(j) Arrange and assist individual to and from necessary appointments.

(k) Observation of individual status and reporting of any significant changes to the appropriate case manager or other person as designated by the care plan.

(1) Tasks delegated by a nurse (reference nurse delegation act).

(2) Providers of personal care services must document the services provided in a manner consistent with the Integrated Services and Supports Rule (OAR 309-032-1525 through 309-032-1535).

Stat. Auth.: ORS 409.010, 409.050, RS 430.640, 430.705 & 430.715

Stats. Implemented: ORS 414.025, 414.065 & 430.640

Hist.: MHS 8-2010(Temp), f. 6-15-10, cert. ef. 7-1-10 thru 8-28-10; MHS 11-2010, f. & cert. ef. 8-25-10

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309-016-0700

Qualified Provider

(1) A qualified provider is a person who, in the judgment of the Division or its designee, can demonstrate by background, skills and abilities the capability to safely and adequately provide the services authorized.

(2) A qualified provider must maintain a drug-free work place and must be approved through the criminal history check process described in OAR chapter 407, division 007.

(3) A qualified provider paid by the Division must not be the parent, or step-parent of an eligible minor child, the eligible individual's spouse or another legally responsible relative consistent with 42CFR440.167.

(4) A qualified provider must be authorized to work in the United States, in accordance with U.S. Department of Homeland Security, Bureau of Citizenship and Immigration rules.

(5) A qualified provider must be enrolled as a PCA with an individual provider number

(6) Criminal History Re-checks:

(a) Criminal history re-checks may be conducted at the discretion of the Division or designee, in accordance with OAR chapter 407, division 007 and will be conducting at least every two years.

(b) Providers must comply with criminal history re-checks by completing a new criminal history authorization form when requested to do so by the Division.

(c) The provider's failure to complete a new criminal history check authorization will result in the inactivation of the provider enrollment. Once inactivated, a provider must reapply and meet all of the standards described in this rule to have their provider enrollment reactivated.

(7) Provider must not be included on any US Office of Inspector General Exclusion lists

Stat. Auth.: ORS 409.010, 409.050, 430.640, 430.705 & 430.715

Stats. Implemented: ORS 414.025, 414.065 & 430.640

Hist.: MHS 8-2010(Temp), f. 6-15-10, cert. ef. 7-1-10 thru 8-28-10; MHS 11-2010, f. & cert. ef. 8-25-10

309-016-0705

Personal Care Attendant Enrollment Standards

(1) The Division, Division or designee may deny or terminate a Personal Care Attendant's provider enrollment and provider number if the Personal Care Attendant:

(a) Has been appointed the legal guardian of the individual;

(b) Is denied as the result of a weighing test performed as part of the criminal history check process described in OAR chapter 407, division 007;

(c) Lacks the skills, knowledge, or ability to adequately or safely perform the required work;

(d) Violates protective service and abuse rules in OAR chapter 411, division 020, or OAR chapter 413, division 015 or OAR chapter 407, division 045;

(e) Commits fiscal improprieties;

(f) Fails to provide the authorized services required by the eligible individual;

(g) Has been repeatedly late in arriving to work or has absences from work not authorized in advance by the individual;

(h) Has been intoxicated by alcohol or drugs while providing authorized services to the individual or while in the individual's home;

(i) Has manufactured or distributed drugs while providing authorized services to the individual or while in the individual's home; or

(j) Has been excluded as a provider by the U.S. Department of Health and Human Services, Office of Inspector General, from participation in Medicaid, Medicare or any other federal health care programs.

Stat. Auth.: ORS 409.010, 409.050, 430.640, 430.705 & 430.715

Stats. Implemented: ORS 414.025, 414.065 & 430.640

Hist.: MHS 8-2010(Temp), f. 6-15-10, cert. ef. 7-1-10 thru 8-28-10; MHS 11-2010, f. & cert. ef. 8-25-10

309-016-0710

Employment Relationship

(1) The relationship between the eligible individual and his or her Personal Care Attendant is that of employer and employee.

(a) The eligible individual carries primary responsibility for locating, interviewing, screening, hiring, scheduling work periods, training and terminating his or her own employees. The individual is also responsible for tracking and confirming the service hours worked by his or her employee.

(b) The eligible individual exercises control as the employer and directs the employee in the provision of the services.

(c) The Division or designee determines whether the employee meets the minimum qualifications to provide the services authorized by the

Division and makes direct service payment(s) to the provider on behalf of the individual.

(2) In order to receive State Plan Personal Care services from a Personal Care Attendant, the individual must be able to:

(a) Meet the employer responsibilities described in section (1)(a) of this rule; or

(b) Designate a natural support as the individual's representative to meet these employer responsibilities.

(3) Termination and the grounds for termination of employment are determined by the employer. Eligible individuals have the right to terminate their employment relationships with their providers at any time and for any reason. It is the responsibility of the employer to establish an employment agreement at the time of hire. The employment agreement may include grounds for dismissal and any requirements for the employee to provide advance notice before resigning.

Stat. Auth.: ORS 409.010, 409.050, 430.640, 430.705 & 430.715

Stats. Implemented: ORS 414.025, 414.065 & 430.640

Hist.: MHS 8-2010(Temp), f. 6-15-10, cert. ef. 7-1-10 thru 8-28-10; MHS 11-2010, f. & cert. ef. 8-25-10

309-016-0715

Mandatory Reporting

All reporting requirements mandated under ORS 430.735 through ORS 430.768 must be followed.

Stat. Auth.: ORS 409.010, 409.050, 430.640, 430.705 & 430.715

Stats. Implemented: ORS 414.025, 414.065 & 430.640

Hist.: MHS 8-2010(Temp), f. 6-15-10, cert. ef. 7-1-10 thru 8-28-10; MHS 11-2010, f. & cert. ef. 8-25-10

309-016-0720

Service Entry

(1) Mental Health Provider Responsibilities:

(a) Assessment and Re-Assessment:

(A) The provider or designated person will meet in person with the individual to assess the individual's ability to perform the tasks listed in OAR 309-016-0705.

(B) The individual's natural support persons may participate in the assessment if requested by the individual.

(C) The Mental Health Provider will assess the individual's service needs, identify the resources meeting any, some or all of the person's needs, and determine if the individual is currently eligible for Personal Care services.

(D) The Mental Health Provider will meet with the individual in person at least once every 365 days to review the individual's service needs.

(E) The assessment must be approved by a practitioner recognized by AMH as a Qualified Mental Health Professional.

(b) Service Planning:

(A) The Mental Health Provider will prepare a service plan identifying those tasks for which the individual requires assistance and the monthly number of approved hours of service. Not to exceed 20 hours per Individual per month.

(B) The service plan will describe the tasks to be performed by the qualified provider and will approve the maximum monthly hours that can be reimbursed for those services.

(C) When developing service plans, Mental Health Providers will consider the cost effectiveness of services that adequately meet the individual's service needs.

(D) The service plan must be approved by a practitioner recognized by AMH as a Qualified Mental Health Professional.

(E) Payment for State Plan Personal Care services must be approved by the Mental Health Provider and submitted to AMH based on the service needs of the individual as documented in the written service plan.

(c) Ongoing Monitoring and Approval:

(A) When there is an indication that the individual's Personal Assistance Service needs have changed, the Mental Health Provider will conduct a re-assessment in person with the individual (and any natural supports if requested by the individual).

(B) Following annual re-assessments and those conducted after a change in Personal Assistance Service needs, the Mental Health Provider will review service eligibility, the cost effectiveness of the service plan and whether the services provided are meeting the identified service needs of the individual. The Mental Health Provider may adjust the hours or services in the plan and will approve a new service plan, if appropriate, based on the individual's current service needs. The Mental Health Provider will then submit the adjusted service plan to AMH.

(d) Ongoing Case Management: The Mental Health Provider will provide ongoing coordination of Personal Care services, including approving

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changes in service providers and service hours, addressing risks, and providing information and referral to the individual when indicated.

Stat. Auth.: ORS 409.010, 409.050, 430.640, 430.705 & 430.715

Stats. Implemented: ORS 414.025, 414.065 & 430.640

Hist.: MHS 8-2010(Temp), f. 6-15-10, cert. ef. 7-1-10 thru 8-28-10; MHS 11-2010, f. & cert. ef. 8-25-10

309-016-0725

Service Entry

(1) Program Provider Responsibilities:

(a) Assessment and Re-Assessment:

(A) Program staff will meet in person with the individual to assess the individual's ability to perform the tasks listed in OAR 309-016-0695.

(B) The individual's natural support persons may participate in the assessment if requested by the individual.

(C) Program staff will assess the individual's service needs, identify the resources meeting any, some or all of the person's needs, and determine if the individual is currently eligible for Personal Care services.

(D) Program staff will meet with the individual in person at least once every 365 days to review the individual's service needs.

(b) Service Planning:

(A) The program staff will prepare a Plan of Care identifying those tasks for which the individual requires assistance and the monthly number of requested hours of service.

(B) The Plan of Care will describe the tasks to be performed by the Program staff and will request a maximum monthly number of hours of service.

(C) When developing Plans of Care, Program staff will consider the cost effectiveness of services that adequately meet the individual's service needs.

(D) Payment for Personal Care services must be prior authorized by AMH based on the service needs of the individual as documented in the written Plan of Care.

(c) Ongoing Monitoring and Approval:

(A) When there is an indication that the individual's Personal Assistance Service needs have changed, the provider will conduct a re-assessment in person with the individual (and any natural supports if requested by the individual).

(B) Following annual re-assessments and those conducted after a change in Personal Assistance Service needs, the Provider will review service eligibility, the cost effectiveness of the Plan of Care and whether the services provided are meeting the identified service needs of the individual. The Provider may adjust the hours or services in the plan and will submit a new Plan of Care, if appropriate, based on the individual's current service needs. The Provider will submit the adjusted Plan of Care to AMH.

(d) Ongoing Case Management: The Provider will provide ongoing coordination of Personal Care services, including changes in service hours, addressing risks, and providing information and referral to the individual when indicated.

Stat. Auth.: ORS 409.010, 409.050, 430.640, 430.705 & 430.715

Stats. Implemented: ORS 414.025, 414.065 & 430.640

Hist.: MHS 8-2010(Temp), f. 6-15-10, cert. ef. 7-1-10 thru 8-28-10; MHS 11-2010, f. & cert. ef. 8-25-10

309-016-0730

Conditions of Service Provider Participation

Service provider must:

(1) Provide psychiatric residential treatment services to children eligible for Medicaid benefits under the terms of a written agreement with the Division. The agreement must require that the psychiatric residential treatment facility and the services provided comply with all applicable state and federal requirements.

(2) Support and protect the fundamental human, civil, constitutional, and statutory rights of each child.

(3) Be accredited as a psychiatric residential treatment facility for children under age 21 by JCAHO, CARF, COA, or any other accrediting organization, with comparable standards, that is recognized by the State; be licensed by CAF; hold a Certificate of Approval per OAR 309-012-0130 through 309-012-0220 from the Division and be in compliance with the treatment services standards described in the ISSR.

(4) Provide a program consistent with standards set by JCAHO, CARF, COA, or any other accrediting organization, with comparable standards, that is recognized by the State.

(5) Provide a physical facility suitable for treatment of children with attention to proper safety and sanitation, housekeeping, and general environment. Buildings shall comply with all applicable building, occupancy, electrical, plumbing, and zoning codes.

(6) Obtain certification for the admission of children to the psychiatric residential treatment facility following the Division's Certification of Need procedures.

Stat. Auth.: ORS 409.010, 409.050, 430.640, 430.705 & 430.715

Stats. Implemented: ORS 414.025, 414.065 & 430.640

Hist.: MHS 8-2010(Temp), f. 6-15-10, cert. ef. 7-1-10 thru 8-28-10; MHS 11-2010, f. & cert. ef. 8-25-10

309-016-0735

Eligibility and Admission Policy

(1) In considering a child for admission for psychiatric residential treatment services, Certification of Need procedures will certify that:

(a) Other treatment resources available in the community do not meet the treatment needs of the child;

(b) Proper treatment of the child's psychiatric condition requires services on a psychiatric residential treatment basis under the direction of licensed medical practitioner;

(c) The services can reasonably be expected to improve the child's condition or prevent further regression so that psychiatric residential treatment services may no longer be needed; and

(d) The child has a principal diagnosis on Axis I of a completed 5-Axes DSM diagnosis that is not solely a result of mental retardation or other developmental disabilities, epilepsy, drug abuse, or alcoholism.

(2) The child must be eligible for medical assistance under Medicaid, according to procedures established by the Division, and meet the criteria for admission to psychiatric residential treatment services as defined by these rules.

(3) The Division shall authorize payment for psychiatric residential treatment services for children upon the approval of a certificate of need by the Division or its agent.

Stat. Auth.: ORS 409.010, 409.050, 430.640, 430.705 & 430.715

Stats. Implemented: ORS 414.025, 414.065 & 430.640

Hist.: MHS 8-2010(Temp), f. 6-15-10, cert. ef. 7-1-10 thru 8-28-10; MHS 11-2010, f. & cert. ef. 8-25-10

309-016-0740

Admission Procedures Related to Payment

(1) Admission procedures for children eligible for Medicaid will be reviewed through an independent psychiatric review process established by the Division to certify the need for services.

(2) The referring source or the facility will make available for the Certificate of Need (CONS) process, the following information about the referred child:

(a) Letter of support for admission from the identified county of responsibility or qualified tribal representative;

(b) Level of Need Determination screening outcome;

(c) Child and Adolescent Service intensity instrument (CASII) or Early Childhood Service Intensity Instrument (ECSII);

(d) Identified Intensive Community Treatment and Support (ICTS) provider;

(e) ICTS care coordinator;

(f) Child and family team members, and

(g) Copies of related available clinical documents such as updated mental health assessments, individual plan of care and service coordination plans.

Stat. Auth.: ORS 409.010, 409.050, 430.640, 430.705 & 430.715

Stats. Implemented: ORS 414.025, 414.065 & 430.640

Hist.: MHS 8-2010(Temp), f. 6-15-10, cert. ef. 7-1-10 thru 8-28-10; MHS 11-2010, f. & cert. ef. 8-25-10

309-016-0745

Service Criteria

Children shall be served in the least restrictive, least intensive setting based on their treatment history, degree of impairment, current symptoms and the extent of family and other supports. The provider must recommend the appropriate level of care to the child and parent or guardian when a more restrictive or less restrictive level of care is determined to be medically necessary.

(1) The following criteria are used to determine the appropriateness of continued stay:

(a) The child is making observed progress toward identified treatment goals as documented in the individual plan of care, but the measurable treatment objectives necessary to reach the goals have not been completed;

(b) The child made no documented progress toward treatment goals, but the individual plan of care and measurable objectives necessary to reach the goals have been reviewed by the LMP and modified in order to reevaluate the child's treatment needs, clarify the nature of the identified problems, and/or initiate new therapeutic interventions; or

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(c) The child exhibits new symptoms or maladaptive behaviors that justify continuation and can be safely and effectively treated at a community-based residential level of care. The individual plan of care has been revised accordingly.

(2) A planned discharge will occur when the following criteria are met:

(a) The child's targeted symptoms and maladaptive behaviors have abated to an established baseline level as documented by the attainment of specific goals and measurable objectives in the individual plan of care; or

(b) The child exhibits new symptoms and maladaptive behaviors which may not be safely or effectively treated at this level of care; or

(c) The child is not benefiting from treatment and made no progress toward specific treatment goals or measurable objectives even though appropriate individual plan of care reviews and revisions were conducted.

(3) Planned service conclusion will be consistent with the service conclusion criteria established by the interdisciplinary team and documented in the ISSP. In addition:

(a) Providers will not conclude services unless the interdisciplinary team, in consultation with the child's parent or guardian and the next provider, agree that the child requires a more or less restrictive level of care; and

(b) If the determination is made to admit the child to acute care, the provider will not conclude services during the acute care stay unless the interdisciplinary team, in consultation with the child's parent or guardian and the next provider, agree that the child requires a more or less restrictive level of care following the acute care stay.

Stat. Auth.: ORS 409.010, 409.050, 430.640, 430.705 & 430.715

Stats. Implemented: ORS 414.025, 414.065 & 430.640

Hist.: MHS 8-2010(Temp), f. 6-15-10, cert. ef. 7-1-10 thru 8-28-10; MHS 11-2010, f. & cert. ef. 8-25-10

309-016-0750

Payments

(1) Payments will be made for the provision of active psychiatric residential treatment services, including approved leave for children eligible for such services under Medicaid. If active treatment is not documented during any period in which Division payments are made on behalf of a child, the Division may recoup such payments.

(2) The Division will pay for the day of admission but not for the day of discharge.

(3) Medicaid eligible children receiving psychiatric residential treatment services will be subject to periodic review by a professional review organization to determine medical appropriateness and quality of services. If a review reveals that a child received an inappropriate level of care, i.e., less than active treatment, payment will not be allowed under these rules.

(4) Payment for planned absences from the program such as home care visits, and transitions shall be allowed if the absences are:

(a) Based on the individual clinical needs of the child; and

(b) Specified in the child's Individual Service and Support Plan's measurable objectives and/or discharge plan; and

(c) Documented in individual service notes; and

(d) The duration of any single planned absence is no more than three consecutive days, unless a longer duration is authorized in writing by the Division.

(5) Payment for unplanned absences from the program such as run-away, hospitalization, and detention (check on eligibility) shall be allowed if;

(a) The provider clearly documents in the child's individual service record regular and ongoing case coordination efforts undertaken by the program during the unplanned absence; and

(b) The provider clearly documents in the child's individual service record that the child will be returned to the program when the unplanned absence is resolved; and

(c) The duration of any single unplanned absence is no more than seven consecutive days, unless longer duration is authorized in writing by the Division.

(6) Payment for unplanned absences from the program shall be disallowed if the child is not returned to the program, unless the interdisciplinary team, in consultation with the child's parent(s) or guardian or provider of the next level of care determines that the child requires a more or less restrictive level of care.

(7) Planned absences from the program which are not indicated in the child's Individual Services and Supports Plan and/or discharge plan shall be considered unplanned absences and payment will be disallowed.

(8) Payments for planned absences must be made consistent with 42CFR447.40.

Stat. Auth.: ORS 409.010, 409.050, 430.640, 430.705 & 430.715

Stats. Implemented: ORS 414.025, 414.065 & 430.640

Hist.: MHS 8-2010(Temp), f. 6-15-10, cert. ef. 7-1-10 thru 8-28-10; MHS 11-2010, f. & cert. ef. 8-25-10

309-016-0755

Conditions of Service Provider Participation

(1) Provider shall meet all requirements for Medicaid payment in general and specifically for PRTS providers as stated in OAR 309-016-0730 through 309-016-0750.

(2) The admitting physician must have authorized the admission and that authorization is evident in record.

(3) Children's Sub-Acute Psychiatric Care services must be provided consistent with the general standards outlined above (OAR 309-016-0605 through 309-016-0650) and the Rehabilitative mental Health Services requirements outlined above (OAR 309-016-0660 through 309-016-0685).

(4) The cost of Room and Board is not an allowable cost of Children's Sub-Acute Psychiatric Care services.

Stat. Auth.: ORS 409.010, 409.050, 430.640, 430.705 & 430.715

Stats. Implemented: ORS 414.025, 414.065 & 430.640

Hist.: MHS 8-2010(Temp), f. 6-15-10, cert. ef. 7-1-10 thru 8-28-10; MHS 11-2010, f. & cert. ef. 8-25-10

Rule Caption: Update the definitions and independent review process used for contesting significant procedures.

Adm. Order No.: MHS 12-2010

Filed with Sec. of State: 9-9-2010

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Notice Publication Date: 8-1-2010

Rules Amended: 309-114-0000, 309-114-0005, 309-114-0010, 309-114-0015, 309-114-0020, 309-114-0025, 309-114-0030

Rules Repealed: 309-114-0020(T)

Subject: Oregon State hospital, through the Addictions & Mental Health Division, is permanently amending OAR 309-114-0005 to update the definition of "Significant Procedures of a Similar Class" in order to list specific classes of medications to be considered as "Significant Procedures of a Similar Class."

Oregon State Hospital, through the Addictions & Mental Health Division, is permanently amending OAR 309-114-0020 to update the independent review process to state the procedures to be followed is a patient refuses to be examined.

Housekeeping changes are also being made; the main change of these is the removal of all terms relating to "residents" (Seniors and People with Disabilities (SPD) -served individuals), as there are no longer any "SPD residents" at any Oregon State Hospital campuses.

Rules Coordinator: Richard Luthe—(503) 947-1186

309-114-0000

Purpose

Purpose. These rules prescribe standards and procedures to be observed by personnel of state institutions operated by Addictions and Mental Health Division in obtaining informed consent to significant procedures, as defined by these rules, from patients of such state institutions. These rules do not apply to routine medical procedures. Administration of significant procedures without informed consent is permitted in emergencies under OAR 309-114-0015. The purpose of these rules is to assure that the rights of patients are protected with respect to significant procedures.

Stat. Auth.: ORS 179.040

Stats. Implemented: ORS 179.321, 426.070 & 426.385

Hist.: MHD 3-1983, f. 2-24-83, ef. 3-26-83; MHS 14-2007(Temp), f. 11-30-07, cert. ef. 12-1-07 thru 5-29-08; MHS 2-2008(Temp), f. & cert. ef. 4-7-08 thru 10-4-08; MHS 6-2008, f. & cert. ef. 7-25-08; MHS 12-2010, f. & cert. ef. 9-9-10

309-114-0005

Definitions

As used in these rules:

(1) "Authorized Representative" or "representative" means an individual who is an employee of the system described in ORS 192.517(1) and who may represent a party in a contested case hearing; the representative must be supervised by an attorney that is licensed by the Oregon State Bar and employed by the same system described in 192.517(1).

(2) "Chief Medical Officer" means the physician designated by the superintendent of each state institution pursuant to ORS 179.360(1)(f) who is responsible for the administration of medical treatment at each state institution.

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(3) "Division" means the Addictions and Mental Health Division of the Department of Human Services.

(4) "Guardian" means a legal guardian who is an individual appointed by a court of law to act as guardian of a minor or a legally incapacitated person.

(5) "Legally Incapacitated" means having been found by a court of law under ORS 426.295 to be unable, without assistance, to properly manage or take care of one's personal affairs.

(6) "Material Risk." A risk is material if it may have a substantial adverse effect on the patient's psychological or physical health, or both. Tardive dyskinesia is a material risk of neuroleptic medication. Other risks include, but are not limited to, raised blood pressure, onset of diabetes, and metabolic changes.

(7) "Medication Educator" means a Qualified Mental Health Professional (QMHP) who provides information about the proposed significant procedures to patients.

(8) "Patient" means a person who is receiving care and treatment in a state institution for the mentally ill.

(9) "Person Committed to the Division" or "Person" means a patient committed under ORS 161.327, 161.370, 426.130, or 427.215.

(10) "Psychiatric Nurse Practitioner," means a registered nurse with prescription authority who independently provides health care to clients with mental and emotional needs or disorders.

(11) "Qualified Mental Health Professional" (QMHP) means any individual meeting the following minimum qualifications as documented by the state institution:

(a) Graduate degree in psychology;

(b) Bachelor's or graduate degree in nursing and licensed by the State of Oregon;

(c) Graduate degree in social work or counseling;

(d) Graduate degree in a behavioral science field;

(e) Graduate degree in recreational art, or music therapy;

(f) Bachelor's degree in occupational therapy and licensed by the State of Oregon; or

(g) Bachelor's or graduate degree in a relevant area.

(12) "Routine Medical Procedure" means a procedure customarily administered by facility medical staff under circumstances involving little or no risk of causing injury to a patient including, but not limited to physical examinations, blood draws, influenza vaccinations, tuberculosis (TB) testing, and hygiene.

(13) "Significant Procedure" means a diagnostic or treatment modality, and all significant procedures of a similar class that pose a material risk of substantial pain or harm to the patient such as, but not limited to, psychotropic medication and electro-convulsive therapy. Significant procedures do not include routine medical procedures. For purposes of these rules, "Human immunodeficiency virus" (HIV) testing shall be considered a "Significant Procedure."

(14) "Significant Procedures of a Similar Class" means a diagnostic or treatment modality that presents substantially similar material risks as the significant procedure listed on the treating physician's or psychiatric nurse practitioner's informed consent form and is generally considered in current clinical practice to be a substitute treatment or belong to the same class of medications as the listed significant procedure.

(a) For purposes of these rules, medications listed in subsections 14(a)(A) through 14(a)(F) of this rule will be considered the same or similar class of medication as other medications in the same subsection:

(A) All medications used under current clinical practice as antipsychotic medications, including typical and atypical antipsychotic medications;

(B) All medications used under current clinical practice as mood stabilizing medications;

(C) All medications used under current clinical practice as antidepressants;

(D) All medications used under current clinical practice as anxiolytics;

(E) All medications used under current clinical practice as psychostimulants; and

(F) All medications used under current clinical practice as dementia cognitive enhancers.

(b) Significant procedures of the same or similar class do not need to be specifically listed on the treating physician's or psychiatric nurse practitioner's form.

(15) "State Institution" or "Institution" means all Oregon State Hospital campuses and the Blue Mountain Recovery Center.

(16) "Superintendent" means the executive head of the state institution listed in section (15) of this rule, or the superintendent's designee.

Stat. Auth.: ORS 179.040

Stats. Implemented: ORS 179.321, 183.458; 426.070 & 426.385

Hist.: MHD 3-1983, f. 2-24-83, ef. 3-26-83; MHD 3-1988, f. 4-12-88, (and corrected 5-17-88), cert. ef. 6-1-88; MHS 14-2007(Temp), f. 11-30-07, cert. ef. 12-1-07 thru 5-29-08; MHS 2-2008(Temp), f. & cert. ef. 4-7-08 thru 10-4-08; MHS 6-2008, f. & cert. ef. 7-25-08; MHS 1-2009(Temp), f. & cert. ef. 1-23-09 thru 7-22-09; MHS 2-2009(Temp), f. & cert. ef. 4-2-09 thru 7-22-09; MHS 3-2009, f. & cert. ef. 6-26-09; MHS 6-2009, f. & cert. ef. 12-28-09; MHS 5-2010(Temp), f. & cert. ef. 3-12-10 thru 9-8-10; MHS 12-2010, f. & cert. ef. 9-9-10

309-114-0010

General Policy on Obtaining Informed Consent to Treatment and Training

(1)(a) Basic Rule. Patients, or parents or guardians of minors, or guardians on behalf of legally incapacitated patients, may refuse any significant procedure and may withdraw at any time consent previously given to a significant procedure. Any refusal or withdrawal or withholding of consent shall be documented in the patient's record.

(b) Personnel of a state institution shall not administer a significant procedure to a patient unless written informed consent is obtained from or on behalf of the patient in the manner prescribed in these rules, except as follows:

(A) Administration of significant procedures to legally incapacitated patients as provided in section (6) of this rule;

(B) Administration of significant procedures without informed consent in emergencies under OAR 309-114-0015; or

(C) Involuntary administration of significant procedures with good cause to persons committed to the Division under OAR 309-114-0020.

(2)(a) Capacity of the patient: In order to consent to, or refuse, withhold, or withdraw consent to significant procedures, the patient must have the capacity to make a decision concerning acceptance or rejection of a significant procedure, as follows:

(b) Unless adjudicated legally incapacitated for all purposes or for the specific purpose of making treatment decisions, a patient shall be presumed competent to consent to, or refuse, withhold, or withdraw consent to significant procedures. A person committed to the Division may be deemed unable to consent to or refuse, withhold, or withdraw consent to a significant procedure only if the person currently demonstrates an inability to reasonably comprehend and weigh the risks and benefits of the proposed procedure, alternative procedures, or no treatment at all including, but not limited to, all applicable factors listed in

(3)(a) of this rule. The patient's current inability to provide informed consent is to be documented in the patient's record and supported by the patient's statements or behavior; and may be evidenced in the treating physician's or psychiatric nurse practitioner's informed consent form, the evaluation form by the independent examining physician and forms approving or disapproving the procedure by the superintendent or chief medical officer;

(b) A person committed to the Division shall not be deemed unable to consent to or refuse, withhold, or withdraw consent to a significant procedure merely by reason of one or more of the following facts:

(A) The person has been involuntarily committed to the Division;

(B) The person has been diagnosed as mentally ill;

(C) The person has disagreed or now disagrees with the treating physician's or psychiatric nurse practitioner's diagnosis; or

(D) The person has disagreed or now disagrees with the treating physician's or psychiatric nurse practitioner's recommendation regarding treatment.

(c) If a court has determined that a patient is legally incapacitated, then consent shall be sought from the legal guardian.

(3) Procedures for Obtaining Informed Consent and Information to be Given: The person from whom informed consent to a significant procedure is sought shall be given information, orally and in writing, the substance of which is to be found on the treating physician's or psychiatric nurse practitioner's informed consent form. In the case of medication, there shall be attached a preprinted information sheet on the risks and benefits of the medication listed on the treating physician's or psychiatric nurse practitioner's form. All written materials under this rule will be provided in English. However, if the institution has reason to believe a patient has limited English language proficiency or the patient requests it, then the institution will make reasonable accommodations to provide the patient with meaningful access to the information, such as providing the patient with copies of the materials in the patient's native language if the materials are readily available in that language or providing the opportunity to have an interpreter orally translate written materials into the patient's native language.

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Specific information about significant procedures of a similar class will not be provided to or discussed with the patient.

(a) The information shall describe:

(A) The nature and seriousness of the patient's mental illness or condition;

(B) The purpose of the significant procedures listed on the treating physician's or psychiatric nurse practitioner's form, the intended outcome and the risks and benefits of the procedures;

(C) Any alternatives, particularly alternatives offering less material risks to the proposed significant procedure that are reasonably available and reasonably comparable in effectiveness;

(D) If the proposed significant procedure is medication, facility medical staff shall give the name, dosage range, and frequency of administration of the medication listed on the treating physician's or psychiatric nurse practitioner's form, and shall explain the material risks of the medication at that dosage range.

(E) The side effects of the intended medication or electro-convulsive therapy;

(F) The predicted medical, psychiatric, social, or legal consequences of not accepting the significant procedure or any comparable procedure, including any potential risk the patient represents to the health and safety of the patient, or others, which may include, but is not limited to, a consideration of the patient's history of violence and its relationship to mental health treatment if he or she does not receive the significant procedure;

(G) That consent may be refused, withheld or withdrawn at any time; and

(H) Any additional information concerning the proposed significant procedure requested by the patient.

(b) A medication educator shall assist by providing information to the patient that explains the proposed significant procedure, as described in subsection (3)(a) of this rule;

(c) The treating physician or psychiatric nurse practitioner intending to administer a significant procedure shall document in the patient's chart that the information required in subsection (3)(a) of this rule was explained and that the patient, parent or guardian of a minor or guardian of a legally incapacitated patient explicitly consented, refused, withheld or withdrew consent. The treating physician or psychiatric nurse practitioner may document this by completing the informed consent form and make it part of the patient's record.

(4) When discussing the significant procedure with the treating physician or psychiatric nurse practitioner and the medication educator, the patient may request additional information about the significant procedure pursuant to OAR 309-114-0010(3)(a)(H) and present additional information relevant to making his or her decision.

(5) Voluntary Consent: Consent to a proposed significant procedure must be given voluntarily, free of any duress or coercion. Subject to the provisions of OAR 309-114-0020, the decision to refuse, withhold or withdraw consent previously given shall not result in the denial of any other benefit, privilege, or service solely on the basis of refusing, withholding or withdrawing consent. A voluntary patient may be discharged from the institution if offered procedures are refused.

(6) Obtaining Consent with Respect to Legally Incapacitated Patients: A state institution may not administer a significant procedure to a legally incapacitated patient without the consent of the guardian, or, in the case of a minor, the parent or guardian, except in the case of an emergency under OAR 309-114-0015 or where the institution has good cause to involuntarily administer a significant procedure under 309-114-0020. In order to prove good cause, the institution must prove 309-114-0020(1)(a) and (1)(d) in reference to the guardian and 309-114-0020(1)(b) and (1)(c) in reference to the patient.

(7) Reports of Progress: A patient, the parents or guardian of a minor patient, or the guardian of a legally incapacitated patient shall, upon request, be informed of the progress of the patient during administration of the significant procedure.

(8) These rules will be effective as of December 1, 2007 on all new orders for administration of significant procedures without informed consent. This includes new orders written after expiration of the previous order. This rule will be effective for existing, unexpired orders as of January 1, 2008, on a phased-in schedule that will accommodate as many new hearings as is practicable to schedule each week.

Stat. Auth.: ORS 179.040

Stats. Implemented: ORS 179.321, 426.070 & 426.385

Hist.: MHD 3-1983, f. 2-24-83, ef. 3-26-83; MHD 3-1988, f. 4-12-88, (and corrected 5-17-88), cert. ef. 6-1-88; MHS 14-2007(Temp), f. 11-30-07, cert. ef. 12-1-07 thru 5-29-08; MHS 2-2008(Temp), f. & cert. ef. 4-7-08 thru 10-4-08; MHS 6-2008, f. & cert. ef. 7-25-08; MHS 1-2009(Temp), f. & cert. ef. 1-23-09 thru 7-22-09; MHS 3-2009, f. & cert. ef. 6-26-09; MHS 12-2010, f. & cert. ef. 9-9-10

309-114-0015

Administration of Significant Procedures Without Informed Consent in Emergencies

(1) An emergency exists if in the opinion of the chief medical officer or designee:

(a) Immediate action is required to preserve the life or physical health of the patient and it is impracticable to obtain informed consent as provided in OAR 309-114-0010; or

(b) Immediate action is required because the behavior of the patient creates a substantial likelihood of immediate physical harm to the patient or others in the institution and it is impracticable to obtain informed consent as provided in OAR 309-114-0010.

(2) If an emergency exists, the chief medical officer or designee may administer a significant procedure to a patient without obtaining prior informed consent in the manner otherwise required by these rules provided:

(a) The specific nature of each emergency and the procedure which was used to deal with the emergency are adequately documented in the patient's record and a form provided for emergency procedure is completed and placed in the patient's record;

(b) Reasonable effort shall be made to contact the parent or legal guardian prior to the administration of the significant procedure. If contact is not possible, notice shall be given to the parent or legal guardian as soon as possible;

(c) Within a reasonable period of time after an emergency procedure is administered, the treatment team shall review the treatment or training program and, if practicable, implement a treatment or training program designed to correct the behavior creating the emergency; and

(d) The administration of a significant procedure in an emergency situation does not allow the institution to administer these procedures, once the emergency has subsided, without obtaining informed consent.

Stat. Auth.: ORS 179.040

Stats. Implemented: ORS 179.321, 426.070 & 426.385

Hist.: MHD 3-1983, f. 2-24-83, ef. 3-26-83; MHD 3-1988, f. 4-12-88, (and corrected 5-17-88), cert. ef. 6-1-88; MHS 14-2007(Temp), f. 11-30-07, cert. ef. 12-1-07 thru 5-29-08; MHS 2-2008(Temp), f. & cert. ef. 4-7-08 thru 10-4-08; MHS 6-2008, f. & cert. ef. 7-25-08; MHS 12-2010, f. & cert. ef. 9-9-10

309-114-0020

Involuntary Administration of Significant Procedures to Persons Committed to the Division with Good Cause

(1) Good cause: Good cause exists to administer a significant procedure to a person committed to the Division without informed consent if in the opinion of the treating physician or psychiatric nurse practitioner after consultation with the treatment team the following factors are satisfied:

(a) Pursuant to OAR 309-114-0010(2), the person is deemed unable to consent to, refuse, withhold or withdraw consent to the significant procedure. This determination must be documented in the treating physician's or psychiatric nurse practitioner's informed consent form and the independent examining physician's evaluation form, and include the specific questions asked and answers given regarding the patient's ability to weigh the risks and benefits of the proposed treatment, alternative treatment, and no treatment, including but not limited to all relevant factors listed in 309-114-0010(3)(a).

(b) The proposed significant procedure will likely restore, or prevent deterioration of, the person's mental or physical health; alleviate extreme suffering; or save or extend the person's life. This factor is established conclusively for purposes of a hearing under OAR 309-114-0025 by introducing into evidence the treating physician's or psychiatric nurse practitioner's informed consent form and the independent examining physician's evaluation form, unless this factor is affirmatively raised as an issue by the patient or his or her representative at the hearing.

(c) The proposed significant procedure is the most appropriate treatment for the person's condition according to current clinical practice, and all other less intrusive procedures have been considered and all criteria and information set forth in OAR 309-114-0010(3)(a) were considered. This factor is established conclusively for purposes of a hearing under 309-114-0025 by introducing into evidence the treating physician's or psychiatric nurse practitioner's informed consent form and the independent examining physician's evaluation form, unless this factor is affirmatively raised as an issue by the patient or his or her representative at the hearing.

(d) The institution made a conscientious effort to obtain informed consent from the patient. This factor is established conclusively for purposes of a hearing under OAR 309-114-0025 by introducing into evidence the treating physician's or psychiatric nurse practitioner's informed consent form and the medication educator's form or progress note, unless this factor is affirmatively raised as an issue by the patient or his or her representative at the hearing.

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tative at the hearing. If the institution has reason to believe a patient has limited English language proficiency or the patient requests it, then the institution will make reasonable accommodations to provide the patient with meaningful access to the informed consent process, such as providing the patient with the opportunity to have an interpreter orally translate written materials into the patient's native language and provide translation during the treating physician's or psychiatric nurse practitioner's attempts to obtain informed consent and the medication educator's attempt to provide information about the significant procedure. A "conscientious effort" to obtain informed consent means the following:

(A) The patient's treating physician or psychiatric nurse practitioner made at least two good faith attempts to obtain informed consent by attempting to explain the procedure to the patient and documenting those efforts in the patient's record; and

(B) The medication educator made at least one good faith attempt to provide the information required in OAR 309-114-0010(3)(a), and explain and discuss the proposed procedure with the patient.

(2) Independent Review: Prior to granting approval for the administration of a significant procedure for good cause to a person committed to the Division, the superintendent or chief medical officer of a state institution for the mentally ill shall obtain consultation and approval from an independent examining physician, or if a patient refuses to be examined, the superintendent or chief medical officer shall document that an independent examining physician made at least two good faith attempts to examine the patient. The superintendent or chief medical officer shall maintain a list of independent examining physicians and shall seek consultation and approval from independent examining physicians selected on a rotating basis from the list. The independent examining physician shall not be an employee of the Division, shall be a board-eligible psychiatrist, shall have been subjected to review by the medical staff executive committee as to qualifications to make such an examination, shall have been provided with a copy of administration rules OAR 309-114-0000 through 309-114-0030, and shall have participated in a training program regarding these rules, their meaning and application.

(3) The superintendent or chief medical officer shall provide to a patient to whom a significant procedure is proposed to be administered written advance notice of the intent to seek consultation and approval of an independent examining physician for the purpose of administering the procedure without the patient's consent.

(4) The physician selected to conduct the independent consultation shall:

(a) Review the person's medical chart, including the records of efforts made to obtain the person's informed consent, and

(A) Personally examine the person at least one time; or

(B) If the patient refuses to be examined, the physician shall make two good faith attempts to examine the patient. If the patient refuses to be examined during these two good faith attempts, the independent consultation and approval requirement outlined in subsection (4)(a)(A) and (4)(b) of this rule shall be deemed to be fulfilled.

(b) Discuss the matter with the person to determine the extent of the need for the procedure and the nature of the person's refusal, withholding, or withdrawal or inability to consent to the significant procedure. This determination must be documented in the patient's records as well as the supporting evidence in the form of the specific questions asked and answers given regarding the patient's ability to weigh the risks and benefits of the proposed treatment, alternative treatment, and no treatment;

(c) Consider additional information, if any, presented prior to or at the time of examination or interview as may be requested by the person or anyone on behalf of the person; and

(d) Make a determination whether the factors required under these rules exist for the particular person or that one or more factors are not present, and complete a report of his or her findings, which provides their approval or disapproval of the proposed significant procedure. The written report must be provided to:

(A) The superintendent or chief medical officer; and

(B) The person to whom a significant procedure is proposed to be administered, with a copy being made part of the person's record.

(5) Superintendent's Determination:

(a) The superintendent or chief medical officer shall approve or disapprove of the administration of the significant procedure to a person committed to the Division based on good cause, provided that if the examining physician or psychiatric nurse practitioner found that one or more of the factors required by section (1) of this rule were not present or otherwise disapproved of the procedure, the superintendent or chief medical officer shall not approve the significant procedure and it shall not be performed;

(b) Approval of the significant procedure shall be only for as long as no substantial increase in risk is encountered in administering the significant procedure or significant procedure of a similar class during the term of a person's commitment but in no case longer than 180 days. Disapproval shall be only for as long as no substantial change occurs in the person's condition during the term of commitment but in no case longer than 180 days;

(c) Written notice of the superintendent's or chief medical officer's determination shall be provided to the person and made part of the person's record. This notice must be delivered to the patient, and fully explained by facility medical staff. This notice must include a clear statement of the decision to treat without informed consent, specific basis for the decision, state what evidence was relied on to make the decision, and include a clear notice of the opportunity to ask for a contested case hearing with an administrative law judge if the patient disagrees with the decision. Attached must be a form with a simple procedure to request a hearing. The patient indicating in writing or verbally to any staff member a desire to challenge the institution's decision will be sufficient to request a contested case hearing pursuant to OAR 309 114 0025. The patient shall have 48 hours to request a contested case hearing after receiving this notice. If the patient does not request a hearing within the 48 hour period or the patient subsequently withdraws his initial hearing request and is not already receiving the significant procedure, the institution may involuntarily administer the significant procedure. A patient retains the right to request an initial hearing on the decision to administer a significant procedure without informed consent at any time.

(d) If the patient withdraws his initial request for hearing or refuses to attend the initial hearing without good cause, the administrative law judge will issue a dismissal order pursuant to OAR 137-003-0672(3). A dismissal order will allow the institution to immediately administer the significant procedure without informed consent as if the patient had never requested a hearing. If a dismissal order is issued, the patient may request a second hearing. If the patient withdraws his second request for hearing or refuses to attend the second hearing without good cause, the hearing will occur as scheduled with the institution presenting a prima facie case pursuant to ORS 183.417(4) and the administrative law judge will issue a proposed order by default. The institution will then issue a final order by default.

(e) Records of all reports by independent examining physicians and of the determinations of the superintendent or chief medical officer under this rule shall be maintained by the superintendent or chief medical officer in a separate file and shall be summarized each year. Such summaries shall show:

(A) Each type of proposed significant procedure for which consultation with an independent examining physician was sought;

(B) The number of times consultation was sought from a particular independent examining physician for each type of proposed significant procedure;

(C) The number of times each independent examining physician approved and disapproved each type of proposed significant procedure; and

(D) The number of times the superintendent or chief medical officer approved and disapproved each type of proposed significant procedure.

(f) The summaries referred to in subsection (5)(e) of this rule shall be public records and shall be made available to the public during reasonable business hours in accordance with ORS Chapter 192.

(6) When treatment is being administered without informed consent, the ward physician or psychiatric nurse practitioner will write a progress note addressing any changes in patient's capacity to give informed consent every 60 days.

(7) At any time that a patient's condition changes so that there appears to his or her treating physician or psychiatric nurse practitioner to be a substantial improvement in the patient's capacity to consent to or refuse treatment, a formal re assessment of the patient's capacity to consent shall occur, as described in OAR 309-114-0010 and 309-114-0020. No order to administer treatment without informed consent in non emergency situations shall be valid for longer than 180 days, or the duration of the commitment, whichever is shorter, without re establishing the need for the order by following the procedures described in 309-114-0010 and 309-114-0020.

(8) When a patient is transferred to a state institution from a community hospital or another state institution where he or she was already being treated with a significant procedure without informed consent, the receiving institution must apply OAR 309-114-0000 through 309-114-0030 no later than 7 days after the date of admission to the new institution. A state institution can honor an existing order for involuntary administration of a significant procedure without informed consent if procedures such as those outlined in 309-114-0010 through 309-114-0030 have already been applied and all necessary documentation is in the patient's file.

Stat. Auth.: ORS 179.040

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Stats. Implemented: ORS 179.321, 426.070 & 426.385
Hist.: MHD 3-1983, f. 2-24-83, ef. 3-26-83; MHD 3-1988, f. 4-12-88, (and corrected 5-17-880, cert. ef. 6-1-88; MHS 14-2007(Temp), f. 11-30-07, cert. ef. 12-1-07 thru 5-29-08; MHS 2-2008(Temp), f. & cert. ef. 4-7-08 thru 10-4-08; MHS 6-2008, f. & cert. ef. 7-25-08; MHS 1-2009(Temp), f. & cert. ef. 1-23-09 thru 7-22-09; MHS 3-2009, f. & cert. ef. 6-26-09; MHS 6-2010(Temp), f. & cert. ef. 3-24-10 thru 9-20-10; MHS 12-2010, f. & cert. ef. 9-9-10

309-114-0025

Contested Case Hearing

(1) Patient's Rights: A patient has the right to contest the hospital's determination that it has good cause to involuntarily administer a significant procedure without informed consent pursuant to OAR 309-114-0020(5)(c). If the patient is a minor or legally incapacitated, the parents or guardian has the right to contest the hospital's determination that it has good cause to involuntarily administer a significant procedure without informed consent pursuant to 309-114-0020(5)(c).

(a) Instructions and a simple method of requesting such a hearing shall be provided to every patient when he or she receives notice that the institution intends to administer a significant procedure without informed consent. The patient indicating in writing or verbally to any staff member a desire to challenge the institution's decision will be sufficient to request a contested case hearing.

(b) A patient's verbal or written request for a hearing implies consent to the release of his or her records and protected health information to his or her representative, the institution's representative, and the Office of Administrative Hearings for the purpose of preparing for and conducting the contested case hearing.

(c) After filing a request for an administrative hearing, an attorney or certified law student will be appointed by the Division to represent any patient who requests one. The patient has the right to be represented at the hearing by a representative appointed and paid by the state. The patient also has the right to be represented at the hearing by an attorney or certified law student of his or her choice and at his or her own expense.

(d) If a patient requests a contested case hearing and is not already receiving the significant procedure pursuant to a valid physician's or psychiatric nurse practitioner's order the patient has the right to not receive the significant procedure prior to and during the hearing. If the patient is already receiving the significant procedure pursuant to a valid physician's or psychiatric nurse practitioner's order, the institution may continue to administer the significant procedure to the patient until the final order is issued.

(2) Contested Case Hearing: The administrative hearing will conform to the requirements set forth in ORS 183.413 through 183.500, and the Attorney General's Model Rules at OAR 137-003-0501 and the following:

(a) The hearing must be held within 14 days of the date of the patient's request, unless the patient or his or her representative or the state institution's representative requests a delay for good cause or the patient or his or her representative and the state institution's representative agree to a postponement. Good cause includes, but is not limited to, the following circumstances: the patient's ward is quarantined at the time of the hearing, additional time is required to access necessary and relevant records not in the possession of the state institution, or titration of the patient's medication is necessary to allow minimally adequate communication by the patient with his or her representative for purposes of the hearing.

(b) These hearings are closed to all non-participants, except personnel from the institution or the Attorney General's Office, personnel from Disability Rights Oregon, personnel from the Office of Administrative Hearings, or members of the patient's family. Any exceptions to this policy must be agreed to in advance by the institution's representative and the patient or their representative. The institution may exclude non-participants, otherwise allowed to attend these hearings, who are disruptive or represent a safety concern.

(c) In lieu of discovery, the patient or his or her representative will be provided with the treating physician's or psychiatric nurse practitioner's form, independent examining physician's evaluation form, the superintendent's or chief medical officer's form approving or disapproving of the administration of the significant procedure, and the preprinted information regarding the risks and benefits of the proposed significant procedures. The patient or his or her representative may also review the patient's chart and consult with the patient's treating physician or psychiatric nurse practitioner.

(d) The following procedures are not available in these contested case hearings: summary determination procedures as defined in OAR 137-003-580, pre-hearing motions as defined in 137-003-0630, and pre-determination review procedures in 137-003-0640.

(e) A final order must be issued by the administrative law judge within two days, excluding weekends and holidays, after the hearing, except

when the administrative law judge determines that there is good cause to delay the final order. All final orders must be issued within 3 days of the close of the hearing or the record, whichever is later, excluding weekends and holidays. A final order is effective immediately upon being signed or as otherwise provided in the order.

(f) If after the hearing, the administrative law judge determines that there is an issue not raised by a party or the agency that impacts the outcome of the case, the administrative law judge must grant a continuance for good cause and inform the institution's representative and the patient or his or her representative so that they may present additional arguments and evidence on that issue.

(g) The administrative law judge must determine whether to affirm or reverse the state institution's decision that it has good cause to involuntarily administer a significant procedure without informed consent from the patient as defined by the factors in OAR 309-114-0020(1) with regards to the significant procedures listed on the treating physician's or psychiatric nurse practitioner's informed consent form.

(h) A final order affirming or reversing the institution's decision to involuntarily administer a significant procedure to the patient without informed consent includes all significant procedures listed on the treating physician's or psychiatric nurse practitioner's informed consent form and all unlisted significant procedures of a similar class.

(i) A final order approving the involuntary administration of the significant procedure without informed consent shall be reexamined if the treating physician or psychiatric nurse practitioner determines that there is a substantial increase in the risk to the patient in administering the significant procedure during the term of a person's commitment, but in no case longer than 180 days. Approval of the significant procedure may also be reexamined pursuant to OAR 309-114-0020(8) if the treating physician or psychiatric nurse practitioner determines that there is substantial improvement in the patient's capacity.

(j) A final order disapproving the involuntary administration of the significant procedure without informed consent lasts for no longer than 180 days. If a substantial change in the patient's condition occurs during this time, the institution may re-evaluate the patient using the entire OAR 309-114-0020 process, and must additionally document and explain what substantial change in the person's capacity has occurred since the administrative law judge decision was issued.

(k) If the final order reverses the institution's decision to involuntarily administer a significant procedure and the patient is already receiving the significant procedure, then the hospital may continue to administer the significant procedure to the extent it is necessary to develop and implement a titration plan to safely discontinue the significant procedure according to current clinical practice.

(l) If the patient withdraws his initial request for hearing or refuses to attend the initial hearing without good cause, the administrative law judge will issue a dismissal order pursuant to OAR 137-003-0672(3). A dismissal order will allow the institution to immediately administer the significant procedure without informed consent as if the patient had never requested a hearing. If a dismissal order is issued, the patient may request a second hearing. If the patient withdraws his second request for hearing or refuses to attend the second hearing without good cause, the hearing will occur as scheduled with the institution presenting a prima facie case pursuant to ORS 183.417(4) and the administrative law judge will issue a final order by default. The final order by default will be issued in a manner consistent with the time frames and process outlined in OAR 309-114-0025(2).

(m) Any administrative law judge who will preside over a hearing regarding involuntary administration of a significant procedure without informed consent must complete agency approved training unique to administration of psychiatric treatment without consent. This training shall be developed by the Division in consultation with Disability Rights Oregon.

(n) Subject to the approval of the Attorney General, an agency officer or employee is authorized to appear, but not make legal argument, on behalf of the agency in contested case hearings involving the involuntary administration of a significant procedure to a patient.

(A) For purposes of this rule, the term "legal argument" is used as defined in ORS 183.452 and OAR 137-003-0545.

(B) 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 a 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

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counsel to file written legal argument within a reasonable time after the conclusion of the hearing.

Stat. Auth.: ORS 179.040

Stats. Implemented: ORS 179.321, 426.070 & 426.385

Hist.: MHD 3-1983, f. 2-24-83, ef. 3-26-83; MHD 3-1988, f. 4-12-88, (and corrected 5-17-88), cert. ef. 6-1-88; MHS 14-2007(Temp), f. 11-30-07, cert. ef. 12-1-07 thru 5-29-08; MHS 2-2008(Temp), f. & cert. ef. 4-7-08 thru 10-4-08; MHS 6-2008, f. & cert. ef. 7-25-08; MHS 3-2009, f. & cert. ef. 6-26-09; MHS 12-2010, f. & cert. ef. 9-9-10

309-114-0030

Notice to Patients, Residents, and Employees

(1) Upon a patient's admission, the state institutions shall inform the patient, orally and in writing, of the rights, policies, and procedures set forth in these rules. In addition, a clear and simple summary of the contents, including the title, number, and purpose of these rules, and instructions on how to obtain a copy of the rules and advice about their content shall be prominently displayed in areas frequented by patients in all state institutions.

(2) All employees of state institutions involved in patient care shall be notified in writing at the commencement of his or her employment, or, for present employees, within a reasonable time after the effective date of these rules, of the rights, policies, and procedures set forth in these rules. These employees shall participate in a training program regarding the rules, their meaning and application.

Stat. Auth.: ORS 179.040

Stats. Implemented: ORS 179.321, 426.070 & 426.385

Hist.: MHS 2-2008(Temp), f. & cert. ef. 4-7-08 thru 10-4-08; MHS 6-2008, f. & cert. ef. 7-25-08; MHS 12-2010, f. & cert. ef. 9-9-10

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

Rule Caption: Amendments to Clarify Policies and Procedures for Provider Audits, Appeals, and Post Payment Recovery.

Adm. Order No.: DHSD 9-2010

Filed with Sec. of State: 9-1-2010

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Notice Publication Date: 8-1-2010

Rules Ren. & Amend: 410-120-1505 to 407-120-1505

Subject: OAR 410-120-1505 is being renumbered to 407-120-1505 and amended to bring policies up to date and to align the administrative rules with the Department of Human Services' (Department) policy and practice. These amendments are needed to clarify provider audits, appeals, and post payment recovery processes. The rule specifies timeframes for review and the comment period for the preliminary audit report; timeframes for appeal requests on decisions outlined in the final audit report, when a case is considered closed; and protocols for electronic record-keeping systems, overpayments, administrative reviews and contested case hearings. With the creation of Oregon Health Authority and federal health care reform, the rule changes are necessary to ensure clarity of the Department's Office of Payment Accuracy and Recovery's (OPAR) authority to perform federally required responsibilities, current policies and procedures, and provider compliance with audit requirements.

Rules Coordinator: Jennifer Bittel—(503) 947-5250

407-120-1505

Provider and Contractor Audits, Appeals, and Post Payment Recoveries

(1) Providers or entities under contract with the Department of Human Services (Department) or the Oregon Healthy Authority (Authority) (hereafter referred to as "provider") receiving payments from the Department or Authority are subject to audit or other post payment review procedures (hereafter referred to as "audit") for all payments applicable to items or services furnished or supplied by the provider to or on behalf of Department or Authority clients.

(a) Audit rules and procedures ensure proper payments were made based on requirements applicable to covered services, ensure program integrity of the Department or Authority programs and services as outlined in OAR 407-120-0310, and establish authority for the Office of Payment, Accuracy and Recovery (OPAR), Provider Audit Unit (PAU) to recover overpayments and discover possible instances of fraud, waste, and abuse.

(b) The Department and Authority share duties and functions related to audits and have the authority to determine which of the two agencies is authorized to fulfill a particular function. References in this rule to one

agency should be construed to include, as the context requires, either or both agencies.

(2) The Department may employ internal staff, consultants, or contractors, or cooperate with federal or state oversight authorities or other designees to conduct an audit or perform other audit procedures. The Department shall assign a contractor or one or more individuals to conduct the audit (hereafter referred to as "auditor").

(3) The auditor or PAU management shall determine the scope, time period, objective, and subject matter covered by the audit.

(4) The authority for access to records is found in OAR 407-120-0370 and 410-120-1360 and other terms of agreements or contracts authorizing access to records for audit purposes.

(5) The auditor may conduct an on-site field audit, examine and copy records at the provider's expense, interview employees, and conduct such field work as the auditor determines shall provide sufficient and competent evidential basis for drawing conclusions about the audit subject matter.

(6) The auditor may conduct a desk audit of records requested by the auditor and supplied by the provider, at the provider's expense, or other source as necessary for the auditor to determine sufficient and competent evidential basis for drawing conclusions about the audit subject matter.

(7) The auditor may consider other audits of the provider including but not limited to reviews conducted by the appropriate federal authority and the provider's independent audit of the provider's financial statements, which may include those performed by internal auditors, audit organizations, or contractors established by the federal or state government for the auditing of the Department or Authority programs.

(a) The auditor may consider other indicators or issues related to program integrity activities. The auditor may also consider past or present program integrity activities listed in OAR 407-120-0310 that have identified same or similar instances of non-compliance.

(b) The auditor shall determine the scope of other audit work and evaluate the reliability of its relationship to the scope and objective of the audit being conducted in determining the weight to be given to the other audit work.

(8) PAU may use a random sampling method such as that detailed in the paper entitled "Development of a Sample Design for the Post-Payment Review of Medical Assistance Payments," written by Lyle Calvin, Ph.D., (Calvin Paper). The Department adopts by reference but is not limited to following the method of random sampling and calculation of overpayment described in the Calvin Paper:

(a) In determining whether to use an overpayment calculation method set forth in section (8) of this rule, the auditor or PAU management may consider:

(A) The provider's overall error rate identified in the audit;

(B) If past audits have identified the same or similar instances of non-compliance;

(C) The severity of the errors established in the audit; or

(D) Any adverse impact on the health of the Department or Authority's clients and their access to services in the provider's service area.

(b) If the auditor determines an overpayment amount by a random sampling and overpayment calculation method set forth in section (8) of this rule, the provider may request a 100 percent audit of all billings from the same time period of the audit submitted to the Department or Authority for items or services furnished or supplied to or on behalf of Department or Authority clients. If a 100 percent audit is requested:

(A) Payment and arrangement for a 100 percent audit shall be paid by the provider requesting the audit;

(B) The audit must be conducted by an independent auditor or other individual whose qualifications the Department has determined, in writing, to be acceptable, who is knowledgeable with the Oregon Administrative rules covering the payments in question, who must waive any privilege to PAU in relation to the work papers and work product of the independent auditor;

(C) The 100 percent audit must be completed within 90 calendar days of the provider's request to use such audit in lieu of the Department's random sample;

(D) The provider must waive all rights to appeal the factual findings of the independent auditor; and

(E) The independent auditor must produce a final audit report or similar document detailing the findings of the 100 percent audit, including the overpayment assessment and recommendations to the provider and PAU. The independent auditor's work papers must be made available to the Department auditor upon request.

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(9) The auditor shall prepare a preliminary audit report or similar document and deliver the preliminary audit report to the provider in person, or by registered or certified mail. The preliminary audit report shall inform the provider of the opportunity to provide additional documentation to the auditor about the information within the scope of the preliminary audit report.

(a) Refusing to accept the registered or certified mail or in-person delivery shall not stop the audit process from proceeding forward.

(b) The provider shall have a 30 calendar day review and comment period from the mailing date of the preliminary audit report to respond to the auditor or request an informal meeting with the auditor. The meeting to review the report shall be held within 45 days from the date of the preliminary audit report.

(c) The provider may request, in writing to the auditor, a 15-day extension from the preliminary audit report response due date for the purpose of submitting additional documentation. The extension must be authorized in writing by the auditor or PAU management. An additional 15-day extension, requested in writing, may be granted at the discretion of PAU management.

(10) The auditor shall prepare a final audit report or similar document which is also the Department or Authority's final order, and deliver the final audit report in person, or by registered or certified mail. The audit record that forms the basis for the final audit report shall be closed on the date of the final audit report. The final audit report shall include but is not limited to an overpayment assessment, findings, recommendations, and sanctions.

(a) The overpayment assessment stated in the final audit report shall include but is not limited to the amount of overpayment PAU is authorized to recover and:

(A) Is not limited to amounts determined by criminal or civil proceedings;

(B) Shall include interest to be charged at allowable state rates; and

(C) May include triple damages as described in section (18) of this rule.

(b) Refusing to accept the registered or certified mail or in-person delivery shall not stop the audit process from proceeding.

(c) If the provider disagrees with the final audit report or the overpayment amount, the provider must appeal the decision within 30 calendar days from the mailing date of the final audit report by submitting a written request for either an administrative review or a contested case hearing to the OPAR Administrator. The written request for appeal must outline in detail the areas of disagreement.

(A) The OPAR Administrator or designee (hereafter referred to as "Administrator") shall determine which appeals may be suitable for review as administrative review or contested case hearing, taking into consideration issues presented in the request for review and the purposes served by administrative review in section (12) or contested case hearing in section (13) of this rule.

(B) If the Administrator decides the determinations of the final audit report or the content of appeal is appropriate for a contested case hearing or denies a request for an administrative review on the basis the appeal should be heard as a contested case hearing, the Administrator shall notify the provider and refer the appeal directly to the Office of Administrative Hearings (OAH) for a contested case hearing pursuant to these rules.

(11) If a provider fails to request an appeal within the time frame specified in section (10) of this rule the final audit report, overpayment amount, and all recommendations and sanctions shall become final. Appeal requests submitted to PAU must:

(a) Be in writing to the Administrator.

(A) The appeal request is not required to follow a specific format as long as it provides clear written expression from the provider expressing disagreement with the final audit report findings.

(B) The request must specify issues or decisions being appealed and the specific reason for the appeal on each finding or decision. The request must provide specifics for each claim such as procedure code, diagnosis code, reason for denial, administrative rules, or other authority applicable to the issue, and why the provider disagrees with the decision. If this information is not included in the appeal request in a manner that reasonably permits the Administrator to understand the decision being appealed or the basis for the appeal, the request shall be returned to the provider and the provider shall be required to resubmit the appeal within 10 working days from the date PAU returned the appeal to the provider.

(b) Be received by the Administrator within 30 calendar days from the mailing date of the final audit report.

(A) Late requests require written supporting documentation explaining reason for a late request. The Administrator shall determine whether

failure to file a timely request was caused by circumstances beyond the control of the provider and enter an order accordingly. The Administrator may conduct further inquiry as deemed appropriate. In determining timelines of filing a request for review, the amount of time the Administrator determines accounts for circumstances beyond the control of the provider is not counted.

(B) The untimely request may be referred to the OAH for a hearing on the question of timeliness.

(12) Administrative review allows opportunity for the Administrator to review a decision affecting the provider. Appeals are limited to legal or policy issues where there is a stipulation of factual matters to be heard.

(a) Administrative review meetings shall be:

(A) Scheduled within 45 calendar days of receipt of the written request by the Administrator;

(i) The Administrator shall prove written notice to the provider of the date, time, and place of the meeting.

(ii) If the Administrator decides a preliminary meeting between the provider and PAU staff may assist the administrative review, the Administrator shall provide written notice to the provider of the date, time, and place the preliminary meeting is scheduled.

(B) Held in Salem, unless otherwise stipulated to by all parties and PAU;

(C) Conducted by the Administrator;

(D) Department or Authority staff shall not be available for cross-examination;

(E) Department or Authority staff may attend and participate in the meeting; and

(F) The provider is not required to be represented by legal counsel and shall be given ample opportunity to present relevant information from the existing case record.

(b) If a provider fails to appear at the administrative review meeting, the final audit report, all findings including the overpayment, and recommendations and sanctions as specified in the report shall become final. In addition, the provider may not appeal the final audit report.

(c) The results of the meeting shall be sent to the provider, in writing, by registered or certified mail within 30 calendar days of the conclusion of the administrative review proceedings. The result of the administrative review is final.

(d) All administrative review decisions are subject to procedures established in OAR 137-004-0080 to 137-004-0092 and judicial review under ORS 183.484 in the Circuit Court.

(13) The contested case hearing process is conducted in accordance with ORS 183.411 to 183.497 and the Attorney General's Uniform and Model Rules of Procedure for the Office of Administrative Hearings, OAR 137-003-0501 to 137-003-0700.

(a) If the Administrator decides a contested case pre-hearing conference between the provider and PAU staff shall assist the contested case hearing, the Administrator shall notify the provider of the time and place of contested case pre-hearing conference without the presence of an administrative law judge. The purpose of the pre-hearing conference is to:

(A) Provide an opportunity to settle the matter or discuss Model Rules of Procedure for contested case hearings listed in OAR 137-003-0575. Any agreement reached in a pre-hearing conference shall be submitted to the administrative law judge in writing or presented orally on the record at the contested case hearing;

(B) Provide an opportunity for the provider and PAU to review the information, correct any misunderstanding of facts, and understand the reason for the action that is the subject of the contested case hearing; or

(C) Determine if the parties wish to have witness subpoenas issued when the contested case hearing is conducted.

(b) Prior to the date of the contested case hearing, the provider may request an additional pre-hearing conference with PAU representatives. The request shall be made in writing to the Administrator. An additional pre-hearing conference may be granted at the sole discretion of the Administrator if the additional pre-hearing conference is determined to facilitate the contested case hearing process or resolution of disputed issues.

(c) The contested case hearing shall be held in Salem, unless otherwise stipulated to by all parties and PAU.

(d) The OAH shall serve a proposed order on behalf of PAU unless PAU notifies the parties that PAU shall issue the final order. The proposed order shall become the final order if no exceptions are filed within the time specified in this rule.

(e) The provider may file exceptions or written argument to the proposed order to be considered by PAU. The exceptions must be in writing and received by OPAR within 10 calendar days after the date the proposed

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order is issued. No additional evidence may be submitted. After receiving the exceptions or argument, PAU may adopt the proposed order as the final order, amend the order, or prepare a new order.

(f) A provider may withdraw a contested case hearing request at any time. The OAH shall send a final order confirming the withdrawal to the provider.

(14) If neither the provider nor the provider's legal representative appears at the contested case hearing, PAU may elect one of the following options in its sole discretion:

(a) The contested case hearing request may be dismissed by order. PAU may cancel the dismissal order upon request of the party on a showing that the party was unable to attend the hearing and unable to request a postponement for reasons beyond the provider's control.

(b) PAU may enter a final order by default. Entry of a final order by default may be made when PAU determines that the issuance of a final order with findings is appropriate as a basis of sanction authority or to establish a basis for future sanction authority or other reason consistent with the administration of the Department or Authority programs. The designated record, for purposes of a default order, shall be the record as designated in the notice issued to the provider. If not so designated, the designated record shall consist of the files and records held by PAU in the contested case hearing packet prepared by PAU.

(15) Final orders are effective immediately upon being signed or as otherwise provided in the order.

(a) Final orders resulting from a provider's withdrawal of a contested case hearing request is effective the date the provider's request is received by PAU or the OAH, whichever is sooner.

(b) When the provider fails to appear for the contested case hearing, the effective date of the dismissal order or the final order by default is the date of the scheduled contested case hearing.

(16) The burden of presenting evidence to support a fact or position rests on the proponent of the fact or position. Pursuant to OAR 410-120-1360, payment on a claim shall only be made for services that are adequately documented and billed in accordance with OAR 410-120-1280 and 407-120-0330 and include all applicable administrative rules and applicable contract terms related to covered services for the client's benefit package, and the establishment of conditions under which services, supplies or items are covered, including but not limited to the Prioritized List, diagnosis and procedure coding, medical appropriateness, and other applicable standards.

(17) The Administrator, in consultation with appropriate Department or Authority authorities, may grant the provider the relief sought at any time.

(18) Overpayments must be paid within 30 calendar days from the mailing date of the final audit report. The provider may submit a request to the auditor or PAU management for a payment plan to satisfy this requirement. The auditor and PAU management may not waive this overpayment requirement.

(a) A request for an administrative review or contested case hearing shall not change the date the overpayment is due or a payment plan is to commence, unless otherwise stipulated in writing by the Administrator.

(b) PAU management may extend the reimbursement period or accept an offer of payment terms. PAU must make any change in the reimbursement period or terms in writing.

(A) The request for a payment plan must be made in writing to PAU management. The auditor or PAU management shall notify the provider, in writing, of the decision regarding acceptance or denial of the request.

(B) If the payment plan is agreeable to all parties, the auditor or PAU management shall ensure the payment plan is in writing and signed by all parties. A payment plan shall include charging interest at the allowable state rate.

(c) If the provider refuses to reimburse the overpayment or does not adhere to an agreed upon payment schedule, PAU may:

(A) Recoup, in any manner available to PAU, future provider payments up to the amount of the overpayment;

(B) Pursue civil action to recover the overpayment; or

(C) Recommend suspension or termination of the provider's enrollment in the Oregon Medicaid Program.

(d) As a result of a contested case hearing or an administrative review, the amount of the overpayment may be reduced in part or in full.

(e) PAU may at any time change the amount of the overpayment in accordance with this rule. The provider shall be notified of any changes in writing by certified or registered mail. PAU shall refund the provider any monies paid to PAU in excess of the overpayment.

(f) If a provider is terminated from participation in Department or Authority programs or sanctioned for any reason, PAU may pursue civil action to recover any amounts due and payable.

(g) If the auditor, in the course of an audit, discovers the provider has continued in the same or similar improper billing practices as established or upheld if appealed, in a previously published final audit report by PAU, or has been warned in writing by the Department or Authority, PAU, or the Department of Justice about improper billing practices, the provider shall be liable to PAU for up to triple the amount of the current final audit report establishing the overpayment received by the provider as a result of such violation.

(19) Providers who conduct electronic data transactions with the Department or Authority must adhere to requirements of OAR 407-120-0100 to 407-120-0200. This rule only applies to services or items paid for by the Department or Authority. If the provider maintains financial or clinical records electronically, the provider must ensure the use of electronic record keeping systems does not alter the requirements of OAR 407-120-0370.

(a) The provider's electronic record keeping system includes electronic transactions governed by HIPAA transaction and code set requirements and records, documents, and documentation, whether maintained or stored in electronic media, including electronic record-keeping systems and information stored or backed up in an electronic medium.

(b) If the provider maintains financial or clinical records electronically, the provider must be able to provide PAU with hard copy versions, if requested. The provider must also be able to provide an auditable means of demonstrating the date the record was created, the identity of the creator of a record, the date the record was modified, what was modified in the record, and the identity of any individual who has modified the record. The provider must supply the information to individuals authorized to review the provider's records pursuant to OAR 407-120-0370(3)(e).

(c) If the provider maintains records electronically or permits the use of electronic signatures, the provider must document any aspect of the provision of services. The provider must maintain appropriate safeguards to assure the authenticity of the electronic records and signatures. The provider may not challenge the authenticity or admissibility of the electronic signature or documents in any audit, review, hearing, or other legal proceeding.

(d) Providers must comply with the documentation review requirements in OAR 407-120-0370 by providing the electronic record in an electronic format acceptable to an authorized reviewer. The authorized reviewer must agree to receive the documentation electronically.

Stat. Auth.: ORS 409.050, 411.060 & 413.032

Stats. Implemented: ORS 409.010, 409.180, 414.025, & 414.065

Hist.: OMAP 39-2005, f. 9-2-05, cert. ef. 10-1-05; Renumbered from 410-120-1505 by DHS 9-2010, f. & cert. ef. 9-1-10

Department of Human Services, Children, Adults and Families Division: Child Welfare Programs Chapter 413

Rule Caption: Changing OARs affecting Child Welfare programs.

Adm. Order No.: CWP 18-2010

Filed with Sec. of State: 9-2-2010

Certified to be Effective: 9-2-10

Notice Publication Date: 8-1-2010

Rules Amended: 413-040-0240

Rules Repealed: 413-040-0240(T)

Subject: OAR 413-040-0240 about which state is responsible for providing the financial support and medical coverage for a child when that child has been placed in another state under the Interstate Compact on the Placement of Children (ICPC) is being amended to state how the Department determines the amount of the foster care payment, if any, the child is to receive. This rule also is being amended to make permanent the temporary rule changes made effective March 15, 2010.

Rules Coordinator: Annette Tesch—(503) 945-6067

413-040-0240

Financial and Medical Responsibility of Sending Agency

(1) The sending agency is responsible for the support and maintenance of the child during the period of the placement.

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(2) The sending agency is responsible for arranging for medical coverage for the child before the child is placed with an ICPC approved family.

(3) If a child has received a special rate or personal-care rate in Oregon, it is not paid to the ICPC approved family in the receiving state. When, subsequent to ICPC approval, the Department places a child out of state with a foster parent or relative caregiver, foster care payment is determined in accordance with Child Welfare Policy I-E.5.1, "Payment for Family Foster Care, Base Rate, Shelter Care, Enhanced Shelter Care, Level of Care, Chafee Housing, and Independent Living Housing Subsidy" OAR 413-090-0000 to 413-090-0050.

Stat. Auth.: ORS 417.200 - 417.260, 418.005 & 418.647

Stats. Implemented: ORS 417.200 - 417.260, 418.005 & 418.647

Hist.: SCF 6-1995, f. 12-22-95, cert. ef. 12-29-95; SOSCF 4-2002, f. 3-28-02, cert. ef. 4-1-02; CWP 46-2003, f. 12-31-03, cert. ef. 1-1-04; CWP 3-2010(Temp), f. & cert. ef. 3-15-10 thru 9-10-10; CWP 18-2010, f. & cert. ef. 9-2-10

Department of Human Services, Children, Adults and Families Division: Self-Sufficiency Programs Chapter 461

Rule Caption: Changing OARs affecting public assistance, medical assistance, or Supplemental Nutrition Assistance Program clients.

Adm. Order No.: SSP 25-2010(Temp)

Filed with Sec. of State: 8-16-2010

Certified to be Effective: 8-16-10 thru 2-12-11

Notice Publication Date:

Rules Amended: 461-101-0010, 461-110-0630, 461-150-0055, 461-155-0180, 461-155-0225, 461-160-0700, 461-175-0200

Subject: OAR 461-101-0010 about the program acronyms the Department uses in the chapter 461 rules is being amended to include the acronyms for Express Lane Agency (ELA) and Express Lane Eligibility (ELE), and in response to House Bill 2116 (2009 Or. Laws ch. 867) revise the acronym for Oregon Health Plan Persons Under 19 (OHP-CHP).

OAR 461-110-0630 about how the Department determines the composition of a need group (the individuals whose basic and special needs are used in determining eligibility and benefit level) is being amended to state that a need group in the Healthy KidsConnect (HKC) or Oregon Health Plan (OHP) program also may be formed under Express Lane Eligibility (ELE) provisions in OAR 461-150-0055.

OAR 461-150-0055 about eligibility and budgeting in the Oregon Health Plan (OHP) program is being amended to state how the Department determines the budget month (the calendar month from which nonfinancial and financial information is used to determine a client's eligibility and benefit level) when the Department initiates a redetermination of eligibility. This rule also is being amended to state how the Department determines the composition of the need group (the individuals whose basic and special needs are used in determining eligibility and benefit level) and the income of the financial group (the individuals whose income and resources count in determining eligibility and benefit levels) when an Express Lane Agency (ELA) determination finds a child eligible for the Oregon Health Plan Persons Under 19 (OHP-CHP), Oregon Health Plan Children (OHP-OPC), or Healthy KidsConnect (HKC) program.

OAR 461-155-0180 about the poverty related income standards used in some of the Department's programs is being amended to state the monthly income standard when set at 163 percent of the 2010 federal poverty level. This rule also is being amended to restate the poverty related income standards based on the 2010 federal poverty level.

OAR 461-155-0225 about the income standards used in the Oregon Health Plan (OHP) and Refugee Assistance Medical (REFM) programs is being amended to state the Department determines the countable income standard for a child found eligible for medical

assistance benefits by an Express Lane Agency (ELA) determination under OAR 461-150-0055(5).

OAR 461-160-0700 about how the Department uses income when determining eligibility for Oregon Health Plan (OHP) and Healthy KidsConnect (HKC) program benefits is being amended to state that its provisions apply to the HKC program. This rule also is being amended to state how the Department determines the need group (the individuals whose basic and special needs are used in determining eligibility and benefit level) members and income when an Express Lane Agency (ELA) determination finds a child eligible for medical assistance benefits under OAR 461-050-0055(5).

OAR 461-175-0200 which provides general information about the decision notices (written notices of decisions by the Department regarding an individual's eligibility for benefits in a program) the Department sends to clients is being amended to state the type of notice the Department sends and what the notice must include when a child is found eligible for Healthy KidsConnect (HKC) program benefits based on an Express Lane Agency (ELA) determination.

Rules Coordinator: Annette Tesch—(503) 945-6067

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 (for instance, OSIP) and acronyms for each subprogram (for instance, OSIP-AB, OSIP-AD, and OSIP-OAA).

(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 (for instance, OSIP means OSIP-AB, OSIP-AD, and OSIP-OAA).

(4) ADC; Aid to Dependent Children. Financial aid to low-income families when children are deprived of parental support because of continued absence, death, incapacity, or unemployment. When used alone, ADC refers to all ADC programs. Use of the acronym, ADC, which stands for Aid to Dependent Children, and use of the phrase, Aid to Dependent Children, refer to the state's Temporary Assistance for Needy Families Program, and its acronym, TANF. The following codes are used for ADC subprograms:

(a) ADC-BAS; Aid to Dependent Children – Basic (includes eligibility based on continued absence, death, incapacity, or unemployment). ADC with deprivation based on unemployment is also denoted by ADC-BAS/UN.

(b) EA; Aid to Dependent Children – Emergency Assistance. Emergency cash to families without the resources to meet emergent needs.

(5) ADCM; Aid to Dependent Children Medical. Medical aid to low-income families when children are deprived of parental support, as for ADC. Use of the acronym ADCM, which stands for Aid to Dependent Children Medical, and use of the phrase Aid to Dependent Children Medical refer to EXT, MAA, MAF, and SAC programs. When used alone, ADCM refers to all ADC-related medical programs. The following codes are used for ADCM subprograms:

(a) ADCM-BAS; Aid to Dependent Children Medical – Basic.

(b) ADCM-EXT; Aid to Dependent Children Medical – Extended. ADCM-EXT provides extended medical benefits to families after their ADC benefits end.

(c) ADCM-SAC; Aid to Dependent Children Medical – Substitute or Adoptive Care. ADCM-SAC gives medical coverage to children in substitute or adoptive care.

(6) The Assessment Program (see the Pre-TANF program in this rule).

(7) BCCM; Breast and Cervical Cancer Medical program.

(8) 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.

(9) CEC; Continuous Eligibility for OHP-CHP pregnant women. Title XXI medical assistance for a pregnant non-CAWEM child found eligible for the OHP-CHP program who, for a reason other than moving out of state or becoming a recipient of private major medical health insurance, otherwise would lose her eligibility. The pregnant individual is deemed eligible for OHP-CHP through the last day of the month in which the pregnancy ends.

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(10) CEM; Continuous Eligibility for Medicaid. Title XIX medical assistance for a non-CAWEM child found eligible for Medicaid who loses his or her eligibility for a reason other than turning 19 years of age or moving out of state. The child is deemed eligible for Medicaid for the remainder of the 12 month eligibility period.

(11) 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.

(12) ELA; Express Lane Agency. A public agency identified in the State Medicaid Plan or State CHIP Plan as an agency capable of making determinations regarding one or more eligibility requirements in the OHP-OPC, OHP-CHP, or HKC programs.

(13) ELE; Express Lane Eligibility. In the OHP-OPC, OHP-CHP, and HKC programs, the Department's option to rely on a determination, made within a reasonable period, by an ELA finding that a child satisfies the requirements for OHP-OPC or OHP-CHP program eligibility. ELE qualifies a child for medical assistance benefits based on a finding from another public agency, even when the other agency's eligibility methodology differs from that ordinarily used by the Department to determine OHP-OPC, OHP-CHP, and HKC program eligibility.

(14) ERDC or ERDC-BAS; Employment Related Day Care-Basic. Helps low-income working families pay the cost of child care.

(15) EXT; Extended Medical Assistance. The Extended Medical Assistance program provides medical assistance for a period of time after a family loses its eligibility for the MAA, MAF, or Pre-TANF program due to an increase in their child support or earned income.

(16) FS; Food Stamps. Helps low-income households maintain proper nutrition by giving them the means to purchase food. Any reference to Food Stamps or FS also includes the Supplemental Nutrition Assistance Program or SNAP.

(17) GA; General Assistance. Cash assistance to low-income individuals with disabilities who do not have dependent children.

(18) GAM; General Assistance Medical. Medical assistance to clients who are eligible for the GA program but have not been found eligible for OSIPM benefits.

(19) HKC; Healthy KidsConnect. A program administered by the Office of Private Health Partnerships (OPHP) providing access to health care for children not eligible for any of the Department's other medical assistance programs. The Department determines eligibility and OPHP manages enrollment.

(20) 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.

(21) 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.

(22) 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 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.

(23) 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.

(24) MAA; Medical Assistance Assumed. The Medical Assistance Assumed program provides medical assistance to people who are eligible for the Pre-TANF program or ongoing TANF benefits.

(25) MAF; Medical Assistance to Families. The Medical Assistance to Families program provides medical assistance to people who are ineligible for MAA but are eligible for Medicaid using ADC program standards and methodologies that were in effect as of July 16, 1996.

(26) 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.

(27) OHP; Oregon Health Plan. The Oregon Health Plan Program provides medical assistance to many low-income individuals and families. The program includes five categories of people who may qualify for benefits. The acronyms for these categories are:

(a) OHP-OPU; Adults. OHP coverage for adults who qualify under the 100 percent income standard. A person eligible under OHP-OPU is referred to as a health plan new/noncategorical (HPN) client.

(b) OHP-OPC; Children. OHP coverage for children who qualify under the 100 percent income standard.

(c) OHP-OP6; Children Under 6. OHP coverage for children under age 6 who qualify under the 133 percent income standard.

(d) OHP-OPP; Pregnant Females and their newborn children. OHP coverage for pregnant females who qualify under the 185 percent income standard and their newborn children.

(e) OHP-CHP; Persons Under 19. OHP coverage for persons under 19 years of age who qualify under the 201 percent income standard.

(28) 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.

(29) 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

(30) 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.

(31) 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.

(32) 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.

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(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.

(33) REF; Refugee Assistance. Cash assistance to low-income refugee singles or married couples without children.

(34) REFM or REFM-BAS; Refugee Assistance Medical — Basic. Medical coverage for low-income refugees.

(35) The Repatriate Program helps Americans resettle in the United States if they have left a foreign land because of an emergency situation.

(36) SAC; Medical Coverage for Children in Substitute or Adoptive Care.

(37) SFDNP; Senior Farm Direct Nutrition Program. Food vouchers for low income seniors. Funded by a grant from the United States Department of Agriculture.

(38) 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).

(39) 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.

(40) TA-DVS; Temporary Assistance for Domestic Violence Survivors. Addresses the needs of clients threatened by domestic violence.

(41) 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. Cash assistance used to be known as ADC.

Stat. Auth.: 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

Stats. 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

461-110-0630 Need Group

(1) The *need group* consists of the individuals whose basic and special needs are used in determining eligibility and benefit level.

(2) In the EA, REF, and REFM programs, the need group consists of the members of the *financial group* (see OAR 461-110-0530) who meet all nonfinancial eligibility requirements, except that members disqualified for an intentional program violation are not in the need group.

(3) In the ERDC, OSIP-EPD, OSIPM-EPD, QMB, and SAC programs, the need group consists of each member of the financial group.

(4) In the EXT program, the need group consists of each member of the financial group except an individual excluded from the need group for not complying with social security number requirements under OAR 461-120-0210.

(5) In the SNAP program, the need group consists of the members of the financial group who meet all nonfinancial eligibility requirements, except the following people are not in the need group:

- (a) A member disqualified for an intentional program violation.
- (b) A fleeing felon under OAR 461-135-0560.

(c) An individual violating a condition of state or federal parole, probation, or post-prison supervision under OAR 461-135-0560.

(6) In the GA and GAM programs, the need group consists of each member of the financial group except that the following individuals may not be in the need group:

(a) A fleeing felon under OAR 461-135-0560.

(b) An individual in violation of a condition of state or federal parole, probation, or post-prison supervision under OAR 461-135-0560.

(c) An individual not complying with social security number requirements under OAR 461-120-0210.

(7) In the MAA and TANF programs, the need group is formed as follows:

(a) Except as provided in subsection (b) of this section, the need group consists of the members of the financial group who meet all nonfinancial eligibility requirements other than the citizenship and alien status requirements of OAR 461-120-0110 or the citizenship documentation requirements of OAR 461-115-0705.

(b) The need group cannot include:

(A) A parent who is in foster care and for whom foster care payments are being made.

(B) An unborn child.

(C) In the TANF program:

(i) An individual who cannot be in the need group because of a disqualification penalty.

(ii) An individual who cannot be in the need group because the individual has exceeded the 60-month time limit and does not meet any of the exceptions listed in OAR 461-135-0075.

(iii) A fleeing felon under OAR 461-135-0560.

(iv) An individual violating a condition of state or federal parole, probation, or post-prison supervision under OAR 461-135-0560.

(8) In the MAF program, the need group consists of the members of the financial group who meet all nonfinancial eligibility requirements other than the citizen and alien status requirements of OAR 461-120-0110 or the citizenship documentation requirements of OAR 461-115-0705, except for the following individuals:

(a) A parent who is in foster care and for whom foster care payments are being made.

(b) The father of an unborn child who has no eligible dependent children.

(9) In the HKC and OHP programs:

(a) An unborn child of a pregnant female is included in the need group.

(b) Except as provided in OAR 461-150-0055(5), the need group consists of each member of the financial group except an individual excluded from the need group for not complying with social security number requirements under OAR 461-120-0210.

(10) In the OSIP (except OSIP-EPD) and OSIPM (except OSIPM-EPD) programs:

(a) If a child is applying, the need group consists of the child.

(b) In all other situations, the need group consists of each member of the *financial group*.

Stat. Auth.: ORS 411.060, 411.070, 411.404, 411.704, 411.706, 411.816, 412.049, 414.025, 414.231, 414.826, 414.831, 414.839

Stats. Implemented: ORS 411.060, 411.070, 411.404, 411.704, 411.706, 411.816, 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 23-1990, f. 9-28-90, cert. ef. 10-1-90; AFS 6-1991(Temp), f. & cert. ef. 2-8-91; AFS 13-1991, f. & cert. ef. 7-1-91; AFS 20-1992, f. 7-31-92, cert. ef. 8-1-92; AFS 12-1993, f. & cert. ef. 7-1-93; AFS 19-1993, f. & cert. ef. 10-1-93; AFS 2-1994, f. & cert. ef. 2-1-94; AFS 10-1995, f. 3-30-95, cert. ef. 4-1-95; AFS 36-1996, f. 10-31-96, cert. ef. 11-1-96; 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 13-2002, f. & cert. ef. 10-1-02; 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 6-2006, f. 3-31-06, cert. ef. 4-1-06; SSP 7-2006(Temp), f. 3-31-06, cert. ef. 4-1-06 thru 9-28-06; 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 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 17-2008, f. & cert. ef. 7-1-08; SSP 13-2009, f. & cert. ef. 7-1-09; 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

461-150-0055

Eligibility and Budgeting; OHP

In the OHP program:

(1) The budget month (see OAR 461-001-0000) is:

(a) For a new applicant, the month of application.

(b) For a client reapplying at the end of an OHP certification period (see OAR 461-001-0000), no longer eligible for his or her current OHP program, or moving from the BCCM, EXT, GAM, MAA, MAF, OSIPM, REFM, or SAC programs to the OHP program, the last month of the current eligibility (see OAR 461-001-0000) period.

(c) When the Department initiates a redetermination of eligibility, the month the Department initiates a date of request (see OAR 461-115-0030).

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(d) For an individual joining a filing group (see OAR 461-110-0400), the month in which the individual requests medical benefits.

(e) For a late reapplication, the month the Department receives the new application.

(f) For a new applicant or current recipient who is not eligible using the budget month described in subsections (1)(a) to (1)(d) of this rule, any month falling within 45 days after the date of request.

(2) Countable (see OAR 461-001-0000) income is determined as follows:

(a) Income is considered available during a month under OAR 461-140-0040.

(b) Income is not annualized, converted, or prorated.

(c) For a self employed client, countable self-employment income is determined under OAR 461-145-0920 and 461-145-0930.

(3) Except as provided in section (5) of this rule, the average countable income of the *financial group* (see OAR 461-110-0530) is calculated as follows:

(a) The income of the financial group from the month prior to the budget month and the actual income already received in the budget month plus income that reasonably may be expected to be received in the budget month is added.

(b) The total is divided by two, and the result is the average countable income assigned to the budget month of the financial group.

(c) The average countable income of the financial group is used to determine eligibility for OHP under OAR 461-160-0700.

(d) When an ELA determination finds a child eligible for medical assistance benefits, the income of the financial group to which the child belongs is determined under section (5) of this rule.

(4) A change in income or resources during a certification period (see OAR 461-001-0000) does not affect the eligibility of the benefit group (see OAR 461-110-0750) for that certification period.

(5) In the OHP-CHP, OHP-OPC, and HKC programs, when an ELA determination finds a child found eligible for medical assistance and the child meets all other OHP-CHP, OHP-OPC, or HKC program nonfinancial eligibility requirements, the number of need group (see OAR 461-110-0630) members is the same as the number of eligibility group members as determined by the ELA. The countable income of the financial group is the same as the income amount determined by the ELA.

(a) A child is deemed eligible for the OHP-OPC, OHP-CHP, or HKC program as follows:

(A) If the income of the need group is below 163 percent of the federal poverty level (FPL) as listed in OAR 461-155-0180, the Department deems the child eligible for OHP-OPC.

(B) If the income of the *need group* is at or above 163 percent of the FPL but under 201 percent of the FPL, the Department deems the child eligible for OHP-CHP.

(C) If the income of the need group is at or above 201 percent of the FPL, the Department deems the child eligible for HKC.

(b) If the income of the *need group* is above 301 percent of the FPL, the Department determines eligibility using the standard medical assistance eligibility determination processes.

Stat. Auth.: ORS 411.060, 414.042

Stats. Implemented: ORS 411.060, 411.700, 414.042

Hist.: AFS 2-1994, f. & cert. ef. 2-1-94; AFS 22-1995, f. 9-20-95, cert. ef. 10-1-95; AFS 10-1998, f. 6-29-98, cert. ef. 7-1-98; AFS 24-1998(Temp), f. 11-30-98, cert. ef. 12-1-98 thru 3-31-99; AFS 2-1999, f. 3-26-99, cert. ef. 4-1-99; AFS 3-2000, f. 1-31-00, cert. ef. 2-1-00; AFS 3-2000, f. 1-31-00, cert. ef. 2-1-00; SSP 1-2003, f. 1-31-03, cert. ef. 2-1-03; SSP 4-2005, f. & cert. ef. 4-1-05; SSP 7-2005, f. & cert. ef. 7-1-05; 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 13-2009, f. & cert. ef. 7-1-09; 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 25-2010(Temp), f. & cert. ef. 8-16-10 thru 2-12-11

461-155-0180

Poverty Related Income Standards; Not OSIP, OSIPM, QMB, TANF

(1) A Department program may cite this rule if the program uses a monthly income standard based on the federal poverty level.

(2) A monthly income standard set at 100 percent of the 2010 federal poverty level is set at the following amounts: [Table not included. See ED. NOTE.]

(3) A monthly income standard set at 133 percent of the 2010 federal poverty level is set at the following amounts: [Table not included. See ED. NOTE.]

(4) A monthly income standard set at 150 percent of the 2010 federal poverty level is set at the following amounts: [Table not included. See ED. NOTE.]

(5) A monthly income standard set at 163 percent of the 2010 federal poverty level is set at the following amounts: [Table not included. See ED. NOTE.]

(6) A monthly income standard set at 185 percent of the 2010 federal poverty level is set at the following amounts: [Table not included. See ED. NOTE.]

(7) A monthly income standard set at 200 percent of the 2010 federal poverty level is set at the following amounts: [Table not included. See ED. NOTE.]

(8) A monthly income standard set at 201 percent of the 2010 federal poverty level is set at the following amounts: [Table not included. See ED. NOTE.]

[ED. NOTE: Tables referenced are available from the agency.]

Stat. Auth.: ORS 411.060, 411.070, 411.816 & 412.049

Stats. Implemented: ORS 411.060, 411.070, 411.816 & 412.049

Hist.: SSP 10-2006, f. 6-30-06, cert. ef. 7-1-06; SSP 1-2007, f. & cert. ef. 1-24-07; SSP 1-2008(Temp), f. & cert. ef. 1-24-08 thru 6-30-08; SSP 17-2008, f. & cert. ef. 7-1-08; SSP 1-2009, f. & cert. ef. 1-27-09; SSP 29-2009(Temp), f. & cert. ef. 10-1-09 thru 3-30-10; SSP 4-2010, f. & cert. ef. 3-31-10; SSP 25-2010(Temp), f. & cert. ef. 8-16-10 thru 2-12-11

461-155-0225

Income Standard; OHP, REFM

(1) In the OHP program:

(a) If a *financial group* (see OAR 461-110-0530) contains a person with significant authority in a business entity — a “principal” as defined in OAR 461-145-0088 — the group is ineligible if the gross income assigned to the budget month (see OAR 461-001-0000) of the business entity exceeds \$10,000. If the need group (see OAR 461-110-0630) is not ineligible under this section, its eligibility is evaluated under subsection (b) of this section.

(b) The countable (see OAR 461-001-0000) income standards are as follows:

(A) Except for a child found eligible for medical assistance based on an ELA determination, the countable income standard for OHP-OPC and OHP-OPU is 100 percent of the federal poverty level, as listed in OAR 461-155-0180(2), based on the size of the need group.

(B) The *countable income* standard for OHP-OP6 is 133 percent of the federal poverty level, as listed in OAR 461-155-0180(3), based on the size of the need group.

(C) The *countable income* standard for OHP-OPP is 185 percent of the federal poverty level, as listed in OAR 461-155-0180(5), based on the size of the need group.

(D) The *countable income* standard for OHP-CHP is below 201 percent of the federal poverty level, as listed in OAR 461-155-0180(7), based on the size of the need group.

(E) The *countable income* standard for a child found eligible for medical assistance based on an ELA determination is determined under 461-150-0055(5).

(2) In the REFM program, the income standard is 200 percent of the federal poverty level, as listed in OAR 461-155-0180(6), based on the size of the need group.

Stat. Auth.: ORS 409.050, 411.060, 411.070, 411.404, 414.231

Stats. Implemented: ORS 411.060, 411.070, 411.404, 414.231

Hist.: AFS 2-1994, f. & cert. ef. 2-1-94; AFS 6-1994, f. & cert. ef. 4-1-94; AFS 10-1995, f. 3-30-95, cert. ef. 4-1-95; AFS 16-1996, f. 4-29-96, cert. ef. 5-1-96; AFS 5-1997, f. 4-30-97, cert. ef. 5-1-97; 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 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 10-1998, f. 6-29-98, cert. ef. 7-1-98; AFS 3-1999, f. 3-31-99, cert. ef. 4-1-99; AFS 10-2000, f. 3-31-00, cert. ef. 4-1-00; AFS 6-2001, f. 3-30-01, cert. ef. 4-1-01; AFS 5-2002, f. & cert. ef. 4-1-02; AFS 13-2002, f. & cert. ef. 10-1-02; SSP 1-2003, f. 1-31-03, cert. ef. 2-1-03; SSP 2-2003(Temp), f. & cert. ef. 2-7-03 thru 6-30-03; SSP 7-2003, f. & cert. ef. 4-1-03; SSP 2-2004(Temp), f. & cert. ef. 2-13-04 thru 3-31-04; SSP 8-2004, f. & cert. ef. 4-1-04; SSP 22-2004, f. & cert. ef. 10-1-04; SSP 2-2005, f. & cert. ef. 2-18-05; SSP 1-2006, f. & cert. ef. 1-24-06; SSP 10-2006, f. 6-30-06, cert. ef. 7-1-06; 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 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 25-2010(Temp), f. & cert. ef. 8-16-10 thru 2-12-11

461-160-0700

Use of Income; OHP

In the OHP and HKC programs, the Department uses income to determine eligibility as follows:

(1) The average countable income of the financial group (see OAR 461-110-0530) assigned to the budget month (see OAR 461-001-0000) is determined under OAR 461-150-0055.

(2) When an ELA determination finds a child eligible, the need group (see OAR 461-110-0630) members and income are determined under OAR 461-150-0055(5).

(3) For each member of the need group the average countable (see OAR 461-001-0000) income of the financial group assigned to the budget month is compared to the applicable OHP program income standard. If the average countable income of the financial group is below the applicable income standard for the need group size and all other financial and non-financial eligibility requirements are met, the need group member is eligi-

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ble for OHP program benefits. If the average countable income of the financial group equals or exceeds the applicable OHP program income standard, the need group member is ineligible for OHP program benefits except as provided by section (3) of this rule.

(4) The following members of the need group who are not eligible under section (2) of this rule are eligible for OHP program benefits if all other financial and non-financial eligibility requirements are met and the countable income of the financial group, received or anticipated to be received in the budget month, is below the applicable OHP program income standard:

- (a) OHP-CHP program clients.
- (b) OHP-OPC program clients.
- (c) OHP-OP6 program clients.
- (d) OHP-OPP program clients.
- (e) Victims of domestic violence.

Stat. Auth.: ORS 411.060, 411.070, 411.083, 411.404, 414.025, 414.231
Stats. Implemented: ORS 411.060, 411.070, 411.083, 411.404, 414.025, 414.231
Hist.: AFS 2-1994, f. & cert. ef. 2-1-94; AFS 22-1995, f. 9-20-95, cert. ef. 10-1-95; AFS 8-1998, f. 4-28-98, cert. ef. 5-1-98; AFS 10-1998, f. 6-29-98, cert. ef. 7-1-98; AFS 24-1998(Temp), f. 11-30-98, cert. ef. 12-1-98 thru 3-31-99; AFS 2-1999, f. 3-26-99, cert. ef. 4-1-99; SSP 1-2003, f. 1-31-03, cert. ef. 2-1-03; SSP 6-2006, f. 3-31-06, cert. ef. 4-1-06; 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 25-2010(Temp), f. & cert. ef. 8-16-10 thru 2-12-11

461-175-0200

Notice Situations; General Information

(1) In the EA program, a basic decision notice (see OAR 461-001-0000) is sent for all situations.

(2) In the SNAP program:

(a) A continuing benefit decision notice (see OAR 461-001-0000) is sent to cases that are recertified early to align the SNAP certification end date with the end date of TANF or medical benefits.

(b) A basic decision notice is sent for all other actions on applications for assistance.

(3) In the JOBS program:

(a) A basic decision notice is sent whenever a request for a support service payment is denied.

(b) No decision notice is required if request for a support service is approved.

(4) In the TANF program, a notice approving benefits informs the client, within one month following eligibility determination, of the opportunity to volunteer for JOBS participation and of the procedure for JOBS program entry.

(5) In the Pre-TANF program, a basic decision notice is sent when payment for basic living expenses is denied or when payment for other support services in the JOBS program is denied. No other notices are required for this program.

(6) In the TA-DVS program, a basic decision notice (see OAR 461-001-0000) is sent to a safe mailing address or hand delivered for all situations. This includes when the program is approved, denied, or closed (prior to the end of the 90 day eligibility period) and when a payment under the program is denied.

(7) In all programs except the Pre-TANF program, unless stated differently in this rule or another rule, the Department mails or otherwise provides the client with (sends) a decision notice (see OAR 461-001-0000) as follows:

(a) A basic decision notice is sent whenever an application for assistance, including retroactive medical assistance, is approved or denied or a request for a support service payment in the JOBS program is denied.

(b) A timely continuing benefit decision notice (see OAR 461-001-0000) is sent whenever benefits or support service payments authorized by OAR 461-190-0211 are reduced or closed, or the method of payment changes to protective, vendor, or two-party.

(8) In all programs:

(a) Notwithstanding any rule in Chapter 461, to the extent permitted by OAR 137-003-0530, the Department may take any of the following actions:

(A) Amend a decision notice with another decision notice or a contested case notice.

(B) Amend a contested case notice.

(C) Delay a reduction or closure of benefits as a result of a client's request for hearing.

(D) Extend the effective date on a decision notice or contested case notice.

(b) Except as provided in subsection (a) of this section or when a delay results from the client's request for a hearing, a notice to reduce or close benefits becomes void if the reduction or closure is not initiated on

the date stated on the notice. If the notice is void, a new notice is sent to inform the financial group (see OAR 461-110-0530) of a new date on which their benefits will be reduced or closed.

(c) No decision notice is required in each of the following situations:

(A) Benefits are ended because there is no living person in the benefit group (see OAR 461-110-0750).

(B) A notice was sent, the client requested a hearing, and either the hearing request is dismissed or a final order is issued.

(C) The client has signed a voluntary agreement that qualifies as a final order under ORS 183.417(3)(b) (see OAR 461-175-0340(2)).

(D) A decision notice that included the eligibility begin and end dates was given for TA-DVS program benefits and the 90 day eligibility period ends.

(d) When the Department amends a decision notice with another decision notice under subsection (a) of this section, the date of the amended notice restarts the client's deadlines to request a hearing or continuing benefits, or both.

(e) When a contested case notice extends an effective date or delays a reduction or closure, the date of the amended notice restarts a client's timeline to request continuing benefits.

(f) When a client has a pending hearing request or is receiving continuing benefits, and the Department amends a notice under this section, the client need not re-file the hearing request or renew the request for continuing benefits.

(9) In the HKC program, when a child is found eligible for HKC program benefits based on an ELA determination, the Department sends a basic decision notice stating that the child may qualify for HKC program benefits with a lower or no premium payments if the Department makes an eligibility determination under the Department's regular process.

Stat. Auth.: ORS 183.415, 183.417, 411.060, 411.070, 411.117, 411.404, 411.706, 411.816, 412.014, 412.049, 414.231, 414.826

Stats. Implemented: ORS 183.415, 183.417, 411.060, 411.070, 411.117, 411.404, 411.706, 411.816, 412.014, 412.049, 414.231, 414.826

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 28-1992, f. & cert. ef. 10-1-92; AFS 29-1993, f. 12-30-93, cert. ef. 1-1-94; 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 23-1995, f. 9-20-95, cert. ef. 10-1-95; AFS 42-1996, f. 12-31-96, cert. ef. 1-1-97; AFS 9-1997, f. & cert. ef. 7-1-97; AFS 9-1999, f. & cert. ef. 7-1-99; AFS 25-2000, f. 9-29-00, cert. ef. 10-1-00; AFS 34-2000, f. 12-22-00, cert. ef. 1-1-01; AFS 27-2001, f. 12-21-01, cert. ef. 1-1-02; 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 21-2004, f. & cert. ef. 10-1-04; SSP 4-2005, f. & cert. ef. 4-1-05; SSP 7-2007, f. 6-29-07, cert. ef. 7-1-07; SSP 10-2007, f. & cert. ef. 10-1-07; SSP 16-2007(Temp), f. 12-31-07, cert. ef. 1-1-08 thru 6-27-08; SSP 8-2008, f. & cert. ef. 4-1-08; SSP 11-2008(Temp), f. & cert. ef. 4-7-08 thru 9-30-08; SSP 17-2008, f. & cert. ef. 7-1-08; SSP 28-2009, f. & cert. ef. 10-1-09; SSP 3-2010(Temp), f. & cert. ef. 2-23-10 thru 8-22-10; SSP 18-2010, f. & cert. ef. 7-1-10; SSP 25-2010(Temp), f. & cert. ef. 8-16-10 thru 2-12-11

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Rule Caption: Changing OARs affecting public assistance, medical assistance, or Supplemental Nutrition Assistance Program clients.

Adm. Order No.: SSP 26-2010(Temp)

Filed with Sec. of State: 8-16-2010

Certified to be Effective: 8-16-10 thru 2-12-11

Notice Publication Date:

Rules Amended: 461-025-0311, 461-135-0210, 461-155-0030, 461-155-0035, 461-155-0320, 461-175-0010, 461-175-0250, 461-193-0560

Subject: OAR 461-025-0311 about which clients may be eligible for continuing benefits pending a contested case hearing in the Department's public assistance, medical and supplemental nutrition assistance programs is being amended to state that there is no right to continuing benefits in the Department's programs when the pending contested case hearing is due to a mass change reducing, ending, or otherwise changing program benefits.

OAR 461-135-0210 about when a Temporary Assistance for Needy Families (TANF) program client or caretaker relative of a TANF program client may receive a cooperation incentive (a payment made to a JOBS program client to motivate and recognize progress toward employment and self-sufficiency) is being amended to state that the cooperation incentive payments end effective September 30, 2010.

OAR 461-155-0030 about the income and payment standards in the Refugee Assistance (REF) and Temporary Assistance for Needy Families (TANF) programs is being amended to state the payment

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standard (used to calculate cash benefits for a need group with an adult) that will become effective on October 1, 2010.

OAR 461-155-0035 about how the Department determines the amount of the payment for a cooperation incentive (a monthly payment added to the cash grant) for a need group (the individuals whose basic and special needs are used in determining eligibility and benefit level) in the Refugee Assistance (REF) and Temporary Assistance for Needy Families (TANF) programs is being amended to state that the cooperation incentive payments end effective September 30, 2010.

OAR 461-155-0320 about the payment standards (used to calculate cash benefits for a need group) in the State Family Pre-SSI/SSDI (SFPSS) program is being amended to state the payment standards that will become effective on October 1, 2010. The payment standards are being lowered due to Department budget cuts.

OAR 461-175-0010 about what information a decision notice the Department sends to a client must include is being amended to include mass changes to payments in a program operated by the Department.

OAR 461-175-0250 about the notice the Department sends to clients when making a mass change to program eligibility or benefit levels is being amended to include mass changes to payments in a program operated by the Department.

OAR 461-193-0560 about the payment standards (used to calculate cash benefits for a client) in the Refugee Case Services Project (RCSP) program is being amended to state the payment standards that will become effective on October 1, 2010.

Rules Coordinator: Annette Tesch—(503) 945-6067

461-025-0311

Continuation of Benefits

(1) This rule explains who may receive continuing benefits while a contested case pends.

(2) Except as provided otherwise in this rule, a client who is entitled to a continuing benefit decision notice under a rule in division 175 of this chapter of rules may, at the option of the client, receive continuing benefits, in the same manner and same amount, until a final order resolves the contested case. To be entitled to continuing benefits, the client must complete a hearing request not later than the later of:

- (a) The tenth day following the date of the notice; and
- (b) The effective date of the action proposed in the notice.

(3) The continuing benefits are subject to modification based on additional changes affecting the client's eligibility or level of benefits.

(4) In determining timeliness under section (2) of this rule, delay caused by circumstances beyond the control of the claimant is not counted.

(5) If benefits are reduced or closed to reflect cost-of-living adjustments in benefits or other mass change under a program operated by a federal agency or to reflect a mass change to payments in a program operated by the Department, the continuation of benefits pending the outcome of a contested case hearing is not available.

(6) In the REF and REFM programs, individuals are not entitled to continuing benefits when the issue in question is regarding the termination of benefits because the eligibility time period imposed by OAR 461-135-0900 has been reached.

Stat. Auth.: ORS 409.010, 409.050, 411.060, 411.404, 411.408, 411.816, 412.014, 412.049
Stats. Implemented: ORS 409.010, 409.050, 411.060, 411.404, 411.408, 411.816, 412.014, 412.049

Hist.: AFS 25-2000, f. 9-29-00, cert. ef. 10-1-00; AFS 22-2001, f. & cert. ef. 10-1-01; AFS 27-2001, f. 12-21-01, cert. ef. 1-1-02; SSP 28-2003(Temp), f. 10-31-03, cert. ef. 11-1-03 thru 12-31-03; SSP 33-2003, f. 12-31-03, cert. ef. 1-4-04; SSP 14-2006, f. 9-29-06, cert. ef. 10-1-06; SSP 17-2008, f. & cert. ef. 7-1-08; SSP 26-2010(Temp), f. & cert. ef. 8-16-10 thru 2-12-11

461-135-0210

TANF Cooperation Incentive Payment

(1) Except as provided in section (3) of this rule, a TANF client or caretaker relative (see OAR 461-001-0000) of a TANF client who volunteers to comply, and continues to comply, with a case plan in the JOBS program (see OAR 461-001-0025) may volunteer to receive an incentive payment. The incentive payment is made to clients in the JOBS program to motivate and recognize their progress toward employment and self-sufficiency. The incentive payment, in the amount authorized by OAR 461-155-0035, is added to the client's cash grant if the client meets the requirements of this rule and volunteers to receive the payment.

(2) A TANF client or caretaker relative of a TANF client may not receive the incentive payment if the client's grant is reduced because of an intentional program violation (see OAR 461-195-0611), a failure to comply with a requirement of the Child Support program (see OAR 461-120-0340), or a failure to comply with any other requirement of the TANF program.

(3) All Cooperation Incentive payments end on September 30, 2010. Beginning October 1, 2010, no client in the TANF program will receive a Cooperation Incentive Payment.

Stat. Auth.: ORS 409.010, 409.050, 411.060, 411.070, 412.006, 412.049

Stats. Implemented: ORS 409.010, 409.050, 411.060, 411.070, 412.006, 412.049

Hist.: AFS 41-1996(Temp), f. & cert. ef. 12-31-96; AFS 3-1997, f. 3-31-97, cert. ef. 4-1-97; AFS 9-1997, f. & cert. ef. 7-1-97; AFS 9-1999, f. & cert. ef. 7-1-99; AFS 15-1999, f. 11-30-99, cert. ef. 12-1-99; AFS 23-2000(Temp), f. 9-29-00, cert. ef. 10-1-00 thru 12-31-00; AFS 34-2000, f. 12-22-00, cert. ef. 1-1-01; SSP 15-2006, f. 12-29-06, cert. ef. 1-1-07; SSP 26-2010(Temp), f. & cert. ef. 8-16-10 thru 2-12-11

461-155-0030

Income and Payment Standards; MAA, MAF, REF, SAC, TANF

In the MAA, MAF, REF, SAC, and TANF programs, the income standards are as follows:

(1) The Countable Income Limit Standard is the amount set as the maximum countable income limit.

(a) For each need group (see OAR 461-110-0630) in the REF and TANF programs containing an adult and for all need groups in the MAA, MAF, and SAC programs, the following table is used: [Table not included. See ED. NOTE.]

(b) In the TANF program, a caretaker relative (see OAR 461-001-0000) other than a parent (see OAR 461-001-0000) who chooses not to be included in the need group is subject to the "no-adult countable income limit standard" for the need group under subsection (c) of this section. The "non-needy countable income limit standard" for the filing group is as follows: [Table not included. See ED. NOTE.]

(c) In the REF and TANF programs, when the need group contains no adults, the "no adult countable income limit standard" is calculated as follows:

(A) Refer to the Countable Income Limit Standard for need groups with adults. Use the standard for the number of individuals in the household group (see OAR 461-110-0210).

(B) Divide the standard in paragraph (A) of this subsection by the number of individuals in the household group. Round this figure down to the next lower whole number if the figure is not a whole number.

(C) Multiply the figure from paragraph (B) of this subsection by the number of individuals in the need group. The result is the standard.

(2) The Adjusted Income/Payment Standard is used as the adjusted income limit and to calculate cash benefits for need groups with an adult.

(a) For need groups containing an adult in the REF and TANF programs and for all need groups in the MAA, MAF, and SAC programs, except as provided otherwise in subsection (b) of this section, the following table is used: [Table not included. See ED. NOTE.]

(b) Effective October 1, 2010, the following Payment Standard is used to calculate cash benefits for a need group with an adult. For a need group containing an adult in the REF and TANF programs, the following table is used: [Table not included. See ED. NOTE.]

(c) In the REF and TANF programs, when the need group contains no adult, the No-Adult Adjusted Income/Payment Standard is calculated as follows:

(A) Refer to the Adjusted Income/Payment Standard for need groups with adults. Use the standard for the number of individuals in the household group.

(B) Divide the standard in paragraph (A) of this subsection by the number of individuals in the household group. Round this figure down to the next lower whole number if the figure is not a whole number.

(C) Multiply the figure from paragraph (B) of this subsection by the number of individuals in the need group.

(D) Add \$12 to the figure calculated in paragraph (C) of this subsection.

[ED. NOTE: Tables referenced are available from the agency.]

Stat. Auth.: ORS 409.010, 409.050, 411.060, 411.070, 411.400, 412.006, 412.049, 412.124
Stats. Implemented: ORS 409.010, 409.050, 411.060, 411.070, 411.400, 412.006, 412.049, 412.124

Hist.: AFS 80-1989, f. & cert. ef. 2-1-90; 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 13-1991, f. & cert. ef. 7-1-91; AFS 13-1995, f. 6-29-95, cert. ef. 7-1-95; AFS 32-1996(Temp), f. & cert. ef. 9-23-96; AFS 42-1996, f. 12-31-96, cert. ef. 1-1-97; AFS 9-1997, f. & cert. ef. 7-1-97; SSP 33-2003, f. 12-31-03, cert. ef. 1-4-04; SSP 7-2006(Temp), f. 3-31-06, cert. ef. 4-1-06 thru 9-28-06; SSP 10-2006, f. 6-30-06, cert. ef. 7-1-06; SSP 6-2007(Temp), f. 6-29-07, cert. ef. 7-1-07 thru 9-30-07; SSP 10-2007, f. & cert. ef. 10-1-07; SSP 8-2009(Temp), f. 4-20-09, cert. ef. 5-1-09 thru 10-28-09; SSP 28-2009, f. & cert. ef. 10-1-09; SSP 26-2010(Temp), f. & cert. ef. 8-16-10 thru 2-12-11

ADMINISTRATIVE RULES

461-155-0035

Cooperation Incentive Payment Standard; REF, TANF

(1) The cooperation incentive is a monthly payment added to the TANF cash grant. OAR 461-135-0210 explains who is eligible for this incentive payment.

(2) Except as provided in section (4) of this rule, when there is an adult in the need group, the incentive payment is based on the number of people in the need group as follows:

- (a) One person — \$26
- (b) Two people — \$32
- (c) Three people — \$43
- (d) Four people — \$52
- (e) Five people — \$52
- (f) Six people — \$75
- (g) Seven people — \$75
- (h) Eight or more people — \$109

(3) Except as provided in section (4) of this rule, when there is no adult in the need group, the incentive is calculated as follows:

(a) The payment authorized by section (1) of this rule is determined based on the number of people in the household group rather than in the need group. For instance, if there are three people in the household group, the amount used for this calculation is \$43.

(b) The figure obtained in subsection (a) of this section is divided by the number of people in the household group, and the result is rounded to the next lower whole number.

(c) The figure obtained in subsection (b) of this section is multiplied by the number of people in the need group. The result is the incentive payment.

(4) All Cooperation Incentive payments end on September 30, 2010. Beginning October 1, 2010, no client in the REF or TANF program will receive a Cooperation Incentive Payment.

Stat. Auth.: ORS 409.050, 411.060, 411.070, 412.006, 412.049
Stats. Implemented: ORS 409.050, 411.060, 411.070, 412.006, 412.049
Hist.: AFS 23-2000(Temp), f. 9-29-00, cert. ef. 10-1-00 thru 12-31-00; AFS 34-2000, f. 12-22-00, cert. ef. 1-1-01; AFS 23-2002(Temp), f. 12-31-02, cert. ef. 1-1-03 thru 6-30-03; SSP 16-2003, f. & cert. ef. 7-1-03; SSP 24-2003(Temp), f. & cert. ef. 10-1-03 thru 12-31-03; SSP 33-2003, f. 12-31-03, cert. ef. 1-4-04; SSP 17-2004, f. & cert. ef. 7-1-04; SSP 26-2010(Temp), f. & cert. ef. 8-16-10 thru 2-12-11

461-155-0320

Payment Standard; SFPSS

In the SFPSS program:

(1) Except as provided in section (3) of this rule, the following payment standards apply:

(a) When one adult in the *filing group* (see OAR 461-110-0330) is applying for SSI: [Table not included. See ED. NOTE.]

(b) When two or more adults in the filing group are applying for SSI: [Table not included. See ED. NOTE.]

(2) Except as provided in section (3) of this rule, the standard for eleven individuals or more in the need group (see OAR 461-110-0530) is the sum of the payment for ten individuals in the need group, plus \$109 for each additional individual in the need group, plus the cooperation incentive for ten individuals in the need group.

(3) Effective October 1, 2010, the following payment standards apply:

(a) When one adult in the *filing group* (see OAR 461-110-0330) is applying for SSI: [Table not included. See ED. NOTE.]

(b) When two or more adults in the filing group are applying for SSI: [Table not included. See ED. NOTE.]

(c) The standard for eleven individuals or more in the need group is the sum of the SSI amount for ten individuals in the need group, plus the payment for ten individuals in the need group, plus \$110 for each additional individual in the need group.

[ED. NOTE: Tables referenced are available from the agency.]
Stat. Auth.: ORS 409.050, 411.060, 411.070, 412.006, 412.014, 412.049
Stats. Implemented: ORS 409.050, 411.060, 411.070, 412.006, 412.014, 412.049
Hist.: SSP 11-2007(Temp), f. & cert. ef. 10-1-07 thru 3-29-08; 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 23-2008, f. & cert. ef. 10-1-08; SSP 26-2008, f. 12-31-08, cert. ef. 1-1-09; SSP 26-2010(Temp), f. & cert. ef. 8-16-10 thru 2-12-11

461-175-0010

What a Decision Notice Must Include

(1) A *decision notice* (see OAR 461-001-0000):

(a) Specifies the date the notice is mailed, which is the effective date for a basic decision notice (see OAR 461-001-0000).

(b) Except as provided in section (2) of this rule, specifies the action the Department intends to take and the effective date of the action.

(c) Specifies the reasons for the action.

(d) In the SNAP program, except as provided in paragraph (2)(c)(B) of this rule, provides the name and phone number of the Department staff person or identifies the office to contact for additional information.

(e) Informs the client of the extent to which the client has a right to a hearing before an impartial person.

(f) Specifies the method and deadline for requesting a hearing.

(g) Informs the client of the right to representation, including legal counsel, and the right to have witnesses testify on his or her behalf.

(h) Provides information about the availability of free legal help.

(i) Cites the rules that support the action.

(2) If benefits are reduced or closed to reflect cost-of-living adjustments in benefits or any other mass change under a program operated by a federal agency or to reflect a mass change to payments in a program operated by the Department:

(a) The requirements in subsection (1)(b) of this rule are optional. Instead of specifying the action the Department intends to take and the effective date of the action, the decision notice may state all of the following:

(A) The general nature of the change.

(B) Examples of how the change affects a client's benefits.

(C) The month in which the change will take place.

(b) The decision notice must also state the client's right to continue receiving benefits.

(c) In the SNAP program:

(A) The decision notice must also state under what circumstances benefits will be continued pending a hearing.

(B) The requirements in subsection (1)(d) of this rule are optional. A decision notice may indicate instead that a client may contact a local office or worker for additional information.

(3) In the SNAP program, a continuing benefit decision notice (see OAR 461-001-0000) and a decision notice under section (2) of this rule also must state that the client's household will incur a liability for any overissued benefits if:

(a) Benefits are continued pending the hearing; and

(b) The hearing decision is adverse to the client.

Stat. Auth.: ORS 411.060, 411.404, 411.816, 412.049
Stats. Implemented: ORS 411.060, 411.404, 411.816, 412.049
Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 19-1993, f. & cert. ef. 10-1-93; AFS 6-1994, f. & cert. ef. 4-1-94; AFS 23-1994, f. 9-29-94, cert. ef. 10-1-94; AFS 40-1995, f. 12-26-95, cert. ef. 1-1-96; AFS 17-1998, f. & cert. ef. 10-1-98; AFS 3-2000, f. 1-31-00, cert. ef. 2-1-00; AFS 25-2000, f. 9-29-00, cert. ef. 10-1-00; AFS 23-2002(Temp), f. 12-31-02, cert. ef. 1-1-03 thru 6-30-03; SSP 16-2003, f. & cert. ef. 7-1-03; SSP 22-2004, f. & cert. ef. 10-1-04; 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 28-2009, f. & cert. ef. 10-1-09; SSP 26-2010(Temp), f. & cert. ef. 8-16-10 thru 2-12-11

461-175-0250

Notice Situation; Mass Changes

(1) If benefits are reduced or closed to reflect cost-of-living adjustments in benefits or other mass change under a program operated by a federal agency or to reflect a mass change to payments in a program operated by the Department:

(a) Except as provided in subsection (b) of this section, the type of decision notice (see OAR 461-001-0000) used is the same as otherwise applies to the reduction or closure of benefits under the rules of this division.

(b) In the SNAP program, a continuing benefits decision notice (see OAR 461-001-0000) may be used if the rules in this division of rules would otherwise require a timely continuing benefits decision notice (see OAR 461-001-0000).

(c) OAR 461-175-0010(2) and (3) modify the content requirements for the decision notice that apply to other decision notices under OAR 461-175-0010(1).

(2) In the SNAP program, no decision notice is required when the Department makes the following mass changes:

(a) An annual adjustment to income limits, the shelter deduction, or the standard deduction.

(b) An annual adjustment to a standard utility allowance.

Stat. Auth.: ORS 409.010, 409.050, 411.060, 411.816, 412.014, 412.049
Stats. Implemented: ORS 409.010, 409.050, 411.060, 411.816, 412.014, 412.049
Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 13-1994, f. & cert. ef. 7-1-94; 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; SSP 22-2004, f. & cert. ef. 10-1-04; SSP 15-2006, f. 12-29-06, cert. ef. 1-1-07; SSP 20-2003, f. & cert. ef. 8-15-03; SSP 7-2007, f. 6-29-07, cert. ef. 7-1-07; SSP 26-2010(Temp), f. & cert. ef. 8-16-10 thru 2-12-11

461-193-0560

Payment Standards; Refugee Case Services Project (RCSP)

In the RCSP program:

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(1) Except as provided in section (2) of this rule, the cash assistance payment standard amount for a client is the sum total of the TANF payment standard under OAR 461-155-0030(2) plus the Cooperation Incentive under OAR 461-155-0035(2).

(2) Effective October 1, 2010, the cash assistance payment standard amount for a client is the same as the TANF payment standard under OAR 461-155-0030(2)(b).

Stat. Auth.: ORS 409.010, 409.050, 411.060, 411.070, 412.006, 412.049
Stats. Implemented: ORS 409.010, 409.050, 411.060, 411.070, 412.006, 412.049
Hist.: AFS 25-1991, f. 12-30-91, cert. ef. 1-1-92; AFS 2-1994, f. & cert. 2-1-94; AFS 34-1996, f. 9-26-96, cert. ef. 10-1-96; AFS 6-1997, f. 5-28-97, cert. ef. 6-1-97; AFS 19-1997, f. & cert. ef. 10-1-97; AFS 25-2002(Temp), f. 12-31-02, cert. ef. 1-1-03 thru 6-30-03; SSP 3-2003(Temp), f. & cert. ef. 2-14-03 thru 6-30-03; SSP 18-2003, f. & cert. ef. 7-1-03; SSP 27-2003(Temp), f. & cert. ef. 10-1-03 thru 12-31-03; SSP 34-2003, f. 12-31-03 cert. ef. 1-1-04; SSP 7-2009, f. & cert. ef. 4-1-09; SSP 26-2010(Temp), f. & cert. ef. 8-16-10 thru 2-12-11

Rule Caption: Changing OARs affecting public assistance, medical assistance, or Supplemental Nutrition Assistance Program clients.

Adm. Order No.: SSP 27-2010(Temp)

Filed with Sec. of State: 8-16-2010

Certified to be Effective: 8-16-10 thru 10-18-10

Notice Publication Date:

Rules Adopted: 461-135-1100

Rules Suspended: 461-135-1100(T)

Subject: OAR 461-135-1100 about the specific eligibility requirements for an individual to receive Oregon Health Plan (OHP) program benefits is being amended to state the circumstances under which the Department may enroll a child in Oregon Health Plan Persons Under 19 (OHP-CHP), Oregon Health Plan Children (OHP-OPC), or Healthy KidsConnect (HKC) program based on a determination made by an Express Lane Agency (ELA). This rule also is being amended to state when the Department may use Express Lane Eligibility (ELE) for a child.

Rules Coordinator: Annette Tesch—(503) 945-6067

461-135-1100

Specific Requirements; OHP

In addition to eligibility requirements applicable to the OHP program in other rules in chapter 461 of the Oregon Administrative Rules, this rule sets out specific eligibility requirements for the OHP program.

(1) For purposes of this rule, OAR 461-135-1101, and 461-135-1149, the term private major medical health insurance refers to health insurance coverage that provides medical care for physician and hospital services, including major illnesses, with a limit of not less than \$10,000 for each covered individual. This term does not include coverage under the Kaiser Child Health Program or Kaiser Transition Program.

(2) To be eligible for the OHP program, an individual cannot:

(a) Be receiving, or deemed to be receiving, SSI benefits;

(b) Be eligible for Medicare, except that this requirement does not apply to OHP OPP;

(c) Be receiving Medicaid through another program; or

(d) Be enrolled in a health insurance plan subsidized by the Family Health Insurance Assistance program (FHIAP, see ORS 735.720 to 735.740).

(3) To be eligible for the OHP-OPU program, an individual must be 19 years of age or older and may not be pregnant. An individual eligible for OHP-OPU is referred to as a health plan new/noncategorical (HPN) client. In addition to all other OHP eligibility requirements, an HPN client:

(a) May not be covered by private major medical health insurance and may not have been covered by private major medical health insurance during the six months preceding the effective date for starting medical benefits. The six-month waiting period is waived if:

(A) The individual has a condition that, without treatment, would be life-threatening or would cause permanent loss of function or disability;

(B) The individual's private health insurance premium was reimbursed under the provisions of OAR 461-135-0990;

(C) The individual's private health insurance premium was subsidized through FHIAP; or

(D) A member of the individual's filing group was a victim of domestic violence.

(b) Must meet the following eligibility requirements:

(A) The resource limit provided in OAR 461-160-0015.

(B) The higher education student requirements provided in OAR 461-135-1110.

(C) Payment of premiums determined in accordance with OAR 461-155-0235 and paid in accordance with OAR 461-135-1120.

(D) The requirements in OAR 461-120-0345 related to obtaining medical coverage for members of the benefit group through the Family Health Insurance Assistance Program (FHIAP), if applicable.

(4) To be eligible for the OHP-OPC program, an individual must be less than 19 years of age.

(5) To be eligible for the OHP-OP6 program, a child must be less than six years of age and not eligible for OHP-OPC.

(6) To be eligible for the OHP-OPP program, an individual must be pregnant or must be a newborn assumed eligible under OAR 461-135-0010(4).

(7) To be eligible for the OHP-CHP program, an individual must be under 19 years of age and must:

(a) Not be eligible for OHP-OPC, OHP-OPP, or OHP-OP6;

(b) Meet budgeting requirements of OAR 461-160-0700;

(c) Select a medical, dental and mental health managed health care plan (MHCP) or primary care case manager (PCCM) if available, unless the client is exempted by OAR 410-141-0060; and

(d) Not be covered by private major medical health insurance or by any private major medical health insurance during the preceding two months. The two-month waiting period is waived if:

(A) The individual has a condition that, without treatment, would be life threatening or cause permanent loss of function or disability;

(B) The loss of health insurance was due to the loss of or a change in employment;

(C) The individual's private health insurance premium was reimbursed under OAR 461 135 0990;

(D) The individual's private health insurance premium was through FHIAP or the Office of Private Health Partnerships (OPHP) in accordance with ORS 414.231, 414.826, 414.831, and 414.839; or

(E) A member of the individual's filing group was a victim of domestic violence.

(8) A child who becomes ineligible for OHP because of age while receiving in patient medical services remains eligible until the end of the month in which he or she no longer receives those services if he or she is receiving in patient medical services on the last day of the month in which the age requirement is no longer met.

(9) In the OHP-CHP, OHP-OPC, and HKC programs, for the Department to enroll a child in the program based on a determination made by an ELA, the child's parent or guardian must give consent in writing, by telephone, orally, or through electronic signature for the child to be enrolled in the program.

(10) The Department may use ELE for a child in a filing group that is not receiving benefits from a medical assistance program.

Stat. Auth.: ORS 411.060, 411.070, 411.404, 411.704, 411.706, 414.025, 414.231, 414.826, 414.831 & 414.839

Stats. Implemented: ORS 411.060, 411.070, 411.404, 411.704, 411.706, 414.025, 414.231, 414.826, 414.831 & 414.839
Hist.: AFS 2-1994, f. & cert. ef. 2-1-94; AFS 13-1994, f. & cert. ef. 7-1-94; AFS 29-1994, f. 12-29-94, cert. ef. 1-1-95; AFS 22-1995, f. 9-20-95, cert. ef. 10-1-95; 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 36-1996, f. 10-31-96, cert. ef. 11-1-96; 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 17-1998, f. & cert. ef. 10-1-98; AFS 15-1999, f. 11-30-99, cert. ef. 12-1-99; AFS 6-2001, f. 3-30-01, cert. ef. 4-1-01; SSP 1-2003, f. 1-31-03, cert. ef. 2-1-03; SSP 4-2005, f. & cert. ef. 4-1-05; SSP 14-2005, f. 9-30-05, cert. ef. 10-1-05; SSP 8-2006, f. & cert. ef. 6-1-06; SSP 13-2008(Temp), f. 5-30-08, cert. ef. 6-1-08 thru 6-30-08; SSP 17-2008, f. & cert. ef. 7-1-08; SSP 29-2009(Temp), f. & cert. ef. 10-1-09 thru 3-30-10; SSP 36-2009(Temp), f. & cert. ef. 12-1-09 thru 12-31-09; 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 9-2010(Temp), f. & cert. ef. 4-21-10 thru 6-30-10; SSP 18-2010, f. & cert. ef. 7-1-10; SSP 21-2010(Temp), f. & cert. ef. 7-1-10 thru 10-18-10; SSP 24-2010(Temp), f. & cert. ef. 7-15-10 thru 10-18-10; SSP 27-2010(Temp), f. & cert. ef. 8-16-10 thru 10-18-10

Rule Caption: Changing OARs affecting public assistance, medical assistance, or Supplemental Nutrition Assistance Program clients.

Adm. Order No.: SSP 28-2010(Temp)

Filed with Sec. of State: 8-16-2010

Certified to be Effective: 8-16-10 thru 10-18-10

Notice Publication Date:

Rules Amended: 461-135-1125

Rules Suspended: 461-135-1125(T)

Subject: OAR 461-135-1125 about how the Department determines which individuals included on the Oregon Health Plan — Adults (OHP-OPU) program Standard Reservation List are selected to apply for the OHP-OPU program is being amended to restate the definition for "OHP Standard Reservation List Applicant," and state how

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the Department responds to an individual requesting and being granted placement on the OHP Standard Reservation List, that the Department must review applications received for eligibility under all medical assistance programs, and how new OHP-OPU applicants are managed.

Rules Coordinator: Annette Tesch—(503) 945-6067

461-135-1125

Reservation Lists and Eligibility; OHP-OPU

(1) “OHP Standard Reservation List” means the list of individuals who may be considered for the OHP-OPU program as a new applicant at such times as the Department determines that new applicants may be added into the program. This list is used to manage enrollment of new applicants as defined by OAR 461-135-1102 into the program within the limits of program authority and funding.

(2) “OHP Standard Reservation List Applicant” means an individual who has been selected randomly under section (6) of this rule and establishes a *date of request* (see OAR 461-115-0030) on or after the date of the random selection and within 45 days from the date the Department mails the OHP 7210R Application form as a result of the random selection.

(3) When the Department specifies that the *OHP Standard Reservation List* is open, an individual is placed on the OHP Standard Reservation List if all of the following requirements are met:

(a) The individual, or someone acting on behalf of the individual, may request placement on the OHP Standard Reservation List by calling the designated telephone number for the OHP Standard Reservation List or in writing. A written request must arrive through one of the following methods:

(A) By mail to the designated mailing address for the OHP Standard Reservation List.

(B) By fax or hand delivery to a local Department office that receives client applications for the Oregon Health Plan.

(C) By electronic submission from the OHP website or by e-mail to the OHP Standard Reservation List e-mail address.

(b) The full name, date of birth, and mailing address of each individual requesting placement on the OHP Standard Reservation List must be provided to the Department and received by the Department as described in subsection (a) of this section before the request is considered complete.

(c) If the address of an individual changes after the individual makes a request, the individual must provide an updated address to the Department using a method described in subsection (a) of this section. If the individual reports an address change to the Department in a way other than that outlined in subsection (a) of this section, the Department cannot guarantee the address change will be reflected in the reservation list, but will make reasonable efforts to incorporate that address change.

(4) The following procedures apply to the OHP Standard Reservation List:

(a) Individuals completing a request for placement on the OHP Standard Reservation List are assigned a reservation number. All members of an OHP filing group (see OAR 461-110-0400 for filing group composition) requesting placement on the OHP Standard Reservation List are assigned the same reservation number.

(b) The Department may request that individuals voluntarily provide their social security number (prior to the OHP 7210R Application). The Department may use the social security number for purposes of identification to help prevent duplicate reservations. The Department may not deny placement on the OHP Standard Reservation List because an individual does not provide a social security number.

(c) The Department sends confirmation to individuals who are placed on the OHP Standard Reservation List. If there is already a reservation established, individuals who have received confirmation from the Department need not make an additional request unless the reservation was removed (see section (8) of this rule), already used, or withdrawn.

(5) Requesting placement on the OHP Standard Reservation List, receiving a reservation number, or being placed on the OHP Standard Reservation List does not constitute an application for OHP-OPU or any other medical program administered by the Department. The Department must send an individual an application for medical assistance when the individual requests and is placed on the OHP Standard Reservation List, must review each application received for eligibility under all medical assistance programs, and must send a decision notice (see OAR 461-001-0000) for each application received (to the extent required under OAR 461-115-0010(6)). However, a new applicant as defined in OAR 461-135-1102 for OHP-OPU is managed by the OHP Standard Reservation List.

(6) At such times that the Department determines that it has the requisite authority and funding and that new applicants can be added to the OHP-OPU program, and after the Department determines the number of new applicants that can be added, a designated number of individuals on the OHP Standard Reservation List are selected randomly and mailed OHP 7210R Application forms. Once an individual has been selected randomly, the reservation number assigned to that individual and its position on the list has been used and is no longer available.

(7) An OHP Standard Reservation List Applicant must file a Department application or amend a completed application (see OAR 461-115-0050) as a prerequisite of receiving OHP-OPU program benefits.

(8) When the Department determines that the OHP Standard Reservation List should be discontinued, all individuals currently on the list are removed except as provided in section (9) of this rule. If the Department establishes a new OHP Standard Reservation List, the Department determines when an individual may again request placement on the list according to sections (3) and (4) of this rule.

(9) The Department may opt to use the reservation number of an individual not selected randomly from a discontinued list to create a new OHP Standard Reservation List. To be added to the new OHP Standard Reservation List, the Department may require each individual not selected randomly from the discontinued OHP Standard Reservation List to request placement on the new OHP Standard Reservation List and be assigned a new reservation number.

(10) Nothing in this rule prevents any individual from applying for medical assistance at any time. However, new applicants as defined in OAR 461-135-1102 for OHP-OPU are managed by the OHP Standard Reservation List.

Stat. Auth.: ORS 409.050, 411.060, 411.404, 414.025 & 414.706

Stats. Implemented: ORS 409.050, 409.010, 411.060, 411.404, 414.025 & 414.706

Hist.: SSP 2-2008(Temp), f. & cert. ef. 1-28-08 thru 6-30-08; SSP 12-2008(Temp), f. & cert. ef. 4-17-08 thru 6-30-08; SSP 17-2008, f. & cert. ef. 7-1-08; SSP 22-2009(Temp), f. & cert. ef. 8-28-09 thru 2-21-10; SSP 38-2009, f. 12-31-09, cert. ef. 1-1-10; SSP 10-2010(Temp), f. & cert. ef. 4-21-10 thru 10-18-10; SSP 28-2010(Temp), f. & cert. ef. 8-16-10 thru 10-18-10

Rule Caption: Changing OARs affecting public assistance, medical assistance, or Supplemental Nutrition Assistance Program clients.

Adm. Order No.: SSP 29-2010(Temp)

Filed with Sec. of State: 8-16-2010

Certified to be Effective: 8-16-10 thru 2-12-11

Notice Publication Date:

Rules Amended: 461-135-1250

Subject: OAR 461-135-1250 about specific client eligibility and participation requirements in the Post-TANF program is being amended to state that effective October 1, 2010 the monthly Post-TANF benefit amount will be \$50.00 (reduced from \$100.00).

Rules Coordinator: Annette Tesch—(503) 945-6067

461-135-1250

Specific Requirements: Post-TANF

(1) This rule explains specific requirements for the Post-TANF program. Through September 30, 2010, the Post-TANF program provides \$100 per month per qualifying adult in aid for 12 consecutive months or until the household income exceeds 250 percent of the Federal Poverty Level (FPL), whichever comes first, as long as the client meets JOBS *federally required participation rates* (see OAR 461-001-0025) in combined unsubsidized paid work and JOBS activities.

(2) Effective October 1, 2010, the Post-TANF program provides \$50 per month per qualifying adult in aid for 12 consecutive months or until the household income exceeds 250 percent of the FPL, whichever comes first, as long as the client meets JOBS federally required participation rates in combined unsubsidized paid work and JOBS activities.

(3) To enroll in the Post-TANF program, a client must:

(a) Have obtained unsubsidized paid employment;

(b) Have become ineligible for the Pre-TANF, TANF or SFPSS programs due to earnings; and

(c) Be a Work Eligible Individual as defined by federal regulations.

(4) To remain eligible for the monthly Post-TANF payment, the client must meet the requirements of all of the following subsections:

(a) Meet all TANF eligibility requirements, except the client need not meet the following requirements:

(A) OAR 461-120-0310 and 461-120-0340 (child support assignment and cooperation);

(B) OAR 461-120-0330 (pursuing assets);

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- (C) OAR 461-125-0010 (deprivation);
- (D) OAR 461-155-0030 (income limits); and
- (E) OAR 461-160-0015 (resource limits).

(b) Report and meet the monthly JOBS federal participation requirements with unsubsidized paid work and, if necessary, other JOBS activities.

(c) Provide the Department with employer-produced documents of paid, unsubsidized work hours within 45 days after Pre-TANF, TANF, or SFPSS has ended.

(d) The client must also provide employer-produced documents of paid, unsubsidized work hours each time requested by the Department or no later than the last day of the sixth month following the date the client provides the verification of work hours in accordance with subsection (c) of this section.

(e) Report all changes in residency and household group (see OAR 461-110-0210) affecting Post-TANF eligibility within 10 days of the occurrence.

(f) Changes reported for another program that affect Post-TANF eligibility are considered reported for Post-TANF.

(5) A client failing to comply with subsection (3)(c) of this rule but then providing documents after 45 days is eligible for Post-TANF payments only in the month the local Department office receives the documents and the months thereafter.

(6) Household income for the Post-TANF program is calculated in accordance with all TANF financial rules.

(7) Each parent (see OAR 461-001-0000) of a two-parent family is entitled to a monthly Post-TANF payment if both parents meet all Post-TANF enrollment and eligibility requirements.

(8) Monthly payments in the Post-TANF program begin the month after the last regular TANF benefit payment; or for Pre-TANF clients, the month after the Department verifies that the client meets TANF eligibility requirements.

(9) A client in the Post-TANF program is entitled to support services in accordance with OAR 461-190-0241. Additional support services may be granted with manager approval.

(10) A client is no longer eligible for a Post-TANF payment when the client does not meet JOBS federal participation requirements due to:

- (a) Loss of employment;
- (b) A reduction in work hours, and the client chooses not to participate in required JOBS activities offered by the Department; or
- (c) A reduction in JOBS activity hours without good cause (see OAR 461-130-0327) that when combined with work hours does not meet the JOBS federally required participation rates.

Stat. Auth.: ORS 411.060, 411.070, 412.006, 412.009, 412.049, 412.124, 2009 OL 827
Stats. Implemented: ORS 411.060, 411.070, 412.006, 412.009, 412.049, 412.124, 2009 OL ch. 827

Hist.: 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 25-2008(Temp), f. 12-31-08, cert. ef. 1-1-09 thru 6-30-09; SSP 5-2009, f. & cert. ef. 4-1-09; SSP 29-2010(Temp), f. & cert. ef. 8-16-10 thru 2-12-11

Rule Caption: Changing OARs affecting public assistance, medical assistance, or Supplemental Nutrition Assistance Program clients.

Adm. Order No.: SSP 30-2010(Temp)

Filed with Sec. of State: 8-25-2010

Certified to be Effective: 8-25-10 thru 10-18-10

Notice Publication Date:

Rules Amended: 461-135-1100

Rules Suspended: 461-135-1100(T)

Subject: OAR 461-135-1100, which was amended by temporary rule on August 16, 2010, is being further amended to provide that for OHP-CHP (Oregon Health Plan coverage for persons under 19 years of age who qualify under the 201 percent income standard), the child no longer must select a managed care plan for medical or dental as an eligibility requirement.

Rules Coordinator: Annette Tesch—(503) 945-6067

461-135-1100

Specific Requirements; OHP

In addition to eligibility requirements applicable to the OHP program in other rules in chapter 461 of the Oregon Administrative Rules, this rule sets out specific eligibility requirements for the OHP program.

(1) For purposes of this rule, OAR 461-135-1101, and 461-135-1149, the term private major medical health insurance refers to health insurance coverage that provides medical care for physician and hospital services, including major illnesses, with a limit of not less than \$10,000 for each cov-

ered individual. This term does not include coverage under the Kaiser Child Health Program or Kaiser Transition Program.

(2) To be eligible for the OHP program, an individual cannot:

(a) Be receiving, or deemed to be receiving, SSI benefits;

(b) Be eligible for Medicare, except that this requirement does not apply to OHP OPP;

(c) Be receiving Medicaid through another program; or

(d) Be enrolled in a health insurance plan subsidized by the Family Health Insurance Assistance program (FHIAP, see ORS 735.720 to 735.740).

(3) To be eligible for the OHP-OPU program, an individual must be 19 years of age or older and may not be pregnant. An individual eligible for OHP-OPU is referred to as a health plan new/noncategorical (HPN) client. In addition to all other OHP eligibility requirements, an HPN client:

(a) May not be covered by private major medical health insurance and may not have been covered by private major medical health insurance during the six months preceding the effective date for starting medical benefits. The six-month waiting period is waived if:

(A) The individual has a condition that, without treatment, would be life-threatening or would cause permanent loss of function or disability;

(B) The individual's private health insurance premium was reimbursed under the provisions of OAR 461-135-0990;

(C) The individual's private health insurance premium was subsidized through FHIAP; or

(D) A member of the individual's filing group was a victim of domestic violence.

(b) Must meet the following eligibility requirements:

(A) The resource limit provided in OAR 461-160-0015.

(B) The higher education student requirements provided in OAR 461-135-1110.

(C) Payment of premiums determined in accordance with OAR 461-155-0235 and paid in accordance with OAR 461-135-1120.

(D) The requirements in OAR 461-120-0345 related to obtaining medical coverage for members of the benefit group through the Family Health Insurance Assistance Program (FHIAP), if applicable.

(4) To be eligible for the OHP-OPC program, an individual must be less than 19 years of age.

(5) To be eligible for the OHP-OP6 program, a child must be less than six years of age and not eligible for OHP-OPC.

(6) To be eligible for the OHP-OPP program, an individual must be pregnant or must be a newborn assumed eligible under OAR 461-135-0010(4).

(7) To be eligible for the OHP-CHP program, an individual must be under 19 years of age and must:

(a) Not be eligible for OHP-OPC, OHP-OPP, or OHP-OP6;

(b) Meet budgeting requirements of OAR 461-160-0700;

(c) For eligibility decisions prior to August 16, 2010, select a medical, dental and mental health managed health care plan (MHCP) or primary care case manager (PCCM) if available, unless the client is exempted by OAR 410-141-0060; and

(d) Not be covered by private major medical health insurance or by any private major medical health insurance during the preceding two months. The two-month waiting period is waived if:

(A) The individual has a condition that, without treatment, would be life threatening or cause permanent loss of function or disability;

(B) The loss of health insurance was due to the loss of or a change in employment;

(C) The individual's private health insurance premium was reimbursed under OAR 461-135-0990;

(D) The individual's private health insurance premium was through FHIAP or the Office of Private Health Partnerships (OPHP) in accordance with ORS 414.231, 414.826, 414.831, and 414.839; or

(E) A member of the individual's filing group was a victim of domestic violence.

(8) A child who becomes ineligible for OHP because of age while receiving in patient medical services remains eligible until the end of the month in which he or she no longer receives those services if he or she is receiving in patient medical services on the last day of the month in which the age requirement is no longer met.

(9) In the OHP-CHP, OHP-OPC, and HKC programs, for the Department to enroll a child in the program based on a determination made by an ELA, the child's parent or guardian must give consent in writing, by telephone, orally, or through electronic signature for the child to be enrolled in the program.

ADMINISTRATIVE RULES

(10) The Department may use ELE for a child in a filing group that is not receiving benefits from a medical assistance program.

Stat. Auth.: ORS 411.060, 411.070, 411.404, 411.704, 411.706, 414.025, 414.231, 414.826, 414.831 & 414.839

Stats. Implemented: ORS 411.060, 411.070, 411.404, 411.704, 411.706, 414.025, 414.231, 414.826, 414.831 & 414.839

Hist.: AFS 2-1994, f. & cert. ef. 2-1-94; AFS 13-1994, f. & cert. ef. 7-1-94; AFS 29-1994, f. 12-29-94, cert. ef. 1-1-95; AFS 22-1995, f. 9-20-95, cert. ef. 10-1-95; 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 36-1996, f. 10-31-96, cert. ef. 11-1-96; 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 17-1998, f. & cert. ef. 10-1-98; AFS 15-1999, f. 11-30-99, cert. ef. 12-1-99; AFS 6-2001, f. 3-30-01, cert. ef. 4-1-01; SSP 1-2003, f. 1-31-03, cert. ef. 2-1-03; SSP 4-2005, f. & cert. ef. 4-1-05; SSP 14-2005, f. 9-30-05, cert. ef. 10-1-05; SSP 8-2006, f. & cert. ef. 6-1-06; SSP 13-2008(Temp), f. 5-30-08, cert. ef. 6-1-08 thru 6-30-08; SSP 17-2008, f. & cert. ef. 7-1-08; SSP 29-2009(Temp), f. & cert. ef. 10-1-09 thru 3-30-10; SSP 36-2009(Temp), f. & cert. ef. 12-1-09 thru 12-31-09; 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 9-2010(Temp), f. & cert. ef. 4-21-10 thru 6-30-10; SSP 18-2010, f. & cert. ef. 7-1-10; SSP 21-2010(Temp), f. & cert. ef. 7-1-10 thru 10-18-10; SSP 24-2010(Temp), f. & cert. ef. 7-1-10 thru 10-18-10; SSP 27-2010(Temp), f. & cert. ef. 8-16-10 thru 10-18-10; SSP 30-2010(Temp), f. & cert. ef. 8-25-10 thru 10-18-10

Rule Caption: Changing OARs affecting public assistance, medical assistance, or Supplemental Nutrition Assistance Program clients.

Adm. Order No.: SSP 31-2010(Temp)

Filed with Sec. of State: 9-15-2010

Certified to be Effective: 9-15-10 thru 2-12-11

Notice Publication Date:

Rules Amended: 461-155-0225

Rules Suspended: 461-155-0225(T)

Subject: OAR 461-155-0225 about the income standards used in the Healthy KidsConnect (HKC), Oregon Health Plan (OHP), and Refugee Assistance Medical (REFM) programs is being amended in response to the Healthy Kids legislation (2009 Oregon Laws Chapter 867, House Bill 2116) to state which of its provisions apply to the HKC program. This rule also is being amended to state when an HKC or OHP program financial group (the individuals whose income and resources count in determining program eligibility and benefit levels) that includes a person with significant authority in a business entity is ineligible for program benefits.

Rules Coordinator: Annette Tesch—(503) 945-6067

461-155-0225

Income Standard; HKC, OHP, REFM

(1) In the HKC and OHP programs:

(a) If a *financial group* (see OAR 461-110-0530) contains a person with significant authority in a business entity — a “principal” as defined in OAR 461-145-0088 — the group is ineligible if the gross income assigned to the *budget month* (see OAR 461-001-0000) of the business entity is \$20,000 or more. If the *need group* (see OAR 461-110-0630) is not ineligible under this section, its eligibility is evaluated under subsection (b) of this section.

(b) The *countable* (see OAR 461-001-0000) income standards are as follows:

(A) Except for a child found eligible for medical assistance based on an ELA determination, the *countable* income standard for OHP-OPC and OHP-OPU is 100 percent of the federal poverty level, as listed in OAR 461-155-0180(2), based on the size of the *need group*.

(B) The *countable* income standard for OHP-OP6 is 133 percent of the federal poverty level, as listed in OAR 461-155-0180(3), based on the size of the *need group*.

(C) The *countable* income standard for OHP-OPP is 185 percent of the federal poverty level, as listed in OAR 461-155-0180(5), based on the size of the *need group*.

(D) The *countable* income standard for OHP-CHP is below 201 percent of the federal poverty level, as listed in OAR 461-155-0180(7), based on the size of the *need group*.

(E) The *countable* income standard for a child found eligible for medical assistance based on an ELA determination is determined under 461-150-0055(5).

(2) In the REFM program, the income standard is 200 percent of the federal poverty level, as listed in OAR 461-155-0180(6), based on the size of the *need group*.

Stat. Auth.: ORS 409.050, 411.060, 411.070, 411.404 & 414.231

Stats. Implemented: ORS 411.060, 411.070, 411.404 & 414.231

Hist.: AFS 2-1994, f. & cert. ef. 2-1-94; AFS 6-1994, f. & cert. ef. 4-1-94; AFS 10-1995, f. 3-30-95, cert. ef. 4-1-95; AFS 16-1996, f. 4-29-96, cert. ef. 5-1-96; AFS 5-1997, f. 4-30-97, cert. ef. 5-1-97; 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 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 10-1998, f. 6-29-98, cert. ef. 7-1-98; AFS 3-1999, f. 3-31-99, cert. ef. 4-1-99; AFS 10-2000, f. 3-31-00, cert. ef. 4-1-00; AFS 6-2001, f. 3-30-01, cert. ef. 4-1-01; AFS 5-2002, f. & cert. ef. 4-1-02; AFS 13-2002, f. & cert. ef. 10-1-02; SSP 1-2003, f. 1-31-03, cert. ef. 2-1-03; SSP 2-2003(Temp), f. & cert. ef. 2-7-03 thru 6-30-03; SSP 7-2003, f. & cert. ef. 4-1-03; SSP 2-2004(Temp), f. & cert. ef. 2-13-04 thru 3-31-04; SSP 8-2004, f. & cert. ef. 4-1-04; SSP 22-2004, f. & cert. ef. 10-1-04; SSP 2-2005, f. & cert. ef. 2-18-05; SSP 1-2006, f. & cert. ef. 1-24-06; SSP 10-2006, f. 6-30-06, cert. ef. 7-1-06; 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 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 25-2010(Temp), f. & cert. ef. 8-16-10 thru 2-12-11; SSP 31-2010(Temp), f. & cert. ef. 9-15-10 thru 2-12-11

Department of Human Services, Division of Medical Assistance Programs Chapter 410

Rule Caption: Pilot project for prenatal coverage for CAWEM women; Closing Lane Co. retroactive to 7/1/10.

Adm. Order No.: DMAP 23-2010

Filed with Sec. of State: 9-1-2010

Certified to be Effective: 9-1-10

Notice Publication Date: 8-1-2010

Rules Amended: 410-120-0030

Subject: The General rules program administrative rules govern the Division of Medical Assistance Programs (Division) payments for services provided to clients. The Division needs to amend 410-120-0030 to disallow the expansion of the pilot program to add Lane County as a participating County. The Division agreed to add Lane County as a participating County effective July 1, 2010, [contingent upon CMS approval] and processed the rule revision to reflect that authorization, however following the permanent rule filing, Lane County informed the Division that they are not yet in a position to be an active participating provider and requested they not be added at this time. Therefore, the Division will amend this rule retroactive to July 1, 2010, to disallow the addition of Lane County.

Other text will be revised to improve readability and to take care of necessary “housekeeping” corrections.

Rules Coordinator: Darlene Nelson—(503) 945-6927

410-120-0030

Children’s Health Insurance Program

(1) The Children’s Health Insurance Program (CHIP) is a federal non-entitlement program for children under 19 years of age that provides health coverage for uninsured, low-income children who are ineligible for Medicaid and meet the CHIP eligibility requirements. The CHIP program is administered by the Department of Human Services (Department) in accordance with the Oregon Health Plan waiver and the CHIP state plan. The General Rules Program (OAR 410-120-0000 et. seq.) and Oregon Health Plan Program rules (OAR 410-141-0000 et. seq.) applicable to the Medicaid program are also applicable to the Department’s CHIP program.

(2) Eligibility criteria, including but not limited to income methodologies and citizenship requirements for medical assistance applicable to children under the age of 19 years, are established in OAR chapter 461 through the program acronym OHP-CHP.

(3) Benefit package of covered services: Children determined eligible for CHIP receive the same OHP Plus benefits as covered under Medicaid categorically needy program. (For benefits refer to OAR 410-120-1210).

(4) CHIP Pilot project – Prenatal coverage for CAWEM under CHIP:

(a) Notwithstanding subsections (2) and (3) of this rule, CAWEM pregnant women residing in the participating counties during pregnancy will receive expanded medical services (OHP Plus benefit package, as limited under subsection (d) of this subsection) to provide prenatal care for the unborn child and labor and delivery services through this pilot program:

(A) Effective 4/1/08 Multnomah and Deschutes;

(B) Effective 10/1/09 Benton, Clackamas, Hood River and Jackson;

(b) This population is exempt from managed care enrollment. The preferred service delivery system will be Primary Care Management (PCM). Fee-for-service (FFS) enrollment will be available by exception for continuity of care or other Department-approved reasons that could justify disenrollment from a PCM under OAR 410-141-0085;

(c) Pilot project services continue through labor and delivery. The day after pregnancy ends, eligibility for medical services is based on eligibility categories established in OAR chapter 461;

(d) The following services are not covered for the pilot project:

(A) Postpartum care beyond the global payment;

(B) Sterilization;

ADMINISTRATIVE RULES

(C) Abortion;
(D) Death with dignity services;
(E) Hospice.
Stat. Auth.: ORS 409.010, 409.040, 409.050
Stats. Implemented: ORS 414.025, 414.065
Hist.: DMAP 7-2008(Temp), f. 3-17-08 & cert. ef. 4-1-08 thru 9-15-08; DMAP 14-2008, f. 6-13-08, cert. ef. 7-1-08; DMAP 29-2009(Temp), f. 9-15-09, cert. ef. 10-1-09 thru 3-25-10; DMAP 37-2009, f. 12-15-09, cert. ef. 1-1-10; DMAP 18-2010, f. 6-23-10, cert. ef. 7-1-10; DMAP 23-2010, f. & cert. ef. 9-1-10

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Rule Caption: Maternity Case Management, place of service restrictions removed.

Adm. Order No.: DMAP 24-2010

Filed with Sec. of State: 9-1-2010

Certified to be Effective: 9-1-10

Notice Publication Date: 8-1-2010

Rules Amended: 410-130-0595

Rules Repealed: 410-130-0595(T)

Subject: The Medical-Surgical Services Program administrative rules govern Division of Medical Assistance Programs' (DMAP) payments for services provided to certain clients. Having temporarily and retroactively amended 410-130-0595 to repeal language that restricts the place of service for maternity case management visits to the home setting, unless extenuating circumstances are documented, DMAP permanently and retroactively amended the rule. Removing this language retroactive to July 1, 2009 is necessary to assure appropriate payment for claims submitted since July 1, 2009 and ongoing and to ensure future access to maternity case management visits for clients in counties where such visits cannot be provided in a home setting.

Under the previous rule, pregnant clients may be denied access to appropriate maternity case management visits because some counties do not have enough clinical staff available to travel to the home setting to provide these services. As the rule was written, reimbursement was not available for maternity case management services provided in a clinic setting except in limited circumstances.

Rules Coordinator: Darlene Nelson—(503) 945-6927

410-130-0595

Maternity Case Management (MCM)

This rule is in effect for services rendered retroactive to July 1, 2009.

(1) Providers may submit claims retroactively for services provided on or after July 1, 2009, if they meet the following criteria:

(a) The provider was appropriately licensed, certified and otherwise met all Division of Medical Assistance Programs (Division) requirements for providers at the time services were provided; and

(b) Services were provided less than 12 months prior to the date of first claim submission and were allowable services in accordance with this rule; and

(c) Documentation regarding provider qualifications and the services that the provider retroactively claims must have been available at the time the services were provided.

(d) The Division will not allow duplicate payments to be made to the same or different providers for the same service for the same client, nor will payment be allowed for services for which third parties are liable to pay. (See also OAR 410-120-1280 in the General Rules Program.) The Division will recoup all duplicate payments.

(2) The primary purpose of the Maternity Case Management (MCM) program is to optimize pregnancy outcomes, including reducing the incidence of low birth weight babies. MCM services are tailored to the individual client needs. These services are provided face-to-face throughout the client's pregnancy, unless specifically indicated in this rule.

(3) This program:

(a) Is available to all pregnant clients receiving Medical Assistance Program coverage;

(b) Expands perinatal services to include management of health, economic, social and nutritional factors through the end of pregnancy and a two-month postpartum period;

(c) Must be initiated during the pregnancy and before delivery;

(d) Is an additional set of services over and above medical management of pregnant clients;

(e) Allows billing of intensive nutritional counseling services.

(4) Any time there is a significant change in the health, economic, social, or nutritional factors of the client, the prenatal care provider must be notified.

(5) Only one provider at a time may provide MCM services to the client. The provider must coordinate care to ensure that duplicate claims for MCM services are not submitted to the Division.

(6) Definitions:

(a) Case Management – An ongoing process to assist and support an individual pregnant client in accessing necessary health, social, economic, nutritional, and other services to meet the goals defined in the Client Service Plan (defined below);

(b) Case Management Visit – A face-to-face encounter between a Maternity Case Manager and the client that must include two or more specific training and education topics, address the CSP and provide an ongoing relationship development between the client and the visiting provider.

(c) Client Service Plan (CSP) – A written systematic, client coordinated plan of care which lists goals and actions required to meet the needs of the client as identified in the Initial Assessment (defined below) and includes a client discharge plan/summary;

(d) High Risk Case Management – Intensive level of services provided to a client identified and documented by the Maternity Case Manager or prenatal care provider as being high risk;

(e) High Risk Client – A client who has a current (within the last year) documented alcohol, tobacco or other drug (ATOD) abuse history, or who is 17 or under, or has other conditions identified in the Initial Assessment or during the course of service delivery;

(f) Home/Environmental Assessment – A visit to the client's primary place of residence to assess the health and safety of the client's living conditions;

(g) Initial Assessment – Documented, systematic collection of data with planned interventions as outlined in a CSP to determine current status and identify needs and strengths in physical, psychosocial, behavioral, developmental, educational, mobility, environmental, nutritional, and emotional areas;

(h) Nutritional Counseling – Intensive nutritional counseling for clients who have at least one of the conditions listed under Nutritional Counseling (15)(a)(A)–(I) in this rule;

(i) Prenatal/Perinatal care provider – The physician, licensed physician assistant, nurse practitioner, certified nurse midwife, or licensed direct entry midwife providing prenatal or perinatal (including labor and delivery) and/or postnatal services to the client;

(j) Telephone Case Management Visit – A non-face-to-face encounter between a Maternity Case Manager and the client providing identical services of a Case Management Visit (G9012).

(7) Maternity case manager qualifications:

(a) Maternity case managers must be currently licensed as a:

(A) Physician;

(B) Physician assistant;

(C) Nurse practitioner;

(D) Certified nurse midwife;

(E) Direct entry midwife;

(F) Social worker; or

(G) Registered nurse;

(b) The maternity case manager must be a Division enrolled provider or deliver services under an appropriate Division enrolled provider. See provider qualifications in the Division's General Rules 410-120-1260.

(c) All of the above must have a minimum of two years of related and relevant work experience;

(d) Other paraprofessionals may provide specific services with the exclusion of the Initial Assessment (G9001) while working under the supervision of one of the practitioners listed above in this section;

(e) The maternity case manager must sign off on all services delivered by a paraprofessional;

(f) Specific services not within the recognized scope of practice of the provider of MCM services must be referred to an appropriate discipline.

(8) Nutritional counselor qualifications – nutritional counselors must be:

(a) A licensed dietician (LD) licensed by the Oregon Board of Examiners of Licensed Dietitians; and

(b) A registered dietician (RD) credentialed by the Commission on Dietetic Registration of the American Dietetic Association (ADA).

(9) Documentation requirements:

(a) Documentation is required for all MCM services in accordance with Division General Rules 410-120-1360; and

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(b) A correctly completed Division form 2470, 2471, 2472 and 2473 or their equivalents meet minimum documentation requirements for MCM services.

(10) G9001 – Initial Assessment must be performed by a licensed maternity case manager as defined under (7)(a)(A)-(G) in this rule:

(a) Services include:

(A) Client assessment as outlined in the “Definitions” section of this rule;

(B) Development of a CSP that addresses identified needs;

(C) Making and assisting with referrals as needed to:

(i) A prenatal care provider;

(ii) A dental health provider;

(D) Forwarding the initial assessment and the CSP to the prenatal care provider;

(E) Communicating pertinent information to the prenatal care provider and others participating in the client’s medical and social care;

(b) Data sources relied upon may include:

(A) Initial assessment;

(B) Client interviews;

(C) Available records;

(D) Contacts with collateral providers;

(E) Other professionals; and

(F) Other parties on behalf of the client;

(c) The client’s record must reflect the date and to whom the initial assessment was sent;

(d) The Initial Assessment (G9001) is billable once per pregnancy per provider and must be performed before providing any other MCM services. Only a Home/Environmental Assessment (G9006) and a Case Management Visit (G9012) may be performed and billed on the same day as an Initial Assessment.

(11) G9002 – Case Management (Full Service) – includes:

(a) Face-to-face client contacts;

(b) Implementation and monitoring of a CSP:

(A) The client’s records must include a CSP and written updates to the plan;

(B) The CSP includes determining the client’s strengths and needs, setting specific goals and utilizing appropriate resources in a cooperative effort between the client and the maternity case manager;

(c) Care coordination as follows:

(A) Contact with Department of Human Services (Department) case worker, if assigned;

(B) Maintain contact with prenatal care provider to ensure service delivery, share information, and assist with coordination;

(C) Contact with other community resources/agencies to address needs;

(d) Linkage to client services indicated in the CSP:

(A) Make linkages, provide information and assist the client in self-referral;

(B) Provide linkage to labor and delivery services;

(C) Provide linkage to family planning services as needed; (e)

Ongoing nutritional evaluation with basic counseling and referrals to nutritional counseling, as indicated;

(e) Utilization and documentation of the “5 A’s” brief intervention protocol for addressing tobacco use (US Public Health Service Clinical Practice Guideline for Treating Tobacco Use and Dependence, 2008). Routinely:

(A) Ask all clients about smoking status;

(B) Advise all smoking clients to quit;

(C) Assess for readiness to try to quit;

(D) Assist all those wanting to quit by referring them to the Quitline and/or other appropriate tobacco cessation counseling and provide motivational information for those not ready to quit;

(E) Arrange follow-up for interventions;

(f) Provide training and education on all mandatory topics - Refer to Table 130-0595-2 in this rule;

(g) Provide client advocacy as necessary to facilitate access to benefits or services;

(h) Assist client in achieving the goals in the CSP;

(i) G9002 is billable after the delivery when more than three months of service were provided. Services must be initiated during the prenatal period and carried through the date of delivery;

(j) G9002 is billable once per pregnancy.

(12) G9009 – Case Management (Partial Service):

(a) Can be billed when the CSP has been developed and MCM services were initiated during the prenatal period and partially completed;

(b)MCM services are provided to the client for three months or less.

(13) G9005 – High Risk Case Management (Full Service):

(a) Enhanced level of services that are more intensive and are provided in addition to G9002;

(b) High Risk Case Management services are provided for the client for more than three months after the client was identified as high risk; and(c) Client is provided at least eight Case Management Visits;

(d) G9005 is billable after the delivery and only once per pregnancy;

(e) G9005 can be billed in addition to G9002.

(14) G9010 – High Risk Case Management (Partial Service):

(a) Are the same enhanced level of services provided in G9005 but the client became high risk during the latter part of the pregnancy or intensive high risk MCM services were initiated and partially completed but not carried through to the date of delivery;

(b) Are high risk case management services provided to the client for three months or less after the client has been identified as high risk; or (c) Is billed when the client is provided less than eight Case Management Visits;

(d) G9010 is billable after the delivery and once per pregnancy;

(e) G9010 can be billed in addition to G9002 or G9009.

(15) S9470 – Nutritional counseling:

(a) Is available for clients who have at least one of the following conditions:

(A) Chronic disease such as diabetes or renal disease;

(B) Hematocrit (Hct) less than 34 or hemoglobin (Hb) less than 11 during the first trimester, or Hct less than 32 or Hb less than 10 during the second or third trimester;

(C) Pre-gravida weight under 100 pounds or over 200 pounds;

(D) Pregnancy weight gain outside the appropriate Women, Infants and Children (WIC) guidelines;

(E) Eating disorder;

(F) Gestational diabetes;

(G) Hyperemesis;

(H) Pregnancy induced hypertension (pre-eclampsia); or

(I) Other identified conditions;

(b) Documentation must include all of the following:

(A) Nutritional assessment;

(B) Nutritional care plan;

(C) Regular client follow-up;

(c) Can be billed in addition to other MCM services;

(d) S9470 is billable only once per pregnancy.

(16) G9006 – Home/Environmental Assessment:

(a) Includes an assessment of the health and safety of the client’s living conditions with training and education of all topics as indicated in Table 130-0595-1 in this rule;

(b) G9006 may be billed only once per pregnancy, except an additional Home/Environmental Assessments may be billed with documentation of problems which necessitate follow-up assessments or when a client moves. Documentation must be submitted with the claim to support the additional Home/Environment Assessment.

(17) G9011 – Telephone Case Management Visit:

(a) A non-face-to-face encounter between a maternity case manager and the client, meeting all requirements of a Case Management Visit (G9012) and when a face-to-face Case Management Visit is not possible or practical;

(b) G9011 is billable in lieu of a Case Management Visit and counted towards the total number of Case Management Visits (see G9012 for limitations).

(18) G9012 – Case Management Visit:

(a) Each Case Management Visit must include:

(A) An evaluation and/or revision of objectives and activities addressed in the CSP; and

(B) At least two training and education topics listed in Table 130-0595-2 in this rule;

(b) Four Case Management Visits (G9012) may be billed per pregnancy. Telephone Case Management Visits (G9011) are included in this limitation;

(c) Six additional Case Management Visits may be billed if the client is identified as high risk;

(A) These additional visits may not be billed until after delivery;

(B) These additional six visits may only be submitted with or after High Risk Full (G9005) or High Risk Partial (G9010) Case Management has been billed. Telephone Case Management Visits (G9011) are included in this limitation;

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(d) Maternity Case Management Visits (G9012) may be provided in the client's home or other site.

(19) Table 130-0595-1

(20) Table 130-0595-2

[ED. NOTE: Tables & Forms referenced are available from the agency.]

Stat. Auth.: ORS 409.050, 414.065

Stats. Implemented: ORS 414.065

Hist.: AFS 57-1987, f. 10-29-87, ef. 11-1-87; AFS 5-1989(Temp), f. 2-9-89, cert. ef. 3-1-89; AFS 48-1989, f. & cert. ef. 8-24-89, Renumbered from 461-014-0200 & 461-014-0201; AFS 54-1989(Temp), f. 9-28-89, cert. ef. 10-1-89; AFS 71-1989, f. & cert. ef. 12-1-89; HR 10-1990, f. 3-30-90, cert. ef. 4-1-90, Renumbered from 461-014-0580; HR 19-1991, f. 4-12-91, cert. ef. 5-1-91; HR 43-1991, f. & cert. ef. 10-1-91; 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 34-1998, f. & cert. ef. 10-1-98; OMAP 17-1999, f. & cert. ef. 4-1-99; 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 51-2002, f. & cert. ef. 10-1-02; OMAP 23-2003, f. 3-26-03, cert. ef. 4-1-03; Renumbered from 410-130-0100, OMAP 69-2003, f. 9-12-03, cert. ef. 10-1-03; OMAP 58-2004, f. 9-10-04, cert. ef. 10-1-04; 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 18-2009, f. 6-12-09, cert. ef. 7-1-09; DMAP 8-2010(Temp), f. 4-13-10, cert. ef. 4-15-10 thru 10-1-10; DMAP 24-2010, f. & cert. ef. 9-1-10

Rule Caption: Oregon Health Plan Benefit Package of Covered Services.

Adm. Order No.: DMAP 25-2010

Filed with Sec. of State: 9-1-2010

Certified to be Effective: 9-1-10

Notice Publication Date: 8-1-2010

Rules Amended: 410-141-0480

Rules Repealed: 410-141-0480(T)

Subject: The Oregon Health Plan (OHP — Managed Care) Program administrative rules govern Division of Medical Assistance Programs' (Division) payments for services provided to clients. The Division temporarily amended OAR 410-141-0480 Oregon Health Plan Benefit Package of Covered Services, retroactively to January 1, 2010 by removing reference to 410-141-0520, section (4) that no longer exists. This revision now coincides with changes made to OAR 410-141-0520 Prioritized List of Health Services effective January 1.

DMAP updated OAR 410-141-0520 on January 1, 2010 but we inadvertently failed to update 410-141-0480 by removing the section reference at the same time so this rule revision is retroactive to reference appropriate Office for Oregon Health Policy and Research (OHPPR) changes to the Prioritized List, effective January 1, 2010 and remove the conflicting information.

Other text will be revised to improve readability and to take care of necessary "housekeeping" corrections.

Rules Coordinator: Darlene Nelson — (503) 945-6927

410-141-0480

Oregon Health Plan Benefit Package of Covered Services

(1) Division members are eligible to receive, subject to Section (11) of this rule, those treatments for the condition/treatment pairs funded on the Oregon Health Services Commission's (HSC) Prioritized List of Health Services adopted under OAR 410-141-0520 when such treatments are medically or dentally appropriate, except that services must also meet the prudent layperson standard defined in OAR 410-141-0140. Refer to 410-141-0520 for funded line coverage information.

(2) Medical Assistance benefit packages follow practice guidelines adopted by the HSC in conjunction with the Prioritized List of Health Services unless otherwise specified in rule.

(3) Diagnostic services that are necessary and reasonable to diagnose the presenting condition of the Division member are covered services, regardless of the placement of the condition on the Prioritized List of Health Services.

(4) Comfort care is a covered service for a Division member with a terminal illness.

(5) Preventive services promoting health and/or reducing the risk of disease or illness are covered services for Division members. Such services include, but are not limited to, periodic medical and dental exams based on age, sex and other risk factors; screening tests; immunizations; and counseling regarding behavioral risk factors. (See Prioritized List of Health Services, adopted in OAR 410-141-0520).

(6) Ancillary services are covered, subject to the service limitations of the OHP Program rules, when the services are medically or dentally appropriate for the treatment of a covered condition/treatment pair, or the provi-

sion of ancillary services will enable the Division member to retain or attain the capability for independence or self-care.

(7) The provision of chemical dependency services must be in compliance with the Addictions and Mental Health Division (AMH) administrative rules, OAR 415-020-0000 to 0090 and 415-051-0000 to 0130 and the requirements in the chemical dependency subsection of the Statement of Work in the Fully Capitated Health Plan and Physician Care Organization contracts.

(8) In addition to the coverage available under section (1) of this rule, a Division member may be eligible to receive, subject to section (11), services for treatments that are below the funded line or not otherwise excluded from coverage:

(a) Services can be provided if it can be shown that:

(A) The OHP client has a funded condition for which documented clinical evidence shows that the funded treatments are not working or are contraindicated; and

(B) Concurrently has a medically related unfunded condition that is causing or exacerbating the funded condition; and

(C) Treating the unfunded medically related condition would significantly improve the outcome of treating the funded condition;

(D) Ancillary services that are excluded and other services that are excluded are not subject to consideration under this rule;

(E) Any unfunded or funded co-morbid conditions or disabilities must be represented by an ICD-9-CM diagnosis code or when the condition is a mental disorder, represented by DSM-IV diagnosis coding to the highest level of axis specificity; and

(F) In order for the treatment to be covered, there must be a medical determination and finding by the Division for fee-for-service OHP clients or a finding by the Prepaid Health Plan (PHP) for Division members that the terms of section (a)(A)–(C) of this rule have been met based upon the applicable:

- (i) Treating physician opinion;
- (ii) Medical research;
- (iii) Community standards; and
- (iv) Current peer review.

(b) Before denying treatment for an unfunded condition for any Division member, especially a Division member with a disability or with a co-morbid condition, providers must determine whether the Division member has a funded condition/treatment pair that would entitle the Division member to treatment under the program and both the funded and unfunded conditions must be represented by an ICD-9-CM diagnosis code; or, when the condition is a mental disorder, represented by DSM-IV diagnosis coding to the highest level of axis specificity.

(9) The Division shall maintain a telephone information line for the purpose of providing assistance to practitioners in determining coverage under the Oregon Health Plan Benefit Package of Covered Services. The telephone information line shall be staffed by registered nurses who shall be available during regular business hours. If an emergency need arises outside of regular business hours, the Division shall make a retrospective determination under this subsection, provided the Division is notified of the emergency situation during the next business day. If the Division denies a requested service, the Division shall provide written notification and a notice of the right to an administrative hearing to both the OHP client and the treating physician within five working days of making the decision.

(10) If a condition/treatment pair is not on the Prioritized List of Health Services and the Division determines the condition/treatment pair has not been identified by the HSC for inclusion on the list, the Division shall make a coverage decision in consultation with the HSC.

(11) Coverage of services available through the Oregon Health Plan Benefit Package of Covered Services is limited by OAR 410-141-0500, Excluded Services and Limitations for Oregon Health Plan clients.

(12) General anesthesia for dental procedures which are medically and/or dentally appropriate to be performed in a hospital or ambulatory surgical setting, is to be used only for those Division members as detailed in OAR 410-123-1490.

Stat. Auth.: ORS 409.050

Stats. Implemented: ORS 414.065

Hist.: HR 31-1993, f. 10-14-93, cert. ef. 2-1-94; HR 7-1994, f. & cert. ef. 2-1-94; HR 39-1994, f. 12-30-94, cert. ef. 1-1-95; HR 26-1995, f. 12-29-95, cert. ef. 1-1-96; HR 19-1996, f. & cert. ef. 10-1-96; HR 1-1997(Temp), f. 1-31-97, cert. ef. 2-1-97; HR 12-1997, f. 5-30-97, cert. ef. 6-1-97; HR 15-1997, f. & cert. ef. 7-1-97; HR 26-1997, f. & cert. ef. 10-1-97; OMAP 17-1998(Temp), f. & cert. ef. 5-1-98 thru 9-1-98; OMAP 32-1998, f. & cert. ef. 9-1-98; OMAP 39-1998, f. & cert. ef. 10-1-98; OMAP 39-1999, f. & cert. ef. 10-1-99; OMAP 26-2000, f. 9-28-00, cert. ef. 10-1-00; OMAP 53-2001, f. & cert. ef. 10-1-01; OMAP 88-2002, f. 12-24-02, cert. ef. 1-1-03; OMAP 61-2003, 9-5-03, cert. ef. 10-1-03; OMAP 79-2003(Temp), f. & cert. ef. 10-2-03 thru 3-15-04; OMAP 81-2003(Temp), f. & cert. ef. 10-23-03 thru 3-15-04; OMAP 94-2003, f. 12-31-03 cert. ef. 1-1-04; OMAP 35-2004, f. 5-26-04 cert. ef. 6-1-04; OMAP 51-2004, f. 9-9-04, cert. ef. 10-1-04; OMAP 27-2005, f. 4-20-05, cert. ef. 5-1-05; OMAP 23-2006, f. 6-12-06, cert. ef. 7-1-06; OMAP 46-2006, f. 12-15-06, cert. ef.

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1-1-07; DMAP 23-2007, f. 12-11-07 cert. ef. 1-1-08; DMAP 11-2010(Temp), f. & cert. ef. 6-3-10 thru 11-15-10; DMAP 25-2010, f. & cert. ef. 9-1-10

**Department of Human Services,
Public Health Division
Chapter 333**

Rule Caption: Adoption of rules for the operation and licensure of Hospice Programs.

Adm. Order No.: PH 19-2010

Filed with Sec. of State: 8-30-2010

Certified to be Effective: 9-1-10

Notice Publication Date: 6-1-2010

Rules Adopted: 333-035-0045, 333-035-0050, 333-035-0055, 333-035-0060, 333-035-0065, 333-035-0070, 333-035-0075, 333-035-0080, 333-035-0085, 333-035-0090, 333-035-0095, 333-035-0100, 333-035-0105

Subject: The Department of Human Services, Public Health Division is permanently adopting Oregon Administrative Rules relating to the establishment of standards for the operation and licensing of Hospice Programs in response to the passage of SB 161 during the 2009 legislative session. These rules will provide a process for licensing, handling complaints, investigations of complaints, surveys, and discipline for hospice programs by assessing a civil penalty.

Rules Coordinator: Brittany Sande—(971) 673-1291

333-035-0045

Purpose

These rules establish the authority of the Department of Human Services, Public Health Division to license hospice programs in order to ensure the health and safety of individuals who are experiencing the last phases of life.

Stat. Auth.: ORS 443.860

Stats. Implemented: ORS 443.860

Hist.: PH 19-2010, f. 8-30-10, cert. ef. 9-1-10

333-035-0050

Definitions

As used in OAR chapter 333, division 35, the following definitions apply:

(1) "Accreditation" means a designation by an accrediting organization that a hospice program has met standards that have been developed to indicate a quality program.

(2) "Administrator" means a person responsible for the administrative functions and operation of the hospice program.

(3) "CMS" means Centers for Medicare and Medicaid Services.

(4) "Certification" means a state agency's official recommendations and findings to CMS regarding a hospice program's compliance with federal CMS regulations.

(5) "Conditions of Participation" mean the applicable federal regulations that hospice programs are required to comply with in order to participate in the federal Medicare and Medicaid programs.

(6) "Division" means the Public Health Division within the Department of Human Services.

(7) "Hospice aide" has the same meaning as nurse's aide.

(8) "Hospice program" means a coordinated program of home and inpatient care, available 24 hours a day, that utilizes an interdisciplinary team of personnel trained to provide palliative and supportive services to a patient-family unit experiencing a life threatening disease with a limited medical prognosis. A hospice program is an institution for purposes of ORS 146.100.

(9) "Hospice services" means items and services provided to a patient-family unit by a hospice program or by other individuals or community agencies under a consulting or contractual arrangement with a hospice program. Hospice services include home care, inpatient care for acute pain and symptom management or respite, and bereavement services provided to meet the physical, psychosocial, emotional, spiritual and other special needs of a patient-family unit during the final stages of illness, dying and the bereavement period.

(10) "Interdisciplinary team" means a group of individuals working together in a coordinated manner to provide hospice care. An interdisciplinary team includes, but is not limited to, the patient-family unit, the patient's attending physician or clinician and one or more of the following hospice program personnel:

(a) Physician;

(b) Nurse practitioner;

(c) Nurse;

(d) Nurse's aide;

(e) Occupational therapist;

(f) Physical therapist;

(g) Trained lay volunteer;

(h) Clergy or spiritual counselor; or

(i) Credentialed mental health professional such as psychiatrist, psychologist, psychiatric nurse or social worker.

(11) "Medicare Certification Number" means the unique identification number, also referred to as the Medicare Provider Number, assigned to a qualifying hospice program by CMS.

(12) "Nurse's Aide" means a person certified as a nursing assistant under ORS 678.442 who has received special hospice training in accordance with CMS Conditions of Participation.

(13) "Patient-family unit" includes an individual who has a life threatening disease with a limited prognosis and all others sharing housing, common ancestry or a common personal commitment with the individual.

(14) "Person" includes individuals, organizations and groups of organizations.

(15) "Survey" means an inspection of an applicant for a hospice program license or a hospice program to determine the extent to which the applicant or hospice program is in compliance with state hospice program statutes, these rules and CMS Conditions of Participation.

Stat. Auth.: ORS 443.860

Stats Implemented: ORS 443.850

Hist.: PH 19-2010, f. 8-30-10, cert. ef. 9-1-10

333-035-0055

Licensing and Fees

(1) A person may not establish, conduct or maintain a hospice program providing hospice services, or hold itself out to the public as a hospice program, without obtaining a license from the Division.

(2) A person may apply to operate a hospice program by submitting a complete application on a form prescribed by the Division, accompanied by a fee of \$750. An application that is incomplete or that is not accompanied by the correct fee will be returned to the person applying.

(3) In order for a license application to be considered complete, it shall include, but is not limited to:

(a) Business name;

(b) Medicare Certification Number (Medicare Provider Number)(if applicable);

(c) Primary and multiple locations (if any);

(d) Tax status;

(e) Ownership category (e.g. corporation, partnership, sole proprietorship);

(f) Physical and mailing addresses;

(g) Owner information;

(h) Descriptions of services;

(i) Staffing levels; and

(j) Average daily census.

(4) The Division shall conduct an initial survey prior to licensure.

(5) In lieu of an initial survey required under section (4) of this rule, the Division may accept a CMS certification or a survey conducted within the previous three years by an accrediting organization approved by the Division.

(6) A hospice program licensed in Washington, Idaho or California must be licensed in Oregon in order to provide care in Oregon within a 60 mile radius of the parent agency in the other state. A hospice program licensed in these other states shall pay the required fee and the Division:

(a) Shall conduct a licensing survey; or

(b) May accept a CMS certification or a survey conducted within the previous three years by an accrediting organization approved by the Division.

(7) The Division may waive the mileage guideline in section (6) of this rule if the parent hospice program proposes to provide hospice services to an underserved area of the state and adequately demonstrates the ability to manage and control the services.

(8) The Division shall issue a license to an applicant that has the necessary qualifications, meets all requirements established by the Division, meets the CMS Conditions of Participation for hospice programs found in 42 CFR Part 418, and has paid the fee.

(9) A license issued under this section is valid for one year and is not transferable.

(10) A licensee may apply for renewal of a license by completing a renewal application on a form prescribed by the Division and submission of

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a \$750 renewal fee. The Division shall renew a license if the licensee is in compliance with ORS 443.850 through 443.869, these rules, and CMS Conditions of Participation, 42 CFR Part 418.

(11) The Division may permit a hospice program providing care at multiple locations, to operate under one license for all locations, if:

(a) All locations are operating under the same Medicare Certification Number;

(b) The multiple location provides the same full range of care and services that is required by the hospice program issued the Medicare Certification Number; and

(c) The locations are located within a 60 mile radius of the parent hospice program applying for licensure.

(12) The Division may waive the mileage guideline in subsection (11)(c) of this rule if the parent hospice program proposes to provide hospice services to an underserved area of the state and adequately demonstrates the ability to manage and control the services.

(13) An applicant or licensee may be required by CMS to obtain a survey by a CMS deemed accrediting organization in addition to any survey conducted by the Division under section (4) of this rule or OAR 333-035-0075.

Stat. Auth.: ORS 443.860
Stats. Implemented: ORS 443.860
Hist.: PH 19-2010, f. 8-30-10, cert. ef. 9-1-10

333-035-0060

Criminal Background Checks

(1) Except as provided in section (7) of this rule, a hospice program must obtain a criminal background check for the following prior to employment, entering into a contract, or permitting a volunteer to have direct patient contact and every three years thereafter:

(a) Hospice program employees;

(b) Individuals who contract with the hospice program and who have direct patient contact or access to patient records; and

(c) Volunteers who have direct patient contact or access to patient records.

(2) A hospice program must have written policies and procedures for conducting criminal background checks in accordance with section (1) of this rule including a description of criminal convictions that disqualifies an individual from being employed, contracted with or working as a volunteer.

(3) If the criminal background check or other information obtained by a hospice program indicates an employee, contractor or volunteer has been convicted of a crime against a person or property that reasonably raises questions about the ability of that individual to safely provide services or care, the hospice program shall notify the individual in writing that they have been found unfit to be employed, contracted with or to be a volunteer.

(4) If an individual has been found unfit in accordance with section (3) of this rule, the hospice program shall provide that individual with information on how to appeal to the source of the criminal background check if the individual believes the records are in error.

(5) A hospice program shall keep the information obtained from criminal background checks confidential and use it solely to determine an individual's eligibility to be employed, contracted with or to be a volunteer.

(6) A hospice program shall require the individuals described in subsection (1)(a) through (c) of this rule to report within 10 days:

(a) Any criminal conviction;

(b) Any arrest, indictment, or charge for a sexual offense or property crime; and

(c) Any disciplinary action taken by a health professional regulatory board or agency.

(7) An individual licensed by a health professional regulatory board as defined in ORS 676.160 is not subject to the criminal background checks described in section (1) of this rule.

(8) A hospice program shall have policies and procedures that ensure the entities it contracts with have conducted criminal background checks for individuals that will have direct contact with the hospice program's patients or access to hospice program patient records.

Stat. Auth.: ORS 443.860
Stats. Implemented: ORS 443.860
Hist.: PH 19-2010, f. 8-30-10, cert. ef. 9-1-10

333-035-0065

Complaints

(1) Any person may make a complaint verbally or in writing to the Division regarding an allegation as to the care or services provided by a hospice program or violations of any hospice program laws or regulations.

(2) The identity of a person making a complaint will be kept confidential.

(3) An investigation will be carried out as soon as practicable after the receipt of a complaint in accordance with OAR 333-035-0070.

(4) If the complaint involves an allegation of criminal conduct or an allegation that is within the jurisdiction of another local, state, or federal agency, the Division will refer the matter to that agency.

Stat. Auth.: ORS 443.860
Stats. Implemented: ORS 443.860
Hist.: PH 19-2010, f. 8-30-10, cert. ef. 9-1-10

333-035-0070

Investigations

(1) As soon as practicable after receiving a complaint, taking into consideration the nature of the complaint, Division staff may begin an investigation.

(2) A hospice program shall permit Division staff access to any location from which it is operating its program or providing services during an investigation.

(3) An investigation may include but is not limited to:

(a) Interviews of the complainant, patients of the hospice program, patient family members, witnesses, hospice program management and staff;

(b) On-site observations of patients and staff performance; and

(c) Review of documents and records.

(4) Except as otherwise specified in 42 CFR § 401, Subpart B, the Division shall draft an investigation report and may make publicly available a copy of that report that does not contain any information that could lead to the identification of the complainant, a patient, or any other information that is confidential under state law.

Stat. Auth.: ORS 443.860
Stats. Implemented: ORS 443.860
Hist.: PH 19-2010, f. 8-30-10, cert. ef. 9-1-10

333-035-0075

Surveys

(1) The Division shall, in addition to any investigations conducted under OAR 333-035-0070, conduct at least one survey of each hospice program every three years and at such other times as the Division deems necessary.

(2) In lieu of a survey required under section (1) of this rule, the Division may:

(a) Accept certification by a federal agency; or

(b) Accept a survey performed by an accrediting organization approved by the Division under OAR 333-035-0100, and conducted within the last three years.

(3) A hospice program shall permit Division staff access to any location from which it is operating its program or providing services during a survey.

(4) A survey may include but is not limited to:

(a) Interviews of patients, patient family members, hospice program management and staff;

(b) On-site observations of patients and staff performance;

(c) Review of documents and records; and

(d) Patient audits.

(5) A hospice program shall make all requested documents and records available to the surveyor for review and copying.

(6) Following a survey, Division staff may conduct an exit conference with the hospice program administrator or his or her designee. During the exit conference Division staff shall:

(a) Inform the hospice program representative of the preliminary findings of the inspection; and

(b) Give the person a reasonable opportunity to submit additional facts or other information to the surveyor in response to those findings.

(7) Following the survey, Division staff shall prepare and provide the hospice program administrator or his or her designee specific and timely written notice of the findings.

(8) If the findings result in a referral to another regulatory agency, Division staff shall submit the applicable information to that referral agency for its review and determination of appropriate action.

(9) If no deficiencies are found during a survey, the Division shall issue written findings to the hospice program administrator indicating that fact.

(10) If the surveyor's written notice of findings indicates that the agency was in compliance with hospice program licensing laws and no deficiencies were cited, the agency administrator or administrator's designee shall sign the written notice and return it to the Division.

ADMINISTRATIVE RULES

(11) If deficiencies are found, the Division shall take informal or formal enforcement action in compliance with OAR 333-035-0085 or 333-035-0090.

Stat. Auth.: ORS 443.860
Stats. Implemented: ORS 443.860
Hist.: PH 19-2010, f. 8-30-10, cert. ef. 9-1-10

333-035-0080

Violations

In addition to non-compliance with any hospice program licensing law or CMS Conditions of Participation, it is a violation to:

- (1) Refuse to cooperate with an investigation or survey, including but not limited to failure to permit Division staff access to the hospice program, its documents or records;
- (2) Fail to implement an approved plan of correction;
- (3) Fail to comply with all applicable laws, lawful ordinances and rules relating to safety from fire;
- (4) Refuse or fail to comply with an order issued by the Division;
- (5) Refuse or fail to pay a civil penalty;
- (6) Fail to comply with rules governing the storage of records following the closure of a hospice program;
- (7) Fail to obtain a license.

Stat. Auth.: ORS 443.860
Stats. Implemented: ORS 443.860
Hist.: PH 19-2010, f. 8-30-10, cert. ef. 9-1-10

333-035-0085

Informal Enforcement

(1) If during an investigation or survey Division staff document violations of hospice program licensing laws or conditions of participation, the Division may issue a statement of deficiencies that cites the law alleged to have been violated and the facts supporting the allegation.

(2) A signed plan of correction must be received by the Division within 10 business days from the date the statement of deficiencies was mailed to the hospice program. A signed plan of correction will not be used by the Division as an admission of the violations alleged in the statement of deficiencies.

(3) A hospice program shall correct all deficiencies within 45 days from the date of the exit conference, unless an extension of time is requested from the Division. A request for such an extension shall be submitted in writing and must accompany the plan of correction.

(4) The Division shall determine if a written plan of correction is acceptable. If the plan of correction is not acceptable to the Division, the Division shall notify the hospice program administrator 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 to the administrator.

(5) If the hospice program does not come into compliance by the date of correction reflected on the plan of correction or 45 days from date of the exit conference, whichever is sooner, the Division may propose to deny, suspend, or revoke the hospice program license, or impose civil penalties.

Stat. Auth.: ORS 443.860
Stats. Implemented: ORS 443.860
Hist.: PH 19-2010, f. 8-30-10, cert. ef. 9-1-10

333-035-0090

Formal Enforcement

(1) If during an investigation or survey Division staff document a substantial failure to comply with hospice program licensing laws or conditions of participation, or if a hospice program fails to pay a civil penalty imposed under ORS 443.869, the Division may issue a Notice of Proposed Suspension or Notice of Proposed Revocation in accordance with ORS 183.411 through 183.470.

(2) The Division may issue a Notice of Imposition of Civil Penalty for violations of hospice program licensing laws.

(3) At any time the Division may issue a Notice of Emergency License Suspension under ORS 183.430(2).

(4) If the Division revokes a hospice program license, the order shall specify when, if ever, the hospice program may reapply for a license.

Stat. Auth.: ORS 443.860
Stats. Implemented: ORS 443.860
Hist.: PH 19-2010, f. 8-30-10, cert. ef. 9-1-10

333-035-0095

Civil Penalties

(1) In addition to any other liability or penalty provided by law, the Division may impose a civil penalty of \$1,000 per day, up to \$10,000 in any 30-day period, for any of the following:

(a) Violation of any of the terms or conditions of a license issued under these rules;

(b) Violation of any of these rules or an order issued by the Division to a hospice program licensed under these rules;

(c) Violation of any final order of the director that pertains specifically to a hospice program owned or operated by the person incurring the penalty; or

(d) Violation of ORS 443.860 or of rules adopted under ORS 443.860.

(2) In determining the amount of a civil penalty the Division shall consider whether:

(a) The Division made repeated attempts to obtain compliance;

(b) There is a history of noncompliance with hospice program licensing laws;

(c) The violation poses a serious risk to the public's health;

(d) The person or licensee gained financially from the noncompliance; and

(e) There are mitigating factors, such as a person or licensee's cooperation with an investigation or actions to come into compliance.

(3) The Division shall document its consideration of the factors in section (2) of this rule.

(4) Each day a violation continues is an additional violation.

(5) Civil penalties under this section shall be imposed in the manner provided by ORS 183.745.

Stat. Auth.: ORS 443.860
Stats. Implemented: ORS 443.869
Hist.: PH 19-2010, f. 8-30-10, cert. ef. 9-1-10

333-035-0100

Approval of Accrediting Organizations

(1) An accrediting organization must request approval by the Division to accredit hospice programs in Oregon.

(2) An accrediting organization shall request approval in writing and shall provide, at a minimum:

(a) Evidence that it is recognized as a deemed accrediting organization by CMS; or

(b) Documentation of program policies and procedures that the accreditation meets standards and conditions established for hospice programs by CMS;

(c) Accreditation history; and

(d) References from a minimum of two hospice programs currently receiving services from the organization.

(3) If the Division finds that an accrediting organization's qualifications are equal to or exceed state licensing requirements in Oregon, the Division will enter into an agreement with the accrediting organization permitting it to accredit hospice programs in Oregon.

(4) CMS will not accept accreditation by an organization that is not a deemed organization by CMS, for purposes of CMS certification.

Stat. Auth.: ORS 443.860
Stats. Implemented: ORS 443.860
Hist.: PH 19-2010, f. 8-30-10, cert. ef. 9-1-10

333-035-0105

Applicability of Rules

(1) A hospice program already in operation on September 1, 2010 shall apply to the Division for a license and pay the applicable fee by October 1, 2010.

(2) The Division shall allow a hospice program already in operation on September 1, 2010, three months from its date of application before an on-site inspection is conducted, in order to allow a hospice program to come into compliance with these rules.

(3) A hospice program already in operation on September 1, 2010 shall conduct criminal background checks in accordance with OAR 333-035-0060 prior to September 1, 2012.

Stat. Auth.: ORS 443.860
Stats. Implemented: ORS 443.860
Hist.: PH 19-2010, f. 8-30-10, cert. ef. 9-1-10

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Rule Caption: Edits, amendments and adoption of rules related to Radiation Protection Services.

Adm. Order No.: PH 20-2010

Filed with Sec. of State: 9-1-2010

Certified to be Effective: 9-1-10

Notice Publication Date: 6-1-2010

Rules Adopted: 333-102-0032, 333-120-0545

Rules Amended: 333-102-0001, 333-102-0015, 333-102-0025, 333-102-0030, 333-102-0035, 333-102-0115, 333-102-0125, 333-102-

ADMINISTRATIVE RULES

0190, 333-102-0250, 333-102-0285, 333-102-0305, 333-102-0340, 333-102-0900, 333-103-0003, 333-103-0010, 333-103-0015, 333-103-0030, 333-103-0035, 333-106-0005, 333-106-0055, 333-106-0325, 333-119-0010, 333-119-0020, 333-119-0060, 333-119-0080, 333-119-0120, 333-119-0200, 333-120-0015, 333-120-0500, 333-120-0550

Subject: The Department of Human Services, Public Health Division, Radiation Protection Services Section is permanently adopting and amending Oregon Administrative Rules (OAR) in chapter 333, divisions 102, 103, 106, 119 and 120 related to radiation protection. Changes to the OARs are necessary to comply with the Nuclear Regulatory Commission's (NRC) Code of Federal Regulations (CFR); Adopt and revise rules to comply with implemented CFRs for compatibility with NRC regulations per the state agreement; Amend division 103 to increase radioactive material licensing fees by 20% and change annual fees to assigned quarterly invoice dates to licensees; Division 106 rules are being revised to address new and emerging technology; and Division 119 is being revised to address tanning operator training within the industry.

Rules Coordinator: Brittany Sande—(971) 673-1291

333-102-0001

Purpose and Scope

(1) This division prescribes rules applicable to all persons in the State of Oregon governing licensing of radioactive material, and for exemptions from licensing requirements. No person may receive, produce, possess, use, transfer, own or acquire byproduct material except as authorized in a specific or general license pursuant to this division or divisions 105, 113, 115, 116, 117, or 121 of this chapter.

(2) In addition to the requirements of division 102, all licensees are subject to applicable requirements in divisions 100, 103, 111, 118, and 120 of this chapter. The requirements of this division are in addition to, and not in substitution for, other requirements of this chapter. In any conflict between the requirements in this division and a specific requirement in another division of the rules in this chapter, the specific requirement governs.

(3) This division establishes general licenses for the possession and use of source material and depleted uranium, for radioactive material contained in certain items, and for ownership of radioactive material.

(4) This division gives notice to all persons who knowingly provide to any licensee, contractor, or subcontractor, components, equipment, materials, or other goods or services, that relate to a licensee's activities subject to this division, that they may be individually subject to Department actions pursuant to OAR 333-100-0035 or 333-100-0040.

(5) This division prescribes requirements for the issuance of specific licenses to persons who manufacture or initially transfer items containing radioactive material for sale or distribution to persons granted a general license by this division or to persons authorized by the US Nuclear Regulatory Commission to distribute to persons exempted from licensing requirements, and it prescribes certain rules governing holders of these licenses. In addition, this division prescribes requirements for the issuance of specific licenses to persons who introduce radioactive material into a product or material owned by or in the possession of the licensee or another and rules governing holders of such licenses. Further, this division describes procedures and prescribes requirements for the issuance of certificates of registration (governing radiation safety information about a product) to manufacturers or initial transferors of sealed source or devices containing sealed sources, which are to be used by persons specifically licensed under this division or equivalent regulations of an Agreement State or the US Nuclear Regulatory Commission.

(6) The Department may engage the services of qualified persons in order to assist the Department in meeting the requirements of this chapter, including, but not limited to, evaluating information that may be required under OAR 333-102-0200(6).

(7) Information provided to the Department by an applicant for a license or by a licensee or information required by statute or by the Department's rules, orders, or license conditions to be maintained by the applicant or the licensee must be complete and accurate in all material respects.

(8) Each applicant or licensee must notify the Department of information identified by the applicant or licensee as having for the regulated activity a significant implication for public health and safety. An applicant or licensee violates this rule only if the applicant or licensee fails to notify

the Department of information that the applicant or licensee has identified as having a significant implication for public health and safety. Notification must be provided to the Department within two working days of identifying the information. This requirement is not applicable to information that already is required to be provided to the Department by other reporting or updating requirements.

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.625 - 453.807

Hist.: HD 4-1985, f. & ef. 3-20-85; HD 1-1991, f. & cert. ef. 1-8-91; HD 15-1994, f. & cert. ef. 5-6-94; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 20-2010, f. & cert. ef. 9-1-10

333-102-0015

Certain Items Containing Radioactive Material

(1) Except for persons who apply radioactive material to, or persons who incorporate radioactive material into the following products, any person is exempt from these rules to the extent that he or she receives, possesses, uses, transfers, owns or acquires the following products:

NOTE: Authority to transfer possession or control by the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing byproduct material whose subsequent possession, use, transfer, and disposal by all other persons are exempted from regulatory requirements may be obtained only from the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

(a) Timepieces or hands or dials containing not more than the following specified quantities of radioactive material and not exceeding the following specified levels of radiation:

(A) 25 millicuries (925 MBq) of tritium per timepiece;

(B) Five millicuries (185 MBq) of tritium per hand;

(C) 15 millicuries (555 MBq) of tritium per dial (when used, bezels must be considered as part of the dial);

(D) 100 microcuries (3.7 MBq) of promethium-147 per watch or 200 microcuries (7.4 MBq) of promethium-147 per any other timepiece;

(E) 20 microcuries (0.74 MBq) of promethium-147 per watch hand or

40 microcuries (1.48 MBq) of promethium-147 per other timepiece hand;

(F) 60 microcuries (2.22 MBq) of promethium-147 per watch dial or 120 microcuries (4.44 MBq) of promethium-147 per other timepiece dial (when used, bezels must be considered as part of the dial);

(G) 0.15 microcurie (5.55 kBq) of radium per timepiece;

(H) 0.03 microcurie (1.11 kBq) of radium per hand;

(I) 0.09 microcurie (3.33 kBq) of radium per dial (when used, bezels must be considered as part of the dial);

(J) The radiation dose rate from hands and dials containing promethium-147 will not exceed, when measured through 50 milligrams per square centimeter of absorber:

(i) For wrist watches, 0.1 millirad (one Gy) per hour at 10 centimeters from any surface;

(ii) For pocket watches, 0.1 millirad (one Gy) per hour at one centimeter from any surface; and

(iii) For any other timepiece, 0.2 millirad (two Gy) per hour at 10 centimeters from any surface.

(K) One microcurie (37 kBq) of radium-226 per timepiece in intact timepieces manufactured prior to November 30, 2007.

(b) Precision balances containing not more than one millicurie (37 MBq) of tritium per balance or not more than 0.5 millicurie (18.5 MBq) of tritium per balance part manufactured before December 17, 2007;

(c) Marine compasses containing not more than 750 millicuries (27.8 GBq) of tritium gas and other marine navigational instruments containing not more than 250 millicuries (9.25 GBq) of tritium gas manufactured before December 17, 2007;

(d) Electron tubes: Provided, that each tube does not contain more than one of the following specified quantities of radioactive material:

(A) 150 millicuries (5.55 GBq) of tritium per microwave receiver protector tube or 10 millicuries (370 MBq) of tritium per any other electron tube;

(B) One microcurie (37 kBq) of cobalt-60;

(C) Five microcuries (185 kBq) of nickel-63;

(D) 30 microcuries (1.11 MBq) of krypton-85;

(E) Five microcuries (185 kBq) of cesium-137; or

(F) 30 microcuries (1.11 MBq) of promethium-147.

(G) And provided further, that the radiation dose rate from each electron tube containing radioactive material will not exceed one millirad (10 Gy) per hour at one centimeter from any surface when measured through seven milligrams per square centimeter of absorber.

NOTE: For purposes of, subsection (1)(d) of this rule "electron tubes" include spark gap tubes, power tubes, gas tubes including glow lamps, receiving tubes, microwave tubes, indicator tubes, pick-up tubes, radiation detection tubes and any other completely sealed tube that is designed to conduct or control electrical currents.

ADMINISTRATIVE RULES

(e) Ionizing radiation measuring instruments containing, for purposes of internal calibration or standardization, one or more sources of radioactive material, provided that:

(A) Each source contains no more than one exempt quantity set forth in 10 CFR Part 30.71 Schedule B; and

(B) Each instrument contains no more than 10 exempt quantities. For purposes of this requirement, an instrument's source(s) may contain either one or different types of radionuclides and an individual exempt quantity may be composed of fractional parts of one or more of the exempt quantities in 10 CFR Part 30.71 Schedule B provided that the sum of such fractions must not exceed unity.

(C) For americium-241, 0.05 microcuries (1.85 kBq) is considered an exempt quantity under paragraph (1)(e)(B) of this rule.

(i) Ionization chamber smoke detectors containing not more than one microcurie (uCi) of americium-241 per detector in the form of a foil and designed to protect life and property from fires.

(2) The exemptions contained in this rule must not authorize any of the following:

(a) The manufacture of any product listed;

(b) The application or removal of radioactive luminous material to or from meters and timepieces or hands and dials therefor;

(c) The installation into automobile locks of illuminators containing tritium or promethium-147 or the application of tritium to balances of precision or parts thereof;

(d) Human use, or the use in any device or article, except timepieces, which is intended to be placed on or in the human body;

(e) As applied to radioactive material exempted under section (1) of this rule, the production, packaging, repackaging or transfer of radioactive material for purposes of commercial distribution or the incorporation of radioactive material into products intended for commercial distribution.

Stat. Auth.: ORS 453.635, 453.665

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 4-1985, f. & ef. 3-20-85; HD 1-1991, f. & cert. ef. 1-8-91; HD 15-1994, f. & cert. ef. 5-6-94; HD 1-1995, f. & cert. ef. 4-26-95; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 4-2010, f. & cert. ef. 2-16-10; PH 20-2010, f. & cert. ef. 9-1-10

333-102-0025

Gas and Aerosol Detectors Containing Radioactive Material

(1) Except for persons who manufacture, process, produce or initially transfer for sale or distribution gas and aerosol detectors containing radioactive material, any person is exempt from the requirements for a license and from the rules in this division and in divisions 105, 113, 115, 116, 117, 120, and 121 of this chapter to the extent that such person receives, possesses, uses, transfers, owns or acquires byproduct material in gas and aerosol detectors designed to protect life or property from fires and airborne hazards provided that detectors containing radioactive material shall have been manufactured, imported or transferred in accordance with a specific license issued by the U.S. Nuclear Regulatory Commission pursuant to 10 CFR Parts 32.26 of; or a Licensing State pursuant to OAR 333-102-0260, which authorizes the transfer of the product for use under this rule. This exemption also covers gas and aerosol detectors manufactured or distributed before November 30, 2007 in accordance with a specific license issued by a state under comparable provisions to OAR 333-102-0260 authorizing distribution to persons who are exempt from regulatory requirements.

NOTE: Authority to transfer possession or control by the manufacturer, processor or producer of any equipment, device, commodity or other product containing byproduct material whose subsequent possession, use, transfer and disposal by all other persons are exempted from regulatory requirements may be obtained only from the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

(2) Gas and aerosol detectors previously manufactured and distributed to general licensees in accordance with a specific license issued by an Agreement State must be considered exempt under section (1) of this rule, provided that the device is labeled in accordance with the specific license authorizing distribution of the generally licensed device, and provided further that they meet the requirements of OAR 333-102-0260.

(3) Gas and aerosol detectors containing NARM previously manufactured and distributed in accordance with a specific license issued by a Licensing State must be considered exempt under section (1) of this rule, provided that the device is labeled in accordance with the specific license authorizing distribution and provided further that they meet the requirements of OAR 333-102-0260.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 453.635, 453.665

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 4-1985, f. & ef. 3-20-85; HD 1-1991, f. & cert. ef. 1-8-91; HD 1-1995, f. & cert. ef. 4-26-95; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru

4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 20-2010, f. & cert. ef. 9-1-10

333-102-0030

Self-Luminous Products Containing Radioactive Material

(1) Except for persons who manufacture, process, produce or initially transfer for sale or distribution self-luminous products containing radioactive material, any person is exempt from the requirements for a license and from the rules in this division and in divisions 105, 113, 115, 116, 117, 120, 121 and 124 of this chapter to the extent that such person receives, possesses, uses, transfers, owns or acquires radioactive material in self-luminous products designed to protect life or property from fires and airborne hazards provided that the products containing radioactive material must have been manufactured, imported or transferred in accordance with a specific license issued by the U.S. Nuclear Regulatory Commission pursuant to section 32.26 of 10 CFR Part 32; or a Licensing State pursuant to OAR 333-102-0265, which authorizes the transfer of the detectors to persons who are exempt from regulatory requirements.

NOTE: Authority to transfer possession or control by the manufacturer, processor or producer of any equipment, device, commodity or other product containing byproduct material whose subsequent possession, use, transfer and disposal by all other persons are exempted from regulatory requirements may be obtained only from the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

(2) Gas and aerosol detectors previously manufactured and distributed to general licensees in accordance with a specific license issued by an Agreement State must be considered exempt under section (1) of this rule, provided that the device is labeled in accordance with the specific license authorizing distribution of the generally licensed device, and provided further that they meet the requirements of OAR 333-102-0265.

(3) Gas and aerosol detectors containing NARM previously manufactured and distributed in accordance with a specific license issued by a Licensing State must be considered exempt under section (1) of this rule, provided that the device is labeled in accordance with the specific license authorizing distribution and provided further that they meet the requirements of OAR 333-102-0265.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 453.635, 453.665

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 4-1985, f. & ef. 3-20-85; HD 1-1991, f. & cert. ef. 1-8-91; HD 1-1995, f. & cert. ef. 4-26-95; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 20-2010, f. & cert. ef. 9-1-10

333-102-0032

Self Luminous Products and Sources Containing Radium-226

(1) A general license is hereby issued to any person to acquire, receive, possess, use, or transfer in accordance with the provisions of sections (1), (2), and (3) of this rule, radium-226 contained in the following products manufactured prior to November 30, 2007.

(a) Antiquities originally intended for use by the general public. For the purposes of this subsection, antiquities mean products originally intended for use by the general public and distributed in the late 19th and early 20th centuries, such as radium emanator jars, revigators, radium water jars, radon generators, refrigerator cards, radium bath salts, and healing pads.

(b) Intact timepieces containing greater than 0.037 megabecquerel (1 microcurie), nonintact timepieces, and timepiece hands and dials no longer installed in timepieces.

(c) Luminous items installed in air, marine, or land vehicles.

(d) All other luminous products provided that no more than 100 items are used or stored at the same location at any one time.

(e) Small radium sources containing no more than 0.037 megabecquerel (1 microcurie) of radium-226. For the purposes of this subsection, "small radium sources" means discrete survey instrument check sources, sources contained in radiation measuring instruments, sources used in educational demonstrations (such as cloud chambers and spinthariscopes), electron tubes, lighting rods, ionization sources, static eliminators, or as designated by the Nuclear Regulatory Commission.

(2) Persons who acquire, receive, possess, use, or transfer byproduct material under the general license issued in section (1) of this rule are exempt from the provisions of the rules in this division and in divisions 105, 113, 115, 116, 117, 120, 121 and 124 of this chapter, to the extent that the receipt, possession, use, or transfer of byproduct material is within the terms of the general license; provided, however, that this exemption shall not be deemed to apply to any such person specifically licensed under this chapter.

(3) Any person who acquires, receives, possesses, uses or transfers byproduct material in accordance with the general license in section (1) of this rule:

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(a) Shall notify the Department should there be any indication of possible damage to the product so that it appears it could result in a loss of the radioactive material. A report containing a brief description of the event, and the remedial action taken, must be furnished to the Department within 30 days.

(b) Shall not abandon products containing radium-226. The product, and any radioactive material from the product, may only be disposed of according to 10 CFR Part 20.2008 or by transfer to a person authorized by a specific license to receive the radium-226 in the product or as otherwise approved by the Nuclear Regulatory Commission.

(c) Shall not export products containing radium-226 except in accordance with 10 CFR Part 110.

(d) Shall dispose of products containing radium-226 at a disposal facility authorized to dispose of radioactive material in accordance with any federal or state solid or hazardous waste law, including the Solid Waste Disposal Act, as authorized under the Energy Policy Act of 2005, by transfer to a person authorized to receive radium-226 by a specific licensee or equivalent regulations of an Agreement State, or as otherwise approved by the Department.

(e) Shall respond to written requests from the Department to provide information relating to the general licensee within 30 calendar days of the date of the request, or other time specified in the request. If the general licensee cannot provide the requested information within the allotted time, it shall, within that same time period, request a longer period to supply the information by a written authorization to the Department

(f) The general license in section (1) of this rule does not authorize the manufacture, assembly, disassembly, repair or import of products containing radium-226, except that timepieces may be disassembled and repaired.

Stat. Auth.: ORS 453.635, 453.665
Stats. Implemented: ORS 453.605 - 453.807
Hist.: PH 20-2010, f. & cert. ef. 9-1-10

333-102-0035

Exempt Quantities

(1) Except as provided in sections (2), (3) and (5) of this rule, any person is exempt from these rules to the extent that such person receives, possesses, uses, transfers, owns or acquires radioactive material in individual quantities, each of which does not exceed the applicable quantity set forth in 10 CFR Part 30.71 Schedule B.

(2) This rule does not authorize the production, packaging or repackaging of radioactive material for purposes of commercial distribution or the incorporation of radioactive material into products intended for commercial distribution.

(3) Any person who possesses radioactive material received or acquired under the general license formerly provided in OAR 333-102-0105(2) is exempt from the requirements for a license set forth in this rule to the extent that such person possesses, uses, transfers or owns such byproduct material.

(4) No person may, for purposes of commercial distribution, transfer radioactive material in the individual quantities set forth in 10 CFR Part 30.71 Schedule B, knowing or having reason to believe that such quantities of radioactive material will be transferred to persons exempt under this rule or equivalent regulations of the U.S. Nuclear Regulatory Commission, any Agreement State or Licensing State, except in accordance with a specific license issued by the U.S. Nuclear Regulatory Commission pursuant to section 32.18 of 10 CFR Part 32 or by the Department pursuant to OAR 333-102-0255, which license states that the radioactive material may be transferred by the licensee to persons exempt under this rule or the equivalent regulations of the U.S. Nuclear Regulatory Commission, any Agreement State or Licensing State.

(5) No person may, for purposes of producing an increased radiation level, combine quantities of byproduct material covered by this exemption so that the aggregate quantity exceeds the limits set forth in 10 CFR Part 30.71, Schedule B, except for byproduct material combined within a device placed in use before May 3, 1999, or as otherwise permitted by the regulations in this rule.

NOTE: Authority to transfer possession or control by the manufacturer, processor or producer or any equipment, device, commodity or other product containing byproduct material whose subsequent possession, use, transfer and disposal by all other persons are exempted from regulatory requirements may be obtained only from the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 453.635, 453.665

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 4-2985, f. & ef. 3-20-85; HD 1-1991, f. & cert. ef. 1-8-91; HD 15-1994, f. & cert. ef. 5-6-94; HD 1-1995, f. & cert. ef. 4-26-95; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 4-2007, f. & cert. ef. 3-1-07; PH 20-2010, f. & cert. ef. 9-1-10

333-102-0115

Certain Measuring, Gauging and Controlling Devices

(1) A general license is hereby issued to commercial and industrial firms and to research, educational and medical institutions, individuals in the conduct of their business, and state or local government agencies to own, receive, acquire, possess, use or transfer in accordance with the provisions of OAR 333-103-0015 and sections (2), (3) and (4) of this rule, radioactive material, excluding special nuclear material, contained in devices designed and manufactured for the purpose of detecting, measuring, gauging or controlling thickness, density, level, interface location, radiation leakage, or qualitative or quantitative chemical composition, or for producing light or an ionized atmosphere.

(2) The general license in section (1) of this rule applies only to radioactive material contained in devices that have been manufactured or initially transferred and labeled in accordance with the specifications contained in a specific license issued by the Department pursuant to OAR 333-102-0200 or in accordance with the specifications contained in a specific license issued by the U.S. Nuclear Regulatory Commission, an Agreement State, or a Licensing State, that authorizes distribution of devices to persons generally licensed by the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State.

(3) The devices must have been received from one of the specific licensees described in section (2) of this rule or through a transfer made in accordance with subsection (4)(i) of this rule.

NOTE: Regulations under the Federal Food, Drug and Cosmetic Act authorizing the use of radioactive control devices in food production require certain additional labeling thereon which is found in 21 CFR 179.21.

(4) Any person who owns, receives, acquires, possesses, uses or transfers radioactive material in a device pursuant to the general license in section (1) of this rule:

(a) Must assure that all labels affixed to the device at the time of receipt, and bearing a statement that removal of the label is prohibited, are maintained thereon and must comply with all instructions and precautions provided by such labels;

(b) Must assure that the device is tested for leakage of radioactive material and proper operation of the on-off mechanism and indicator, if any, at no longer than six-month intervals or at such other intervals as are specified in the label; however:

(A) Devices containing only krypton need not be tested for leakage of radioactive material; and

(B) Devices containing only tritium or not more than 100 microcuries (3.7 MBq) of other beta and/or gamma emitting material or 10 microcuries (0.37 MBq) of alpha emitting material and devices held in storage in the original shipping container prior to initial installation need not be tested for any purpose.

(c) Must assure that tests required in subsection (4)(b) of this rule and other testing, installation servicing and removing from installation involving the radioactive materials, its shielding or containment, are performed:

(A) In accordance with the instructions provided by the labels; or

(B) By a person holding an applicable specific license from the Department, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State to perform such activities.

(d) Must maintain records showing compliance with the requirements of subsections (4)(b) and (4)(c) of this rule. The records must show the results of tests. The records also must show the dates of performance of, and the names of persons performing, testing, installation servicing and removal from installation concerning the radioactive material, its shielding or containment. The licensee must retain these records as follows:

(A) Records of tests for leakage of radioactive material required by subsection (4)(b) of this rule must be maintained as required in OAR 333-100-0057.

(B) Records of tests of the on-off mechanism and indicator required by subsection (4)(b) of this rule must be maintained as required in OAR 333-100-0057.

(C) Records which are required by subsection (4)(c) of this rule must be maintained as required in OAR 333-100-0057.

(e) Upon the occurrence of a failure of or damage to, or any indication of a possible failure of or damage to, the shielding of the radioactive material or the on-off mechanism or indicator, or upon the detection of 0.005 microcurie (185 Bq) or more of removable radioactive material, the licensee must immediately suspend operation of the device until it has been repaired by the manufacturer or other person holding an applicable specific license from the Department, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State to repair such devices. The device and any radioactive material from the device may only be disposed of by transfer to a person authorized by a specific license to receive the

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radioactive material in the device or as otherwise approved by the Department. A report containing a brief description of the event and the remedial action taken; and, in the case of detection of 0.005 microcurie or more removable radioactive material or failure of or damage to a source likely to result in contamination of the premises or the environs, a plan for ensuring that the premises and environs are acceptable for unrestricted use, must be submitted to the Department within 30 days. Under these circumstances, the criteria set out in OAR 333-120-0190, as determined by the Department, on a case-by-case basis;

(f) Must not abandon the device containing radioactive material;

(g) Except as provided in subsection (4)(i) of this rule, must transfer or dispose of the device containing radioactive material only by export as provided by subsection (4)(l) of this rule, by transfer to another general licensee as authorized in subsection (4)(i) of this rule, or by transfer to a specific licensee of the Department, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State whose specific license authorizes the individual to receive the device; and

(A) Must furnish to the Department, within 30 days after transfer of a device to a specific licensee or export, a report containing identification of the device by manufacturer's name, model number, serial number, the date of transfer, and the name, address and license number of the person receiving the device;

(B) The general licensee must obtain written Department approval before transferring the device to any other specific licensee not specifically identified in subsection (4)(g) of this rule.

(h) A holder of a specific license may transfer a device for possession and use under its own specific license without prior approval, if the holder:

(A) Verifies that the specific license authorized the possession and use, or applies for and obtains an amendment to the license authorizing the possession and use;

(B) Removes, alters, covers, or clearly and unambiguously augments the existing label so that the device is labeled in compliance with OAR 333-120-0430, however the manufacturer model and serial numbers must be retained;

(C) Obtains manufacturer's or initial transferor's information concerning maintenance that would be applicable under the specific license (such as leak testing procedures); and

(D) Reports the transfer under OAR 333-102-0115(4)(g)(A).

(i) Must transfer the device to another general licensee only:

(A) Where the device remains in use at a particular location. In such case the transferor must give the transferee a copy of this rule and any safety documents identified in the label on the device and within 30 days of the transfer, report to the Department the manufacturer's (or initial transferor's) name, model number, serial number of the device transferred, the date of transfer, the name and address of the transferee and the location of use, and the name, title and phone number of the individual who is a point of contact between the Department and the transferee. This individual must have the knowledge and authority to take actions to ensure compliance with the appropriate rules and requirements concerning the possession and use of these devices; or

(B) Where the device is held in storage in the original shipping container at its intended location of use prior to initial use by a general licensee.

(j) Must comply with the provisions of OAR 333-120-0700 and 333-120-0710 for reporting radiation incidents, theft or loss of licensed material but shall be exempt from the other requirements of divisions 111 and 120 of this chapter;

(k) Must submit the required Department form and receive from the Department a validated registration certificate acknowledging the general license and verifying that all provisions of these rules have been met. The form must be submitted within 30 days after the first receipt or acquisition of such device. The general licensee must develop and maintain procedures designed to establish physical control over the device as described in this rule and designed to prevent transfer of such devices in any form, including metal scrap, to persons not authorized to receive the devices.

(l) Shall not export a device containing radioactive material except in accordance with 10 CFR Part 110.

(5) The general license in section (1) of this rule does not authorize the manufacture of devices containing radioactive material.

(6) The general license provided in section (1) of this rule is subject to the provisions of OAR 333-100-0040 through 333-100-0055, 333-102-0335, 333-103-0015 and 333-118-0050.

(7) The general licensee possessing or using devices licensed under the general license established by section (1) of this rule must report in writing to the Department any changes in information furnished by the

licensee on the required Department form. The report must be submitted within 30 days after the effective date of such change.

(8) The licensee must appoint an individual responsible for having knowledge of the appropriate regulations and requirements and the authority for taking required actions to comply with appropriate regulations and requirements. The general licensee, through this individual, must ensure the day-to-day compliance with appropriate regulations and requirements. This appointment does not relieve the general licensee of any of its responsibility in this regard.

(9)(a) A device distributed or otherwise received as a generally licensed device must be registered with the Department. Each address for a location of use, as described under subsection (9)(b) of this rule, represents a separate general licensee and requires a separate registration and fee. Devices containing more than 37 MBq (1 mCi) of cesium-137, 3.7 MBq (0.1 mCi) of strontium-90, 37 MBq (1 mCi) of cobalt-60, any quantity of americium-241, 3.7 MBq (0.1 mCi) of radium 226 or any other transuranic (i.e., element with atomic number greater than uranium (92)), based on the activity indicated on the label are required to have a specific license. (b) In registering devices, the general licensee must furnish the following information and any other information specifically requested by the Department:

(A) Name and mailing address of the general licensee;

(B) Information about each device. The manufacturer (or initial transferor), model number, serial number, the radioisotope and activity (as indicated on the label);

(C) Name, title, and telephone number of the responsible person designated as a representative of the general licensee under section (8) of this rule.

(D) Address or location at which the device(s) are used and/or stored. For portable devices, the address of the primary place of storage.

(E) Certification by the responsible representative of the general licensee that the information concerning the device(s) has been verified through a physical inventory and checking of label information.

(F) Certification by the responsible representative of the general licensee that they are aware of the requirements of the general license.

(10) General licensees must report changes to their mailing address or the location of use (including a change in name of general licensee) to the Department within 30 days of the effective date of the change.

(11) Generally licensed devices that are not in use for longer than two years must be transferred to an authorized recipient or disposed of as radioactive waste. Shutters must be locked in the closed position on devices that are not being used or are in storage. The testing required by subsection (4)(b) of this rule need not be performed during the period of storage only. However, when devices are put back into service or transferred to another person, and have not been tested within the required test interval, they must be tested for leakage before use or transfer and the shutter tested before use.

(12) Persons generally licensed by an Agreement State with respect to devices meeting the criteria in subsection (9)(a) of this rule are not subject to registration requirements if the devices are used in areas subject to NRC jurisdiction for a period less than 180 days in any calendar year. The Nuclear Regulatory Commission does not require registration information from such licensees.

(13) The general license in section (1) of this rule does not authorize the manufacture or import of devices containing radioactive material.

[Publications referenced are available from the agency.]

Stat. Auth.: ORS 453.635, 453.665

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 4-1985, f. & cf. 3-20-85; HD 1-1991, f. & cert. ef. 1-8-91; HD 15-1994, f. & cert. ef. 5-6-94; HD 1-1995, f. & cert. ef. 4-26-95; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08; PH 4-2010, f. & cert. ef. 2-16-10; PH 20-2010, f. & cert. ef. 9-1-10

333-102-0125

Calibration and Reference Sources

(1) A general license is hereby granted to those persons listed in subsections (1)(a) and (1)(b) of this rule to own, receive, acquire, possess, use, and transfer, in accordance with the provisions of sections (4) and (5) of this rule, americium-241, plutonium, or radium-226, in the form of calibration or reference sources:

(a) Any person who holds a specific license issued by the Department that authorizes receipt, possession, use, and transfer of radioactive material; and

(b) Any person who holds a specific license issued by the U.S. Nuclear Regulatory Commission that authorizes receipt, possession, use, and transfer of special nuclear material.

(2) A general license is hereby granted to own, receive, possess, use and transfer plutonium in the form of calibration or reference sources in accordance with the provisions of sections (4) and (5) of this rule to any

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person who holds a specific license issued by the Department that authorizes receipt, possession, use, and transfer of radioactive material.

(3) A general license is hereby granted to own, receive, possess, use and transfer radium-226 in the form of calibration or reference sources in accordance with the provisions of sections (4) and (5) of this rule to any person who holds a specific license issued by the Department that authorizes receipt, possession, use, and transfer radioactive material.

(4) The general licenses in sections (1), (2), and (3) of this rule apply only to calibration or reference sources that have been manufactured in accordance with the specifications contained in a specific license issued to the manufacturer or importer of the sources by the U.S. Nuclear Regulatory Commission pursuant to section 32.57 of 10 CFR Part 32 or section 70.39 of 10 CFR Part 70 or that have been manufactured in accordance with the specifications contained in a specific license issued to the manufacturer by the Department, any Agreement State or Licensing State pursuant to licensing requirements equivalent to those contained in section 32.57 of 10 CFR Part 32, or section 70.39 of 10 CFR Part 70.

(5) The general licenses provided in sections (1), (2) and (3) of this rule are subject to the provisions of OAR 333-100-0005 (Definitions), 333-100-0025 (Exemptions), 333-100-0030 (Additional Requirements), 333-100-0055 (Records), 333-100-0060(1) and 333-100-0060(2) (Inspections), 333-100-0065 (Tests), 333-102-0305(1) through 333-102-0305(8) (Terms and Conditions of Licenses), 333-102-0330 (Transfers), 333-102-0335 (Modification, Revocation, and Termination of Licenses), and divisions 111, and 120 of this chapter. In addition, persons who own, receive, acquire, possess, use or transfer one or more calibration or reference sources pursuant to these general licenses:

(a) Must not possess at any one time, at any one location of storage or use, more than five microcuries (185 kBq) each of americium-241, of plutonium-238, plutonium-239, or of radium-226 in such sources; and

(b) Each license issued under this rule shall affix to each source or source storage container a label containing sufficient information relative to safe use and storage of the source and shall include the following statement or a substantially similar statement that contains the information called for in the following statement:

(A) The receipt, possession, use, and transfer of this source, Model _____, Serial No. _____, are subject to a general license and the regulations of the U.S. Nuclear Regulatory Commission or of a state with which the Commission has entered into an agreement for the exercise of regulatory authority. Do not remove this label.
CAUTION - RADIOACTIVE MATERIAL - THIS SOURCE CONTAINS (AMERICIUM-241) (PLUTONIUM) or (RADIUM 226) DO NOT TOUCH RADIOACTIVE PORTION OF THIS SOURCE. _____ Name of manufacturer or importer
NOTE: Show only the name of the appropriate material.

(c) Must not transfer, abandon or dispose of such source except by transfer to a person authorized by a specific license from the Department, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State to receive the source;

(d) Must store such source, except when the source is being used, in a closed container adequately designed and constructed to contain americium-241, plutonium, or radium-226 that might otherwise escape during storage; and

(e) Must not use such source for any purpose other than the calibration of radiation detectors or the standardization of other sources.

(6) These general licenses do not authorize the manufacture of calibration or reference sources containing americium-241, plutonium, or radium-226.

(7) Each licensee licensed under the provisions of 10 CFR Part 32.57 shall perform a dry wipe test as outlined in 10 CFR Part 32.59.

[Publications: Publications referenced are available from the agency.]
Stat. Auth.: ORS 453.635, 453.665
Stats. Implemented: ORS 453.605 - 453.807
Hist.: HD 4-1085, f. & cert. ef. 3-20-85; HD 1-1991, f. & cert. ef. 1-8-91; HD 15-1994, f. & cert. ef. 5-6-94; HD 1-1995, f. & cert. ef. 4-26-95; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08; PH 20-2010, f. & cert. ef. 9-1-10

333-102-0190

Application for Specific Licenses.

(1) Applications for specific licenses must be filed on a form prescribed by the Department. Information contained in previous applications, statements or reports filed with the Department, the US Nuclear Regulatory Commission, or an Agreement State or a Licensing State or the Atomic Energy Commission may be incorporated by reference, provided that the reference is clear and specific.

(2) The Department may at any time after the filing of the original application, and before the expiration of the license, require further statements in order to enable the Department to determine whether the applica-

tion should be granted or denied or whether a license should be modified or revoked.

(3) Each application must be signed by the applicant or licensee or a person duly authorized to act for and on the applicant's or licensee's behalf.

(4) Each applicant for a specific license is required to have a permanent in-state office with a copy of all required records available for inspection by the Department.

(5) An application for a license filed pursuant to the rules in this division and divisions 105, 113, 115, 116, 117, and 121 of this chapter will be considered also as an application for licenses authorizing other activities for which licenses are required by the Act, provided that the application specifies the additional activities for which licenses are requested and complies with rules of the Department and the US Nuclear Regulatory Commission as to applications for such licenses.

(6) Each new application for a radioactive material license must be accompanied by the fee prescribed by OAR 333-103-0010. No fee will be required to accompany an application for renewal or amendment of a license, except as provided in OAR 333-103-0010.

(7) An application for a license to receive and possess radioactive material for the conduct of any activity that the Department has determined, pursuant to Subpart A of Part 51 of 10 CFR (Environmental Protection Regulations applicable to materials licensing), will significantly affect the quality of the environment, must be filed at least nine months prior to commencement of construction of the plant or facility in which the activity will be conducted and must be accompanied by any Environmental Report required pursuant to Subpart A of 10 CFR Part 51.

(8) An application for a specific license to use radioactive material in the form of a sealed source or in a device that contains the sealed source must either:

(a) Identify the source or device by manufacturer and model number as registered with the US Nuclear Regulatory Commission under 10 CFR Part 32.210 or with an Agreement State; or for a source or a device containing radium-226 or accelerator-produced radioactive material with a state under provisions comparable to 10 CFR Parts 32.210; or

(b) Contain the information identified in 10 CFR Part 32.210(c).

(c) Sources or devices containing naturally occurring or accelerator produced radioactive material manufactured prior to November 30, 2007 that are not registered with the Nuclear Regulatory Commission or an Agreement State which the applicant is unable to provide all categories of information specified in 10 CFR Part 32.210(c) the applicant must provide:

(A) All available information identified in 10 CFR Part 32.210(c) concerning the source and if applicable the device;

(B) Sufficient additional information to demonstrate that there is reasonable assurance that the radiation safety properties of the source or device are adequate to protect health and minimize danger to life and property. Information must include a description of the source or device, description of radiation safety features, intended use and associated operating experience and the results of a recent leak test.

(9) As provided by OAR 333-102-0200, certain applications for specific licenses filed under this division and divisions 105, 113, 115, 116, 117, and 121 of this chapter must contain a proposed decommissioning funding plan or a certification of financial assurance for decommissioning as follows:

NOTE: If a renewal application was submitted on or before July 27, 1990, the decommissioning information may follow the renewal application but must be submitted prior to the license being issued.

(10)(a) Each application to possess radioactive materials in unsealed form, on foils or plated sources, or sealed in glass in excess of the quantities in 10 CFR 30.72, "Schedule C — Quantities of Radioactive Materials Requiring Consideration of the Need for an Emergency Plan for Responding to a Release," must contain either:

(A) An evaluation showing that the maximum dose to a person offsite due to a release of radioactive materials would not exceed one rem effective dose equivalent or five rems to the thyroid; or

(B) An emergency plan for responding to a release of radioactive material.

(b) One or more of the following factors may be used to support an evaluation submitted under paragraph (10)(a)(A) of this rule:

(A) The radioactive material is physically separated so that only a portion could be involved in an accident;

(B) All or part of the radioactive material is not subject to release during an accident because of the way it is stored or packaged;

(C) The release fraction in the respirable size range would be lower than the release fraction shown in 10 CFR Part 30.72 (Schedule C — Quantities of Radioactive Materials Requiring Consideration of the Need

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for an Emergency Plan for Responding to a Release) due to the chemical or physical form of the material;

(D) The solubility of the radioactive material would reduce the dose received;

(E) Facility design or engineered safety features in the facility would cause the release fraction to be lower than shown in 10 CFR Part 30.72;

(F) Operating restrictions or procedures would prevent a release fraction as large as that shown in 10 CFR Part 30.72; or

(G) Other factors appropriate for the specific facility.

(c) An emergency plan for responding to a release of radioactive material submitted under paragraph (10)(a)(B) of this rule must include the following information:

(A) Facility description. A brief description of the licensee's facility and area near the site.

(B) Types of accidents. An identification of each type of radio-active materials accident for which protective actions may be needed.

(C) Classification of accidents. A classification system for classifying accidents as alerts or site area emergencies.

(D) Detection of accidents. Identification of the means of detecting each type of accident in a timely manner.

(E) Mitigation of consequences. A brief description of the means and equipment for mitigating the consequences of each type of accident, including those provided to protect workers onsite, and a description of the program for maintaining the equipment.

(F) Assessment of releases. A brief description of the methods and equipment to assess releases of radioactive materials.

(G) Responsibilities. A brief description of the responsibilities of licensee personnel should an accident occur, including identification of personnel responsible for promptly notifying offsite response organizations and the Department; also responsibilities for developing, maintaining, and updating the plan.

(H) Notification and coordination. A commitment to and a brief description of the means to promptly notify offsite response organizations and request offsite assistance, including medical assistance for the treatment of contaminated injured onsite workers when appropriate. A control point must be established. The notification and coordination must be planned so that unavailability of some personnel, parts of the facility, and some equipment will not prevent the notification and coordination. The licensee also must commit to notify the Department immediately after notification of the appropriate offsite response organizations and not later than one hour after the licensee declares an emergency.

NOTE: These reporting requirements do not supercede or release licensees of complying with the requirements under the Emergency Planning and Community Right-to-Know Act of 1986, Title III, Pub. L. 99-499 or other state or federal reporting requirements.

(I) Information to be communicated. A brief description of the types of information on facility status, radioactive releases, and recommended protective actions, if necessary, to be given to offsite response organizations and to the Department.

(J) Training. A brief description of the frequency, performance objectives and plans for the training that the licensee will provide workers on how to respond to an emergency including any special instructions and orientation tours the licensee would offer to fire, police, medical and other emergency personnel. The training must familiarize personnel with site-specific emergency procedures. Also, the training must thoroughly prepare site personnel for their responsibilities in the event of accident scenarios postulated as most probable for the specific site, including the use of team training for such scenarios.

(K) Safe shutdown. A brief description of the means of restoring the facility to a safe condition after an accident.

(L) Exercises. Provisions for conducting quarterly communications checks with offsite response organizations and biennial onsite exercises to test response to simulated emergencies. Quarterly communications checks with offsite response organizations must include the check and update of all necessary telephone numbers. The licensee must invite offsite response organizations to participate in the biennial exercises. Participation of offsite response organizations in biennial exercises although recommended is not required. Exercises must use accident scenarios postulated as most probable for the specific site and the scenarios must not be known to most exercise participants. The licensee must critique each exercise using individuals not having direct implementation responsibility for the plan. Critiques of exercises must evaluate the appropriateness of the plan, emergency procedures, facilities, equipment, training of personnel, and overall effectiveness of the response. Deficiencies found by the critiques must be corrected.

(M) Hazardous chemicals. A certification that the applicant has met its responsibilities under the Emergency Planning and Community Right-

to-Know Act of 1986, title III, Pub. L. 99-499, if applicable to the applicant's activities at the proposed place of use of the byproduct material.

(N) An application from a medical facility, educational institution, or federal facility to produce Positron Emission Tomography (PET) radio-pharmaceutical drugs for noncommercial transfer to licensees in its consortium authorized for medical use under 10 CFR Part 35 or division 116 of this chapter or equivalent Agreement State requirements shall include:

(i) A request for authorization for the production of PET radionuclides or evidence of an existing license issued under 10 CFR Part 30 or Agreement State requirements for a PET radionuclide production facility within its consortium from which it receives PET radionuclides.

(ii) Evidence that the applicant is qualified to produce radiopharmaceutical drugs for medical use by meeting one of the criteria in 10 CFR 32.72(a)(2).

(iii) Identification of individual(s) authorized to prepare the PET radiopharmaceutical drugs if the applicant is a pharmacy, and documentation that each individual meets the requirements of an authorized nuclear pharmacist as specified in OAR 333-116-0880 and OAR 333-116-0910.

(iv) Information identified in 10 CFR Part 32.72(a)(3) on the PET radiopharmaceutical to be non-commercially transferred to members of its consortium.

(v) Each applicant for a license for byproduct material shall protect Safeguards Information against unauthorized disclosure in accordance with the requirements in 10 CFR Parts 73.21, 73.22 and 73.23 as applicable.

(d) The licensee must allow the offsite response organizations expected to respond in case of an accident 60 days to comment on the licensee's emergency plan before submitting it to the Department. The licensee must provide any comments received within the 60 days to the Department with the emergency plan.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 453.635, 453.665

Stats. Implemented: ORS 453.605 - 453.807

Hist.: PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08; PH 4-2010, f. & cert. ef. 2-16-10; PH 20-2010, f. & cert. ef. 9-1-10

333-102-0250

Manufacture and Distribution of Radioactive Material for Certain In Vitro Clinical or Laboratory Testing Under a General License

An application for a specific license to manufacture or distribute radioactive material for use under the general license specified in OAR 333-102-0130 or equivalent will be approved if:

(1) The applicant satisfies the general requirements specified in OAR 333-102-0200;

(2) The radioactive material is to be prepared for distribution in prepackaged units of:

(a) Carbon-14 in units not exceeding ten microcuries (370 kBq) each;

(b) Cobalt-57 in units not exceeding ten microcuries (370 kBq) each;

(c) Hydrogen-3 (tritium) in units not exceeding 50 microcuries (1.85 MBq) each;

(d) Iodine-125 in units not exceeding ten microcuries (370 kBq) each;

(e) Mock iodine-125 in units not exceeding 0.05 microcurie (1.85 kBq) of iodine-129 and 0.005 microcurie (185 Bq) of americium-241 each;

(f) Iodine-131 in units not exceeding ten microcuries (370 kBq) each;

(g) Iron-59 in units not exceeding 20 microcuries (740 kBq) each;

(h) Selenium-75 in units not exceeding ten microcuries (370 kBq) each;

(i) Cobalt-57 in units not exceeding 0.37 megabecquerel (10 microcuries) each.

(3) Each prepackaged unit bears a durable, clearly visible label:

(a) Identifying the radioactive contents as to chemical form and radionuclide and indicating that the amount of radioactivity does not exceed ten microcuries (370 kBq) of iodine-125, iodine-131, carbon-14, cobalt-57 or selenium-75; 50 microcuries (1.85 MBq) of hydrogen-3 (tritium); 20 microcuries (740 kBq) of iron-59; or mock iodine-125 in units not exceeding 0.05 microcurie (1.85 kBq) of iodine-129 and 0.005 microcurie (185 Bq) of americium-241 each or cobalt-57 in units not exceeding 0.37 megabecquerel (10 microcuries) and;

(b) Displaying the radiation caution symbol described in OAR 333-120-0400 and the words, CAUTION, RADIOACTIVE MATERIAL and Not for Internal or External Use in Humans or Animals.

(4) One of the following statements, as appropriate, or a substantially similar statement which contains the information called for in one of the following statements, appears on a label affixed to each prepackaged unit or appears in a leaflet or brochure which accompanies the package:

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(a) This radioactive material may be received, acquired, possessed and used only by physicians, veterinarians, clinical laboratories or hospitals and only for in vitro clinical or laboratory tests not involving internal or external administration of the material, or the radiation therefrom, to human beings or animals. Its receipt, acquisition, possession, use and transfer are subject to the regulations and a general license of the U.S. Nuclear Regulatory Commission or of a state with which the Commission has entered into an agreement for the exercise of regulatory authority.

Name of manufacturer

(b) This radioactive material may be received, acquired, possessed and used only by physicians, veterinarians, clinical laboratories or hospitals and only for in vitro clinical or laboratory tests not involving internal or external administration of the material, or the radiation therefrom, to human beings or animals. Its receipt, acquisition, possession, use and transfer are subject to the regulations and a general license of a Licensing State.

Name of manufacturer

(5) The label affixed to the unit, or the leaflet or brochure which accompanies the package, contains adequate information as to the precautions to be observed in handling and storing such radioactive material. In the case of the mock iodine-125 reference or calibration source, the information accompanying the source must also contain directions to the licensee regarding the waste disposal requirements in OAR 333-120-0500.

Stat. Auth.: ORS 453.635, 453.665

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 4-1985, f. & ef. 3-20-85; HD 1-1991, f. & cert. ef. 1-8-91; HD 15-1994, f. & cert. ef. 5-6-94; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 4-2007, f. & cert. ef. 3-1-07; PH 20-2010, f. & cert. ef. 9-1-10

333-102-0285

Manufacture, Preparation, or Transfer for Commercial Distribution of Radioactive Drugs Containing Radioactive Material for Medical Use Under Division 116

(1) An application for a specific license to manufacture, prepare, or transfer for commercial distribution radiopharmaceutical drugs containing radioactive material for use by persons authorized pursuant to division 116 of this chapter will be approved if:

(a) The applicant satisfies the general requirements specified in OAR 333-102-0200;

(b) The applicant submits evidence that the applicant is at least one of the following:

(A) Registered or licensed with the U.S. Food and Drug Administration (FDA) as a drug manufacturer;

(B) Registered or licensed with a state agency as a drug manufacturer;

(C) Licensed as a pharmacy by a state Board of Pharmacy; or

(D) Operating as a nuclear pharmacy within a federal medical institution.

(E) A Positron Emission Tomography (PET) drug production facility registered with a state agency.

(c) The applicant submits information on the radionuclide, chemical and physical form; the maximum activity per vial, syringe, generator, or other container of the radioactive drug; and the shielding provided by the packaging to show it is appropriate for the safe handling and storage of the radiopharmaceutical drugs by medical use licensees; and

(d) The applicant satisfies the following labeling requirements:

(A) A label is affixed to each transport radiation shield, whether it is constructed of lead, glass, plastic, or other material, of a radioactive drug to be transferred for commercial distribution. The label must include the radiation symbol and the words CAUTION, RADIOACTIVE MATERIAL or DANGER, RADIOACTIVE MATERIAL; the name of the radioactive drug or its abbreviation; and the quantity of radioactivity at a specified date and time. For radiopharmaceutical drugs with a half life greater than 100 days, the time may be omitted.

(B) A label is affixed to each syringe, vial, or other container used to hold a radioactive drug to be transferred for commercial distribution. The label must include the radiation symbol and the words CAUTION, RADIOACTIVE MATERIAL or DANGER, RADIOACTIVE MATERIAL and an identifier that ensures that the syringe, vial, or other container can be correlated with the information on the transport radiation shield label.

(2) A licensee described by paragraphs (1)(b)(C) or (D) of this rule:

(a) May prepare radiopharmaceutical drugs for medical use, as defined in OAR 333-116-0020, provided that the radioactive drug is prepared either by an authorized nuclear pharmacist, as specified in subsec-

tions (2)(b) and (2)(c) of this rule, or an individual under the supervision of an authorized nuclear pharmacist as specified in OAR 333-116-0100.

(b) May allow a pharmacist to work as an authorized nuclear pharmacist if:

(A) This individual qualifies as an authorized nuclear pharmacist as defined in OAR 333-116-0020;

(B) This individual meets the requirements specified in OAR 333-116-0910, 333-116-0760, 333-116-0915 and the licensee has received an approved license amendment identifying this individual as an authorized nuclear pharmacist; or

(C) This individual is designated as an authorized nuclear pharmacist in accordance with subsection (2)(c) of this rule.

(c) The actions authorized in subsections (2)(a) and (2)(b) of this rule are permitted in spite of more restrictive language in license conditions.

(d) May designate a pharmacist (as defined in OAR 333-116-0020 as an authorized nuclear pharmacist) if:

(A) The individual was a nuclear pharmacist preparing only radiopharmaceutical drugs containing accelerator-produced radioactive material; and

(B) The individual practiced at a pharmacy at a government agency or federally recognized Indian Tribe before November 30, 2007 or at all other pharmacies before August 8, 2009, or an earlier date as noticed by the Nuclear Regulator Commission.

(e) Shall provide to the Department:

(A) A copy of each individual's certification by a specialty board whose certification process has been recognized by the Commission or an Agreement State as specified in OAR 333-116-0910 with the written attestation signed by a preceptor as required by OAR 333-116-0680(2)(b); or

(B) The Commission or Agreement State license; or

(C) Commission master materials licensee permit; or

(D) The permit issued by a licensee or Commission master materials permittee of broad scope or the authorization from a commercial nuclear pharmacy authorized to list its own authorized nuclear pharmacist; or

(E) Documentation that only accelerator-produced radioactive materials were used in the practice of nuclear pharmacy at a government agency or federally recognized Indian Tribe before November 30, 2007 or at all other locations of use before August 8, 2009, or an earlier date as noticed by the NRC; and

(F) A copy of the state pharmacy licensure or registration no later than 30 days after the date that the licensee allows pursuant to paragraphs (2)(b)(B) and (2)(b)(C) of this rule, which allows the individual to work as an authorized nuclear pharmacist.

(3) A licensee must possess and use instrumentation to measure the radioactivity of radiopharmaceutical drugs. The licensee must have procedures for use of the instrumentation. The licensee must measure, by direct measurement or by combination of measurements and calculations, the amount of radioactivity in dosages of alpha-, beta-, or photon-emitting radiopharmaceutical drugs prior to transfer for commercial distribution. In addition, the licensee must:

(a) Perform tests before initial use, periodically, and following repair, on each instrument for accuracy, linearity, and geometry dependence, as appropriate for the use of the instrument and make adjustments when necessary; and

(b) Check each instrument for constancy and proper operation at the beginning of each day of use.

(4) Nothing in this rule relieves the licensee from complying with applicable FDA, other federal, and state requirements governing radiopharmaceutical drugs.

NOTE: Although the Agency does not regulate the manufacture and distribution of reagent kits that do not contain radioactive material, it does regulate the use of such reagent kits for the preparation of radio pharmaceuticals containing radioactive material as a part of its licensing and regulation of the users of radioactive material. Any manufacturer of reagent kits that do not contain radioactive material, who desires to have the reagent kits approved by the Agency for use by persons licensed for medical use pursuant to OAR 333-116 or by persons authorized under a group license, or equivalent, by the U.S. Nuclear Regulatory Commission or any other Agreement State, may submit the pertinent information specified in this rule.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 453.635, 453.665

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 4-1985, f. & ef. 3-20-85; HD 1-1991, f. & cert. ef. 1-8-91; HD 15-1994, f. & cert. ef. 5-6-94; HD 1-1995, f. & cert. ef. 4-26-95; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08; PH 4-2010, f. & cert. ef. 2-16-10; PH 20-2010, f. & cert. ef. 9-1-10

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333-102-0305

Specific Terms and Conditions of Licenses

(1) Each license issued pursuant to the rules in this division and divisions 103, 105, 113, 115, 116, 117, 120, 121 and 124 of this chapter are subject to all the provisions of the Act, now or hereafter in effect, and to all rules, regulations and orders of the Department.

(2) No license issued or granted pursuant to the rules in this division and divisions 103, 105, 113, 115, 116, 117, 120 and 121 of this chapter nor any right may be transferred, assigned or in any manner disposed of, either voluntarily or involuntarily, directly or indirectly, through transfer of control of any license to any person, unless the Department, after securing full information, shall find that the transfer is in accordance with the provisions of the Act, and shall give its consent in writing.

(3) Each person licensed by the Department pursuant to the rules in this division and divisions 103, 105, 113, 115, 116, 117, 120 and 121 of this chapter must confine the use and possession of the radioactive material to the locations and purposes authorized in the license. Except as otherwise provided in the license, a license issued pursuant to the rules in this division and divisions 105, 113, 115, 116, 117, and 121 of this chapter shall carry with it the right to receive, acquire, own, and possess radioactive material. Preparation for shipment and transport of radioactive material must be in accordance with the provisions of division 118 of this chapter.

(4) Each license issued pursuant to the rules in this division and divisions 105, 113, 115, 116, 117, and 121 of this chapter shall be deemed to contain the provisions set forth in section 183b-d., inclusive, of the Atomic Energy Act of 1954, as amended, whether or not these provisions are expressly set forth in the license.

(5) The Department may incorporate, in any license issued pursuant to the rules in this division and divisions 103, 105, 113, 115, 116, 117, 120 and 121 of this chapter, at the time of issuance, or thereafter by appropriate rule, regulation or order, such additional requirements and conditions with respect to the licensee's receipt, possession, use and transfer of radioactive material as it deems appropriate or necessary in order to:

- (a) Promote the common defense and security;
- (b) Protect health or to minimize danger to life or property;
- (c) Protect restricted data; and
- (d) Require such reports and the keeping of such records, and to provide for such inspections of activities under the license as may be necessary or appropriate to effectuate the purposes of the Act and regulations thereunder.

(6) Licensees required to submit emergency plans by OAR 333-102-0190(9) must follow the emergency plan approved by the Department. The licensee may change the approved plan without Department approval only if the changes do not decrease the effectiveness of the plan. The licensee must furnish the change to the Department and to affected offsite response organizations within six months after the change is made. Proposed changes that decrease, or potentially decrease, the effectiveness of the approved emergency plan may not be implemented without prior application to and prior approval by the Department.

(7) Each licensee preparing technetium-99m radiopharmaceuticals from molybdenum-99/technetium-99m generators or rubidium-82 from strontium-82/rubidium-82 generators must test the generator eluates for molybdenum-99 breakthrough or strontium-82 and strontium-85, respectively, in accordance with OAR 333-116-0330. The licensee must record the results of each test and retain each record for three years after the record is made.

(8)(a) Each general licensee subject to the registration requirement in OAR 333-101-0007 and each specific licensee must notify the Department in writing immediately following the filing of a voluntary or involuntary petition for bankruptcy under any chapter of Title 11 (Bankruptcy) of the United States Code by or against:

(A) The licensee;

(B) An entity (as that term is defined in 11 U.S.C. 101 (14)) controlling the licensee or listing the license or licensee as property of the estate; or

(C) An affiliate (as that term is defined in 11 U.S.C. 101 (2)) of the licensee.

(b) This notification must indicate:

(A) The bankruptcy court in which the petition for bankruptcy was filed; and

(B) The date of the filing of the petition.

(9) Sealed sources or detector cells containing licensed material must not be opened or sources removed from source holders or detector cells by the licensee.

(10) No licensee may acquire licensed radioactive material in a sealed source or in a device that contains a sealed source unless the source or device has been registered with the U.S. Nuclear Regulatory Commission under 10 CFR 32.210 or with an Agreement State.

(11) Any sealed source fabricated by a licensee must be registered, inspected, and tested for construction defects, leakage, and contamination prior to any use or transfer as a sealed source in accordance with requirements in 10 CFR 32.210.

(12) Each licensee must conduct a physical inventory at intervals not to exceed six months to account for all radioactive material received and possessed by licensee. Inventories must include the types and quantities of radioactive material, location of materials, date of receipt, and the date of the inventory; and for sealed sources, the inventory must include the types and quantities of sealed sources, sealed source manufacturer, model number, serial number, date of receipt, condition of sealed sources, and the date of the inventory. Records of the inventories required by section (12) of this rule must be kept until inspection by the Department.

(13) Each licensee must transport radioactive material or deliver radioactive material to a carrier for transport in accordance with the provisions of Parts 170 through 189 of Title 49, Code of Federal Regulations and in accordance with division 118 of this chapter, "Transportation of Radioactive Material."

(14) Each licensee possessing a device licensed pursuant to OAR 333-103-0010(2)(h) must perform an inspection of all devices at intervals not to exceed six months. Inspections must include condition of labeling and posting of each radiation device, and corrective actions taken if any; condition of shutter operation, if applicable, of each device, and corrective actions taken if any; and location of each device. Records of the inspections required by section (14) of this rule must be kept until inspection by the Department.

(15) No licensee may open or remove radioactive material from sealed sources or detector cells containing licensed radiation sources.

(16) No person may repair, modify, dismantle, or effect any change in licensed devices or radiation sources, nor modify nor alter labels affixed to licensed devices by the manufacturer

(17) Installation, initial radiation survey, relocation, removal from service, maintenance, and repair of fixed gauging devices containing radioactive sealed sources, and installation, replacement, and disposal of sealed sources must be performed only by persons specifically authorized by the Department, the U.S. Nuclear Regulatory Commission, or another Agreement state to perform such services. Records of all surveys must be maintained for inspection by the Radiation Protection Services section.

(18) If the licensee has previously determined that monitoring for internal exposure pursuant to OAR 333-120-0130, 333-120-0210, or 333-120-0320 is required, the data and results of this evaluation must be placed in the worker's exposure records and included the worker's Oregon Form Z report.

(19) Testing for leakage or contamination of sealed sources must be in accordance with requirements in OAR 333-120-0460. In the absence of a certificate from a transferor indicating that a test has been made within six months prior to the transfer, a sealed source or detector cell received from another person must not be put into use until tested.

(20) Detector cells must be used only in conjunction with a properly operating temperature control mechanism that prevents foil temperatures from exceeding manufacturer's specifications. Exhaust from detector cells must be vented to keep exposures to personnel and the public as low as reasonably achievable pursuant to OAR 333-120-0180.

(21) Licensees who possess sealed sources used for testing at field sites must possess at such locations transport documents, a current copy of the specific radioactive materials license, specific license validation certificates, the current leak test certificate, and the licensee's operating and emergency procedures. Licensed materials stored in an unrestricted area must be secured from unauthorized removal from the place of storage in accordance with provisions of OAR 333-120-0250 and 333-120-0260.

(22) Any specific licensee is authorized to receive, possess, use, transfer, and import up to 999 kilograms of uranium contained as shielding for specific licensed radioactive material authorized by license.

(23) A licensee may store, pursuant to OAR 333-120-0500, radioactive waste with a physical half-life of less than 65 days, for decay-in-storage, before disposal in ordinary trash, provided that:

(a) Waste to be disposed of by storage-for-decay must be held for decay a minimum of 10 half-lives;

(b) Prior to disposal in ordinary trash, decayed waste must be surveyed with an instrument that will properly record background radiation

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dose, to confirm that the radioactivity cannot be distinguished from background. All radiation labels must be removed or obliterated; and

(c) Notwithstanding OAR 333-102-0305(23)(a) iodine-125 waste in microcurie amounts may be held for a minimum of five half-lives. Such waste must be surveyed with an appropriate instrument prior to disposal to confirm that waste is indistinguishable from background.

(24) Licensed materials in an unrestricted area and not in storage must be tended under the constant surveillance and immediate control of the licensee.

(25) Except as otherwise specified in a radioactive materials license, the licensee must have available and follow the instructions contained in the manufacturer's instruction manual for the chromatography device.

(26) In lieu of using the conventional radiation caution colors (magenta or purple on yellow background) as provided in OAR 333-120-0400(2), the licensee is hereby authorized to label detector cells and cell baths, containing licensed radioactive material and used in gas chromatography devices, with conspicuously etched or stamped radiation caution symbols without a color requirement.

(27) If a radiography licensee plans to use, during normal industrial radiographic operations subject to division 105 of this chapter, two or more exposure devices at one jobsite, the licensee must require at least one Radiographer or Radiographer Instructor authorized user for each exposure device, and the total number of authorized personnel (radiographers and assistant radiographers) at the temporary jobsite must not be less than $n+1$ where n =the number of cameras.

(28) Security requirements for portable devices containing licensed radioactive materials. Each portable device containing licensed radioactive materials must be secured using a minimum of three independent physical controls that form tangible barriers to prevent unauthorized removal or use, whenever the portable device is not under the direct control and constant surveillance of the licensee.

(29) Authorization under OAR 333-102-0190(10)(c)(N) to produce Positron Emission Tomography (PET) radiopharmaceutical drugs for non-commercial transfer to medical use licensees in its consortium does not relieve the licensee from complying with applicable FDA, other federal, and state requirements governing radiopharmaceutical drugs.

(30) Each licensee authorized under OAR 333-102-0190(10)(c)(N) to produce PET radiopharmaceutical drugs for noncommercial transfer to medical use licensees in its consortium shall:

(a) Satisfy the labeling requirements in OAR 333-116-0220 for each PET radiopharmaceutical drug transport radiation shield and each syringe, vial, or other container used to hold a PET radiopharmaceutical drug intended for noncommercial distribution to members of its consortium.

(b) Possess and use instrumentation to measure the radioactivity of the PET radiopharmaceutical drugs intended for noncommercial distribution to members of its consortium and meet the procedural, radioactivity measurement, instrument test, instrument check, and instrument adjustment requirements in OAR 333-116-0165.

(31) A licensee that is a pharmacy authorized under OAR 333-102-0190(10)(c)(N) to produce PET radiopharmaceutical drugs for noncommercial transfer to medical use licensees in its consortium shall require that any individual that prepares PET radiopharmaceutical drugs shall be:

(a) An authorized nuclear pharmacist who meets the requirements in OAR 333-116-0910; or

(b) An individual under the supervision of an authorized nuclear pharmacist as specified in OAR 333-116-0100.

(32) A pharmacy, authorized under OAR 333-102-0190(10)(c)(N) to produce PET radiopharmaceutical drugs for noncommercial transfer to medical use licensees in its consortium that allows an individual to work as an authorized nuclear pharmacist, shall meet the requirements of OAR 333-116-0910.

Stat. Auth.: ORS 453.635, 453.665

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 4-1985, f. & ef. 3-20-85; HD 1-1991, f. & cert. ef. 1-8-91; HD 1-1995, f. & cert. ef. 4-26-95; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 4-2010, f. & cert. ef. 2-16-10; PH 20-2010, f. & cert. ef. 9-1-10

333-102-0340

Reciprocal Recognition of Licenses

(1) Subject to these rules, any person who holds a specific license from the U.S. Nuclear Regulatory Commission, an Agreement State, or a licensing state, and issued by the Department having jurisdiction where the licensee maintains an office for directing the licensed activity and at which radiation safety records are normally maintained, is hereby granted a general license to conduct the activities authorized in such licensing document

within this state for a period not in excess of 180 days in any calendar year, provided that:

(a) The licensing document does not limit the activity authorized by such document to specified installations or locations;

(b) The out-of-state licensee has notified the Department using the Notification of Entry to Perform Activities Under Oregon Reciprocity Application form at least three days prior to engaging in such activity and has paid the applicable registration fee pursuant to OAR 333-103-0030. Such notification shall indicate the location, period and type of proposed possession and use within the state, and shall be accompanied by a copy of the pertinent licensing document. If, for a specific case, the three-day period would impose an undue hardship on the out-of-state licensee, the licensee may, upon application to the Department, obtain permission to proceed sooner. The Department may waive the requirement for filing additional written notifications during the remainder of the calendar year following the receipt of the initial notification from a person engaging in activities under the general license granted by subsection (1)(a) of this rule;

(c) The out-of-state licensee complies with all applicable rules of the Department and with all the terms and conditions of the licensing document, except any such terms and conditions that may be inconsistent with applicable rules of the Department or laws of the State of Oregon;

(d) The out-of-state licensee supplies such other information as the Department may request; and

(e) The out-of-state licensee shall not transfer or dispose of radioactive material possessed or used under the general license provided in subsection (1)(a) of this rule except by transfer to a person:

(A) Specifically licensed by the Department or by the U.S. Nuclear Regulatory Commission to receive such material; or

(B) Exempt from the requirements for a license for such material under OAR 333-102-0010(2).

(2) Notwithstanding the provisions of section (1) of this rule, any person who holds a specific license issued by the U.S. Nuclear Regulatory Commission, pursuant to 10 CFR 31.6 or equivalent regulations of an Agreement State, authorizing the holder of the license to manufacture, transfer, install or service a device described in OAR 333-102-0115(1) within the State of Oregon is hereby granted a general license to install, transfer, demonstrate or service such a device in this state provided that:

(a) Such person shall register the general license pursuant to OAR 333-101-0007;

(b) File a report with the Department within 30 days after the end of each calendar quarter in which any device is transferred to or installed in this state. Each such report shall identify each general licensee to whom such device is transferred by name and address, the type of device transferred and the quantity and type of radioactive material contained in the device;

(c) Ensure that the device has been manufactured, labeled, installed and serviced in accordance with applicable provisions of the specific license issued to such person by the U.S. Nuclear Regulatory Commission or an Agreement State;

(d) Ensure that any labels required to be affixed to the device under rules of the licensing authority also include the statement "Removal of this label is prohibited"; and

(e) The holder of the specific license shall furnish to each general licensee to whom such device is transferred, or on whose premises such a device is installed, a copy of the general license contained in OAR 333-102-0115 or in equivalent rules of the Department having jurisdiction over the manufacture and distribution of the device.

(3) The Department may withdraw, limit or qualify its acceptance of any specific license or equivalent licensing document issued by the U.S. Nuclear Regulatory Commission or an Agreement State, or any product distributed pursuant to such licensing document, upon determining that such action is necessary in order to prevent undue hazard to public health and safety or property.

(4) The out-of-state licensee shall at all times during work at any work location within the state have available the pertinent licensing document, the applicable sections of the State of Oregon radiation regulations, a complete source inventory, pertinent U.S. Department of Transportation documentation, leak test records, instrument calibration records, personnel training records, and necessary documentation required by applicable special requirements of these regulations.

(5) While working in Oregon, the out-of-state licensee shall notify the Department (in writing, indicating date and court) immediately following the filing of a voluntary or involuntary petition for bankruptcy under any chapter of Title 11 (bankruptcy) of the United States code by or against:

(a) The licensee;

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(b) An entity (as that term is defined in II U.S.C 101(14)) controlling the licensee or listing the license or licensee as property of the estate; or

(c) An affiliate (as that term is defined in II U.S.C. 101(2)) of the licensee.

(6) The out-of-state licensee shall notify the Department within one hour after arrival at the actual work location within the state and notification within one hour after any change of work location within the state.

(7) If multiple work crews or persons work concurrently at more than one work location under a general license granted pursuant to this rule, each day worked at each location shall count toward the limit of 180 days in a calendar year.

(8) Each general licensee granted authorization to conduct activities within the State of Oregon pursuant to this rule, based upon an acceptable licensing document, will receive acknowledgment from the Department. This acknowledgment shall be kept at the site of use.

(9) Each general licensee granted authorization to conduct activities within the State of Oregon pursuant to this rule based upon an acceptable licensing document is subject to the reciprocity fee and may be inspected by the Department. The fee for the general license granting reciprocity shall:

(a) Be charged as provided by division 103 of this chapter; and

(b) Shall not be charged more often than once during each calendar year.

(10) Each general licensee operating within the state under reciprocity in areas of exclusive federal jurisdiction shall comply with the applicable provisions of 10 CFR 150.20.

Stat. Auth.: ORS 453.635, 453.665

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 4-1985, f. & ef. 3-20-85; HD 1-1991, f. & cert. ef. 1-8-91; HD 15-1994, f. & cert. ef. 5-6-94; HD 1-1995, f. & cert. ef. 4-26-95; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08; PH 4-2010, f. & cert. ef. 2-16-10; PH 20-2010, f. & cert. ef. 9-1-10

333-102-0900

Special Requirements for Specific Licenses of Broad Scope

This rule prescribes requirements for the issuance of specific licenses of broad scope for radioactive material and certain rules governing holders of such licenses.

(1) The different types of broad scope licenses are set forth below:

(a) A "Type A specific license of broad scope" is a specific license authorizing receipt, acquisition, ownership, possession, use and transfer of any chemical or physical form of the radioactive material specified in the license, but not exceeding quantities specified in the license, for any authorized purpose. The quantities specified are usually in the multicurie range;

(b) A "Type B specific license of broad scope" is a specific license authorizing receipt, acquisition, ownership, possession, use and transfer of any chemical or physical form of radioactive material specified in 10 CFR, Part 33.100, Schedule A, for any authorized purpose. The possession limit for a Type B license of broad scope, if only one radionuclide is possessed thereunder, is the quantity specified for that radionuclide in 10 CFR, Part 33.100, Schedule A, Column I. If two or more radionuclides are possessed thereunder, the possession limit for each is determined as follows: For each radionuclide, determine the ratio of the quantity possessed to the applicable quantity specified in 10 CFR, Part 33.100, Schedule A Column I, for that radionuclide. The sum of the ratios for all radionuclides possessed under the license must not exceed unity;

(c) A "Type C specific license of broad scope" is a specific license authorizing receipt, acquisition, ownership, possession, use and transfer of any chemical or physical form of radioactive material specified in 10 CFR, Part 33.100, Schedule A, for any authorized purpose. The possession limit for a Type C license of broad scope, if only one radionuclide is possessed thereunder, is the quantity specified for that radionuclide in 10 CFR, Part 33.100, Schedule A, Column II. If two or more radionuclides are possessed thereunder, the possession limit is determined for each as follows: For each radionuclide, determine the ratio of the quantity possessed to the applicable quantity specified in 10 CFR, Part 33.100, Schedule A, Column II, for that radionuclide. The sum of the ratios for all radionuclides possessed under the license must not exceed unity.

(2) An application for a Type A specific license of broad scope will be approved if:

(a) The applicant satisfies the general requirements specified in OAR 333-102-0200;

(b) The applicant has engaged in a reasonable number of activities involving the use of radioactive material; and

(c) The applicant has established administrative controls and provisions relating to organization and management, procedures, record keeping,

material control and accounting and management review that are necessary to assure safe operations, including:

(A) The establishment of a radiation safety committee composed of such persons as a radiation safety officer, a representative of management and persons trained and experienced in the safe use of radioactive material;

(B) The appointment of a radiation safety officer who is qualified by training and experience in radiation protection, and who is available for advice and assistance on radiation safety matters; and

(C) The establishment of appropriate administrative procedures to assure:

(i) Control of procurement and use of radioactive material;

(ii) Completion of safety evaluations of proposed uses of radioactive material which take into consideration such matters as the adequacy of facilities and equipment, training and experience of the user and the operating or handling procedures; and

(iii) Review, approval and recording by the radiation safety committee of safety evaluations of proposed uses prepared in accordance with subparagraph (2)(c)(C)(ii) of this rule prior to use of the radioactive material.

(3) An application for a Type B specific license of broad scope will be approved if:

(a) The applicant satisfies the general requirements specified in OAR 333-102-0200; and

(b) The applicant has established administrative controls and provisions relating to organization and management, procedures, record keeping, material control and accounting, and management review that are necessary to assure safe operations, including:

(A) The appointment of a radiation safety officer who is qualified by training and experience in radiation protection, and who is available for advice and assistance on radiation safety matters; and

(B) The establishment of appropriate administrative procedures to assure:

(i) Control of procurement and use of radioactive material;

(ii) Completion of safety evaluations of proposed uses of radioactive material which take into consideration such matters as the adequacy of facilities and equipment, training and experience of the user and the operating or handling procedures; and

(iii) Review, approval and recording by the radiation safety officer of safety evaluations of proposed uses prepared in accordance with subparagraph (3)(b)(B)(ii) of this rule prior to use of the radioactive material.

(4) An applicant for a Type C specific license of broad scope will be approved if:

(a) The applicant satisfies the general requirements specified in OAR 333-102-0200;

(b) The applicant submits a statement that radioactive material will be used only by, or under the direct supervision of, individuals who have received:

(A) A college degree at the bachelor level, or equivalent training and experience, in the physical or biological sciences or in engineering; and

(B) At least 40 hours of training and experience in the safe handling of radioactive material, and in the characteristics of ionizing radiation, units of radiation dose and quantities, radiation detection instrumentation and biological hazards of exposure to radiation appropriate to the type and forms of radioactive material to be used.

(c) The applicant has established administrative controls and provisions relating to procurement of radioactive material, procedures, record keeping, material control and accounting, and management review necessary to assure safe operations.

(5) Specific licenses of broad scope are subject to the following conditions:

(a) Unless specifically authorized, persons licensed pursuant to this rule must not:

(A) Conduct tracer studies in the environment involving direct release of radioactive material;

(B) Receive, acquire, own, possess, use or transfer devices containing 100,000 curies (3.7 PBq) or more of radioactive material in sealed sources used for irradiation of materials;

(C) Conduct activities for which a specific license issued by the Department under OAR 333-102-0235, 333-102-0245, 333-102-0250, 333-102-0255, 333-102-0260, 333-102-0265, 333-102-0270, 333-102-0275, 333-102-0285, 333-102-0290, 333-102-0293, or chapter 333 divisions 105, 110, 113, 115, 116, or 117 is required; or

(D) Add or cause the addition of radioactive material to any food, beverage, cosmetic, drug or other product designed for ingestion or inhalation by, or application to, a human being.

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(b) Each Type A specific license of broad scope issued under this division shall be subject to the condition that radioactive material possessed under the license may only be used by, or under the direct supervision of, individuals approved by the licensee's radiation safety committee;

(c) Each Type B specific license of broad scope issued under this division shall be subject to the condition that radioactive material possessed under the license may only be used by, or under the direct supervision of, individuals approved by the licensee's radiation safety officer;

(d) Each Type C specific license of broad scope issued under this division shall be subject to the condition that radioactive material possessed under the license may only be used by, or under the direct supervision of, individuals who satisfy the requirements of section (4) of this rule.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 453.635, 453.665

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 13-1988, f. 6-7-88, cert. ef. 7-1-88; HD 1-1991, f. & cert. ef. 1-8-91; HD 15-1994, f. & cert. ef. 5-6-94; HD 1-1995, f. & cert. ef. 4-26-95; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08; PH 20-2010, f. & cert. ef. 9-1-10

333-103-0003

Definitions

As used in this division, the following definitions apply:

(1) "License" ("Acknowledgment of Validation," "Validation Certificate," "Certificate of Validation") means the document issued that validates receipt of payment for a specific license or registration fee.

(2) "Registration Fee" means:

(a) The fee paid to the Department for a license for Radiation Producing Machines; or

(b) The fee paid to the Department to validate a general license registration issued pursuant to OAR 333-102-0101, 333-102-0103, 333-102-0115, 333-102-0130, or 333-102-0340

(3) "Specific License Fee" means:

(a) The annual fee payable, to validate specific licenses for sources of radiation; or

(b) The fee paid upon application to the Department for an Oregon Radioactive Materials License to license specific licensed sources of radiation pursuant to OAR 333-103-0010; or

(c) The fee paid to license additional sources of radiation pursuant to OAR 333-103-0010.

Stat. Auth.: ORS 453.757

Stats. Implemented: ORS 453.757

Hist.: HD 2-1995(Temp), f. & cert. ef. 7-11-95; HD 4-1995, f. & cert. ef. 9-8-95; HD 3-1996, f. & cert. ef. 8-9-96; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08; PH 20-2010, f. & cert. ef. 9-1-10

333-103-0010

Annual Fee for Specific Licenses

(1)(a) Each specific license listed in section (2) of this rule, as defined in OAR 333-102-0203, shall be licensed pursuant to sections (2), (3), (4), (5), and (6) of this rule by a specific license fee.

(b) Upon written request and approval by the Department, fees for new licenses or additional sources may be prorated on a quarterly basis for the current fiscal year.

(2) Each specific license type appearing in the following fee schedule shall be licensed separately with a specific license fee as indicated:

(a) Analytical/Leak Test/Fixed X-ray Fluorescence, \$552(F);

(b) Basic License, \$976(F);

(c) Brachytherapy, \$2,204(F);

(d) Broad Scope A, \$3,000(F);

(e) Broad Scope B, \$2,204(F);

(f) Broad Scope C, \$1,096(F);

(g) Distribution, \$1,096 (F);

(h) Fixed Gauge, \$276(S);

(i) High, medium and low dose rate brachytherapy, \$2,756(S);

(j) Imaging and Localization, \$1,096(F);

(k) In Vitro Laboratory, \$364(F);

(l) Industrial Radiography:

(A) Fixed Facility, \$3,000(F);

(B) Field Use, \$3,000(F);

(m) Instrument Calibration, \$828(S);

(n) Investigational New Drug, \$1,652(F);

(o) Irradiator Self-Shielded, \$1,096(F);

(p) Manufacturing/Compounding, \$2,936(F);

(q) Mobile Nuclear Medicine, \$2,936(F);

(r) NORM (no processing), \$736(F);

(s) Nuclear Pharmacy, \$3,000(F);

(t) Other Measuring Device, \$160(S);

(u) Portable Gauge:

(A) X-ray Fluorescence, \$552(S);

(B) All other portable gauges, \$736(S);

(v) Radiopharmaceutical Therapy, \$1,652(F);

(w) RAM/NOS Facility, \$3,000(F);

(x) Research & Development, \$1,652(F);

(y) Sealed Sources for Diagnosis, \$552(S);

(z) Source Material, \$3,000(F);

(aa) Special Nuclear Material (sealed), \$1,096(S);

(bb) Special Nuclear Material (unsealed), \$2,756(F);

(cc) Teletherapy (external beam), \$3,000(S);

(dd) Unique, \$No Fee;

(ee) Uptake and Dilution, \$736(F);

(ff) Use of Xenon Gas, \$736(F);

(gg) Waste Packaging, \$3,000(F);

(hh) Well Logging, \$1,652(S);

(NOTE: (F) means facility; (S) means source.)

(3) Each specific license validation fee shall be due and payable:

(a) Each specific license validation fee shall be due and payable based on the following fee schedule.

(A) Validation fees for licenses expiring July through September are due by October 1 each year.

(B) Validation fees for licenses expiring October through December are due by January 1 each year.

(C) Validation fees for licenses expiring January through March are due by April 1 each year; and,

(D) Validation fees for licenses expiring April through June are due by July 1 each year.

(b) For each specific license source of radiation listed in section (2) of this rule for which application pursuant to OAR 333-102-0190 for an Oregon Radioactive Materials License has been made;

(c) For each additional specific license source of radiation in an amendment to an existing Oregon Radioactive Materials License pursuant to OAR 333-102-0320.

(4) A license for each specific license issued pursuant to section (3) of this rule shall be provided by the Department. The certificate of validation for the current fiscal year shall be retained by the licensee and attached to the license pursuant to requirements in OAR 333-111-0005.

(5) The specific license fee that validates specific sealed sources also validates possession of one additional sealed source during source exchange (one new source and one spent source) for a period not to exceed 30 calendar days.

(6) Sealed sources manufactured and distributed as reference sources that do not exceed 100 times the quantity in 30.71 Schedule B of 10 CFR Part 30 are exempt from specific license fees and validation if used pursuant to a specific license listed in section (2) of this rule. The license validation fee for reference sources that exceed 100 times the quantity in 30.71 Schedule B of 10 CFR Part 30 or reference sources authorized alone without additional licensed radioactive material shall be \$976, pursuant to subsection (2)(b) of this rule.

Stat. Auth.: ORS 453.757

Stats. Implemented: ORS 453.757

Hist.: HD 4-1985, f. & ef. 3-20-85; HD 13-1988, f. 6-7-88, cert. ef. 7-1-88; HD 1-1991, f. & cert. ef. 1-8-91; HD 15-1991, f. & cert. ef. 10-1-91; HD 15-1994, f. & cert. ef. 5-6-94; HD 2-1995(Temp), f. & cert. ef. 7-11-95; HD 4-1995, f. & cert. ef. 9-8-95; HD 3-1996, f. & cert. ef. 8-9-96; PH 11-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08; PH 4-2010, f. & cert. ef. 2-16-10; PH 20-2010, f. & cert. ef. 9-1-10

333-103-0015

Annual Registration Fee for General Licenses and Devices

(1) Any general license granted by the Department must be validated annually by the general license registration fee listed in section (2) of this rule, unless otherwise exempted by subsection (2)(e) of this rule. Validation must be confirmed by verifying, correcting, and/or adding to the information provided in a request for registration received from the Department. General License registration fees as defined in OAR 333-103-0003 shall:

(a) Validate each general licensed source of radiation due October 1 of each year for sources of radiation; and

(b) Validate each new application to register general license material pursuant to OAR 333-101-0007; and

(c) Registration

(2) The general licenses appearing in the following fee schedule shall be registered on the appropriate Department form and shall be validated annually by a general license registration fee:

(a) Each healing arts facility that uses radioactive material for In Vitro laboratory or clinical testing authorized by OAR 333-102-0130, \$160;

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(b) Each radiation source in a generally licensed measuring, gauging or controlling device authorized pursuant to OAR 333-102-0115(1), \$160;

(c) For radioactive material contained in devices designed and manufactured for the purpose of producing light, except Tritium exit signs, or an ionized atmosphere that exceed the limits in OAR 333-102-0105, \$66 per device for the first twelve devices after which a Basic Specific License is required.

(d) Each general licensee possessing or using depleted uranium for the purpose of providing a concentrated mass in a small volume of the product or device pursuant to OAR 333-102-0103, \$160;

(e) Each General Licensee possessing or using source material for research, development, educational, commercial or operational purposed pursuant to OAR 333-102-0101, \$240;

(f) General licenses not specifically identified in subsections (2)(a), (2)(b), (2)(c) and (2)(d) of this rule are exempt from the payment of an annual general license registration fee.

(g) Each out-of-state or NRC specific licensee granted a general license pursuant to OAR 333-102-0340 to conduct activities within the State of Oregon for a period not to exceed 180 days in a calendar year must pay a registration validation fee as required by OAR 333-103-0030(6).

(h) State and local government agencies are required to register each generally licensed device but are exempt from the fees required in this rule.

(3) Notwithstanding subsection (2)(g) of this rule, the general license fee shall be due and payable on or before October 1 of each year.

(4) A certificate of validation for the then current fiscal year shall be provided by the Department. The certificate for the then current fiscal year must be retained by the licensee and attached to the general license.

(5) Upon written request and approval by the Department, fees for new licenses or additional sources may be prorated on a quarterly basis for the fiscal year.

Stat. Auth.: ORS 453.757

Stats. Implemented: ORS 453.757

Hist.: HD 4-1985, f. & ef. 3-20-85; HD 13-1988, f. 6-7-88, cert. ef. 7-1-88; HD 1-1991, f. & cert. ef. 1-8-91; HD 15-1991, f. & cert. ef. 10-1-91; HD 2-1995(Temp), f. & cert. ef. 7-11-95; HD 4-1995, f. & cert. ef. 9-8-95; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 11-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08; PH 20-2010, f. & cert. ef. 9-1-10

333-103-0030

Reciprocal Recognition Fee

(1) Any radiation machine or radioactive material source brought into the state for use under reciprocity must pay a fee equal to 100 percent of the appropriate license or registration validation fee, listed in OAR 333-103-0005 or 333-103-0010, not to exceed \$3,000 in a year.

(2) Reciprocal fees shall be due and payable prior to entry into the state.

(3) An acknowledgment of fee payment, such as a certificate of validation, will be provided by the Department. The acknowledgment of fee payment must be retained by the licensee or registrant and attached to the license or registration.

(4) Reciprocal fees shall not be transferred or refunded.

(5) Reciprocal fees shall expire 12 months from the issue date.

(6) Any use of radioactive material in Oregon pursuant to OAR 333-102-0340 exceeding 30 consecutive days or 180 calendar days shall require an application for an Oregon specific radioactive materials license pursuant to OAR 333-102-190.

Stat. Auth.: ORS 453.757

Stats. Implemented: ORS 453.757

Hist.: HD 15-1991, f. & cert. ef. 10-1-91; HD 15-1994, f. & cert. ef. 5-6-94; HD 2-1995(Temp), f. & cert. ef. 7-11-95; HD 4-1995, f. & cert. ef. 9-8-95; PH 11-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 20-2010, f. & cert. ef. 9-1-10

333-103-0035

Fees For Radiological Analyses

(1) An individual, agency, or company that requests that the Department Radiation Laboratory perform radiological analyses on samples must pay a fee to the Department in accordance with the schedule in section (2) of this rule. The responsible individual submitting the sample(s) must first obtain a request form from the Department. This form contains the fee schedule and the types of radiological analyses offered. That individual must then submit the completed form along with the sample and the appropriate fee to the Department. The Department will send the results by return mail in accordance with the estimated time as per section (3) of this rule.

(2) Fee Schedule:

(a) Gamma Isotopic:

(A) Liquid — \$248

(B) Solid — \$284(b) Low-level Iodine-131 — \$212;

(c) Tritium (H-3) — \$92.

(3) The analyses results will be available in approximately five working days for Gamma Isotopic analyses.

NOTE: If the Department cannot complete the analyses according to the schedule in section (3) of this rule, the Department will notify the customer as soon as possible.

(4) A \$100 surcharge shall be added to the fee for a one-day completion schedule for a Gamma Isotopic analysis.

Stat. Auth.: ORS 453.757

Stats. Implemented: ORS 453.757

Hist.: HD 15-1991, f. & cert. ef. 10-1-91; HD 15-1994, f. & cert. ef. 5-6-94; HD 2-1995(Temp), f. & cert. ef. 7-11-95; HD 4-1995, f. & cert. ef. 9-8-95; PH 11-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 20-2010, f. & cert. ef. 9-1-10

333-106-0005

Definitions

As used in this division, the following definitions apply:

(1) "Accessible Surface" means the external surface of the enclosure or housing provided by the manufacturer.

(2) "Added Filtration" means any filtration that is in addition to the inherent filtration.

(3) "Aluminum Equivalent" means the thickness of type 1100 aluminum alloy affording the same attenuation, under specified conditions, as the material in question.

NOTE: The nominal chemical composition of type 1100 aluminum alloy is 99.00 percent minimum aluminum, 0.12 percent copper.

(4) "Applications Training" means a vendor or manufacturer providing training for specific X-ray equipment.

(5) "A.R.R.T." means the American Registry of Radiologic Technologists.

(6) "Assembler" means any person engaged in the business of assembling, replacing, or installing one or more components into an X-ray system or subsystem. The term includes the owner of an X-ray system or his or her employee or agent who assembles components into an X-ray system that is subsequently used to provide professional or commercial services.

(7) "Attenuation Block" means a block or stack, having dimensions 20 centimeters (cm) by 20 cm by 3.8 cm, of type 1100 aluminum alloy or other materials having equivalent attenuation.

(8) "Automatic Exposure Control (AEC)" means a device that automatically controls one or more technique factors in order to obtain at a pre-selected location(s) a required quantity of radiation. (See also "Photo timer".)

(9) "Barrier" (see "Protective Barrier").

(10) "Beam Axis" means a line from the source through the centers of the X-ray fields.

(11) "Beam-Limiting Device" means a device that provides a means to restrict the dimensions of the X-ray field.

(12) "Beam Monitoring System" means a system designed to detect and measure the radiation present in the useful beam.

(13) "C-arm X-ray system" means an X-ray system in which the image receptor and X-ray tube housing are connected by a common mechanical support system in order to maintain a desired spatial relationship. This system is designed to allow a change in the projection of the beam through the patient without a change in the position of the patient.

(14) "Cephalometric Device" means a device intended for the radiographic visualization and measurement of the dimensions of the human head.

(15) "Certified Components" means components of X-ray systems that are subject to the X-ray Equipment Performance Standards promulgated under Public Law 90-602, the Radiation Control Agency for Health and Safety Act of 1968.

(16) "Certified System" means any X-ray system that has one or more certified component(s).

(17) "Changeable Filters" means any filter, exclusive of inherent filtration, which can be removed from the useful beam through any electronic, mechanical or physical process.

(18) "Coefficient of Variation (C)" means the ratio of the standard deviation to the mean value of a set of observations.

(19) "Computed tomography (CT)" means the production of a tomogram by the acquisition and computer processing of X-ray transmission data.

(20) "Computed radiography (CR)" means creating an X-ray image using plates consisting of a photo stimulable phosphor (PSP) that when exposed to radiation and then processed by a scanner, provides the information to a computer for display and manipulation.

(21) "Contact Therapy System" means an X-ray system used for therapy with the tube port placed in contact with or within five centimeters of the surface being treated.

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(22) "Control Panel" means that part of the X-ray control upon which are mounted the switches, knobs, pushbuttons and other hardware necessary for manually setting the technique factors.

(23) "Cooling Curve" means the graphical relationship between heat units stored and cooling time.

(24) "Dead-Man Switch" means a switch so constructed that a circuit closing contact can be maintained only by continuous pressure on the switch by the operator.

(25) "Department approved instructor," means an individual who has been evaluated and approved by the Department to teach Radiation Safety.

(26) "Department approved training course" means a course of training that has been evaluated and approved by the Department.

(27) "Detector" (see "Radiation detector").

(28) "Diagnostic X-ray imaging system" means an assemblage of components for the generation, emission, and reception of X-rays and the transformation, storage, and visual display of the resultant X-ray image.

(29) "Diagnostic Source Assembly" means the tube housing assembly with a beam-limiting device attached.

(30) "Diagnostic-Type Protective Tube Housing" means a tube housing so constructed that the leakage radiation measured at a distance of one meter from the source does not exceed 100 milliroentgens (mR) in one hour when the tube is operated at its leakage technique factors.

(31) "Diagnostic X-ray System" means an X-ray system designed for irradiation of any part of the human body or animal body for the purpose of diagnosis or visualization.

(32) "Direct Digital Radiography (DR)" means creating an X-ray image by sending signals directly from a digital image receptor to a computer for display and manipulation.

(33) "Direct Scattered Radiation" means that scattered radiation which has been deviated in direction only by materials irradiated by the useful beam (see "Scattered radiation").

(34) "Direct supervision" means that the person who directs the X-ray or fluoroscopic equipment operator(s) shall be present in the room while the individual operates the equipment.

(35) "Entrance Exposure Rate" means the exposure free in air per unit of time.

(36) "Field Emission Equipment" means equipment which uses a tube in which electron emission from the cathode is due solely to the action of an electric field.

(37) "Filter" means material placed in the useful beam to absorb preferentially selected radiations.

(38) "Fluoroscopic Benchmark" means a standard based upon the average cumulative fluoroscopic on-time normally found to be used for a specific fluoroscopic procedure at the site.

(39) "Fluoroscopic Imaging Assembly" means a subsystem in which X-ray photons produce a visible image. It includes the image receptor(s) such as the image intensifier and spot-film device, electrical interlocks, if any, and structural material providing linkage between the image receptor and diagnostic source assembly.

(40) "Fluoroscopic X-ray equipment operator" means any individual who, adjusts technique factors, activates the exposure switch or button of a fluoroscopic X-ray machine or physically positions patients or animals. Human holders, used solely for immobilization purposes (i.e. veterinarian human holders) are excluded from this rule.

(41) "Focal Spot" means the area projected on the anode of the tube by the electrons accelerated from the cathode and from which the useful beam originates.

(42) "General Purpose Radiographic X-ray System" means any radiographic X-ray system which, by design, is not limited to radiographic examination of specific anatomical regions.

(43) "General supervision" means that the person who directs the X-ray or fluoroscopic equipment operator(s), must be immediately available by telephone, pager, or other mode of communication, to provide direction if needed or requested.

(44) "Gonad Shield" means a protective barrier for the testes or ovaries.

(45) "Hand-held unit" means a self contained X-ray machine designed so that it can be held in one or two hands to perform intra-oral radiography or other Department approved radiography.

(46) "Half-Value Layer (HVL)" means the thickness of specified material which attenuates the beam of radiation to an extent such that the exposure rate is reduced to one-half of its original value. In this definition, the contribution of all scattered radiation, other than any which might be present initially in the beam concerned, is deemed to be excluded.

(47) "Healing arts screening" means the testing of human beings using X-ray machines for the detection or evaluation of health indications when such tests are not specifically and individually ordered by an Oregon licensed practitioner of the healing arts legally authorized to prescribe such X-ray tests for the purpose of diagnosis or treatment.

(48) "Heat Unit" means a unit of energy equal to the product of the peak kilovoltage, milliamperes and seconds, i.e., kVp x mA x second.

(49) "HVL" (see "Half-value layer").

(50) "Image Intensifier" means a device, installed in its housing, which instantaneously converts an X-ray pattern into a corresponding light image of higher energy density.

(51) "Image Receptor" means any device, such as a fluorescent screen or radiographic film, which transforms incident photons either into a visible image or into another form which can be made into a visible image by further transformations.

(52) "Indirect supervision" means that the person who directs the X-ray or fluoroscopic equipment operator(s) be readily available on facility premises when the X-ray or fluoroscopic equipment is operated.

(53) "Inherent Filtration" means the filtration of the useful beam provided by the permanently installed components of the tube housing assembly.

(54) "Interlock" means a device arranged or connected such that the occurrence of an event or condition is required before a second event or condition can occur or continue to occur.

(55) "Irradiation" means the exposure of matter to ionizing radiation.

(56) "Kilovolt-Peak" (see "Peak tube potential").

(57) "kV" means kilovolts.

(58) "kVp" (see "Peak tube potential").

(59) "kWs" means kilowatt second.

(60) "Lead Equivalent" means the thickness of lead affording the same attenuation, under specified conditions, as the material in question.

(61) "Leakage Radiation" means radiation emanating from the diagnostic or therapeutic source assembly except for:

(a) The useful beam; and

(b) Radiation produced when the exposure switch or timer is not activated.

(62) "Leakage Technique Factors" means the technique factors associated with the diagnostic or therapeutic source assembly which are used in measuring leakage radiation. They are defined as follows:

(a) For diagnostic source assemblies intended for capacitor energy storage equipment, the maximum rated peak tube potential and the maximum-rated number of exposures in an hour for operation at the maximum rated peak tube potential with the quantity of charge per exposure being 10 millicoulombs, i.e., 10 milliamperes seconds (mAs), or the minimum obtainable from the unit, whichever is larger.

(b) For diagnostic source assemblies intended for field emission equipment rated for pulsed operation, the maximum-rated peak tube potential and the maximum-rated number of X-ray pulses in an hour for operation at the maximum-rated peak tube potential.

(c) For all other diagnostic or therapeutic source assemblies, the maximum-rated peak tube potential and the maximum-rated continuous tube current for the maximum-rated peak tube potential.

(63) "Light Field" means that area of the intersection of the light beam from the beam-limiting device and one of the set of planes parallel to and including the plane of the image receptor, whose perimeter is the locus of points at which the illumination is one-fourth of the maximum in the intersection.

(64) "Line-Voltage Regulation" means the difference between the no-load and the load line potentials expressed as a percent of the load line potential.

(65) "mA" means milliamperes.

(66) "mAs" means milliamperes second.

(67) "Maximum Line Current" means the root-mean-square current in the supply line of an X-ray machine operating at its maximum rating.

(68) "Mobile Equipment" (see "X-ray Equipment").

(69) "Non-radiologist practitioner" means an individual who practices medicine as a medical doctor (M.D.), doctor of osteopathic medicine (D.O.), doctor of chiropractic medicine (D.C.), doctor of podiatric medicine (D.P.M.) or doctor of veterinary medicine (D.V.M.); and

(a) Are not specifically certified in diagnostic and/or therapeutic use of X-rays; and

(b) Are currently licensed by their respective Oregon licensing board.

(70) "Operator" means an individual who, under the supervision of a practitioner of the healing arts, handles ionizing radiation equipment, phys-

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ically positions patients or animals, determines exposure parameters or applies the radiation for the diagnostic or therapeutic purposes intended.

(71) "Patient" means an individual subjected to healing arts examination, diagnosis, or treatment.

(72) "Peak Tube Potential" means the maximum value of the potential difference across the X-ray tube during an exposure.

(73) "Phantom" means a volume of material behaving in a manner similar to tissue with respect to the attenuation and scattering of radiation. This requires that both the atomic number (Z) and the density of the material be similar to that of tissue.

(74) "Photo timer" means a method for controlling radiation exposures to image receptors by measuring the amount of radiation which reaches a radiation monitoring device(s). The radiation monitoring device(s) is a part of an electronic circuit which controls the duration of time the tube is activated (see also "Automatic exposure control").

(75) "PID" (see "Position indicating device").

(76) "Portable Equipment" (see "X-ray Equipment").

(77) "Position Indicating Device" means a device on dental X-ray equipment used to indicate the beam position and to establish a definite source-surface (skin) distance. It may or may not incorporate or serve as a beam-limiting device.

(78) "Primary Dose Monitoring System" means a system which will monitor useful beam during irradiation and which will terminate irradiation when a pre-selected number of dose monitor units have been acquired.

(79) "Primary Protective Barrier" (see "Protective barrier").

(80) "Protective Apron" means an apron made of radiation absorbing materials used to reduce radiation exposure.

(81) "Protected Area" means an area shielded with primary or secondary protective barriers or an area removed from the radiation source such that the exposure rate within the area due to normal operating procedures and workload does not exceed any of the following limits:

(a) 2 milliroentgens (mR) in any one hour; or

(b) 100 mR in any one year.

(c) See OAR 333-120-0180 for additional information.

(82) "Protective Barrier" means a barrier of radiation absorbing material(s) used to reduce radiation exposure. The types of protective barriers are as follows:

(a) "Primary protective barrier" means the material, excluding filters, placed in the useful beam, for protection purposes, to reduce the radiation exposure;

(b) "Secondary protective barrier" means a barrier sufficient to attenuate the stray radiation to the required degree.

(83) "Protective Glove" means a glove made of radiation absorbing materials used to reduce radiation exposure.

(84) "Qualified Expert" means an individual, approved by the Department, who has demonstrated, pursuant to these rules, that he/she possesses the knowledge, skills, and training to measure ionizing radiation, to evaluate radiation parameters, to evaluate safety techniques, and to advise regarding radiation protection needs. The individual shall:

(a) Be certified in the appropriate field by the American Board of Radiology, the American Board of Health Physics, the American Board of Medical Physics or the American Board of Nuclear Medicine Science; or

(b) Hold a master's or doctor's degree in physics, biophysics, radiological physics, health physics, or medical physics and have completed one year of documented, full time training in the appropriate field and also one year of documented, full time work experience under the supervision of a qualified expert in the appropriate field. To meet this requirement, the individual shall have performed the tasks required of a qualified expert during the year of work experience; or

(c) Receive approval from the Department for specific activities.

(85) "Quality Control Program" means a program directed at film processing and radiographic image quality whereby periodic monitoring of film processing is performed. Test films are compared against control film, either visually or by use of a densitometer, to determine if density or contrast have changed. Steps can then be taken to investigate such change and correct the problem. The X-ray machine itself can also be involved in the quality control program, as can other components of the imaging chain.

(86) "Radiation Detector" means a device which in the presence of radiation provides a signal or other indication suitable for use in measuring one or more quantities of incident radiation.

(87) "Radiation Therapy Simulation System" means a radiographic or fluoroscopic system intended for localizing the volume to be exposed during radiation therapy and confirming the position and size of the therapeutic irradiation field.

(88) "Radiograph" means an image receptor on which the image is created directly or indirectly by a pattern and results in a permanent record.

(89) "Radiographic Imaging System" means any system whereby a permanent or semipermanent image is recorded on an image receptor by the action of ionizing radiation.

(90) "Radiological Physicist" means an individual who:

(a) Is certified by the American Board of Radiology in therapeutic radiological physics, radiological physics, or x- and gamma-ray physics; or

(b) Has a bachelor's degree in one of the physical sciences or engineering and three years full-time experience working in therapeutic radiological physics under the direction of a physicist certified by the American Board of Radiology. The work duties must include duties involving the calibration and spot checks of a medical accelerator or a sealed source teletherapy unit; or

(c) Has a master's or a doctor's degree in physics, biophysics, radiological physics, health physics, or engineering; has had one year's full-time training in therapeutic radiological physics; and has had one year's full-time work experience in a radiotherapy facility where the individual's duties involve calibration and spot checks of a medical accelerator or a sealed source teletherapy unit.

(91) "Radiologist" or "Oral Radiologist" means a physician or dentist trained in the diagnostic and/or therapeutic use of X-rays and who is;

(a) Currently licensed by their respective Oregon licensing board; and

(b) Board certified by the American Board of Radiology (ABR) or American Osteopathic Board of Radiology (AOBR) or American Chiropractic Board of Radiology (DACBR) or Royal College of Physicians and Surgeons of Canada (RCPSC) or the American Board of Oral and Maxillo-Facial Radiology (ABOMFR) and currently licensed to practice medicine or dentistry in Oregon.

(92) "Radiology Physician's Assistant" (R.P.A.)/ "Registered Radiology Assistant" (R.R.A.).

(a) An R.P.A. means an American Registry of Radiologic Technologists (A.R.R.T.) technologist who has successfully completed an advanced training program and is certified by the Certification Board for Radiology Practitioner Assistants (CBRPA).

(b) An R.R.A. means an A.R.R.T. technologist who has successfully completed an advanced training program and is certified by A.R.R.T.

(93) "R.T." means a radiologic technologist certified in radiography and currently licensed by the Oregon Board of Radiologic Technology (OBRT).

(94) "Rating" means the operating limits as specified by the component manufacturer.

(95) "Recording" means producing a permanent form of an image resulting from X-ray photons.

(96) "Registrant;" as used in this division, means any person who owns or possesses and administratively controls an X-ray system which is used to deliberately expose humans, animals or materials to the useful beam of the system and is required by the provisions contained in divisions 100 and 101 of this chapter to register with the Department.

(97) "Response Time" means the time required for an instrument system to reach 90 percent of its final reading when the radiation-sensitive volume of the instrument system is exposed to a step change in radiation flux from zero, sufficient to provide a steady state midscale reading.

(98) "Scattered Radiation" means radiation that, during passage through matter, has been deviated in direction (see "Direct Scattered Radiation").

(99) "Screening" means the use of a systematic approach to obtain cursory examinations of a person or group of persons without regard to specific clinical indications.

(100) "Secondary Dose Monitoring System" means a system which will terminate irradiation in the event of failure of the primary system.

(101) "Secondary Protective Barrier" (see "Protective barrier").

(102) "Shutter" means a device attached to the tube housing assembly which can totally intercept the useful beam and which has a lead equivalency not less than that of the tube housing assembly.

(103) "SID" (see "Source-image receptor distance").

(104) "Source" means the focal spot of the X-ray tube.

(105) "Source-Image Receptor Distance" means the distance from the source to the center of the input surface of the image receptor.

(106) "Spot Check" means a procedure which is performed to assure that a previous calibration continues to be valid.

(107) "Spot Film" means a radiograph which is made during a fluoroscopic examination to permanently record conditions which exist during that fluoroscopic procedure.

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(108) "Spot-Film Device" means a device intended to transport and/or position a radiographic image receptor between the X-ray source and fluoroscopic image receptor. It includes a device intended to hold a cassette over the input end of an image intensifier for the purpose of making a radiograph.

(109) "SSD" means the distance between the source and the skin of the patient.

(110) "Stationary Equipment" (see "X-ray Equipment").

(111) "Stray Radiation" means the sum of leakage and scattered radiation.

(112) "Technique Factors" means the conditions of operation. They are specified as follows:

(a) For capacitor energy storage equipment, peak tube potential in kV and quantity of charge in mAs;

(b) For field emission equipment rated for pulsed operation, peak tube potential in kV and number of X-ray pulses;

(c) For all other equipment, peak tube potential in kV and either tube current in mA and exposure time in seconds, or the product of tube current and exposure time in mAs.

(113) "Termination of Irradiation" means the stopping of irradiation in a fashion which will not permit continuance of irradiation without the resetting of operating conditions at the control panel.

(114) "Traceable to a National Standard" means that a quantity or a measurement has been compared to a national standard directly or indirectly through one or more intermediate steps and that all comparisons have been documented.

(115) "Tube" means an X-ray tube, unless otherwise specified.

(116) "Tube Housing Assembly" means the tube housing with tube installed. It includes high-voltage and/or filament transformers and other appropriate elements when such are contained within the tube housing.

(117) "Tube Rating Chart" means the set of curves which specify the rated limits of operation of the tube in terms of the technique factors.

(118) "Unprotected Area" means any area in which the exposure rate, due to the use of the radiation machine under normal operating procedures and workload, exceeds any of the following limits:

(a) Two mR in any one hour;

(b) 100 mR in any seven consecutive days; or

(c) 500 mR in any one year.

(119) "Useful Beam" means the radiation emanating from the tube housing port or the radiation head and passing through the aperture of the beam limiting device when the exposure controls are in a mode to cause the system to produce radiation.

(120) "Variable-Aperture Beam-Limiting Device" means a beam-limiting device which has capacity for stepless adjustment of the X-ray field size at a given SID.

(121) "Visible Area" means that portion of the input surface of the image receptor over which the incident X-ray photons are producing a visible image.

(122) "Wedge Filter" means an added filter effecting continuous progressive attenuation on all or part of the useful beam.

(123) "X-ray Control" means a device which controls input power to the X-ray high-voltage generator and/or the X-ray tube. It includes equipment such as exposure switches (control), timers, photo timers, automatic brightness stabilizers and similar devices, which control the technique factors of an X-ray exposure.

(124) "X-ray Equipment" means an X-ray system, subsystem, or component thereof. Types of equipment are as follows:

(a) "Mobile equipment" means X-ray equipment mounted on a permanent base with wheels and/or casters for moving while completely assembled;

(b) "Portable equipment" means X-ray equipment designed to be hand-carried;

(c) "Stationary equipment" means X-ray equipment which is installed in a fixed location; and

(d) "Transportable" means X-ray equipment installed in a vehicle or trailer.

(125) "X-ray equipment operator" means any individual who handles, adjusts technique factors, activates the exposure switch/ or button of an X-ray machine, or physically positions patients or animals for a radiograph (see "Operator").

(126) "X-ray Field" means that area of the intersection of the useful beam and any one of the set of planes parallel to and including the plane of the image receptor, whose perimeter is the locus of points at which the exposure rate is one-fourth of the maximum in the intersection.

(127) "X-ray High-Voltage Generator" means a device which transforms electrical energy from the potential supplied by the X-ray control to the tube operating potential. The device may also include means for transforming alternating current to direct current, filament transformers for the X-ray tube(s), high-voltage switches, electrical protective devices and other appropriate elements.

(128) "X-ray System" means an assemblage of components for the controlled production of X-rays. It includes minimally an X-ray high-voltage generator, an X-ray control, a tube housing assembly, a beam-limiting device and the necessary supporting structures. Additional components which function with the system are considered integral parts of the system.

(129) "X-ray Subsystem" means any combination of two or more components of an X-ray system for which there are requirements specified in this division.

(130) "X-ray Tube" means any electron tube which is designed to be used primarily for the production of X-rays.

[ED. NOTE: Equations referenced are available from the agency.]

Stat. Auth.: ORS 453.605 - 453.807

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 4-1985, f. & ef. 3-20-85; HD 1-1991, f. & cert. ef. 1-8-91; HD 15-1994, f. & cert. ef. 5-6-94; HD 1-1995, f. & cert. ef. 4-26-95; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 5-2005, f. & cert. ef. 4-11-05; PH 12-2006, f. & cert. ef. 6-16-06; PH 14-2008, f. & cert. ef. 9-15-08; PH 4-2010, f. & cert. ef. 2-16-10; PH 20-2010, f. & cert. ef. 9-1-10

333-106-0055

X-ray Operator Training

(1) The registrant shall assure that individuals who will be operating the X-ray equipment shall have adequate training in radiation safety. Adequate training in radiation safety means a minimum of 40 hours of didactic instruction for diagnostic medical X-ray equipment operators, eight hours for Grenz ray X-ray equipment operators and 20 hours for veterinary X-ray equipment operators from an Department approved training course covering the following subjects:

(a) Nature of X-rays;

(b) Interaction of X-rays with matter;

(c) Radiation units;

(d) Principles of the X-ray machine;

(e) Biological effects of X-ray;

(f) Principles of radiation protection;

(g) Low dose techniques;

(h) Applicable federal and state radiation regulations including those portions of divisions 100, 101, 103, 106, 111 and 120 of chapter 333;

(i) Darkroom and film processing;

(j) Film critique; and

(k) Animal restraint training (for veterinary technologists or assistants only).

NOTE: Subsections (1)(g), (1)(i) and (1)(j) of this rule are not required for Grenz ray X-ray equipment operator training.

(2) Dental X-ray operators who meet the following requirements are considered to have met the requirements in section (1) of this rule:

(a) Currently licensed by the Oregon Board of Dentistry as a Dentist or Dental Hygienist; or

(b) Is a Dental Assistant who is certified by the Oregon Board of Dentistry in radiologic proficiency; and

(c) Successfully completed didactic and clinical radiography training covering the subject areas outlined in section (1) of this rule; and

(d) Passed the Radiation Health and Safety (RHS) or the Certified Dental Assistant (CDA) examination administered by the Dental Assisting National Board, Inc. (DANB) and clinical radiography examination or other comparable requirements approved by the Oregon Board of Dentistry.

(3) Medical X-ray equipment operators not regulated by the Oregon Board of Radiologic Technology. In addition to the above, medical X-ray equipment operators using diagnostic radiographic equipment on human patients, and who are not regulated by the Oregon Board of Radiologic Technology must have 100 hours or more of instruction in radiologic technology including, but not limited to, anatomy physiology, patient positioning, exposure and technique. The instruction must be appropriate to the types of X-ray examinations that the individual will be performing; and

(a) Have 200 hours or more of X-ray laboratory instruction and practice in the actual use of an energized X-ray unit, setting techniques and practicing positioning of the appropriate diagnostic radiographic procedures that they intend to administer; and

(b) Must have completed the required radiation use and safety hours and a minimum of 50 hours in X-ray laboratory before X-raying a human patient.

(4) Radiation Use and Safety Instructor Qualifications. The training required in sections (1), (2) and (3) of this rule must be taught by a

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Department approved instructor. Approval will be based upon the following criteria:

(a) Medical use and safety instructor: An individual who is currently licensed as a Radiologic Technologist and approved as an education provider by the Oregon Board of Radiologic Technology.

(b) A dental radiation use and safety instructor is an individual who has:

(A) Passed the Radiation Health and Safety (RHS) or the Certified Dental Assistant (CDA) examination administered DANB; or

(B) Has been evaluated and approved as a qualified Dental radiation use and safety instructor by the Oregon Board of Dentistry; and

(C) Is currently licensed by the Oregon Board of Dentistry as a dentist; or

(D) Is a dental hygienist; or

(E) Is a dental assistant certified in Radiologic proficiency and has a minimum of two years of experience in taking dental radiographs.

(c) A veterinarian radiation use and safety instructor is an individual who is:

(A) Currently credentialed with the Oregon Veterinary Medical Examining Board, or licensed as a Radiologic Technologist by the Oregon Board of Radiologic Technology; and

(B) Has completed training specific to veterinarian radiography, including training in animal restraint; and

(C) Have a minimum of two years of experience in taking veterinary radiographs.

(d)(A) On a case by case basis, if an evaluation by the Department reveals the individual has alternative qualifications that are substantially equivalent to the qualifications listed in subsections (4)(a), (4)(b) or (4)(c) of this rule or is an individual who is qualified under OAR 333-101-0230 as a Hospital Radiology Inspector; or

(B) The individual meets the requirements of a qualified expert as defined in OAR 333-100-0005(80).

(5) In addition to the requirements in sections (2), (9), (10) and (13), of this rule dental X-ray equipment operator must also satisfy any requirements established by the Oregon Board of Dentistry.

(6) The operator shall be able to demonstrate competency in the safe use of the X-ray equipment and associated X-ray procedures.

(7) Any diagnostic medical X-ray operator is deemed to have adequate training to meet the requirements of section (1) of this rule if they meet any of the following:

(a) Holds a current license from the Oregon Board of Radiologic Technology; or

(b) Holds a current limited permit from the Oregon Board of Radiologic Technology; or

(c) Is a student in a two-year approved school of Radiologic Technology as defined in ORS 688.405 while practicing Radiologic Technology under the supervision of a radiologist who is currently licensed with the Oregon Medical Board or a radiologic technologist who is currently registered with the American Registry of Radiologic Technologists and licensed with the Oregon Board of Radiologic Technology; or

(d) Is a student in an Oregon Board of Radiologic Technology approved limited permit program under a Radiologic Technologist who is currently registered with the American Registry of Radiologic Technologists and licensed by the Oregon Board of Radiologic Technology.

(8) Dental radiology students in an approved Oregon Board of Dentistry dental radiology course are permitted to take dental radiographs on human patients during their clinical training, under the indirect supervision of a Dentist or Dental Hygienist currently licensed or a dental assistant who has been certified in radiologic proficiency, by the Oregon Board of Dentistry provided that:

(a) They are enrolled in an Oregon Board of Dentistry approved radiology course; or

(b) A student studying under an Oregon Board of Dentistry approved radiology instructor; and

(c) The student has written authorization, signed by their instructor, attesting that the student has successfully completed training in the subject areas in section (1) of this rule; and

(d) Demonstrated to the instructor that they are ready to take dental radiographs on human patients through:

(A) The use of mannequins under indirect supervision; or

(B) Taking dental radiographs of human patients while under the direct supervision of the instructor; and

(C) The written authorization is on the training program or Oregon Board of Dentistry approved instructor's letterhead, a copy of which is maintained at the site(s) of their clinical training and available for review

by the Department of Human Services, Public Health Division inspection staff at the time of inspection.

(9) The students identified in section (8) of this rule are prohibited from taking radiographs on human patients without proper authorization from a practitioner of the healing arts who is currently licensed in Oregon, as required in OAR 333-106-0035 of these rules.

(10) The students identified in section (8) of this rule are considered to be in "student status" until they have successfully completed the clinical phase of their training. "Student status" shall not exceed a period of 12 consecutive months.

(11) Radiation use and safety training programs approved prior to the May 1, 2005 will continue to be considered as meeting the requirements of section (1) of this rule provided they cover those portions of the Oregon Rules for the Control of Radiation indicated in subsection (1)(h) of this rule.

(12) X-ray operator training approved prior to May 1, 2005 will continue to be considered as having met the requirements of sections (1), (2) or (3) of this rule as applicable.

(13) Reciprocity. X-ray equipment operators who have received their radiation safety training outside of Oregon will be considered to have met the training requirements listed in sections (1) or (2) of this rule, if the Department's or applicable Oregon Licensing Board's evaluation of their training or training and experience, reveals that they substantially meet the intent of sections (1) or (2) of this rule.

(14) When required by the Department, applications training must be provided to the operator before use of X-ray equipment on patients.

(a) Records of this training must be maintained by the registrant for inspection.

(b) The training may be in any format such as hands-on training by a manufacturer's representative, video or DVD instruction, or a training manual.

Stat. Auth.: ORS 453.605 - 453.807

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 4-1985, f. & ef. 3-20-85; HD 1-1991, f. & cert. ef. 1-8-91; HD 15-1994, f. & cert. ef. 5-6-94; HD 24-1994, f. & cert. ef. 9-6-94; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 5-2005, f. & cert. ef. 4-11-05; PH 12-2006, f. & cert. ef. 6-16-06; PH 14-2008, f. & cert. ef. 9-15-08; PH 20-2010, f. & cert. ef. 9-1-10

333-106-0325

Intraoral Dental Radiographic Systems

In addition to the provisions of OAR 333-106-0010 through 333-106-0101 of these rules, the requirements of this rule apply to X-ray equipment and facilities where intraoral dental radiography is conducted. Requirements for extraoral dental radiographic systems are covered in OAR 333-106-0301 through 333-106-0320 of these rules. Intraoral dental radiographic systems must meet the following requirements:

(1) Source-to-Skin Distance (SSD). X-ray systems designed for use with an intraoral image receptor shall be provided with means to limit source-to-skin distance, to not less than:

(a) 18 cm if operable above 50 kVp; or

(b) 10 cm if operable at 50 kVp only.

(2) Beam Limitation. Radiographic systems designed for use with an intraoral image receptor shall be provided with means to limit the X-ray beam such that:

(a) If the minimum source-to-skin distance (SSD) is 18 centimeters or more, the X-ray field, at the minimum SSD, shall be containable in a circle having a diameter of no more than seven centimeters; or

(b) If the minimum SSD is less than 18 centimeters, the X-ray field, at the minimum SSD, shall be containable in a circle having a diameter of no more than six centimeters.

(3) Radiation Exposure Control (Timers). Means shall be provided to control the radiation exposure through the adjustment of exposure time in seconds, milliseconds (ms) or, number of pulses, or current/milliamps (mA), or the product of current and exposure time (mAs) or adjustment of kVp. In addition:

(a) Exposure Initiation. Means shall be provided to initiate the radiation exposure by a deliberate action on the part of the operator, such as the depression of a switch. Radiation exposure shall not be initiated without such an action; and

(b) It shall not be possible to make an exposure when the timer is set to a "0" or "off" position if either position is provided;

(c) Exposure Indication. Means shall be provided for visual indication, observable at or from the operator's protected position, whenever X-rays are produced. In addition, a signal audible to the operator shall indicate that the exposure has terminated.

(d) Exposure termination.

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(e) Timer Reproducibility. With a timer setting of 0.5 second or less, the average exposure time (T) shall be greater than or equal to five times the minimum exposure time (Tmax) minus the minimum exposure time (Tmin) when four timer tests are performed:

(T) $>/- 5 (T_{max} - T_{min})$.

(A) Means shall be provided to terminate the exposure at a preset, time interval, mAs, number of pulses, or radiation to the image receptor.

(B) An X-ray exposure control shall be incorporated into each system such that an exposure can be terminated by the operator at any time, except for exposures of 0.5 second or less.

(C) Termination of an exposure shall cause automatic resetting of the timer to its initial setting or to "0".

(4) Radiation Exposure Control Location and Operator Protection. Each X-ray control must be located in such a way as to meet the following requirements:

(a) The exposure switch shall be able to be operated in a protected area, as defined in OAR 333-106-0005(81)(a)(b), and the operator shall remain in that protected area during the entire exposure; and

(b) The operator's protected area shall provide visual indication of the patient during the X-ray procedure.

(c) Mobile and portable X-ray systems which are:

(A) Used for greater than one week in the same location, i.e., a room or suite, shall meet the requirements of subsections (4)(a) and (4)(b) of this rule;

(B) Used for less than one week at the same location, i.e., a room or suite, shall be provided with:

(i) Either a protective barrier of at least 6.5 feet (2 meters) high for operator protection; or

(ii) A means to allow the operator to be at least nine feet (2.7 meters) from the tube housing assembly while making exposures; or

(iii) A full length protective apron, of not less than 0.25 millimeter lead equivalent for operator protection, when using a hand held dental intra-oral X-ray machine.

(5) Exposure Reproducibility. The coefficient of variation shall not exceed 0.05 when all technique factors are held constant. This requirement shall be deemed to have been met if, when four exposures are made at identical technique factors, the value of the average exposure (E) is greater than or equal to five times the maximum exposure (Emax) minus the minimum exposure (Emin): $E >/- 5 (E_{max} - E_{min})$

(6) Accuracy.

(a) Deviation of technique factors from the indicated values for kVp and exposure time (if time is independently selectable) shall not exceed the limits specified for that system by its manufacturer.

(b) kVp Limitations. Dental X-ray machines with a nominal fixed kVp of less than 50 kVp shall not be used to make diagnostic dental radiographs on humans.

(7) Administrative Controls:

(a) Patient and film holding devices shall be used when the techniques permit;

(b) The tube housing and the PID shall not be hand-held during an exposure;

(c) The X-ray system shall be operated in such a manner that the useful beam at the patient's skin does not exceed the requirements of subsection (2)(a) of this rule or its updated version;

(d) All patients shall be provided with a leaded lap apron during any X-ray exposure;

(e) Dental fluoroscopy without image intensification shall not be used;

(f) Pointed cones shall not be utilized unless specific authorization has been granted by the Department.

(8) Hand-held X-ray systems.

(a) Registrants must provide for security and safe storage while not in use.

(A) A report must be filed with the Department within 72 hours if the hand-held unit is lost or stolen.

(b) The image receptor used with hand-held dental X-ray systems must either be:

(A) A speed class of intra-oral film designated as "E/F, F" or faster; or

(B) A digitally acquired image (CR or DR).

(c) The hand-held X-ray system must be equipped with a permanently attached backscatter shield of 0.25 mm Pb equivalent.

(d) The backscatter shield must be designed to appropriately protect the operator during an exposure. The manufacturer of the hand-held unit must provide documentation to the Department of the design specifications

of the backscatter shield's protection to the operator prior to sale and distribution in the State of Oregon.

(e) The hand-held unit must be capable of a minimum of 60 kVp and 2.0 mA.

(8)(c), (8)(d) and (8)(e) of this rule may not be sold, distributed or used in the State of Oregon.

(9) Hand-held dental X-ray administrative controls.

(a) The operator must wear a whole body protective apron and thyroid collar of 0.25 mm of lead equivalent when using the unit.

(b) Hand-held units must meet the requirement of OAR 333-106-0045(3).

(A) The hand-held unit shall not be used for patient examinations in hallways and waiting rooms.

(B) The unit will only be operated in an enclosed room when possible. All individuals except the X-ray operator and the patient will leave the room and stand behind a protective barrier or be at least six feet from the X-ray source if a protective barrier is not available during radiographic exposures.

(c) Operators must complete machine specific applications training as described in OAR 333-106-0055(14) before using a hand-held unit.

(A) Training on the safe use of the unit shall be documented and include at a minimum:

(i) Proper positioning of the unit to ensure an adequate protected position;

(ii) Limitations on the use of position indicating devices that require longer distances to the patient's face;

(iii) Diagrams (ie: drawings, illustrations, schematics, etc.) of protected position and location in relationship to the unit;

(iv) Diagrams (ie, drawings, illustrations, schematics, etc.) of the effect of improper distance or removal of shielding device; and

(v) Diagrams (ie. drawings, illustrations, schematics, etc.) of common examples of improper positioning of the unit and or location of the operator.

(d) An appropriate receptor holder must be used during the X-ray exposure.

(e) A PID must be used during the X-ray exposure.

(f) A hand-held unit shall be held without any motion during a patient examination. A tube stand may be utilized to immobilize the hand-held unit during a patient examination.

Stat. Auth.: ORS 453.605 - 453.807

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 4-1985, f. & ef. 3-20-85; HD 1-1991, f. & cert. ef. 1-8-91; HD 15-1994, f. & cert. ef. 5-6-94; HD 1-1995, f. & cert. ef. 4-26-95; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 12-2006, f. & cert. ef. 6-16-06; PH 14-2008, f. & cert. ef. 9-15-08; PH 20-2010, f. & cert. ef. 9-1-10

333-119-0010

Definitions

(1) "Customer" means any member of the public who is provided access to a tanning device in exchange for a fee or other compensation, or any individual who, in exchange for a fee or other compensation, is afforded use of a tanning device as a condition or benefit of membership or access.

(2) "Department" means the Department of Human Services of the State of Oregon.

(3) "Employee" means any individual, including a minor whether lawfully or unlawfully employed, who engages to furnish services for remuneration, financial or otherwise, subject to the direction and control of an employer and includes any individual who is required to have workers' compensation coverage.

(4) "EPA" means the U.S. Environmental Protection Agency.

(5) "FDA" means the U.S. Food and Drug Administration.

(6) "Formal Training" means a course of instruction reviewed and approved by the Department and which is conducted or presented under formal classroom conditions or online by a qualified expert possessing adequate knowledge and experience to offer a curriculum, associated training, and certification testing pertaining to and associated with the correct use of tanning equipment. Operator training shall cover ultraviolet radiation and effects on the skin, photosensitivity, FDA and State of Oregon regulations, eye protection, and equipment maintenance.

(7) "Handrails" means a suitable physical aid that will help to maintain proper exposure distance.

(8) "Individual" means any human being.

(9) "Minor" means any individual under the age of 18.

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(10) "Operator" means the person who is an employee (defined by the Oregon Occupational Safety and Health Division, Oregon Administrative Rule 437-003-0011(2)) or contractor of the tanning facility who has received a certificate from an approved formal training course and who is responsible for:

- (a) Determining customer's skin type;
- (b) Determining the suitability for use of a tanning device;
- (c) Providing information regarding the dangers of ultraviolet radiation exposure including photoallergic reactions and photosensitizing agents;
- (d) Assuring that all required forms are understood and properly signed by the customer;
- (e) Maintaining required exposure records;
- (f) Recognizing and reporting injuries or alleged injuries to the registrant;
- (g) Determining the customers' exposure schedule;
- (h) Setting timers which control the duration of exposure; and
- (i) Instructing the customer in the proper use of protective eyewear.

(11) "Other Compensation" means the payment or exchange of goods, services or anything of value for use of the tanning device or devices.

(12) "Person" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, political subdivision of this state, any other state or political subdivision or agency thereof, and any legal successor, representative, agent or agency of these entities.

(13) "Phototherapy Device" means equipment that emits Ultraviolet radiation used by a health care professional in the treatment of disease or illness.

(14) "Program" means the Radiation Protection Services section of the Public Health Division.

(15) "Protective Eyewear" means suitable eyewear that protects the eye from Ultraviolet radiation and allows adequate vision.

(16) "Registrant" means a tanning facility registered with the Department as required by provisions of this division.

(17) "Registration" means registration with the Department in accordance with provisions of this division.

(18) "Safe Level" means not more than 50 colonies of microorganisms per four square inches of equipment surface.

(19) "Sanitize" means the effective bactericidal treatment of surfaces of equipment and devices by an EPA or FDA registered product that provides a sufficient concentration of chemicals, and enough time to reduce the bacterial count, including pathogens, to a safe level. Chemical germicides that are registered with EPA as hospital disinfectants when used at recommended dilutions and directions may be approved for sanitizing of tanning devices.

(20) "Tanning Device" means any equipment used for tanning of the skin, that emits electromagnetic radiation with wavelengths in the air between 200 and 400 nanometers including, but not limited to, a sunlamp, Ultraviolet Lamp, tanning booth, facial unit, UVA wand, or tanning bed. "Tanning device" also means any accompanying equipment, including, but not limited to, protective eyewear, timers, ballasts, starters, lamps, reflectors, cooling fans, acrylics, comfort pillows and handrails.

(21) "Tanning Facility" means any location, place, area, structure, or business that provides persons access to any tanning device.

(22) "Timers" means a device provided to terminate the exposure at a preset time interval.

(23) "Ultraviolet Radiation" means radiation that has a wavelength between two hundred nanometers and four hundred nanometers.

Stat. Auth.: ORS 431.925 - 431.955

Stats. Implemented: ORS 431.925 - 431.955

Hist.: HD 15-1991, f. & cert. ef. 10-1-91; HD 15-1994, f. & cert. ef. 5-6-94; PH 14-2008, f. & cert. ef. 9-15-08; PH 4-2010, f. & cert. ef. 2-16-10; PH 20-2010, f. & cert. ef. 9-1-10

333-119-0020

Registration

(1) Prior to the operation of any tanning device used by the public for a fee or other compensation, the owner or operator shall file an application with the Department and pay applicable fee(s) in the amount and in the manner specified in OAR 333-103-0025 to register each tanning device.

(2) If the owner or operator owns or operates more than one such tanning facility, the owner or operator shall file a separate application for each such facility owned or operated.

(3) Registration application shall be made on forms furnished by the Department.

(4) A validation certificate or acknowledgement of validation will be issued by the Department.

(5) The certificate issued by the Department shall be effective for one year beginning January 1 through December 31.

(6) The certificate shall be displayed in a conspicuous open public area of the tanning facility.

(7) The Department will provide an identification number that will be affixed by a Department inspector to each tanning device during the initial or follow-up facility inspection:

(a) Identification numbers shall not be removed without written permission of the Department; and

(b) Identification numbers shall not be defaced.

(8) The registrant shall notify the Department in writing before making any change that would render the information contained in the application for registration or the validation of registration no longer accurate.

(9) No registration may be transferred from one person to another person, from one tanning facility to another tanning facility, or from one tanning device to another tanning device.

(10) In the event of a change in ownership, the new owner will be required to apply for a registration of the tanning device within 30 days after taking possession of the property.

(11) Tanning facilities already in existence at the time of the effective date of this rule may continue to operate. Such facility shall be given priority in the inspection process by the Department. However, should those tanning facilities fail to meet the standards, they may be prohibited from continuing to operate until such time as they have met those standards through evaluation by the Department's inspectors or through a hearing held by the Department.

(12) Failure to properly register a tanning device is subject to the imposition of a civil penalty per ORS 431.950 and ORS 431.262.

(13) The Department may require tanning facility registrants to complete and update application forms and information concerning tanning devices.

Stat. Auth.: ORS 431.925 - 431.955

Stats. Implemented: ORS 431.925 - 431.955

Hist.: HD 15-1991, f. & cert. ef. 10-1-91; HD 15-1994, f. & cert. ef. 5-6-94; PH 14-2008, f. & cert. ef. 9-15-08; PH 4-2010, f. & cert. ef. 2-16-10; PH 20-2010, f. & cert. ef. 9-1-10

333-119-0060

Warning Sign

(1) The registrant shall conspicuously post the warning sign described in section (2) of this rule within one meter (39.37 inches) of each tanning device and in such a manner that the sign is clearly visible, not obstructed by any barrier, equipment or other object, and can be easily viewed by the customer before operating the tanning device.

(2) The warning sign in section (1) of this rule shall meet the following requirements:

(a) The sign shall be printed on paper or similar material no smaller than 8.5 inches by 11 inches. Signs are available for printing on the Department's website.

(b) The major sign heading shall be labeled "DANGER" and the section entitled "FAILURE" shall be a minimum of Times New Roman, bold with a minimum font size of 40.

(c) The body text shall be a minimum of Times New Roman with a minimum font size of 20.

DANGER — ULTRAVIOLET RADIATION

Follow instructions.

Avoid overexposure. As with natural sunlight, overexposure can cause eye and skin injury and allergic reactions. Repeated exposure may cause premature aging of the skin and/or skin cancer.

FAILURE TO USE PROTECTIVE EYEWEAR MAY RESULT IN SEVERE BURNS OR LONG-TERM INJURY TO THE EYES.

Medications or cosmetics may increase your sensitivity to the Ultraviolet radiation. Consult a physician before using sunlamp or tanning device if you are using medications or have a history of skin problems or believe yourself to be especially sensitive to sunlight.

If you do not tan in the sun, you are unlikely to tan from the use of this product

Stat. Auth.: ORS 431.925 - 431.955

Stats. Implemented: ORS 431.925 - 431.955

Hist.: HD 15-1991, f. & cert. ef. 10-1-91; HD 15-1994, f. & cert. ef. 5-6-94; PH 14-2008, f. & cert. ef. 9-15-08; PH 20-2010, f. & cert. ef. 9-1-10

333-119-0080

Training of Personnel

(1) The registrant shall maintain documentation to verify that all tanning device operators are adequately trained in the following:

(a) The rules of this division;

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- (b) Procedures for correct operation of the tanning facility and tanning devices;
 - (c) Recognition of injury or overexposure to Ultraviolet radiation;
 - (d) The tanning device manufacturer's procedures for operation and maintenance of the tanning devices;
 - (e) The determination of skin type of customers and appropriate determination of duration of exposure to registered tanning devices;
 - (f) Emergency procedures to be followed in case of injury; and
 - (g) Potential photosensitizing foods, cosmetics, and medications.
- (2) The registrant shall ensure that tanning devices are operated only while an adequately trained operator is present at the tanning facility.
- (3) On or after July 1, 2011, all operators of registered tanning devices must successfully complete a Department approved tanning training course in the State of Oregon prior to commencement of tanning operations.

(4) Prior to July 1, 2011:

(a) At least one owner, manager, or operator from each tanning facility with four or less tanning devices, shall successfully complete one of the vendor-provided formal training courses authorized by the Department.

(b) At least two operators from each tanning facility with five or more tanning devices shall successfully complete one of the vendor provided formal training courses authorized by the Department.

(c) Training of other full or part-time operators shall be by means of a Department-authorized and vendor-provided training course, or by materials received by an owner or primary operator from a Department-authorized and vendor-provided training course, or by a Department-authorized correspondence course.

(5) Staff training shall be documented by the facility owner or operator and include copies of training certificates.

Stat. Auth.: ORS 431.925 - 431.955

Stats. Implemented: ORS 431.930

Hist.: HD 15-1991, f. & cert. ef. 10-1-91; HD 15-1994, f. & cert. ef. 5-6-94; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 14-2008, f. & cert. ef. 9-15-08; PH 4-2010, f. & cert. ef. 2-16-10; PH 20-2010, f. & cert. ef. 9-1-10

333-119-0120

Advertising

(1) Registrants shall not claim or distribute promotional materials that claim using a tanning device is safe, free from risk or that using the device will result in medical or health benefits. Only cosmetic claims can be promoted.

(2) No person, in any advertisement, shall refer to the fact that such person, or such person's facility is registered with the Department pursuant to the provisions of this division, and no person shall state or imply that any activity under such registration has been approved by the Department.

(3) No person or facility shall advertise or promote tanning packages labeled as "unlimited".

(4) Tanning packages shall include the following written tanning guidelines for all clients:

(a) Initial tanning sessions (three to five) are limited to intervals of at least 48 hours between sessions to allow adequate time for melanin activation and transit to occur prior to subsequent exposures. The manufacturer's recommended exposure schedule posted on tanning devices or listed in the operating manual for the tanning device shall be followed by tanning operators advising new clients during initial tanning sessions.

(b) After the initial (three to five) tanning exposures, tanning sessions are limited to one tanning session per 24-hour period (or one tanning session per 48 hours on tanning devices so labeled) with customers being properly advised of the manufacturer's recommended exposure schedule posted on tanning devices or listed in the operating manual for the tanning device.

(c) Promotion of annual tanning packages shall include a written statement listing the total number of sessions allowed per person, per year (recommendations should generally not exceed two sessions per week and the maximum of 30-50 sessions per year as recommended by the International Radiation Protection Association (IRPA) and other authorities).

Stat. Auth.: ORS 431.925 - 431.955

Stats. Implemented: ORS 431.930

Hist.: HD 15-1991, f. & cert. ef. 10-1-91; HD 15-1994, f. & cert. ef. 5-6-94; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 14-2008, f. & cert. ef. 9-15-08; PH 20-2010, f. & cert. ef. 9-1-10

333-119-0200

Vendor Responsibilities

(1) Any person who sells, leases, transfers, or lends tanning devices in this state shall notify the Department of the following within 30 days after each sale or installation:

(a) Name and address of persons who have received these devices;

- (b) The manufacturer model and serial numbers of each device; and
- (c) The date of transfer.

(2) No person shall make, sell, lease, transfer, lend or install tanning devices or the supplies used in connection with such devices unless such supplies and equipment when placed in operation and use, will meet the requirements of these rules.

(3) State of Oregon identification numbers shall not be removed, altered or defaced by any vendor doing business in this state, without written permission of the Department.

(4) Vendors of tanning devices, replacement lamps, sanitizers, protective eyewear, UV light measurement devices, calibration of measurement equipment, remote timer systems, computer control systems, repair or cleaning services, parts supplies, or operator training are required to apply for a license for sales, services and servicing as specified in OAR 333-101-0020. Vendor license application forms will be furnished by the Department. Vendors are prohibited from providing tanning equipment installation, servicing and/or services prior to the Department issuing a licensing certificate to the vendor.

(5) Vendors providing operator training services are required to apply for a license for services as specified in OAR 333-101-0020. The Department will furnish license application forms. Prior to offering training services, vendors shall submit to the Department the following:

(a) A list of qualified on-site training personnel including a curriculum vitae or resume outlining training experiences;

(b) A copy of all training materials to be used; and

(c) A copy of examinations to be used.

(6) Upon approval, a letter will be sent to the training service vendor giving permission to offer tanning operator training within the State of Oregon.

(7) The Department shall be notified prior to training material revisions. The Department shall review and approve all changes made to the training materials.

(8) Vendors shall maintain records of course completion and test results for a period of at least three years from the date of the operator training course. A copy of the list of persons successfully completing operator training shall be furnished to the Department and include the following:

(a) Name of persons trained;

(b) Individual test scores; and

(c) Associated tanning facility, name and address.

(9) The Department shall be provided access to audit any operator training courses offered within the State of Oregon without charge.

Stat. Auth.: ORS 431.925 - 431.955

Stats. Implemented: ORS 431.925 - 431.955

Hist.: HD 15-1991, f. & cert. ef. 10-1-91; HD 15-1994, f. & cert. ef. 5-6-94; HD 24-1994, f. & cert. ef. 9-6-94; PH 14-2008, f. & cert. ef. 9-15-08; PH 20-2010, f. & cert. ef. 9-1-10

333-120-0015

Definitions

(1) "Absorbed dose" means the energy imparted by ionizing radiation per unit mass of irradiated material. The units of absorbed dose are the gray (Gy) and the rad.

(2) "Activity" is the rate of disintegration (transformation) or decay of radioactive material. The units of activity are the becquerel (Bq) and the Curie (Ci). The becquerel is equal to one disintegration per second (dps) and the Curie is equal to 3.7x10¹⁰ dps.

(3) "Accelerator produced radioactive material" means any material made radioactive by a particle accelerator.

(4) "Adult" means an individual 18 or more years of age.

(5) "Airborne radioactive material" means radioactive material dispersed in the air in the form of dusts, fumes, particulates, mists, vapors, or gases.

(6) "Airborne radioactivity area" means a room, enclosure, or area in which the airborne radioactive materials, composed wholly or partly of licensed material, exist in concentrations:

(a) In excess of the derived air concentrations (DACs) specified in 10 CFR 20 Appendix B; or

(b) To such a degree that an individual present in the area without respiratory protective equipment could exceed, during the hours present in a week, and intake of 0.6 percent of the annual limit of intake (ALI) or 12 DAC hours.

(7) "Air-purifying respirator" means a respirator with an air-purifying filter, cartridge, or canister that removes specific air contaminants by passing ambient air through the air-purifying element.

(8) "ALARA" (acronym for "as low as is reasonably achievable") means making every reasonable effort to maintain exposures to radiation as far below the dose limits in this division as is practical consistent with the

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purpose for which the licensed activity is undertaken, taking into account the state of technology, the economics of improvements in relation to state of technology, the economics of improvements in relation to benefits to the public health and safety, and other societal and socioeconomic considerations, and in relation to the use of licensed materials in the public interest.

(9) "Annual limit on intake" (ALI) means the derived limit for the amount of radioactive material taken into the body of an adult worker by inhalation or ingestion in a year. ALI is the smaller value of intake of a given radionuclide in a year by the reference man that would result in a committed effective dose equivalent of 0.05 Sv (5 rem) or a committed dose equivalent of 0.5 Sv (50 rem) to any individual organ or tissue. ALI values for intake by ingestion and by inhalation of selected radionuclides are given on page 1 of Tables 1, 2, and 3, Appendix B to 10 CFR Part 20.

(10) "Assigned protection factor (APF)" means the expected workplace level of respiratory protection that would be provided by a properly functioning respirator or a class of respirators to properly fitted and trained users. Operationally, the inhaled concentration can be estimated by dividing the ambient airborne concentration by the APF.

(11) "Atmosphere supplying respirator" means a respirator that supplies the respirator user with breathing air from a source independent of the ambient atmosphere, and includes supplied-air respirators (SARs) and self-contained breathing apparatus (SCBA) units.

(12) "Background radiation" means radiation from cosmic sources; naturally occurring radioactive material, including radon (except as a decay product of source or special nuclear material); and global fallout as it exists in the environment from the testing of nuclear explosive devices or from past nuclear accidents such as Chernobyl that contribute to background radiation and are not under the control of the licensee. "Background radiation" does not include radiation from radioactive or special nuclear materials regulated by the Department.

(13) "Bioassay" (radiobioassay) means the determination of kinds, quantities or concentrations, and, in some cases, the locations of radioactive material in the human body, whether by direct measurement (in vivo counting) or by analysis and evaluation of materials excreted or removed from the human body.

(14) "Byproduct material" means:

(a) Any radioactive material (except special nuclear material) yielded in or made radioactive by exposure to the radiation incident to the process of producing or using special nuclear material.

(b) The tailings or wastes produced by the extraction or concentration of uranium or thorium from ore processed primarily for its source material content, including discrete surface wastes resulting from uranium solution extraction processes. Underground ore bodies depleted by these solution extraction operations do not constitute "byproduct material" within this definition.

(c) Any discrete source of radium-226 that is produced, extracted, or converted after extraction, before, on, or after August 8, 2005, for use for a commercial, medical, or research activity. Any material that has been made radioactive by use of a particle accelerator and is produced, extracted, or converted after extraction, before, on, or after August 8, 2005, for use for a commercial, medical, or research activity.

(d) Any discrete source of naturally occurring radioactive material, other than source materials, that:

(A) The Commission, in consultation with the Administrator of the Environmental Protection Agency, the Secretary of Energy, the Secretary of Homeland Security, and the head of any other appropriate federal agency determines a threat to the public health and safety or the common defense, is similar to the threat posed by a discrete source of radium-226 material to the public health and safety or the common defense and security; and

(B) Before, on, or after August 8, 2005, is extracted or converted after extraction for use in a commercial, medical or research activity.

(15) "Class" means a classification scheme for inhaled material according to its rate of clearance from the pulmonary region of the lung. Materials are classified as D, W, or Y, which applies to a range of clearance half-times: for Class D, Days, of less than 10 days; for Class W, Weeks, from 10 to 100 days; and for Class Y, Years, of greater than 100 days. For purposes of these regulations, "lung class" and "inhalation class" are equivalent terms.

(16) "Collective dose" is the sum of the individual doses received in a given period of time by a specified population from exposure to a specified source of radiation.

(17) "Committed dose equivalent" (HT,50) means the dose equivalent to organs or tissues of reference (T) that will be received from an intake of radioactive material by an individual during the 50-year period following the intake.

(18) "Committed effective dose equivalent" (HE,50) is the sum of the products of the weighting factors applicable to each of the body organs or tissues that are irradiated and the committed dose equivalent to these organs or tissues (HE,50) = The Sum of WTHT,50.

(19) "Controlled area" means an area, outside of a restricted area but inside the site boundary, access to which can be limited by the licensee for any reason.

(20) "Consortium" means an association of medical use licensees and a PET radionuclide production facility in the same geographical area that jointly own or share in the operation and maintenance cost of the PET radionuclide production facility that produces PET radionuclides for use in producing radiopharmaceutical drugs within the consortium for noncommercial distributions among its associated members for medical use. The PET radionuclide production facility within the consortium must be located at an educational institution or a federal facility or a medical facility.

(21) Constraint (dose constraint) means a value above which specified licensee actions are required.

(22) "Critical Group" means the group of individuals reasonably expected to receive the greatest exposure to residual radioactivity for any applicable set of circumstances.

(23) "Declared pregnant woman" means a woman who has voluntarily informed the licensee, in writing, of her pregnancy and the estimated date of conception. The declaration remains in effect until the declared pregnant woman withdraws the declaration in writing or is no longer pregnant.

(24) "Decommission" means to remove a facility or site safely from service and reduce residual radioactivity to a level that permits:

(a) Release of the property for unrestricted use and termination of the license; or

(b) Release of the property under restricted conditions and termination of the license.

(25) "Deep-dose equivalent" (Hd), which applies to external whole-body exposure, is the dose equivalent at a tissue depth of one cm (1000 mg/cm²).

(26) "Demand respirator" means an atmosphere-supplying respirator that admits breathing air to the facepiece only when a negative pressure is created inside the facepiece by inhalation.

(27) "Derived air concentration" (DAC) means the concentration of a given radionuclide in air which, if breathed by the reference man for a working year of 2,000 hours under conditions of light work, results in an intake of one ALI. For purposes of these regulations, the condition of light work is an inhalation rate of 1.2 cubic meters of air per hour for 2,000 hours in a year. DAC values are given in Table I, Column 3, of 10 CFR 20 Appendix B.

(28) "Derived air concentration-hour" (DAC-hour) means the product of the concentration of radioactive material in air, expressed as a fraction or multiple of the derived air concentration for each radionuclide, and the time of exposure to that radionuclide, in hours. A licensee or registrant may take 2,000 DAC-hours to represent one ALI, equivalent to a committed effective dose equivalent of 0.05 Sv (5 rem).

(29) "Discrete Source" means a radionuclide that has been processed so that its concentration within a material has been purposely increased for use for commercial, medical or research activities.

(30) "Disposable respirator" means a respirator for which maintenance is not intended and that is designed to be discarded after excessive breathing resistance, sorbent exhaustion, physical damage, or end-of-service-life renders it unsuitable for use. Examples of this type of respirator are a disposable half-mask respirator or a disposable escape-only self-contained breathing apparatus (SCBA).

(31) "Distinguishable from background" means that the detectable concentration of a radionuclide is statistically different from the background concentration of that radionuclide in the vicinity of the site or, in the case of structures, in similar materials using adequate measurement technology, survey, and statistical techniques.

(32) "Dose or radiation dose" is a generic term that means absorbed dose, dose equivalent, effective dose equivalent, committed dose equivalent, committed effective dose equivalent, or total effective dose equivalent, as defined in this rule.

(33) "Dose equivalent" (HT) means the product of the absorbed dose in tissue, quality factor, and all other necessary modifying factors at the location of interest. The units of dose equivalent are the rem and sievert (Sv).

(34) "Dosimetry processor" means an individual or an organization that processes and evaluates individual monitoring devices in order to determine the radiation dose delivered to the monitoring devices.

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(35) "Effective Dose Equivalent" (HE) is the sum of the products of the dose equivalent to the organ or tissue (HT) and the weighting factor (WT) applicable to each of the body organs or tissues that are irradiated ($HE = \text{The Sum of } WTHT$).

(36) "Embryo/fetus" means the developing human organism from conception until the time of birth.

(37) "Entrance or access point" means any location through which an individual could gain access to radiation areas or to radioactive materials. This includes entry or exit portals of sufficient size to permit human entry, irrespective of their intended use.

(38) "Exposure" means being exposed to ionizing radiation or to radioactive material.

(39) "External dose" means that portion of the dose equivalent received from radiation sources outside the body.

(40) "Extremity" means hand, elbow, arm below the elbow, foot, knee, or leg below the knee.

(41) "Eye dose equivalent" applies to the external exposure of the lens of the eye and is taken as the dose equivalent at a tissue depth of 0.3 centimeter (300 mg/cm²). (See "lens dose equivalent").

(42) "Filtering facepiece (dust mask)" means a negative pressure particulate respirator with a filter as an integral part of the facepiece or with the entire facepiece composed of the filtering medium, not equipped with elastomeric sealing surfaces and adjustable straps.

(43) "Fit factor" means a quantitative estimate of the fit of a particular respirator to a specific individual, and typically estimates the ratio of the concentration of a substance in ambient air to its concentration inside the respirator when worn.

(44) "Fit test" means the use of a protocol to qualitatively or quantitatively evaluate the fit of a respirator on an individual.

(45) "Generally applicable environmental radiation standards" means standards issued by the Environmental Protection Agency (EPA) under the authority of the Atomic Energy Act of 1954, as amended, that impose limits on radiation exposures or levels, or concentrations or quantities of radioactive material, in the general environment outside the boundaries of locations under the control of persons possessing or using radioactive material.

(46) "Helmet" means a rigid respiratory inlet covering that also provides head protection against impact and penetration.

(47) "High radiation area" means an area, accessible to individuals, in which radiation levels from radiation sources external to the body could result in an individual receiving a dose equivalent in excess of one mSv (0.1 rem) in one hour at 30 centimeters from the radiation source or 30 centimeters from any surface that the radiation penetrates.

(48) "Hood" means a respiratory inlet covering that completely covers the head and neck and may also cover portions of the shoulders and torso.

(49) "Individual" means any human being.

(50) "Individual monitoring" means:

(a) The assessment of dose equivalent by the use of devices designed to be worn by an individual;

(b) The assessment of committed effective dose equivalent by bioassay (see Bioassay) or by determination of the time-weighted air concentrations to which an individual has been exposed, i.e. DAC-hours; or

(c) The assessment of dose equivalent by the use of survey data.

(51) "Individual monitoring devices" (individual monitoring equipment) means devices designed to be worn by a single individual for the assessment of dose equivalent such as film badges, thermoluminescence dosimeters (TLDs), pocket ionization chambers, and personal ("lapel") air sampling devices.

(52) "Internal dose" means that portion of the dose equivalent received from radioactive material taken into the body.

(53) "Lens dose equivalent (LDE)" applies to the external exposure of the lens of the eye and is taken as the dose equivalent at a tissue depth of 0.3 centimeter (300 mg/cm²).

(54) "Loose fitting facepiece" means a respiratory inlet covering that is designed to form a partial seal with the face.

(55) "Member of the public" means any individual except when that individual is receiving an occupational dose.

(56) "Minor" means an individual less than 18 years of age.

(57) "Monitoring (radiation monitoring, radiation protection monitoring)" means the measurement of radiation levels, concentrations, surface area concentrations or quantities of radioactive material and the use of the results of these measurements to evaluate potential exposures and doses.

(58) "Nationally Tracked Source" means a sealed source containing a quantity equal to or greater than Category 1 or Category 2 levels of radioac-

tive material listed in 10 CFR Part 20, Appendix E. In this context a sealed source is defined as radioactive material that is sealed in a capsule or closely bonded in a solid form and that is not exempt from regulatory control. It does not mean material encapsulated solely for disposal, or nuclear material contained in any fuel rod, or fuel pellet.

(a) Category 1 nationally traced sources are those containing radioactive material at a quantity equal to or greater than Category 1 threshold.

(b) Category 2 nationally tracked sources are those containing radioactive material at a quantity equal to or greater than the Category 2 threshold but less than the Category 1 threshold.

(59) "Negative pressure respirator (tight fitting)" means a respirator in which the air pressure inside the facepiece is negative during inhalation with respect to the ambient air pressure outside the respirator.

(60) "Nonstochastic effect" means a health effect, the severity of which varies with the dose and for which a threshold is believed to exist. Radiation-induced cataract formation is an example of a nonstochastic effect. For purposes of these regulations, "deterministic effect" is an equivalent term.

(61) "Occupational dose" means the dose received by an individual in the course of employment in which the individual's assigned duties involve exposure to radiation or to radioactive material from licensed and unlicensed sources of radiation, whether in the possession of the licensee or other person. Occupational dose does not include dose received from background radiation, from any medical administration the individual has received, from exposure to individuals administered radioactive material for medical purposes and released under OAR 333-116-0260, from voluntary participation in medical research programs, or as a member of the public.

(62) "Particle accelerator" means any machine capable of accelerating electrons, protons, deuterons or other charged particles in a vacuum and of discharging the resultant particulate or other radiation into a medium at energies usually in excess of 1 megaelectron volt. For purposes of this definition, "accelerator" is an equivalent term.

(63) "Planned special exposure" means an infrequent exposure to radiation, separate from and in addition to the annual occupational dose limits.

(64) "Positive pressure respirator" means a respirator in which the pressure inside the respiratory inlet covering exceeds the ambient air pressure outside the respirator.

(65) "Powered air purifying respirator" (PAPR) means an air purifying respirator that uses a blower to force the ambient air through air purifying elements to the inlet covering.

(66) "Pressure demand respirator" means a positive pressure atmosphere-supplying respirator that admits breathing air to the facepiece when the positive pressure is reduced inside the facepiece by inhalation.

(67) "Public dose" means the dose received by a member of the public from exposure to radiation or radioactive material released by a licensee, or to any other source of radiation under the control of a licensee. Public dose does not include occupational dose or doses received from background radiation, from any medical administration the individual has received, from exposure to individuals administered radioactive material for medical purposes and released under OAR 333-116-0260, or from voluntary participation in medical research programs.

(68) "Qualitative fit test (QLFT)" means a pass/fail fit test to assess the adequacy of respirator fit that relies on the individual's response to the test agent.

(69) "Quantitative fit test (QNFT)" means an assessment of the adequacy of respirator fit by numerically measuring the amount of leakage into the respirator.

(70) "Quarter" means a period of time equal to one-fourth of the year observed by the licensee, approximately 13 consecutive weeks, providing that the beginning of the first quarter in a year coincides with the starting date of the year and that no day is omitted or duplicated in consecutive quarters.

(71) "Radiation" (ionizing radiation) means alpha particles, beta particles, gamma rays, X-rays, neutrons, high-speed electrons, high-speed protons, and other particles capable of producing ions. Radiation, as used in this part, does not include non-ionizing radiation, such as radio- or microwaves, or visible, infrared, or ultraviolet light.

(72) "Radiation area" means an area, accessible to individuals, in which radiation levels could result in an individual receiving a dose equivalent in excess of 0.05 mSv (0.005 rem) in one hour at 30 centimeters from the radiation source or from any surface that the radiation penetrates.

(73) "Reference man" means a hypothetical aggregation of human physical and physiological characteristics determined by international con-

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sensus. These characteristics may be used by researchers and public health employees to standardize results of experiments and to relate biological insult to a common base. A description of the reference man is contained in the International Commission on Radiological Protection report, ICRP Publication 23, "Report of the Task Group on Reference Man."

(74) "Residual radioactivity" means radioactivity in structures, materials, soils, groundwater, and other media at a site resulting from activities under the licensee's control. This includes radioactivity from all licensed and unlicensed sources used by the licensee, but excludes background radiation. It also includes radioactive materials remaining at the site as a result of routine or accidental releases of radioactive material at the site and previous burials at the site.

(75) "Restricted area" means an area, access to which is limited by the licensee for the purpose of protecting individuals against undue risks from exposure to radiation and radioactive materials. Restricted area does not include areas used as residential quarters, but separate rooms in a residential building may be set apart as a restricted area.

(76) "Respiratory protective equipment" means an apparatus, such as a respirator, used to reduce an individual's intake of airborne radioactive materials.

(77) "Sanitary sewerage" means a system of public sewers for carrying off waste water and refuse, but excluding sewage treatment facilities, septic tanks, and leach fields owned or operated by the licensee or registrant.

(78) "Self-contained breathing apparatus" (SCBA) means an atmosphere-supplying respirator for which the breathing air source is designed to be carried by the user.

(79) "Shallow-dose equivalent" (HS), which applies to the external exposure of the skin of the whole body or the skin of an extremity, is taken as the dose equivalent at a tissue depth of 0.007 centimeter (7 mg/cm²) averaged over an area of one square centimeter.

(80) "Site boundary" means that line beyond which the land or property is not owned, leased, or otherwise controlled by the licensee.

(81) "Stochastic effect" means a health effect that occurs randomly and for which the probability of the effect occurring, rather than its severity, is assumed to be a linear function of dose without threshold. Hereditary effects and cancer incidence are examples of stochastic effects. For purposes of these regulations, "probabilistic effect" is an equivalent term.

(82) "Supplied-air respirator" (SAR) or airline respirator means an atmosphere-supplying respirator for which the source of breathing air is not designed to be carried by the user.

(83) "Survey" means an evaluation of the radiological conditions and potential hazards incident to the production, use, transfer, release, disposal, or presence of radioactive material or other sources of radiation. When appropriate, such an evaluation includes a physical survey of the location of radioactive material and measurements or calculations of levels of radiation, or concentrations or quantities of radioactive material present.

(84) "Tight-fitting facepiece" means a respiratory inlet covering that forms a complete seal with the face.

(85) "Total Effective Dose Equivalent" (TEDE) means the sum of the deep-dose equivalent (for external exposures) and the committed effective dose equivalent (for internal exposures).

(86) "Unrestricted area" means an area, access to which is neither limited nor controlled by the licensee.

(87) "User seal check" means an action conducted by the respirator user to determine if the respirator is properly seated to the face. Examples include negative pressure check, positive pressure check, irritant smoke check, or isoamyl acetate check.

(88) "Very high radiation area" means an area, accessible to individuals, in which radiation levels from radiation sources external to the body could result in an individual receiving an absorbed dose in excess of five gray (500 rad) in one hour at one meter from a source of radiation or from any surface that the radiation penetrates. At very high doses received at high dose rates, units of absorbed dose, gray and rad, are appropriate, rather than units of dose equivalent, sievert and rem.

(89) "Waste" means those low-level radioactive wastes containing source, special nuclear or byproduct material that are acceptable for disposal in a land disposal facility. For the purposes of this definition, low-level radioactive waste means radioactive waste not classified as high-level radioactive waste, transuranic waste, spent nuclear fuel or byproduct material as defined in subsections (14)(b), (14)(c), and (14)(d) of this rule.

(90) "Weighting factor" (WT) for an organ or tissue means the proportion of the risk of stochastic effects resulting from irradiation of that organ or tissue to the total risk of stochastic effects when the whole body is

irradiated uniformly. For calculating the effective dose equivalent, the values of WT are:

Organ Dose Weighting Factors
Organ or Tissue — WT
Gonads — 0.25
Breast — 0.15
Red bone marrow — 0.12
Lung — 0.12
Thyroid — 0.03
Bone surfaces — 0.03
Remainder — 0.30 (see (a) below)
Whole Body — 1.00 (see (b) below)

(a) 0.30 results from 0.06 for each of five "remainder" organs, excluding the skin and the lens of the eye that receives the highest doses.

(b) For the purpose of weighting the external whole body dose, for adding it to the internal dose, a single weighting factor, WT = 1.0, has been specified. The use of other weighting factors for external exposure will be approved on a case-by-case basis until such time as specific guidance is issued.

(91) "Whole body" means, for purposes of external exposure, head, trunk (including male gonads), arms above the elbow, or legs above the knee.

(92) "Working level" (WL) is any combination of short-lived radon daughters (for radon-222: polonium-218, lead-214, bismuth-214, and polonium-214; and for radon-220: polonium-216, lead-212, bismuth-212, and polonium-212) in one liter of air that will result in the ultimate emission of 1.3x10⁵ MeV of potential alpha particle energy.

(93) "Working level month" (WLM) means an exposure to one working level for 170 hours (2,000 working hours per year/12 months per year equals approximately 170 hours per month).

Stat. Auth.: ORS 453.635
Stats. Implemented: ORS 453.605 - 453.807
Hist.: PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08; PH 4-2010, f. & cert. ef. 2-16-10; PH 20-2010, f. & cert. ef. 9-1-10

333-120-0500

General Requirements

(1) A licensee must dispose of licensed radioactive material only:

(a) By transfer to an authorized recipient as provided in OAR 333-102-0330; or

(b) By decay in storage; or

(c) By release in effluents within the limits in OAR 333-120-0520; or

(d) As authorized under OAR 333-120-0520, 333-120-0530, 333-120-0540 and 333-120-0545.

(2) A person must be specifically licensed to receive waste containing licensed material from other persons for:

(a) Treatment prior to disposal; or

(b) Treatment or disposal by incineration; or

(c) Decay in storage; or

(d) Disposal at a land disposal facility licensed under 10 CFR, Part 61 (U.S. Nuclear Regulatory Commission) or equivalent Agreement State regulations; or

(e) Storage until transferred to a storage or disposal facility authorized to receive the waste.

(3) As authorized under the provisions of Oregon Revised Statutes.

Stat. Auth.: ORS 453.635
Stats. Implemented: ORS 453.605 - 453.807
Hist.: HD 15-1994, f. & cert. ef. 5-6-94; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 20-2010, f. & cert. ef. 9-1-10

333-120-0545

Disposal of Certain Byproduct Material

(1) Licensed material as defined in subsections (c) and (d) of the definition of byproduct material outlined in OAR 333-120-0015(14) may be disposed of in accordance with 10 CFR Part 61 even though it is not defined as low-level radioactive waste. Therefore, any licensed byproduct material being disposed of at a facility or transferred for ultimate disposal at a facility licensed under 10 CFR Part 61 of this chapter must meet the requirements of OAR 333-120-0550.

(2) A licensee may dispose of byproduct material as defined in subsections (c) and (d) of the definition of byproduct material outlined in OAR 333-120-0015(14) at a disposal facility authorized in accordance with any federal or state solid or hazardous waste laws including the Solid Waste Disposal Act as authorized under the Energy Policy Act of 2005.

Stat. Auth.: ORS 453.635
Stats. Implemented: ORS 453.605 - 453.807
Hist.: PH 20-2010, f. & cert. ef. 9-1-10

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333-120-0550

Transfer for Disposal and Manifests

(1) The requirements of this rule and 10 CFR Part 20 Appendix G to 20.1001 to 20.2401 are designed to control transfers of low-level radioactive waste intended for disposal at a land disposal facility (as defined in 10 CFR Part 61), establish a manifest tracking system, and supplement existing requirements concerning transfers and recordkeeping for those wastes.

(2) Each shipment of radioactive waste intended for disposal at a licensed land disposal facility must be accompanied by a shipment manifest as specified in 10 CFR Part 20 section I of Appendix G to 20.1001 to 20.2401.

(3) Each shipment manifest must include a certification by the waste generator as specified in 10 CFR Part 20 section II of Appendix G to 20.1001 to 20.2401.

(4) Each person involved in the transfer for disposal and disposal of waste, including the waste generator, waste collector, waste processor, and disposal facility operator, must comply with the requirements specified in 10 CFR Part 20 section III of **Appendix G** to 20.1001 to 20.2401.

(5) Any licensee shipping byproduct material defined in subsections (c) and (d) of the definition of byproduct material outlined in OAR 333-120-0015(14) intended for ultimate disposal at a land disposal facility licensed under 10 CFR Part 61 must document the information required on the Nuclear Regulatory Commission's Uniform Low-Level Radioactive Waste Manifest and transfer this recorded manifest information to the intended consignee in accordance with appendix G to 10 CFR Part 20.

[ED. NOTE: Appendices referenced are available from the agency.]

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 15-1994, f. & cert. ef. 5-6-94; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 20-2010, f. & cert. ef. 9-1-10

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Rule Caption: Updating rules for Medical Marijuana pertaining to application documentation, card replacement fee, and attending physicians.

Adm. Order No.: PH 21-2010

Filed with Sec. of State: 9-13-2010

Certified to be Effective: 9-13-10

Notice Publication Date: 6-1-2010

Rules Amended: 333-008-0010, 333-008-0030, 333-008-0040, 333-008-0050, 333-008-0060, 333-008-0080

Subject: The Department of Human Services, Public Health Division, Oregon Medical Marijuana Program is permanently amending administrative rules in chapter 333, division 8 to clarify existing rule and add guidance in order to:

(1) More clearly define what an immature plant is in order to alleviate confusion amongst growers and law enforcement.

(2) Establish a fee to cover the cost to issue a replacement registry identification card.

(3) Include procedures to verify compliance with the OMMA for attending physicians whom have over 450 such patients.

Rules Coordinator: Brittany Sande—(971) 673-1291

333-008-0010

Definitions

For the purposes of OAR 333-008-0000 through 333-008-0120, the following definitions apply:

(1) "Act" means the Oregon Medical Marijuana Act.

(2) "Applicant" means a person applying for an Oregon Medical Marijuana registry identification card on a form prescribed by the Department.

(3) "Attending physician" means a Doctor of Medicine (MD) or Doctor of Osteopathy (DO), licensed under ORS chapter 677, who has primary responsibility for the care and treatment of a person diagnosed with a debilitating medical condition.

(4) "Debilitating medical condition" means:

(a) Cancer, glaucoma, agitation due to Alzheimer's disease, positive status for human immunodeficiency virus or acquired immune deficiency syndrome, or treatment for these conditions;

(b) A medical condition or treatment for a medical condition that produces, for a specific patient, one or more of the following:

- (A) Cachexia;
- (B) Severe pain;
- (C) Severe nausea;

(D) Seizures, including but not limited to seizures caused by epilepsy; or

(E) Persistent muscle spasms, including but not limited to spasms caused by multiple sclerosis; or

(c) Any other medical condition or treatment for a medical condition adopted by the Department by rule or approved by the Department pursuant to a petition submitted under OAR 333-008-0090.

(5) "Delivery" means the actual, constructive or attempted transfer, other than by administering or dispensing, from one person to another of a controlled substance, whether or not there is an agency relationship, but does not include transfer of marijuana from one patient to another patient if no consideration is paid for the transfer.

(6) "Department" means the Department of Human Services.

(7) "Designated primary caregiver" means an individual 18 years of age or older who has significant responsibility for managing the well-being of a person who has been diagnosed with a debilitating medical condition and who is designated as such on that person's application for a registry identification card or in other written notification to the Department. "Designated primary caregiver" does not include the person's attending physician.

(8) "Grow site registration card" means the card issued to the patient and displayed at the grow site.

(9) "Grower" has the same meaning as "person responsible for a marijuana grow site".

(10) "Immature plant" has the same meaning as "seedling or start".

(11) "Marijuana" means all parts of the plant Cannabis family Moraceae, whether growing or not; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

(12) "Mature plant" means a marijuana plant that does not fall within the definition of a seedling or a start.

(13) "Medical use of marijuana" means the production, possession, delivery, or administration of marijuana, or paraphernalia used to administer marijuana, as necessary for the exclusive benefit of a person to mitigate the symptoms or effects of his or her debilitating medical condition.

(14) "Oregon Health Plan (OHP)" means the medical assistance program administered by the Department under ORS chapter 414.

(15) "OMMP identity card" means a wallet-sized card issued by the Department in addition to the registry identification card that designates a person as a patient, primary caregiver, or grower.

(16) "Parent or legal guardian" means the custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age.

(17) "Patient" has the same meaning as "registry identification cardholder."

(18) "Person responsible for a marijuana grow site" means a person who has been selected by a patient to produce medical marijuana for the patient, and who has been registered by the Department for this purpose.

(19) "Primary responsibility" as that term is used in relation to an attending physician means that the physician:

(a) Provides primary health care to the patient; or

(b) Provides medical specialty care and treatment to the patient as recognized by the American Board of Medical Specialties; or

(c) Is a consultant who has been asked to examine and treat the patient by the patient's primary care physician licensed under ORS Chapter 677, the patient's Physician Assistant licensed under ORS Chapter 677, or the patient's Nurse Practitioner licensed under ORS Chapter 678; and,

(d) Has reviewed a patient's medical records at the patient's request and has conducted a thorough physical examination of the patient, has provided or planned follow-up care, and has documented these activities in the patient's medical record.

(20) "Production" includes the manufacture, planting, cultivation, growing or harvesting of a controlled substance.

(21) "Registry identification card" means a document issued by the Department that identifies a person authorized to engage in the medical use of marijuana, and the person's designated primary caregiver, if any.

(22) "Registry identification cardholder" means a person who has been diagnosed by an attending physician with a debilitating medical condition and for whom the use of medical marijuana may mitigate the symp-

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toms or effects of the person's debilitating medical condition, and who has been issued a patient registry identification card by the Department.

(23) "Seedling or start" means a marijuana plant that has no flowers, is less than 12 inches in height, and less than 12 inches in diameter. A seedling or start that does not meet all three criteria will be considered a mature plant.

(24) "Supplemental Security Income (SSI)" means the monthly benefit assistance program administered by the federal government for persons who are age 65 or older, or blind, or disabled and who have limited income and financial resources.

(25) "Usable marijuana" means the dried leaves and flowers of the plant Cannabis family Moraceae, and any mixture or preparation thereof, that are appropriate for medical use. "Usable marijuana" does not include the seeds, stalks and roots of the plant.

(26) "Written documentation" means a statement signed and dated by the attending physician of a person diagnosed with a debilitating medical condition or copies of the person's relevant medical records, maintained in accordance with standard medical record practices.

Stat. Auth.: ORS 475.338

Stats. Implemented: ORS 475.300 - 475.346

Hist.: OHD 15-1998(Temp), f. & cert. ef. 12-24-98 thru 6-22-99; OHD 3-1999, f. & cert. ef. 4-29-99; OHD 13-2000(Temp), f. & cert. ef. 12-21-00 thru 6-15-01; OHD 18-2001, f. & cert. ef. 8-9-01; OHD 19-2001(Temp), f. & cert. ef. 8-10-01 thru 1-31-02; Administrative correction 3-14-02; OHD 6-2002, f. & cert. ef. 3-25-02; PH 9-2003, f. 6-26-03, cert. ef. 7-1-03; PH 18-2005, f. 12-30-05, cert. ef. 1-1-06; PH 15-2007, f. 12-19-07, cert. ef. 1-1-08; PH 21-2010, f. & cert. ef. 9-13-10

333-008-0030

Registration Approval and Denial

(1) The Department will approve or deny an application within 30 days of receiving a complete application, including payment of the designated fee.

(2) If the Department approves the application, the Department shall issue a serially numbered registry identification card to the patient within five business days. The registry identification card shall include, but is not limited to:

(a) The patient's name, address and date of birth;

(b) The effective date, date of issuance and expiration date of the registry identification card;

(c) The designated primary caregiver's name, address, and date of birth, if applicable;

(d) The name, address, and date of birth of the grower, if applicable; and

(e) The location where the marijuana is produced.

(3) When a patient has specified a designated primary caregiver, or a grower, the Department shall issue an OMMP registry identification card for the designated primary caregiver and the grower. The Department shall also issue a grow site registration card to the patient. All cards shall contain the information specified in section (2) of this rule, as appropriate.

(4) The Department may deny an application if:

(a) The applicant did not provide the information required as provided in ORS 475.309 to establish the applicant's debilitating medical condition and to document the applicant's consultation with an attending physician regarding the medical use of marijuana in connection with such condition;

(b) The Department determines that the information provided was falsified;

(c) The applicant has been prohibited by a court order from obtaining a registry identification card; or

(d) An applicant has willfully violated the provisions of ORS 475.300 to 475.346 or these rules.

(5) If the Department denies an application, the Department shall send the applicant a denial letter within 30 days of receipt of the complete application. The time period set forth in OAR 333-008-0020 that provides an applicant an opportunity to supplement an incomplete application does not count towards the 30-day deadline for processing an application. The denial letter will be sent by certified mail to the address listed on the application form. The letter will state the reasons for denial and when the applicant may reapply.

(6) Denial of a registry identification card shall be considered a final Department action, subject to judicial review. Only the person whose application has been denied, or, in the case of a person under the age of 18 whose application has been denied, the person's parent or legal guardian shall have standing to contest the Department's action.

(7) Any person whose application has been denied may not reapply for at least six months from the date of the denial, unless so authorized by the Department or a court of competent jurisdiction.

(8) The fee is \$10 for a replacement registry identification card.

Stat. Auth.: ORS 475.338

Stats. Implemented: ORS 475.300 - 475.346

Hist.: OHD 3-1999, f. & cert. ef. 4-29-99; OHD 18-2001, f. & cert. ef. 8-9-01; OHD 19-2001(Temp), f. & cert. ef. 8-10-01 thru 1-31-02; OHD 21-2001(Temp), f. & cert. ef. 10-12-01 thru 1-31-02; Administrative correction 3-14-02; OHD 6-2002, f. & cert. ef. 3-25-02; PH 12-2004(Temp), f. & cert. ef. 4-1-04 thru 8-2-04; Administrative correction 8-19-04; PH 18-2005, f. 12-30-05, cert. ef. 1-1-06; PH 15-2007, f. 12-19-07, cert. ef. 1-1-08; PH 21-2010, f. & cert. ef. 9-13-10

333-008-0040

Annual Renewal and Interim Changes

(1) A patient shall register on an annual basis to maintain active registration status by submitting a renewal application prescribed by the Department.

(2) Between 60 to 90 calendar days prior to expiration, the Department shall mail to the patient's address of record, a letter notifying the patient of the upcoming expiration date, along with a renewal application.

(3) In addition to completing the renewal application, the patient must submit, prior to the expiration of the registry identification card:

(a) Written documentation signed by the patient's attending physician reconfirming the patient's debilitating medical condition and that the medical use of marijuana mitigates the symptoms of the patient's debilitating medical condition;

(b) A copy of the patient's current OHP eligibility determination statement, a copy of the patient's current food stamp benefits, or a copy of the patient's current monthly SSI benefit card;

(c) The name of the patient's designated primary caregiver, if a primary caregiver has been designated for the upcoming year;

(d) The name of the grower; and

(e) Confirmation that existing application information has not changed, if applicable.

(4) If the renewal information is not received by the expiration date on the registry identification card, the patient's registry identification card and all other associated OMMP cards, if any, will be deemed expired. The expiration date may be extended, due to personal hardship, at the discretion of the Department. If a person fails to apply for renewal within the time period specified in this rule, that person must submit a new application.

(5) A patient shall notify the Department within 30 calendar days of any change in the patient's name, address, telephone number, attending physician, designated primary caregiver, grower or grow site address.

(6) A patient shall notify the designated primary caregiver and the grower of any changes in status including, but not limited to:

(a) The assignment of another individual as the designated primary caregiver for the patient;

(b) The assignment of another individual as a grower for the patient; or

(c) The end of eligibility of the patient to hold a registry identification card.

(7) If the Department is notified by the patient that a primary caregiver or a grower has changed, the Department shall notify the primary caregiver or the grower by mail at the address of record confirming the change in status and informing the caregiver or grower that his or her card is no longer valid and must be returned to the Department within seven calendar days.

(8) A patient who has been diagnosed by an attending physician as no longer having a debilitating medical condition or whose attending physician has determined that the medical use of marijuana is contraindicated for the patient's debilitating medical condition shall return the registry identification card and all associated OMMP cards to the Department within 30 calendar days of notification of the diagnosis or notification of the contraindication. If, due to circumstances beyond control of the patient he or she is unable to obtain a second medical opinion about the patient's continuing eligibility to use medical marijuana before the 30-day period has expired, the Department may grant the patient additional time to obtain a second opinion before requiring the patient to return the registry identification card and all associated cards.

(9) The renewal fee is \$100, unless an applicant can demonstrate current eligibility in the OHP, receipt of current food stamp benefits, or receipt of current SSI benefits, in which case the fee is \$20 as set forth in OAR 333-008-0020(3).

(10) The Department will verify the renewal application information in the same manner as specified in OAR 333-008-0020(4).

Stat. Auth.: ORS 475.388

Stats. Implemented: ORS 475.300 - 475.346

ADMINISTRATIVE RULES

Hist.: OHD 3-1999, f. & cert. ef. 4-29-99; PH 9-2003, f. 6-26-03, cert. ef. 7-1-03; PH 18-2005, f. 12-30-05, cert. ef. 1-1-06; PH 15-2007, f. 12-19-07, cert. ef. 1-1-08; PH 21-2010, f. & cert. ef. 9-13-10

333-008-0050

Confidentiality

(1) The Department shall create and maintain either paper or computer data files of patients, designated caregivers, growers, and grow site addresses. The data files will include all information collected on the application forms or equivalent information from other written documentation, plus a copy of OMMP registry identification cards, effective date, date of issue, and expiration date. Except as provided in section (2) of this rule, the names and identifying information of registry identification cardholders and the name and identifying information of a pending applicant for a card, a designated primary caregiver, a grower, and a marijuana grow site location, shall be confidential and not subject to public disclosure.

(2) Names and other identifying information made confidential under section (1) of this rule may be released to:

(a) Authorized employees of the Department as necessary to perform official duties of the Department, including the production of any reports of aggregate (i.e., non-identifying) data or statistics;

(b) Authorized employees of state or local law enforcement agencies when they provide a specific name or address. Information will be supplied only as necessary to verify:

(A) That a person is or was a lawful possessor of a registry identification card; or

(B) That the address is or was a documented grow site, and how many people are authorized to grow at that grow site; or

(C) How many people a person was or is authorized to grow for; or

(D) As provided in OAR 333-008-0060(2);

(c) Other persons (such as, but not limited to, employers, lawyers, family members, other government officials) upon receipt of a properly executed release of information signed by the patient, the patient's parent or legal guardian, designated primary caregiver or grower. The release of information must specify what information the Department is authorized to release and to whom.

Stat. Auth.: ORS 475.338

Stats. Implemented: ORS 475.300 - 475.346

Hist.: OHD 3-1999, f. & cert. ef. 4-29-99; OHD 18-2001, f. & cert. ef. 8-9-01; OHD 19-2001(Temp), f. & cert. ef. 8-10-01 thru 1-31-02; Administrative correction 3-14-02; OHD 6-2002, f. & cert. ef. 3-25-02; PH 18-2005, f. 12-30-05, cert. ef. 1-1-06; PH 15-2007, f. 12-19-07, cert. ef. 1-1-08; PH 21-2010, f. & cert. ef. 9-13-10

333-008-0060

Monitoring and Investigations

(1) The Department may, at any time, contact a patient, designated primary caregiver, grower, or a patient's attending physician by telephone, mail or in person to verify the current accuracy of information included in the registration system. This authority does not extend to allowing Department staff to routinely search the person or property of a person who possesses a registry identification card, a grow site, or to search the property of an attending physician.

(2) Notwithstanding section (1) above, the Department may, when it has reason to believe a violation of ORS 475.300 to 475.346 has occurred, either conduct an investigation to collect evidence of a violation of the Oregon Medical Marijuana Act, or arrange for this responsibility to be assumed by the proper state or local authorities. Such violations include, but are not limited to:

(a) Failure by a patient to notify the Department of any change in the patient's name, address, attending physician, designated primary caregiver, grower, or grow site location.

(b) Failure by a patient, designated primary caregiver, or grower to return the OMMP identity and registry identification cards to the Department within seven calendar days of the patient's notification of the diagnosis that the patient no longer has a debilitating medical condition.

(c) Failure by a designated primary caregiver or grower to return the OMMP identity and registry identification cards to the Department within seven calendar days of notification by the patient that the person's designation as primary caregiver or grower has been terminated.

(d) Submission of false information by a patient, designated primary caregiver, grower, or attending physician during the registration or registration renewal process.

(e) Conviction of a patient, designated primary caregiver, or grower of a marijuana-related offense that occurred after the date of issuance of a registry identification card.

(3) If the Department has reason to believe that an individual, signing an application as the attending physician, does not meet the definition of attending physician under these rules, the Department may examine the

original patient medical record in the physician's possession or a copy provided by the physician. The sole purpose of this examination is to determine whether the physician meets the definition of attending physician in OAR 333-008-0010, including whether the physician has primary responsibility for a patient as that is defined in 333-008-0010, and will not include review of any clinical judgments such as adequacy of diagnosis or propriety of treatment.

(a) The Department will notify the patient of the intent to review the medical records pursuant to this section and request the patient's authorization to conduct the review. An applicant's or patient's failure to authorize a review of his or her medical records may result in denial of an application.

(b) The Department will send written notification allowing the physician 10-days to provide additional information requested by the Department.

(4) In determining whether to examine a patient's medical record pursuant to section (3) of this rule, the Department may consider, but is not limited to, factors such as complaints from patients or family members, complaints from health care providers, total number of applicants for whom the physician provided documentation, or number of applicants for whom the physician provided documentation during a specific time period.

(5) If the OMMP records show that any one physician is the attending physician of record for more than 450 patients at any point in time, the OMMP shall request, in writing, that the physician do one of the following:

(a) Provide information for each new patient over the 450 threshold, including:

(A) Documentation that the patient's medical records have been reviewed;

(B) Patient chart notes documenting the patient was examined by the physician and the date of the examination; and

(C) Documentation showing provided or planned follow-up care;

(b) Provide a letter from a clinic at which the physician provides care requesting that the physician be exempted from section (5) of this rule, and provide documentation from the clinic that:

(A) It has clear systems for ensuring medical records are reviewed and that each patient is examined by a physician;

(B) It provides follow-up care for patients;

(C) It maintains a record system documenting the review of medical records, physician examination, and follow-up care; and

(D) It will allow on-site inspections by OMMP to confirm compliance; or

(c) Provide a written statement explaining why the physician should be released from this requirement, for example, an explanation that the physician:

(A) Has a practice that includes a disproportionately high percentage of patients with qualifying conditions;

(B) Serves as a consultant for other health care providers who refer patients requesting medical marijuana; or

(C) Has multiple practice sites and at one of the practice sites the physician clearly meets the attending physician definition.

(6) If the OMMP receives a request from a physician to be exempted from the requirement in section (5) of this rule, the OMMP shall provide the physician a decision, in writing, explaining whether the physician is or is not exempted from the requirement in section (5) of this rule. The OMMP's written decision shall explain the basis for the OMMP's decision.

(7) The Department shall refer criminal complaints against a patient, designated primary caregiver, or grower; or medical practice complaints against an attending physician to the appropriate state or local authorities.

Stat. Auth.: ORS 475.338

Stats. Implemented: ORS 475.300 - 475.346

Hist.: OHD 3-1999, f. & cert. ef. 4-29-99; OHD 19-2001(Temp), f. & cert. ef. 8-10-01 thru 1-31-02; Administrative correction 3-14-02; OHD 6-2002, f. & cert. ef. 3-25-02; PH 18-2005, f. 12-30-05, cert. ef. 1-1-06; PH 15-2007, f. 12-19-07, cert. ef. 1-1-08; PH 21-2010, f. & cert. ef. 9-13-10

333-008-0080

Permissible Amounts of Medical Marijuana

(1) A patient or the patient's designated primary caregiver may possess up to six mature marijuana plants, 24 ounces of usable marijuana, and a patient and the patient's designated primary caregiver may possess a combined total of up to 18 marijuana seedlings or starts.

(2) Notwithstanding section (1) of this rule, if a patient has been convicted, on or after January 1, 2006, of a Class A or Class B felony under ORS 475.840 to 475.920 for the manufacture or delivery of a controlled substance in Schedule I or Schedule II, and the offense occurred on or after January 1, 2006, the patient or the patient's designated primary caregiver may possess only one ounce of usable marijuana at any given time for a period of five years from the date of the conviction.

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(3) A grower:

(a) May produce marijuana for and provide marijuana to a patient or that person's designated primary caregiver as authorized under ORS 475.300 to 475.346 and these rules;

(b) May possess up to six mature plants and up to 24 ounces of usable marijuana for each patient or caregiver for whom marijuana is being produced;

(c) May possess up to 18 marijuana seedlings or starts for each patient for whom marijuana is being produced;

(4) A grower may produce marijuana for no more than four patients or designated primary caregivers concurrently.

(5) A patient, the designated primary caregiver for a patient and the grower must have, in his or her possession, his or her OMMP identity card when transporting marijuana. A patient must have, in his or her possession, his or her OMMP identity card when using marijuana in a location other than the residence of the cardholder.

Stat. Auth.: ORS 475.338

Stats. Implemented: ORS 475.300 - 475.346

Hist.: OHD 3-1999, f. & cert. ef. 4-29-99; OHD 18-2001, f. & cert. ef. 8-9-01; PH 18-2005, f. 12-30-05, cert. ef. 1-1-06; PH 15-2007, f. 12-19-07, cert. ef. 1-1-08; PH 21-2010, f. & cert. ef. 9-13-10

Department of Human Services, Seniors and People with Disabilities Division Chapter 411

Rule Caption: Adult Foster Homes for Individuals with Developmental Disabilities — CPR and First Aid Certification.

Adm. Order No.: SPD 22-2010(Temp)

Filed with Sec. of State: 8-27-2010

Certified to be Effective: 8-27-10 thru 2-22-11

Notice Publication Date:

Rules Amended: 411-360-0070

Subject: The Department of Human Services, Seniors and People with Disabilities Division (SPD) is temporarily amending OAR 411-360-0070 to include language that was inadvertently removed in the July 1, 2010 amendment relating to CPR and First Aid certification for adult foster homes providing services to individuals with developmental disabilities.

Rules Coordinator: Christina Hartman—(503) 945-6398

411-360-0070

Classification of Adult Foster Homes for Persons with Developmental Disabilities

A Provisional, Limited, Level 1, Level 2B, or Level 2M license may be issued by the Division based upon the qualifications of the applicant and the resident manager (if applicable) and compliance with the following requirements.

(1) PROVISIONAL AFH-DD LICENSE. A Provisional AFH-DD license may be issued by the Division if:

(a) There is an emergency situation where the current licensed provider is no longer overseeing the operation of the AFH-DD.

(b) The applicant meets the standards of OAR 411-360-0110(1)(a)-(h-k).

(c) A provisional license is valid for 60 days from the date of issue and is not renewable.

(2) LIMITED AFH-DD LICENSE. A Limited AFH-DD license may be issued by the Division if:

(a) The applicant meets the qualifications listed in OAR 411-360-0110(1)(a-k) and the home meets the requirements listed in OAR 411-360-0130.

(b) The applicant acquires any additional training necessary to meet the specific needs of the individual.

(c) The license shall be limited to the care of the named person only and the individual receiving care is named on the license.

(3) LEVEL 1 AFH-DD LICENSE. A Level 1 AFH-DD license may be issued by the Division if the applicant and resident manager (if applicable):

(a) Meet the qualifications listed in OAR 411-360-0110 and completes the training requirements outlined in OAR 411-360-0120; and

(b) The home and applicant are in compliance with OAR 411-360-0080.

(4) LEVEL 2B AFH-DD LICENSE. If a provider serves or intends to serve more than one individual who exhibits behavior that pose a signifi-

cant danger to the individual or others, the provider must be licensed as a Level 2B AFH-DD.

(a) A Level 2B AFH-DD license may be issued by the Division only if the applicant and resident manager (if applicable) has met the criteria for a Level 1 AFH-DD license and in addition, has met the following criteria:

(A) Has the equivalent of one year of full-time experience in providing direct care to individuals with developmental disabilities;

(B) Has two years of full time experience providing care and support to individuals who exhibit behavior that poses significant risk to the individual or others as described in subsection (4)(a)(E)(i-iv) of this section;

(C) Has completed OIS-G, OIS-IF, or OIS-C certification by a state approved OIS trainer;

(D) Has completed additional hours of advanced behavior intervention training per year, based on the support needs of the individual, if available from the Division;

(E) Has been certified in CPR and First Aid by a recognized training agency; and

(F) Intends to provide care and support to more than one individual who exhibit behavior that poses a significant danger to the individual. Examples include but are not limited to:

(i) Acts or history of acts that have caused injury to self or others requiring medical treatment;

(ii) Use of fire or items to threaten injury to persons or damage to property;

(iii) Acts that cause significant damage to homes, vehicles, or other properties; or

(iv) Actively searching for opportunities to act out thoughts that involve harm to others.

(b) A Level 2B AFH-DD provider must have a Transition Plan for each individual upon entry and a Behavior Support Plan within 60 days of placement that:

(A) Emphasizes the development of the functional alternative and positive approaches to behavior intervention;

(B) Uses the least intervention possible;

(C) Ensures that abusive or demeaning intervention shall never be used; and

(D) Is evaluated by the ISP Team through review of specific data at least every six months to assess the effectiveness of the procedures.

(c) A Level 2B AFH-DD provider may not employ a resident manager or substitute caregiver who does not meet or exceed the training classification standard for the AFH-DD.

(d) The Level 2B AFH-DD may not admit individuals whose care needs exceed the licensed classification of the AFH-DD home and may not admit individuals without prior approval of the CDDP.

(5) LEVEL 2M AFH-DD LICENSE.

(a) A provider must be licensed as a Level 2M AFH-DD if the provider serves or intends to provide care and support to more than one individual who has a medical condition that is serious and could be life threatening. Examples include but are not limited to:

(A) Brittle diabetes or diabetes not controlled through medical or physical interventions;

(B) Significant risk of choking or aspiration;

(C) Physical, intellectual, or mental limitations that render the individual totally dependent on others for access to food or fluids; or

(D) Mental health or alcohol or drug problems that are not responsive to treatment interventions.

(b) A Level 2M AFH-DD license may be issued by the Division only if the applicant or resident manager has met the requirements for a Level 1 AFH-DD and meets the following additional criteria:

(A) Has the equivalent of one year of full-time experience in providing direct care to individuals with developmental disabilities;

(B) Is a health care professional such as a registered nurse or licensed practical nurse, or has the equivalent of two years full-time experience providing care and support to individuals who have a medical condition that is serious and could be life-threatening as described in subsection (5)(b)(E)(i-v) of this section;

(C) Has been certified in CPR and First Aid by a recognized training agency;

(D) Can provide current satisfactory references from at least two medical professionals, such as a physician, physician's assistant, nurse practitioner, or registered nurse, who have direct knowledge of the applicant's ability and past experiences as a caregiver;

(E) Has fulfilled a minimum six of the twelve hours of annual training requirements in specific medical training; and

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(F) Intends to provide care and support to more than one individual who has a medical condition that is serious and could be life threatening. Examples include but are not limited to:

- (i) Brittle diabetes or diabetes not controlled through medical or physical interventions;
 - (ii) Significant risk of choking or aspiration;
 - (iii) Physical, intellectual, or mental limitations that render the individual totally dependent on others for access to food or fluids;
 - (iv) Mental health or alcohol or drug problems that are not responsive to treatment interventions; and
 - (v) A terminal illness that requires hospice care.
- (c) A Level 2M AFH-DD provider must have a Transition Plan for each individual upon entry and develop, with the ISP Team, a Medical Support Plan within 30 days of placement or whenever there is a change in health status for each individual who has a medical condition that is serious and could be life threatening as described in subsection (5)(b)(E)(i-v) of this section.

(d) A provider with a 2M licensed AFH-DD may not employ a resident manager or substitute caregiver who does not meet or exceed the training classification standard for a 2M AFH-DD.

(e) The 2M AFH-DD may not admit individuals whose care needs exceed the licensed classification of the AFH-DD home and may not admit individuals without prior approval of the CDDP.

Stat. Auth.: ORS 410.070 & 409.050
Stats. Implemented: ORS 443.705 - 443.825
Hist.: SPD 3-2005, f. 1-10-05, cert. ef. 2-1-05; SPD 13-2010, f. 6-30-10, cert. ef. 7-1-10; SPD 22-2010(Temp), f. & cert. ef. 8-27-10 thru 2-22-11

Rule Caption: Memory Care Communities (formerly known as Alzheimer's Care Units).

Adm. Order No.: SPD 23-2010

Filed with Sec. of State: 9-14-2010

Certified to be Effective: 11-1-10

Notice Publication Date: 7-1-2010

Rules Adopted: 411-057-0100, 411-057-0110, 411-057-0120, 411-057-0130, 411-057-0140, 411-057-0150, 411-057-0160, 411-057-0170, 411-057-0180, 411-057-0190

Rules Repealed: 411-057-0000, 411-057-0010, 411-057-0020, 411-057-0030, 411-057-0040, 411-057-0045, 411-057-0050, 411-057-0060

Subject: The Department of Human Services, Seniors and People with Disabilities Division (SPD) is permanently repealing OAR 411-057-0000 to 411-057-0060 and adopting OAR 411-057-0100 to 411-057-0190 relating to memory care communities (formerly known as Alzheimer's care units).

Rules Coordinator: Christina Hartman—(503) 945-6398

411-057-0100

Statement of Purpose

The purpose of the rules in OAR chapter 411, division 057 is to establish standards for the endorsement of memory care communities. Memory care communities provide specialized services in a secured environment for individuals with dementia. These rules are designed to ensure that residents living in memory care communities have positive quality of life, consumer protection, and person directed care. Resident's rights, dignity, choice, comfort, and independence are promoted in this setting. The endorsement does not constitute a recommendation of any memory care community by the Department of Human Services, Seniors and People with Disabilities Division.

Stat. Auth.: ORS 410.070 & 443.886
Stats. Implemented: ORS 443.886
Hist.: SPD 23-2010, f. 9-14-10, cert. ef. 11-1-10

411-057-0110

Definitions

(1) "Advertise" means to make publicly and generally known, usually by printed notice, broadcast, verbal marketing, website, or electronic communication.

(2) "Alzheimer's Care Unit" means a special care unit in a designated, separate area for individuals with Alzheimer's disease or other dementia that is locked, segregated, or secured to prevent or limit access by a resident outside the designated or separated area. For the purpose of these rules, an Alzheimer's care unit is referred to as a memory care community.

(3) "Alzheimer's Disease" means a type of dementia that gradually destroys an individual's memory and ability to learn, reason, make judgments, communicate, and carry out daily activities.

(4) "Applicant" means the person, persons, or entity, required to complete a facility application for an endorsement. Applicant includes a sole proprietor, each partner in a partnership, and each member in a limited liability company, corporation, or entity that owns the residential care facility, assisted living facility, or nursing facility business. Applicant also includes the sole proprietor, each partner in a partnership, and each member in a limited liability company, corporation, or entity that operates the residential care facility, assisted living facility, or nursing facility on behalf of the facility business owner.

(5) "Assisted Living Facility" means assisted living facility as defined in OAR 411-054-0005.

(6) "Dementia" means the loss of intellectual function of sufficient severity that interferes with an individual's daily functioning. Dementia affects an individual's memory, ability to think, reason, speak, and move. Symptoms may also include changes in personality, mood, and behavior. Irreversible dementias include but are not limited to:

- (a) Alzheimer's disease;
- (b) Vascular dementia;
- (c) Lewy body dementia;
- (d) Frontal-temporal lobe dementia;
- (e) Alcohol dementia;
- (f) Huntington's disease; and
- (g) Creutzfeldt-Jakob disease.

(7) "Dementia Trained Staff" means any employee that has completed the minimum training requirements and has demonstrated knowledge and understanding in supporting individuals with dementia.

(8) "Department" means the Department of Human Services (DHS).

(9) "Direct Care Staff" means a facility employed person whose primary responsibility is to provide personal care services to residents. These personal care services may include:

- (a) Medication administration;
- (b) Resident-focused activities;
- (c) Assistance with activities of daily living;
- (d) Supervision and support of residents; and
- (e) Serving meals, but not meal preparation.

(10) "Disclosure Statement" means the written information the facility is required to provide to consumers to enhance the understanding of memory care community services, costs, and operations.

(11) "Division" means the Department of Human Services, Seniors and People with Disabilities Division (SPD).

(12) "Emergency Situation" means a disruption to normal care and services caused by an unforeseen occurrence beyond the control of the licensee whether natural, technological, or manmade where staff that are trained as required in these rules are not available.

(13) "Endorsement" means the community has met the requirements to provide specialized services in a memory care community and the requirements for the community's underlying license. An endorsement does not constitute a recommendation of any memory care community by the Division. For the purpose of these rules, "indorsement" is now spelled "endorsement".

(14) "Facility" for the purpose of these rules, means a nursing facility, residential care facility, or assisted living facility.

(15) "Interdisciplinary Team" means persons including community staff, family members, and case managers as applicable, who support the resident with direct care, nursing, activities, nutrition, and case management.

(16) "Licensee" means the entity that owns the residential care, assisted living, or nursing facility business, and to whom a residential care, assisted living, or nursing facility license has been issued.

(17) "Management" or "Operator" means the entity possessing the right to exercise operational or management control over, or directly or indirectly conduct, the day-to-day operation of a facility.

(18) "Memory Care Community" means an Alzheimer's care unit as defined in this rule. For the purpose of these rules, an Alzheimer's care unit is referred to as a memory care community.

(19) "Non-Caregiving Staff" means a facility employed individual that does not provide any personal care services to residents.

(20) "Nursing Facility" means a nursing facility as defined in OAR 411-085-0005.

(21) "Person Directed Care" is a process based on a set of principles of supporting an individual to direct their own care through developing a plan rooted in what is important to the individual while taking into account

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all the factors that impact the individual's life. Person directed care promotes a positive relationship between the individual and staff which is accomplished by staff being knowledgeable about the individual's life story, routines, and habits, and incorporating that information into the individual's daily care and activities.

(22) "Pre-Service Training" means training that must be completed before staff takes responsibility for their job duties.

(23) "Remodel" means a renovation or conversion of a building that requires a building permit and meets the criteria for review by the Facilities Planning and Safety as required by OAR 333-675-0000(2).

(24) "Residency Agreement" means the information required to be disclosed prior to admission to a residential care or assisted living facility as described in OAR 411-054-0025(10).

(25) "Resident" as used in these rules, means any individual with Alzheimer's disease or other dementia who lives in a memory care community.

(26) "Residential Care Facility" means residential care facility as defined in OAR 411-054-0005.

(27) "These Rules" mean the rules in OAR chapter 411, division 057.

(28) "Universal Worker" means a universal worker as defined in OAR 411-054-0005.

Stat. Auth.: ORS 410.070 & 443.886

Stats. Implemented: ORS 443.886

Hist.: SPD 23-2010, f. 9-14-10, cert. ef. 11-1-10

411-057-0120

Application for Endorsement

(1) ENDORSEMENT REQUIRED. Any residential care, assisted living, or nursing facility that offers or provides care to residents with dementias in a memory care community must obtain an endorsement on its facility license.

(2) APPLICATION. At least 60 days prior to the anticipated endorsement, the applicant must submit to the Division a completed memory care community endorsement application (form 940). The Division shall return incomplete applications to the applicant.

(3) FEE. The non-refundable endorsement application fee is due upon receipt of the application for an initial endorsement and whenever the facility's license and endorsement is renewed. Endorsement application fees are in addition to fees required for licensure. Fees shall be as follows:

(a) \$50 for each facility with a total memory care community endorsed capacity of 16 or fewer residents;

(b) \$75 for each facility with a total memory care community endorsed capacity of 17 to 50; or

(c) \$100 for each facility with a total memory care community endorsed capacity of 51 or more.

(4) The applicant must also include the following with the initial application and fee:

(a) Memory care community uniform disclosure statement;

(b) Employee training curricula;

(c) Policies and procedures;

(d) Floor plan of the memory care community;

(e) Residency or admission agreement;

(f) Copy of the service or care planning tool; and

(g) Copies of brochures or advertisements that are used to advertise the facility and the facility's services.

(5) DEMONSTRATED CAPACITY. The applicant must demonstrate to the satisfaction of the Division, the ability to provide services in a manner that is consistent with the requirements of these rules.

(a) The Division shall consider the following criteria including but not limited to:

(A) The experience of the applicant in managing a memory care community or previous long term care experience; and

(B) The compliance history of the applicant for endorsement or management company in the operation of any care facility licensed, certified, or registered under federal or state laws.

(b) If the applicant does not have experience in the operation of a memory care community, the applicant must employ a consultant or management company for at least the first six months of operation.

(A) The consultant or management company must have experience in dementia care operations and must be approved by the Division.

(B) The applicant must implement the recommendations of the consultant or management company or present an acceptable plan to the Division to address the consultant's identified concerns.

(6) The Division shall conduct an on-site inspection prior to the issuance of an endorsement to ensure the memory care community is in compliance with the physical plant requirements as outlined in these rules.

(7) The endorsement shall be identified on the facility's license.

(8) ENDORSEMENT RENEWAL. Renewal for endorsement must be made at the time of the renewal for the facility's license (form 940).

(9) RELINQUISHMENT OF ENDORSEMENT. The licensee must notify the Division in writing at least 60 days prior to the voluntary relinquishment of the endorsement of a memory care community. For voluntary relinquishment, the facility must:

(a) Give all residents and their designated representatives 45 day notice. The notice must include:

(A) The proposed effective date of the relinquishment;

(B) Changes in staffing;

(C) Changes in services including the elimination or addition of services; and

(D) Staff training that shall occur when the relinquishment becomes effective.

(b) Submit a transitional plan to the Division that demonstrates how the current residents shall be evaluated and assessed to reside in a memory care community that is not endorsed and is unsecured or would require move-out or transfer to other settings;

(c) Change service or care plans as appropriate to address any needs the residents may have with the transition;

(d) Notify the Division when the relinquishment process has been completed; and

(e) Revise advertising materials and disclosure information to remove any reference that the facility is an endorsed memory care community.

Stat. Auth.: ORS 410.070 & 443.886

Stats. Implemented: ORS 443.886

Hist.: SPD 23-2010, f. 9-14-10, cert. ef. 11-1-10

411-057-0130

Advertising of a Memory Care Community

(1) An applicant may not advertise as a memory care community until the applicant has obtained an endorsement from the Division. A prospective memory care community may advertise if they have stated their intent to be endorsed and are in the initial endorsement process.

(2) A memory care community with a valid endorsement may advertise that it has an endorsement. However, the advertising materials may not imply or state that the Division recommends or supports a specific memory care community.

(3) All advertising material must be truthful and must not include or use coercive or misleading information about the endorsement of the memory care community.

(4) Upon the determination that a non-endorsed memory care community implies or advertises that they have an endorsement, the Division shall send a notice to the licensee to cease the advertising immediately. Failure to comply may result in a civil penalty as outlined in OAR 411-057-0190.

Stat. Auth.: ORS 410.070 & 443.886

Stats. Implemented: ORS 443.886

Hist.: SPD 23-2010, f. 9-14-10, cert. ef. 11-1-10

411-057-0140

Responsibilities of Administration

(1) The licensee is responsible for the operation of the memory care community and the provision of person directed care that promotes each resident's dignity, independence, and comfort. This includes the supervision, training, and overall conduct of the staff.

(2) The licensee must follow both the licensing rules for the facility and these rules.

(3) The administrator of the memory care community must complete and document that at least 10 hours of their required annual continuing educational requirements, as required by the licensing rules of the facility, relate to the care of individuals with dementia. Continuing education credits must be obtained through Division approved sources which may include college courses, preceptor credits, self-directed activities, course instructor credits, corporate training, in-service training, professional association trainings, web-based trainings, correspondence courses, telecourses, seminars, and workshops.

(4) The memory care community must provide a Division-designated memory care community uniform disclosure statement to each person who requests information about the memory care community.

(5) In addition to the policies and procedures required in the licensing rules for the facility, the memory care community must develop and implement policies and procedures that address:

(a) Philosophy of how services are provided based upon the memory care community's values, mission, and the promotion of person directed care and how it shall be implemented;

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- (b) Evaluation of behavioral symptoms and design of supports for intervention plans;
- (c) Wandering and egress prevention that provides detailed instructions to staff in the event a resident elopes;
- (d) Assessment of residents for the use and effects of medications including psychotropic medications;
- (e) Use of supportive devices with restraining qualities;
- (f) Staffing plan for the memory care community;
- (g) Staff training specific to dementia care;
- (h) Description of life enrichment program and how activities are implemented;
- (i) Description of family support programs and efforts on how the family shall remain engaged;
- (j) Limiting use of public address and intercom systems for emergencies and evacuation drills only;
- (k) Transportation coordination and assistance to and from outside medical appointments; and
- (l) Safekeeping of residents possessions. This policy must be provided to residents and the resident's representative at the time of move-in.

Stat. Auth.: ORS 410.070 & 443.886
Stats. Implemented: ORS 443.886
Hist.: SPD 23-2010, f. 9-14-10, cert. ef. 11-1-10

411-057-0150

Staffing and Staff Training

(1) STAFFING AND STAFF TRAINING. The facility must provide residents with dementia trained staff who have been instructed in the person directed care approach. All direct care and other community staff assigned to the memory care community must be specially trained to work with residents with Alzheimer's disease and other dementias.

(a) Only staff trained as specified in sections (2) and (3) of this rule shall be assigned to the memory care community.

(b) Staffing levels must comply with the licensing rules of the facility and be sufficient to meet the scheduled and unscheduled needs of residents. Staffing levels during nighttime hours shall be based on the sleep patterns and needs of residents.

(c) In an emergency situation when trained staff are not available to provide services, the facility may assign staff who have not completed the required training in accordance with this rule. The particular emergency situation must be documented and must address:

- (A) The nature of the emergency;
- (B) How long the emergency lasted; and
- (C) The names and positions of staff that provided coverage.

(2) A memory care community must ensure that staff who provide support to residents with dementia have a basic understanding and fundamental knowledge of the residents' emotional and unique health care needs. Direct care and other staff must be trained on the topics outlined in Table 1. These requirements are in addition to the facility licensing requirements for training.

(3) Persons providing or overseeing the training of staff must have experience and knowledge in the care of individuals with dementia.

(4) Pre-service and in-service training may include various methods of instruction, for example, classroom style, web-based training, video, or one to one training. The memory care community must have a method for determining and documenting each staff person's knowledge and understanding of the training provided. All training must be documented.

Stat. Auth.: ORS 410.070 & 443.886
Stats. Implemented: ORS 443.886
Hist.: SPD 23-2010, f. 9-14-10, cert. ef. 11-1-10

411-057-0160

Resident Services in a Memory Care Community

(1) Only individuals with a diagnosis of dementia who are in need of support for the progressive symptoms of dementia for physical safety, or physical or cognitive function may reside in a memory care community. Services must be delivered in a manner that promotes the autonomy and dignity of each resident, to maintain or enhance the resident's remaining abilities for self-care.

(2) At time of move-in, the community must make reasonable attempts to identify the customary routines of each resident and the resident's preferences in how services may be delivered. Minimum services to be provided include:

(a) Assistance with activities of daily living that addresses the needs of each resident with dementia due to cognitive or physical limitations. These services must meet or be in addition to the requirements in the licensing rules for the facility. Services must be provided in a manner that promotes resident choice, dignity, and sustains the resident's abilities.

(b) Health care services provided in accordance with the licensing rules of the facility.

(c) A daily meal program for nutrition and hydration must be provided and available throughout each residents waking hours. The individualized nutritional plan for each resident must be documented in the resident's service or care plan. In addition, the memory care community must:

(A) Provide visual contrast between plates, eating utensils, and the table to maximize the independence of each resident; and

(B) Provide adaptive eating utensils for those residents who have been evaluated as needing them to maintain their eating skills.

(d) Meaningful activities that promote or help sustain the physical and emotional well-being of residents. The activities must be person directed and available during residents' waking hours.

(A) Each resident must be evaluated for activities according to the licensing rules of the facility. In addition, the evaluation must address the following:

- (i) Past and current interests;
- (ii) Current abilities and skills;
- (iii) Emotional and social needs and patterns;
- (iv) Physical abilities and limitations;
- (v) Adaptations necessary for the resident to participate; and
- (vi) Identification of activities for behavioral interventions.

(B) An individualized activity plan must be developed for each resident based on their activity evaluation. The plan must reflect the resident's activity preferences and needs.

(C) A selection of daily structured and non-structured activities must be provided and included on the resident's activity service or care plan as appropriate. Daily activity options based on resident evaluation may include but are not limited to:

- (i) Occupation or chore related tasks;
- (ii) Scheduled and planned events (e.g. entertainment, outings);
- (iii) Spontaneous activities for enjoyment or those that may help diffuse a behavior;
- (iv) One to one activities that encourage positive relationships between residents and staff (e.g. life story, reminiscing, music);
- (v) Spiritual, creative, and intellectual activities;
- (vi) Sensory stimulation activities;
- (vii) Physical activities that enhance or maintain a resident's ability to ambulate or move; and
- (viii) Outdoor activities.

(e) Behavioral symptoms which negatively impact the resident and others in the community must be evaluated and included on the service or care plan. The memory care community must initiate and coordinate outside consultation or acute care when indicated.

(f) Support must be offered to family and other significant relationships on a regularly scheduled basis not less than quarterly. Examples in which support may be provided include support groups, community gatherings, social events, or meetings that address the needs of individual residents or their family or significant relationships.

(g) Access to secured outdoor space and walkways which allow residents to enter and return without staff assistance, except when indicated by OAR 411-057-0170(5)(e).

Stat. Auth.: ORS 410.070 & 443.886
Stats. Implemented: ORS 443.886
Hist.: SPD 23-2010, f. 9-14-10, cert. ef. 11-1-10

411-057-0170

Physical Design, Environment, and Safety

(1) It is the intent of these rules that the physical environment and design support the needs of individuals who are cognitively impaired. The physical environment should maximize functional abilities, accommodate behavior that is related to dementia, promote safety, enhance personal dignity, and encourage independence.

(2) BUILDING CODES. Each memory care community must meet the following building codes:

(a) Newly endorsed memory care communities must comply with the Oregon Structural Specialty Code (OSSC) SR-2 occupancy classification. If endorsed prior to the SR-2 requirement, the facility must comply with the building code in place at the time of original endorsement.

(b) Memory care communities must be located on the ground level of the building to ensure access to outdoor space and safe evacuation.

(3) LIGHTING.

(a) Research conducted in regards to lighting intensities has shown an impact on individuals with dementia. Lighting throughout the day or night may have an impact on an individual's functional abilities, as well as in mood and behavior. For communities that are in development or remodel-

ADMINISTRATIVE RULES

ing to new standards, the Division encourages facilities to review and implement the Recommended Practice for Lighting and Visual Environment for Senior Living as outlined in the ANSI/IESNA RP-28-07.

(b) The following lighting requirements must be met. These requirements apply to newly endorsed, constructed, or remodeled communities which have construction documents approved on or after November 1, 2010.

(A) Light fixtures must be designed to minimize direct glare (for example: indirect or diffused lighting). Bare light bulbs or tubes are not allowed;

(B) Lighting fixtures and circuitry must conform to lighting intensities shown in Table 2;

(C) Windows and skylights must be utilized to minimize the need for artificial light and to allow residents to experience the natural daylight cycle; and

(D) All windows must have coverings which diffuse daylight and minimize glare without blocking all light during the day. In addition, bedroom window coverings must provide privacy and block light from street lights or parking lot lights from entering the bedroom at night.

(4) SURFACE FINISHES. The following requirements for surface finishes must be met. These requirements apply to newly endorsed, constructed, or remodeled communities which have construction documents approved on or after November 1, 2010.

(a) Walls, floors, ceilings, and woodwork must be finished to minimize reflected glare and must have a low sheen or matte finish;

(b) There must be high visual surface contrasts to assist residents with limited visual acuity to distinguish between floor and wall, between wall and door, and between floor and other objects (e.g. toilet);

(c) Paint and other finishes used on the ceiling must have a light reflectance value of 80 percent or higher; and

(d) Paint and other finishes used on walls above 36 inches from the floor must have a light reflectance value of 60 percent or higher.

(5) SECURE OUTDOOR RECREATION AREA. The memory care community must comply with facility licensing requirements for outdoor recreation areas as well as the following standards. These requirements apply to newly endorsed, constructed, or remodeled communities which have construction documents approved on or after November 1, 2010 with the exception of subsections (d) and (e) of this section.

(a) The space must be a minimum of 600 square feet or 15 square feet per resident, which ever is greater and is exclusive of normal walkways and landscaping. The space must have a minimum dimension of 15 feet in any direction;

(b) Fences surrounding the perimeter of the outdoor recreation area must be no less than six feet in height, constructed to reduce the risk of resident elopement, and maintained in functional condition;

(c) Walkways must meet the accessibility requirements of the Oregon Structural Specialty Code. Walkway surfaces must be a medium to dark reflectance value to prevent glare from reflected sunlight;

(d) Outdoor furniture must be sufficient weight, stability, design, and be maintained to prevent resident injury or aid in elopement; and

(e) Doors to the outdoor recreation area may be locked during nighttime hours or during severe weather per facility policy.

(6) COMMON AREAS. Common areas must include the following requirements:

(a) Freedom of movement for the residents to common areas and to the resident's personal spaces;

(b) A multipurpose room for dining, group and individual activities, and family visits that complies with the facility licensing requirements for common space;

(c) Comfortable seating;

(d) Safe corridors and passageways through the common areas that are free of objects that may cause falls; and

(e) Windows or skylights that are at least as large as 12 percent of the square footage of the common area.

(7) A public address or intercom system is not required, however if one exists it must be used within the memory care community only for emergencies.

(8) RESIDENT ROOMS.

(a) Residents may not be locked out of or inside of their rooms at any time.

(b) Residents must be encouraged to decorate and furnish their rooms with personal items and furnishings based on the resident's needs, preferences, and appropriateness.

(c) The memory care community must individually identify residents' rooms to assist residents in recognizing their room.

(9) EXIT DOORS.

(a) Locking devices used on exit doors, as approved by the Building Codes Agency and Fire Marshal having jurisdiction over the memory care community, must be electronic and release when the following occurs:

(A) Upon activation of the fire alarm or sprinkler system;

(B) Power failure to the facility; or

(C) By activating a key button or key pad located at exits for routine use by staff for service.

(b) If the memory care community uses keypads to lock and unlock exits, then directions for the keypad code and their operation must be posted on the outside of the door to allow access to the unit. However, if all of the community is endorsed, then directions for the operation of the locks need not be posted on the outside of the door.

(c) Memory care communities may not have entrance and exit doors that are closed with non-electronic keyed locks. A door with a keyed lock may not be placed between a resident and the exit.

(d) If the memory care community does not post the code, the community must develop a policy or a system that allows for visitor entry.

Stat. Auth.: ORS 410.070 & 443.886

Stats. Implemented: ORS 443.886

Hist.: SPD 23-2010, f. 9-14-10, cert. ef. 11-1-10

411-057-0180

Exceptions

Exceptions to these rules shall be reviewed by the Division and processed in accordance with the licensing rules of the facility.

Stat. Auth.: ORS 410.070 & 443.886

Stats. Implemented: ORS 443.886

Hist.: SPD 23-2010, f. 9-14-10, cert. ef. 11-1-10

411-057-0190

Complaints, Inspections, and Sanctions

(1) COMPLAINTS AND INVESTIGATIONS. The Division shall investigate complaints regarding an endorsed memory care community in accordance with the complaint and investigation procedures in the licensing rules of the facility. Complaints and investigations may include alleged violations of ORS 443.885 to 443.886 or violations of these rules. When the Division requests documents or records during an investigation, the licensee must make the information available to the investigator promptly for review and copying.

(2) INSPECTIONS. At the time of the memory care community's regular license renewal, the Division shall inspect the memory care community to determine compliance with these rules.

(3) SANCTIONS. Sanctions for failure to comply with these rules may include the imposition of civil penalties, licensing conditions, suspension, denial, non-renewal, or revocation of the endorsement. Sanction involving the endorsement shall be in accordance with the licensing rules of the facility applicable to the type of sanction imposed.

(a) SUSPENSION. The Division may immediately suspend a memory care community's endorsement if the Division finds a serious threat to the public health and safety and sets forth specific reasons for such findings.

(b) DENIAL AND NON-RENEWAL OF ENDORSEMENT APPLICATION. The Division may deny or refuse to renew an endorsement under the following circumstances:

(A) Failure to demonstrate capacity as required in OAR 411-057-0120(5);

(B) Substantial failure to comply with Division rules;

(C) Failure to provide complete and accurate information on the application;

(D) When the State Fire Marshal or authorized representative certifies there is failure to comply with all applicable ordinances and rules pertaining to safety from fire; and

(E) Failure to implement a plan of correction or comply with a licensing or endorsement condition that ensures the safety and security of residents or fails to provide the required dementia care programming to residents living within the memory care community.

(c) REVOCATION. The Division may issue a notice of revocation of endorsement upon finding that there is substantial failure to comply with these rules such that the health, safety, or welfare of residents is jeopardized, or any substantial failure to comply with one or more of these rules.

(4) The licensee is entitled to a hearing in accordance with the provisions of ORS chapter 183 when the Division takes enforcement action on the endorsement of a memory care community.

Stat. Auth.: ORS 410.070 & 443.886

Stats. Implemented: ORS 443.886

Hist.: SPD 23-2010, f. 9-14-10, cert. ef. 11-1-10

ADMINISTRATIVE RULES

Department of Revenue Chapter 150

Rule Caption: Definition of "Petroleum Product."

Adm. Order No.: REV 13-2010(Temp)

Filed with Sec. of State: 8-19-2010

Certified to be Effective: 8-19-10 thru 2-14-11

Notice Publication Date:

Rules Adopted: 150-465.101(5)-(B)

Subject: This rule states the Department of Revenue's interpretation of the term "petroleum product" as including blends of petroleum products, including blends of diesel and biodiesel. This interpretation has an effect on the application of the Petroleum Load Fee prescribed in ORS Chapter 465.

Rules Coordinator: Debra L. Buchanan—(503) 945-8653

150-465.101(5)-(B)

Definition of "Petroleum Product"

As used in ORS Chapter 465, petroleum product includes blends of petroleum products, including blends of diesel and biodiesel.

Stat. Auth.: ORS 305.100

Stats. Implemented: ORS 465.101(5)

Hist.: REV 13-2010(Temp), f. & cert. ef. 8-19-10 thru 2-14-11

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

Rule Caption: Implements section 3 of chapter 621, Oregon Laws 2009, regarding group registration plates.

Adm. Order No.: DMV 14-2010(Temp)

Filed with Sec. of State: 8-27-2010

Certified to be Effective: 9-1-10 thru 2-28-11

Notice Publication Date:

Rules Amended: 735-040-0098

Subject: ORS 805.205(2)(a) requires DMV to collect a surcharge amount as determined by DMV for non-profit group plates. The surcharge amount may not be less than \$2.50 per plate and not more than \$16 for each non-profit group plate issued or renewed. When setting the surcharge, DMV is required to consult with the non-profit group for which plates are issued. In August of 2009, after consulting with existing non-profit groups, DMV adopted OAR 735-040-0098 to set the surcharge amount for non-profit group plates at \$2.50 per plate. Under OAR 735-040-0097, a non-profit group may request that DMV collect a surcharge of more than \$2.50 per plate.

On May 18, 2010, DMV received a request for non-profit group plates that recognize fallen public safety officers pursuant to ORS 805.205(3)(b). The group requesting the plates requested that DMV set the surcharge at \$8 per plate. DMV consulted with the group and determined to set the surcharge at \$8. DMV proposes to adopt a temporary rule amendment to OAR 735-040-0098 to establish the \$8 surcharge for Fallen Public Safety Officer group plates.

Rules Coordinator: Lauri Kunze—(503) 986-3171

735-040-0098

Non-profit Group Plate Surcharge

In addition to any other fee authorized by law:

(1) DMV will collect a surcharge of \$2.50 per plate for each year of the registration period upon issuance of a non-profit group plate.

(2) Notwithstanding section (1) of this rule, DMV will collect a surcharge of \$8 per plate for each year of the registration period upon issuance of non-profit group plate that recognizes fallen public safety officers.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 805.205

Stats. Implemented: ORS 805.205

Hist.: DMV 15-2009(Temp), f. & cert. ef. 8-24-09 thru 2-17-10; DMV 1-2010, f. & cert. ef. 1-28-10; DMV 14-2010(Temp), f. 8-27-10, cert. ef. 9-1-10 thru 2-28-11

Rule Caption: Records Required for Use Fuel Handling and Reporting.

Adm. Order No.: DMV 15-2010

Filed with Sec. of State: 8-27-2010

Certified to be Effective: 1-1-11

Notice Publication Date: 7-1-2010

Rules Amended: 735-170-0010, 735-170-0020

Subject: Use fuel handled records are needed by the Department to effectively track diesel that enters the state of Oregon. These rule amendments are meant to clarify the reporting requirements of use fuel handlers.

Rules Coordinator: Lauri Kunze—(503) 986-3171

735-170-0010

Records Required

The Department has the authority to prescribe required records under ORS 319.390 and 319.400. Every Oregon dealer, whether licensed or unlicensed, must maintain and keep the following records for at least three years from the date the fuel tax is due:

(1) Stock summary showing monthly totals for the gallons of motor vehicle fuel or aircraft fuel handled for each owned and operated distributing location within the State of Oregon with an analysis as to inventories, receipts, sales, use, transfers, and loss or gain.

(a) An actual physical gallon inventory measurement of motor vehicle fuel and aircraft fuel stocks for each owned and operated distributing location must be taken at the end of each calendar month and preserved for audit purposes.

(b) A record showing all sales and withdrawals of motor vehicle fuel or aircraft fuel from storage. A dealer that withdraws fuel from storage for highway and non-highway use must:

(A) Summarize records into monthly totals and separately show the number of gallons used for highway and non-highway purposes;

(B) Separately show the total number of miles traveled and fuel used for each vehicle;

(C) Separately account for fuel withdrawn from bulk storage and fuel received from other sources;

(2) Purchase journal showing the number of gallons of motor vehicle fuel or aircraft fuel purchased or received each month supported by purchase invoices or other documents.

(3) Sales journal showing the number of gallons of motor vehicle fuel or aircraft fuel sold or distributed each month, supported by sales invoices covering each sale or delivery.

(4) Sales invoice forms must be approved by the Department and must include at least the following information:

(a) Date of sale or delivery;

(b) Point of origin;

(c) Name of dealer making the sale or delivery;

(d) All invoices must separately state and describe to the satisfaction of the Department the various products shipped and must be serially numbered except where other sales invoice controls acceptable to the Department are maintained;

(e) Name and address of the purchaser and delivery point; however, if delivery point is not contained on the invoice, other sales/delivery documents showing delivery point must be provided upon request by the Department.

(f) The gallons of motor vehicle fuel or aircraft fuel sold;

(g) The invoice must clearly show the place and state where the delivery was actually made. Physical delivery address must be kept for audit purposes.

(5) All required records must be summarized into calendar month totals and must be centralized in the accounting office where the periodic tax audit is to be made.

(6) The Department may determine, at its sole discretion, when the auditor for the state must travel outside the State of Oregon to examine the dealer's records. At any time such travel is determined necessary the dealer must reimburse the state for all travel expenses incurred, including transportation, meals and lodging costs.

(7) The Department has the authority to investigate, examine and audit licensed or unlicensed dealers, carriers, brokers, service stations, and other persons who are storing, selling, or distributing motor vehicle fuels or other petroleum products in Oregon. Such investigations, examinations and audits will occur during normal business hours;

(8) Documentation in the following areas must be made readily available to the Department upon request by the Department by the date prescribed by the Department;

(a) Accounts;

(b) Records;

(c) Stocks;

(d) Facilities;

(e) Equipment;

(f) Shipping;

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(9) Dealers who fail to make records available for inspection are subject to assessment based on "best available information," collection action, and possible license suspension and revocation.

(10) Dealers that handle use fuel under ORS 319.860 have the same record keeping requirements under OAR 735-176-0019.

Stat. Auth.: ORS 184.616, 184.619, 319.010 - 319.430, 319.990
Stats. Implemented: ORS 319.370, 319.380, 319.390, 319.400
Hist.: MV 22, f. 2-15-63; Administrative Renumbering 3-1988, Renumbered from 735-011-0055; MV 7-1988, f. & cert. ef. 2-29-88; DMV 18-2003, f. 12-12-03 cert. ef. 1-1-04; DMV 10-2009, f. 5-22-09, cert. ef. 7-1-09; DMV 15-2010, f. 8-27-10, cert. ef. 1-1-11

735-170-0020

Required Tax Report Forms and Report Preparation

(1) Every licensed dealer must prepare a tax report that completely summarizes the number of gallons of motor vehicle fuel or aircraft fuel sold, distributed, or used in the State of Oregon each month with required schedules and detail to fully explain the various entries.

(2) A separate set of forms must be prepared for each taxing jurisdiction administered by the Department on forms provided by the Department.

(3) Every licensed dealer must follow motor vehicle fuel tax reporting instructions and use prepared forms as provided by the Department. Willful or habitual failure to complete tax reports in the manner prescribed by the Department may result in assessment based on "best available information," collection action, and possible license suspension and revocation.

(4) Computerized report data may be substituted for prescribed forms if it is a reasonable facsimile of the prescribed forms.

(5) Every person (as defined by ORS 319.010(13)) producing, manufacturing, importing, distributing, and blending use fuel must report Use Fuel Handled on Schedule 735-1305D not later than the 25th day of each calendar month for use fuel handled during the preceding calendar month.

(a) Schedule 735-1305D and supporting documents may be sent with other required materials or sent via email to the department not later than the 25th day of each calendar month.

(b) Use fuel tax will not be assessed on use fuel handled and reported on Schedule 735-1305D, nor is a person who produces, manufactures, imports, distributes and blends use fuel required to be registered with the department as a use fuel licensee, unless such person also meets the definition of a user or seller as defined by OAR 735-176-0000(11), 735-176-0010 and ORS 319.520(13).

(c) Licensed dealers that are also licensed as use fuel sellers (as defined by ORS 319.520 (9)) and who report use fuel handled on use fuel seller reports by submitting those reports in accordance with the applicable statutes and rules, are not required to complete form 735-1305D.

Stat. Auth.: ORS 184.616, 184.619, 319.010 - 319.430, 319.990
Stats. Implemented: ORS 319.010 - 319.430, 319.990
Hist.: MV 22, f. 2-15-63; MV 13-1986, f. & ef. 9-2-86; Administrative Renumbering 3-1988, Renumbered from 735-011-0105; MV 7-1988, f. & cert. ef. 2-29-88; DMV 18-2003, f. 12-12-03 cert. ef. 1-1-04; DMV 10-2009, f. 5-22-09, cert. ef. 7-1-09; DMV 15-2010, f. 8-27-10, cert. ef. 1-1-11

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

Rule Caption: Allows traffic signal owners to assign multiple priorities for emergency vehicles using preemption systems.

Adm. Order No.: HWD 9-2010

Filed with Sec. of State: 8-27-2010

Certified to be Effective: 8-27-10

Notice Publication Date: 7-1-2010

Rules Amended: 734-020-0310, 734-020-0320, 734-020-0330

Subject: There was considerable concern about the previous requirement that emergency vehicles, such as law enforcement, have a lower priority than fire. The original reason for the multiple priority was a perception that heavier vehicles needed some assurance that they would be able to preempt a traffic signal when responding to an emergency call. However, assigning multiple priorities has associated risk and potential for confusion if a lower priority vehicle such as law enforcement loses its preemption to a higher priority vehicle during an emergency. Recent research has documented measurable benefits associated with the use of preemption devices on law enforcement vehicles. These rule amendments allow traffic signal owners to assign multiple priorities or the same priority for emergency vehicles using emergency preemption systems. It allows system owners to agree upon and document agreements with authorized operators of emergency preemption systems regarding the use and

operation of the systems. It requires agencies operating emergency vehicles to provide training for authorized users, that lights and sirens must be activated when using the devices and that the devices be deactivated when the vehicle is set in park.

Rules Coordinator: Lauri Kunze—(503) 986-3171

734-020-0310

Definitions

For the purposes of OAR 734-020-0300 through 734-020-0330, the following definitions apply:

(1) "Authorized user" or "user" means an emergency vehicle, a bus or a traffic signal maintenance vehicle that is equipped with a traffic control signal operating device and operated by a driver who has been trained in the proper use of a traffic control signal operating device as established by OAR 734-020-0330 and is operating an approved system.

(2) "Bus" is as defined in ORS 184.675. Only buses with pneumatic tires are subject to OAR 734-020-0300 through 734-020-0330.

(3) "Bus priority system" is a traffic control signal system that includes a traffic control signal operating device and signal preemption device designated to provide buses the capability to modify the green intervals but not the display sequence of a traffic control signal. The system can be implemented for an intersection, an arterial corridor or a defined geographic area.

(4) "Emergency preemption system" is a traffic control signal system that includes a traffic control signal operating device and signal preemption device for the purpose of providing emergency vehicles the capability to modify the green intervals of a traffic control signal or change the display sequence. The system can be implemented for an intersection, an arterial corridor or a defined geographic area.

(5) "Emergency vehicle" is as defined in ORS 801.260.

(6) "Fire emergency vehicle" is an emergency vehicle operated by a public fire agency.

(7) "Signal preemption device" means traffic control signal equipment that reacts to a traffic control signal operating device and produces signal preemption and/or signal priority. A signal preemption device may respond to a single activation or may respond in recognition of priorities assigned to different users.

(8) "Traffic control signal" means a type of highway traffic signal by which traffic is alternately directed to stop and permitted to proceed.

(9) "Traffic control signal operating device" means any active or passive device that is affixed to, or carried within, a vehicle that causes a change in the operation of a traffic control signal located at an intersection.

(10) "Traffic control signal owners" means the road authority that owns the traffic control signal.

(11) "Traffic control signal operators" or "operator" means an entity other than the owner that operates or maintains the traffic control signal for the owner.

(12) "Traffic signal maintenance vehicle" means a vehicle used to maintain traffic control signals.

Stat. Auth.: ORS 184.616, 184.619 & 810.260
Stats. Implemented: ORS 810.260, 815.440 & 815.445
Hist.: TO 4-1998, f. & cert. ef. 4-16-98; HWD 9-2010, f. & cert. ef. 8-27-10

734-020-0320

Standards for Installation and Operation of Emergency Preemption and Bus Priority Systems

(1) The traffic control signal owner is responsible for the installation, operation and maintenance of signal preemption devices unless otherwise agreed to by a traffic control signal owner and a traffic control signal operator.

(2) The traffic control signal owner or operator may install signal preemption devices to control signal operations at specific intersections, for arterial corridors or for defined geographic areas.

(3) The emergency preemption and bus priority system approval authority and process is as follows:

(a) The traffic control signal owner has approval authority for emergency preemption systems. Entities operating emergency vehicles must make a written request to the traffic control signal owner for authorization to use a traffic control signal operating device. If this is an additional use, the incremental cost, if any, shall be allocated to the additional users;

(b) The traffic control signal owner has approval authority for bus priority systems. The traffic control signal owner and transit authority shall sign an agreement that covers cost, installation, operation, maintenance and use. If this is an additional use, the incremental cost, if any, shall be allocated to the additional users; and

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(c) No emergency preemption system or bus priority system shall be installed until an engineering study has been approved by the traffic control signal owner. The study should consider the needs of the road authority; local transportation plans; and the impact on safety, the efficiency and response times of emergency response operations and traffic flow. If a bus priority system is being considered, the engineering study must also consider the impact on the efficiency of public transit operations.

(4)(a) The traffic control signal owners and operators will operate the preemption system giving the priority established by OAR 734-020-0330 unless they enter into a signed Memorandum of Understanding with authorized users that documents the following:

(A) Agreement on the use and operation of the emergency preemption system by authorized users and the traffic control signal systems owners and operators. Agreement can include any concessions or operational adjustments including but not limited to addressing the weight, operating speed, and braking distance of vehicles, corridor congestion impacts, or assigning multiple priorities to different classes or types of emergency vehicles.

(B) When considering assigning multiple priorities for emergency vehicles, entities using emergency vehicles and traffic control signal system owners and operators will address allocating additional costs to users and the signal system owners and operators.

(b) New authorized users wanting to operate within the emergency preemption system agreed upon and documented within a signed Memorandum of Understanding must do so within the bounds of the Memorandum unless the traffic signal owner agrees to reopen the Memorandum.

(5) Operating requirements for signal preemption devices and traffic control signal operating devices are as follows:

(a) All signal preemption devices and traffic control signal operating devices shall be tested by the Oregon Department of Transportation and approved for use;

(b) Where multiple users of traffic control signal operating devices are authorized, the signal preemption device shall recognize and respond to the priority of each user as established by OAR 734-020-0330;

(c) Actuation of a bus priority system is available only if the system has not been preempted by an emergency vehicle call. Bus priority operation will be immediately canceled when an emergency preemption call is received;

(d) A traffic control signal operating device shall not continue to control the traffic control signal once the vehicle has entered the intersection or if a vehicle remains stationary for more than two minutes; and

(e) Neither emergency preemption nor bus priority shall terminate an active pedestrian or vehicular clearance interval.

(f) Entities operating emergency vehicles will provide training for all drivers in the operation and limitations of emergency preemption systems.

(g) Lights and sirens on emergency vehicles must be activated when the traffic control signal operating device is activated.

(h) Traffic control signal operating devices shall be deactivated when the emergency vehicle's transmission is set in park or the parking brake is engaged.

Stat. Auth.: ORS 184.616, 184.619 & 810.260
Stats. Implemented.: ORS 810.260, 815.440 & 815.445
Hist.: TO 4-1998, f. & cert. ef. 4-16-98; HWD 9-2010, f. & cert. ef. 8-27-10

734-020-0330

Standards for Use of Traffic Control Signal Operating Devices

(1) Only authorized users may use a traffic control signal operating device:

(a) Emergency vehicles may use an authorized emergency preemption system;

(b) Buses may use an authorized bus priority system. Use must be according to the signed agreement described in OAR 734-020-0320(3)(b); and

(c) Traffic signal maintenance vehicles may use traffic control signal operating devices to test and maintain emergency preemption systems or bus priority systems.

(2) Priority for the actuation of emergency preemption and bus priority systems is as follows:

(a) First priority will be given to emergency vehicles. Authorized users and the traffic control signal system owners and operators may agree as described in OAR 734-020-0320 to assign multiple priorities for emergency vehicles, by type or class within their service areas.

(b) Secondary priority will be given to buses authorized to use a bus priority system.

Stat. Auth.: ORS 184.616, 184.619 & 810.260
Stats. Implemented.: ORS 810.260, 815.440 & 815.445
Hist.: TO 4-1998, f. & cert. ef. 4-16-98; HWD 9-2010, f. & cert. ef. 8-27-10

Office of Private Health Partnerships Chapter 442

Rule Caption: Adopt administrative rules for the Healthy KidsConnect program.

Adm. Order No.: OPHP 4-2010

Filed with Sec. of State: 8-31-2010

Certified to be Effective: 8-31-10

Notice Publication Date: 5-1-2010

Rules Adopted: 442-010-0010, 442-010-0020, 442-010-0030, 442-010-0040, 442-010-0050, 442-010-0055, 442-010-0060, 442-010-0070, 442-010-0080, 442-010-0090, 442-010-0100, 442-010-0110, 442-010-0120, 442-010-0130, 442-010-0140, 442-010-0150, 442-010-0160, 442-010-0170, 442-010-0180, 442-010-0190

Rules Repealed: 442-010-0010(T), 442-010-0020(T), 442-010-0030(T), 442-010-0040(T), 442-010-0050(T), 442-010-0055(T), 442-010-0060(T), 442-010-0070(T), 442-010-0080(T), 442-010-0090(T), 442-010-0100(T), 442-010-0110(T), 442-010-0120(T), 442-010-0130(T), 442-010-0140(T), 442-010-0150(T), 442-010-0160(T), 442-010-0170(T), 442-010-0180(T), 442-010-0190(T)

Subject: The Office of Private Health Partnerships is establishing administrative rules for the Healthy KidsConnect program. Rules include: Purpose and Statutory Authority, Definitions, Carrier and Plan Selections, Member Eligibility, Premium Rates, Premium Assistance Levels, Enrollment in Healthy KidsConnect (HKC), Member Billing, Member Payments, Carrier Payments, Member Refunds, Enrollment in Healthy KidsConnect Employer Sponsored Insurance (HK ESI), Vendor Set-up/State Accounting System, Employer Verification (HK ESI), Subsidy Payments (ESI), Cobra/Portability, Adding Family Members, Member Reporting, HKC or HK ESI Plan Termination. These rules, 442-010-0010 through 442-010-0190, apply to all Healthy KidsConnect and Healthy Kids Employer Sponsored Insurance plans issued on or after February 1, 2010.

Rules Coordinator: Margaret Moran — (503) 378-5664

442-010-0010

Purpose and Statutory Authority

(1) OAR 442-010-0010 to 442-010-0190 are adopted to carry out the purpose of ORS 414.231 and 414.826, establishing within the Office of Private Health Partnerships (OPHP) the Healthy Kids (HK) private health options. Healthy KidsConnect (HKC) and Employer Sponsored Insurance (ESI) options are for Oregon children who are residents and whose families earn from zero up to and including 300 percent of the federal poverty level (FPL). Two subsidy program options are available:

(a) Healthy Kids Employer Sponsored Insurance (HK ESI) for children in families who earn from zero up to and including 300 percent FPL.

(b) Healthy KidsConnect (HKC) private insurance for children in families who are over 200 up to and including 300 percent FPL.

(2) Children in families who are over 300 percent FPL may enroll in a HKC plan but will pay full cost. OPHP will not pay subsidies to families at this income level.

(3) OAR 442-010-0010 to 442-010-0190 are adopted pursuant to the general authority of the Oregon Health Authority under ORS 414.231 and the specific authority in ORS 414.231 and 414.826.

Stat. Auth.: ORS 735.734 & 735.720 - 735.740

Stats. Implemented: ORS 735.720 - 735.740

Hist.: OPHP 2-2010(Temp), f. & cert. ef. 3-23-10 thru 9-18-10; OPHP 4-2010, f. & cert. ef. 8-31-10

442-010-0020

Definitions

(1) "Appeal" means a review of an Office employee's unfavorable decision or action (ref. 442-005-0320).

(2) "Benchmark" means a specific minimum level of health insurance benefits that qualify for premium assistance. The benchmark is:

(a) Established by the Office in agreement with the Health Insurance Reform Advisory Committee; and

(b) Sent to and approved by the federal government.

(3) "Carrier" means an insurance company or health care service contractor holding a valid certificate of authority from the Director of the Department of Consumer and Business Services that authorizes the transaction of health insurance. Carrier also includes the Oregon Medical Insurance Pool established under ORS 735.610.

(4) "Citizen" for the purpose of HKC and HK ESI means;

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(a) A native or naturalized member of the United States who can show proof of identity and citizenship as required in the Deficit Reduction Act (DRA) of 2005 (Pub. L. No. 109-171), or

(b) A baby born in the United States to a HKC member.

(5) "Contracted carrier" means a carrier hired by OPHP (see OAR 442-010-0030 "Carrier and Plan Selection") to take part in the Healthy Kids program.

(6) "Federal poverty level" means the poverty income guidelines as defined by the United States Department of Health and Human Services. The Oregon Health Authority adopts these guidelines no later than May 1 each year.

(7) "Health insurance producer" means a person who holds a current, valid license pursuant to ORS 774.052 to 774.089 as an insurance producer, where such producer is authorized to transact health insurance.

(8) HKC means Healthy KidsConnect, the private market health insurance available to eligible members over 200% Federal Poverty Level.

(9) HKC refers to the benefit plans offered through Healthy Kids private option. The benefit plans must:

(a) Meet or exceed the requirements for a federal standard benchmark described in ORS 735.733;

(b) Be comparable to the health services provided to children receiving Oregon Health Plan Plus medical assistance, including mental health, vision, pharmacy, and dental services;

(c) Not exclude or delay coverage for preexisting conditions;

(d) Limit the family's cost sharing to no more than 5 percent of the family's annual income if they are eligible for premium assistance;

(e) Qualify for federal financial participation.

(10) "Member" means a child enrolled in HKC or a HK ESI plan or the child's parent or adult representative.

(11) "Member share" means the portion of the health insurance premium a family pays.

(12) "Misrepresentation" means making an inaccurate or deliberately false statement of material fact, by word, action, or omission.

(13) "OHP" means the Oregon Health Plan Medicaid program and all programs that include medical assistance provided under 42 U.S.C. section 396a (section 1902 of the Social Security Act).

(14) "Overpayment" means any subsidy payment paid to, received by, or on behalf of the member that exceeds the amount for which the member is eligible. Overpayment also includes any civil penalty assessed by the OPHP or the Office of Payment and Recovery (OPAR).

(15) "Premium" means the amount charged for health insurance.

(16) "Subsidy" means the amount OPHP pays on behalf of the member to offset monthly premium costs. Subsidy is also known as "premium assistance".

(a) HKC subsidies are paid directly to the HKC carriers; and

(b) HKC ESI subsidies are paid by reimbursing the member's portion of the premium.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 735.724, 735.734 & 735.720 - 735.740

Stats. Implemented: ORS 735.720 - 735.740

Hist.: OPHP 2-2010(Temp), f. & cert. ef. 3-23-10 thru 9-18-10; OPHP 4-2010, f. & cert. ef. 8-31-10

442-006-0030

Carrier and Plan Selection

(1) OPHP selects health insurance carriers to offer Healthy KidsConnect benefit plans through a competitive bidding process. The process includes releasing a request for proposal (RFP). Selection criteria may include, but is not limited to:

(a) Administrative & Online Services;

(b) Case, Disease, Utilization & Pharmacy Management;

(c) Member Access & Provider Network Capacity;

(d) Information Services & Reporting;

(e) References; and

(f) Premium rates.

(2) HKC benefit plans must:

(a) Be comparable to the health services provided to children receiving medical assistance, including mental health, vision and dental services;

(b) Not exclude or delay coverage for preexisting conditions;

(c) Limit the family's cost sharing to no more than 5 percent of the family's annual income; and

(d) Qualify for federal financial participation.

Stat. Auth.: ORS 735.734, 735.722(2) & 735.728(2)

Stats. Implemented: ORS 735.720 - 735.740

Hist.: IPGB 1-2005, f. & cert. ef. 3-1-05; OPHP 4-2010, f. & cert. ef. 8-31-10

442-010-0040

Member Eligibility

The Department of Human Services (DHS) determines whether children are eligible for HKC or HK ESI based on family size, income, residency and citizenship and other criteria.

Stat. Auth.: ORS 414.826

Stats. Implemented: ORS 414.826

Hist.: OPHP 2-2010(Temp), f. & cert. ef. 3-23-10 thru 9-18-10; OPHP 4-2010, f. & cert. ef. 8-31-10

442-010-0050

HKC Premium Rates

(1) Families over 200 percent up to and including 300 percent FPL with more than one child pay family tier premium rates based on the number of eligible children in the family.

(2) Families over 300 percent FPL are not eligible for family tier rates and pay the full cost of the premium per child.

Stat. Auth.: ORS 414.826

Stats. Implemented: ORS 414.826

Hist.: OPHP 2-2010(Temp), f. & cert. ef. 3-23-10 thru 9-18-10; OPHP 4-2010, f. & cert. ef. 8-31-10

442-010-0055

Subsidy Levels

(1) HK ESI subsidies are on a sliding scale based on household income and federal poverty level. Members:

(a) Zero up to and including 200 percent of the federal poverty level will receive 100 percent premium assistance;

(b) Over 200 up to and including 250 percent of the federal poverty level will receive about 90 percent premium assistance;

(c) Over 250 up to and including 300 percent of the federal poverty level will receive about 85 percent premium assistance; and

(d) Over 300 percent of the federal poverty level will receive no premium assistance.

(2) HKC is an option for families with or without ESI. Subsidies are on a sliding scale based on household income and federal poverty level. Members:

(a) Zero up to and including 200 percent of the federal poverty level are not eligible for HKC;

(b) Over 200 up to and including 250 percent of the federal poverty level will receive 90 percent premium assistance;

(c) Over 250 up to and including 300 percent of the federal poverty level will receive about 85 percent premium assistance;

(d) Over 300 percent of the federal poverty level will receive no premium assistance.

(3) Eligible American Indian/Alaska Native (AI/AN) children over 200 percent FPL up to and including 300 percent FPL will receive 100 percent premium assistance. AI/AN families at or below 300% FPL will pay no coinsurance or copayments. AI/AN families above 300% FPL are not eligible for subsidy, pay full premium per child, and pay all regular out of pocket expenses.

(4) Subsidy levels will be reevaluated once each year at redetermination except when:

(a) Changes are a result of administrative error;

(b) An audit identifies an error that changes the subsidy level; or

(c) The family circumstances change and DHS redetermines eligibility. If the family requests it, DHS will recalculate the member's FPL based on the family circumstance change:

(A) If the new FPL results in a better subsidy or direct coverage (OHP), the change may be made right away.

(B) If the new FPL results in less or no subsidy, no change is made until the end of the 12-month eligibility period, unless the member requests that it be changed.

Stat. Auth.: ORS 735.734 & 735.720 - 735.740

Stats. Implemented: ORS 735.720 - 735.740

Hist.: OPHP 4-2010, f. & cert. ef. 8-31-10

442-010-0060

Enrollment In HKC

(1) An applicant must enroll in a Healthy KidsConnect plan within the program's timeframes to remain eligible for the subsidy.

(2) A family may choose to enroll approved children into HKC or HK ESI.

(3) Subsidized members may not be enrolled in or receiving benefits from other private, government, or public health options while receiving benefits from a HKC plan.

(4) Members have at least 45 days to choose a plan. If the member does not choose a plan within the established timeframe, DHS will close the

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eligibility case file. OPHP may request that DHS extend the enrollment timeframe.

(5) Children approved for HKC must select a plan by the 23rd of the month or the last business day before the 23rd of the month for insurance to be effective the 1st of the following month.

(6) Members over 300 percent FPL must enroll by the next full open enrollment period. If members do not enroll by the end of the next full open enrollment period, they will have to reapply through DHS.

(7) If a carrier elects to discontinue participation in HKC, members served by that carrier will have to select another HKC carrier. The member must enroll with the new carrier within 120 days. If the member does not enroll within 120 days, the case will be closed and the member must reapply through DHS.

(8) Families are not required to enroll all their children in health insurance but those who receive a state subsidy must choose the same carrier's plan and the same type of subsidy (not split between HKC and HK ESI) for enrolled children.

(9) Children born to enrolled families are enrolled in the HKC plan the first of the birth month. Premiums are due for the full month no matter what date the child was born. Premiums will not be prorated. OPHP will pay this first month's premium for subsidized families.

(10) Members may only switch to another HKC carrier:

(a) At their next eligibility determination; or

(b) If they move out of the carrier's service area. OPHP may consider written exception requests under extenuating circumstances. Exception request decisions will be made within 30 days of OPHP receiving the request.

Stat. Auth.: ORS 735.734 & 735.720 - 735.740

Stats. Implemented: ORS 735.720 - 735.740

Hist.: OPHP 2-2010(Temp), f. & cert. ef. 3-23-10 thru 9-18-10; OPHP 4-2010, f. & cert. ef. 8-31-10

442-010-0070

Member Billing — HKC

Subsidies are available for members who choose HKC and are over 200 and up to and including 300 percent of the federal poverty level. OPHP will bill members for their share of the monthly premium.

(1) OPHP pays the first full month's premium to the carrier for each subsidized child.

(2) OPHP pays the first full months premium for new members only. If a member terminates and then reapplies for coverage, the member will be responsible for their share of the first month's premium.

(3) Beginning the second month, after initial enrollment, OPHP will only pay the carrier once we receive the member's portion of the premium.

(4) OPHP mails bills to members at least one month before the carrier due date to ensure timely payment.

(5) Members must pay their share of the premiums by the monthly billing due date.

(6) Members are given a minimum of 30 days after the due date to pay.

(7) OPHP mails a final premium reminder notice about 15 days after the due date.

(8) Members are given at least 7 calendar days to pay their portion of the premium after the final premium reminder has been mailed.

(9) OPHP mails a reminder to members with unpaid balances greater than \$5.00.

(10) OPHP sends a subsidy cancellation notice at the end of the 30-day grace period if the member payment is not received by the due date.

Stat. Auth.: ORS 735.734 & 735.720 - 735.740

Stats. Implemented: ORS 735.720 - 735.740

Hist.: OPHP 2-2010(Temp), f. & cert. ef. 3-23-10 thru 9-18-10; OPHP 4-2010, f. & cert. ef. 8-31-10

442-010-0080

Member Payments — HKC

(1) OPHP will process member payments at least once each business day.

(2) OPHP will notify members of payments returned by the bank for non-sufficient funds (NSF):

(a) OPHP considers NSF checks the same as non-payment.

(b) Members must replace funds by the premium due date or within 10 calendar days of the notification letter date if the account is past due.

Stat. Auth.: ORS 735.734 & 735.720 - 735.740

Stats. Implemented: ORS 735.720 - 735.740

Hist.: OPHP 2-2010(Temp), f. & cert. ef. 3-23-10 thru 9-18-10; OPHP 4-2010, f. & cert. ef. 8-31-10

442-010-0090

Carrier Payments — HKC

OPHP will only pay the carrier once the member's share of the premium is received except for the first month's premium for brand new subsidized accounts.

Stat. Auth.: ORS 735.734 & 735.720 - 735.740

Stats. Implemented: ORS 735.720 - 735.740

Hist.: OPHP 2-2010(Temp), f. & cert. ef. 3-23-10 thru 9-18-10; OPHP 4-2010, f. & cert. ef. 8-31-10

442-010-0100

Carrier Refunds — HKC

(1) OPHP will resolve premiums overpaid by the member by requesting a refund from the carrier.

(a) OPHP will not process refunds for overpaid premiums that are older than 3 months unless the carrier approves an exception.

(b) OPHP will not process refunds resulting from member misrepresentation or NSF checks.

(2) OPHP may request a carrier refund for the first full month's premium for new members.

(3) OPHP may request carrier refunds within 30 days of overpayment determination.

Stat. Auth.: ORS 735.734 & 735.720 - 735.740

Stats. Implemented: ORS 735.720 - 735.740

Hist.: OPHP 2-2010(Temp), f. & cert. ef. 3-23-10 thru 9-18-10; OPHP 4-2010, f. & cert. ef. 8-31-10

442-010-0110

Member Refunds — HKC

(1) Active member:

(a) Refunds for amounts not yet paid to the carrier will be:

(A) Processed for amounts over \$25.00;

(B) Processed at least once weekly; and

(C) Sent to members only for their share of the premiums.

(b) Amounts under \$25.00 will be applied as a credit to future premiums.

(2) Terminated member:

(a) Refunds for amounts not yet paid to the carrier will be:

(A) Processed at least once weekly; and

(B) Sent to members for their share of the premiums only.

(b) Refunds for amounts already paid to the carrier will be paid once the carrier refunds OPHP.

(c) There is no minimum balance required for a refund on a terminated account except if the refund includes money from both OPHP and the carrier. Then the amounts will be combined and refunded together.

(d) At the member's request, OPHP will refund the agency's portion separately as long as the agency and carrier refund amounts are each over \$25.00.

Stat. Auth.: ORS 735.734 & 735.720 - 735.740

Stats. Implemented: ORS 735.720 - 735.740

Hist.: OPHP 2-2010(Temp), f. & cert. ef. 3-23-10 thru 9-18-10; OPHP 4-2010, f. & cert. ef. 8-31-10

442-010-0120

Enrollment in Healthy Kids — ESI

(1) Subsidies are available to eligible members who choose to enroll in their ESI.

(2) Subsidies will only be paid to children enrolled in an ESI plan that meets the federal benchmark including benefit and cost sharing standards.

(3) Subsidized families have at least 45 days to enroll in their employer plan. If the family does not enroll in an approved plan within the established timeframe, DHS will close the eligibility case file. OPHP may request that DHS extend the enrollment timeframe.

(4) OPHP will begin subsidizing premiums the month eligibility is approved. Subsidy will be paid for the full eligibility approval month no matter what day in the month the eligibility decision was made. Premiums and subsidies will not be prorated.

(5) Once enrolled, if a member loses their ESI coverage due to loss of employment, or the employer discontinues the ESI plan, HK will subsidize a COBRA, portability or HKC plan.

Stat. Auth.: ORS 735.734 & 735.720 - 735.740

Stats. Implemented: ORS 735.720 - 735.740

Hist.: OPHP 2-2010(Temp), f. & cert. ef. 3-23-10 thru 9-18-10; OPHP 4-2010, f. & cert. ef. 8-31-10

442-010-0130

Vendor Set-up/State Accounting System

Subsidy payments may be payable to:

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(1) The member or member's employed spouse from whose paycheck the premium is being deducted.

(2) Parents or adult representatives of member children.

(3) Carriers.

Stat. Auth.: ORS 735.734 & 735.720 - 735.740

Stats. Implemented: ORS 735.720 - 735.740

Hist.: OPHP 2-2010(Temp), f. & cert. ef. 3-23-10 thru 9-18-10; OPHP 4-2010, f. & cert. ef. 8-31-10

442-010-0140

Employer Verification — HK ESI

(1) Employer contribution changes - members must report plan changes or changes in circumstances to OPHP per 442-010-0180.

(2) Subsidy changes — OPHP will request a new employer verification form annually or if the payroll deduction amount changes. OPHP will continue to subsidize the member at the established rate until new rates are received. Adjustments will be made when changes are approved.

Stat. Auth.: ORS 735.734 & 735.720 - 735.740

Stats. Implemented: ORS 735.720 - 735.740

Hist.: OPHP 2-2010(Temp), f. & cert. ef. 3-23-10 thru 9-18-10; OPHP 4-2010, f. & cert. ef. 8-31-10

442-010-0150

Subsidy Payments — ESI

(1) OPHP will subsidize the member's monthly insurance premium minus any employer's contribution.

(2) OPHP will reimburse the eligible member's portion of the premium in the ESI plan using submitted payment verification. Verification can include, but is not limited to payroll records, paycheck stubs, employer letters, carrier invoices, receipts, and cancelled check copies.

Stat. Auth.: ORS 735.734 & 735.720 - 735.740

Stats. Implemented: ORS 735.720 - 735.740

Hist.: OPHP 2-2010(Temp), f. & cert. ef. 3-23-10 thru 9-18-10; OPHP 4-2010, f. & cert. ef. 8-31-10

442-010-0160

COBRA/Portability

Eligible members who lose their insurance coverage may choose COBRA, Portability, or HKC. OPHP will subsidize premiums for any of these options.

Stat. Auth.: ORS 735.734 & 735.720 - 735.740

Stats. Implemented: ORS 735.720 - 735.740

Hist.: OPHP 2-2010(Temp), f. & cert. ef. 3-23-10 thru 9-18-10; OPHP 4-2010, f. & cert. ef. 8-31-10

442-010-0170

Adding Family Members

(1) Subsidized families may add members to their HKC or HK ESI enrollment at any time throughout the 12-month eligibility period as long as the family member meets the DHS eligibility requirements.

(2) Premium rates and the member's portion of the premium may change as a result of adding new family members.

(3) DHS will recalculate the member FPL based on family circumstance changes. If the new FPL results in a better subsidy or direct coverage (OHP) the change can be effective immediately. If the new FPL results in less or no subsidy, no change will be made until the end of the 12-month eligibility period.

Stat. Auth.: ORS 735.734 & 735.720 - 735.740

Stats. Implemented: ORS 735.720 - 735.740

Hist.: OPHP 2-2010(Temp), f. & cert. ef. 3-23-10 thru 9-18-10; OPHP 4-2010, f. & cert. ef. 8-31-10

442-010-0180

Member Reporting

(1) Members must report changes in circumstance to OPHP or DHS within 10 calendar days of the change by phone or in writing. Changes include:

(a) Name;

(b) Employer;

(c) Family size including pregnancy, birth or death of a child, or if a child moves out of state;

(d) Home or mailing address, even if temporarily away (more than 30 days);

(e) Loss of health insurance;

(f) New or additional health insurance including ESI;

(g) Any family member becomes ineligible for their health insurance; and

(h) Employer contribution amounts for OPHP members receiving subsidy in ESI.

(2) Failure to report any of the above changes may result in termination from the program, subsidy suspension, loss of insurance coverage or an overpayment.

(3) If the member reports a change to OPHP, OPHP must notify DHS of the change in writing.

Stat. Auth.: ORS 735.734 & 735.720 - 735.740

Stats. Implemented: ORS 735.720 - 735.740

Hist.: OPHP 2-2010(Temp), f. & cert. ef. 3-23-10 thru 9-18-10; OPHP 4-2010, f. & cert. ef. 8-31-10

442-010-0190

HKC or HK ESI Plan Termination

(1) Termination may occur when:

(a) Payment of the member's share is not received by the due date;

(b) The member is no longer an Oregon resident;

(c) The member loses their HK ESI and fails to notify OPHP;

(d) DHS determines the member to be ineligible at redetermination or any time during the subsidy year;

(e) Any member is enrolled in HK, another state medical or premium assistance program or a private insurance plan at the same time and fails to timely terminate from one program after being notified by OPHP that they must do so;

(f) An HK ESI member fails to provide monthly verification of coverage, premiums, and employer contribution within 30 days from the date OPHP requests documentation;

(g) The member fails to pay an overpayment amount;

(h) The member commits fraud;

(i) Projected program costs exceed the funding available to cover subsidy payments for those enrolled.

(j) The member turns 19 years old.

(A) The coverage is terminated at the end of the member's birthday month.

(B) DHS will notify the member prior to the change in their benefits.

(C) The member may have the right to apply for medical assistance or other DHS programs.

(D) OPHP will notify the family 60 days in advance of the pending termination.

(2) If OPHP terminates a subsidized member for non-payment of premium, the member must wait 2 months to re-enroll in a HKC plan. HKC members over 300 percent must wait at least 6 months to re-enroll and these members can only re-enroll during an open enrollment period.

(3) If a member is terminated for non-payment of premium, any outstanding premium balance due must be paid before the member can re-enroll in HKC or ESI.

(4) Members will be notified of their right to appeal decisions made by HKC.

(5) HKC terminations resulting from a DHS referral administrative error will be effective the first of the month following when the paid coverage month ends. Termination will not be retroactive to DHS date of request (DOR).

Stat. Auth.: ORS 735.734 & 735.720 - 735.740

Stats. Implemented: ORS 735.720 - 735.740

Hist.: OPHP 2-2010(Temp), f. & cert. ef. 3-23-10 thru 9-18-10; OPHP 4-2010, f. & cert. ef. 8-31-10

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Rule Caption: FHIAP is amending rule to correct Period of Uninsurance Requirement error.

Adm. Order No.: OPHP 5-2010

Filed with Sec. of State: 9-2-2010

Certified to be Effective: 9-2-10

Notice Publication Date: 2-1-2010

Rules Amended: 442-005-0060

Subject: FHIAP is amending:

442-005-0060 — (Period of Uninsurance Requirement). FHIAP is correcting the Period of Uninsurance rule error changing the six month requirement to two months for the Period of Uninsurance.

Rules Coordinator: Margaret Moran—(503) 378-5664

442-005-0060

Period of Uninsurance Requirement

In order for an applicant to be eligible for a FHIAP subsidy, an applicant must have been without any health insurance coverage for two months immediately prior to either the signature date on the application, the date of eligibility determination, or any reservation entry date. This requirement does not apply if any applicant:

(1) Is currently enrolled in the OHP;

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- (2) Was enrolled in the OHP within the last 120 days;
- (3) Is a former FHIAP member;
- (4) Has enrolled in an insurance plan while on the reservation list as long as they have met the two-month period of uninsurance immediately prior to enrolling in the insurance plan;
- (5) Has coverage through the Kaiser Child Health Program or any benefit plan authorized by ORS 735.700–735.714;
- (6) Has a military insurance plan;
- (7) Has enrolled in group coverage within the 120 days prior to getting on the FHIAP reservation list, as long as the applicant had been without any insurance coverage for two consecutive months immediately prior to becoming insured under the group plan;
- (8) Has recently become unemployed and lost health insurance coverage as a result; or
- (9) Has lost health insurance coverage while still employed. (e.g. reduction in hours, employer stops providing coverage, etc.)

Stat. Auth.: ORS 735.734 & 735.720 - 735.740
Stats. Implemented: ORS 735.720 - 735.740
Hist.: IPGB 2-2006, f. & cert. ef. 6-1-06; OPHP 1-2010(Temp), f. & cert. ef. 1-7-10 thru 7-5-10; Administrative correction 7-27-10; OPHP 3-2010, f. & cert. ef. 7-22-10; OPHP 5-2010, f. & cert. ef. 9-2-10

**Oregon Health Licensing Agency,
Board of Direct Entry Midwifery
Chapter 332**

Rule Caption: Permanently decreases fees for application, initial license cost and renewal cost to reduce barriers for licensure.

Adm. Order No.: DEM 2-2010

Filed with Sec. of State: 9-9-2010

Certified to be Effective: 9-9-10

Notice Publication Date: 6-1-2010

Rules Amended: 332-020-0020

Rules Repealed: 332-020-0020(T)

Subject: Permanently decrease cost and reduce barriers to licensure for unlicensed midwives. Including going from a two-year license cycle to a one-year cycle. The agency is synchronizing the delinquency fee to align in with other agency program by applying a \$50 late fee for each year up to two-years. The fee changes are as follows:

Application Current Fee: \$500 — New Fee: \$150

License Current Fee: \$1900 for two years — New Fee: \$1600 for one year.

Rules Coordinator: Samantha Patnode—(503) 373-1917

332-020-0020

Fees

(1) Applicants and licensees are subject to the provisions of OAR 331-010-0010 and 331-010-0020 regarding payment of fees, penalties and charges.

(2) Fees established by the Oregon Health Licensing Agency, in consultation with the Board, are as follows:

(a) Application:

(A) License: \$150.

(B) License by reciprocity: \$750.

(b) Examination — Oregon laws & rules: \$50.

(c) Original issuance of license (including by reciprocity): \$630 for one year.

(d) Renewal of license: \$630 for one year.

(e) Other administrative fees:

(A) Delinquency fee: \$50 for each year in expired status up to two years.

(B) Replacement of license, including name change: \$25.

(C) Duplicate license document: \$25 per copy with maximum of three.

(D) Affidavit of licensure for reciprocity: \$50.

(E) An additional \$25 administrative processing fee will be assessed if a NSF or non-negotiable instrument is received for payment of fees, penalties and charges. Refer to OAR 331-010-0010.

Stat. Auth.: ORS 676.605, 676.615, 687.435 & 687.485

Stats. Implemented: ORS 676.605, 676.615, 687.435 & 687.485

Hist.: DEM 1-1993(Temp), f. & cert. ef. 12-22-93; DEM 1-1994, f. & cert. ef. 6-15-94; DEM 1-1997(Temp), f. 7-22-97, cert. ef. 7-23-97; DEM 1-1999(Temp), f. 9-1-99, cert. ef. 9-9-99 thru 2-29-00; DEM 2-1999, f. 12-17-99, cert. ef. 12-20-99; DEM 1-2004, f. 6-29-04, cert. ef. 7-1-04; DEM 1-2008, f. 9-15-08 cert. ef. 10-1-08; DEM 1-2010(Temp), f. 3-31-10, cert. ef. 4-1-10 thru 9-13-10; DEM 2-2010, f. & cert. ef. 9-9-10

Oregon Housing and Community Services Department Chapter 813

Rule Caption: Establishes the Manufactured Dwelling Parks Preservation Fund; authorizes assistance to acquire manufactured dwelling parks.

Adm. Order No.: OHCS 10-2010

Filed with Sec. of State: 8-23-2010

Certified to be Effective: 8-23-10

Notice Publication Date: 7-1-2010

Rules Adopted: 813-027-0001, 813-027-0010, 813-027-0020, 813-027-0030, 813-027-0040, 813-027-0050, 813-027-0060, 813-027-0070, 813-027-0080, 813-027-0090

Rules Repealed: 813-027-0001(T), 813-027-0010(T), 813-027-0020(T), 813-027-0030(T), 813-027-0040(T), 813-027-0050(T), 813-027-0060(T), 813-027-0070(T), 813-027-0080(T), 813-027-0090(T)

Subject: The rules will implement the Manufactured Dwelling Parks Preservation Fund and authorizes the department to provide assistance to community organizations and tenant groups in acquiring manufactured dwelling parks.

Rules Coordinator: Sandy McDonnell—(503) 986-2012

813-027-0001

Purpose and Objectives

The rules of OAR chapter 813, division 027, are adopted for the purpose of administering section 7, chapter 906, Oregon Laws 2009, which establishes the Housing and Community Services Department Manufactured Dwelling Parks Preservation Fund and authorizes the Department to provide assistance to community organizations and tenant groups in acquiring manufactured dwelling parks in order to prevent the loss of housing units and preserve affordable housing.

Stat. Auth.: ORS 456.555

Stats. Implemented: 2009 OL Ch. 906 Sec. 7

Hist.: OHCS 4-2010(Temp), f. & cert. ef. 2-25-10 thru 8-23-10; OHCS 10-2010, f. & cert. ef. 8-23-10

813-027-0010

Definitions

As used in this division:

(1) “Community Organization” means a nonprofit corporation established under ORS Chapter 65, a housing authority established under ORS 456.055 to 456.235, a local government as defined in ORS 197.015, or a tenants’ association supported nonprofit organization in ORS 90.820.

(2) “Tenant Group” means a tenant committee formed under ORS 90.600 or any of the following to which ORS 456.581 applies.

(a) A tenants’ association as provided in ORS 90.760;

(b) A manufactured dwelling park nonprofit cooperative as provided in ORS 62.803; or

(c) A facility purchase association as provided in ORS 90.815.

Stat. Auth.: ORS 456.555

Stats. Implemented: 2009 OL Ch. 906 Sec. 7

Hist.: OHCS 4-2010(Temp), f. & cert. ef. 2-25-10 thru 8-23-10; OHCS 10-2010, f. & cert. ef. 8-23-10

813-027-0020

Eligibility for Moneys from Fund

The Department may disburse moneys in the Manufactured Dwelling Parks Preservation Fund by grant, loan or otherwise as the Department determines appropriate, subject to the availability of funds and to limitations otherwise prescribed by law, to a community organization or a tenant group to facilitate the organization’s or group’s acquisition of a manufactured dwelling park.

Stat. Auth.: ORS 456.555

Stats. Implemented: 2009 OL Ch. 906 Sec. 7

Hist.: OHCS 4-2010(Temp), f. & cert. ef. 2-25-10 thru 8-23-10; OHCS 10-2010, f. & cert. ef. 8-23-10

813-027-0030

Application Procedure and Requirements

(1) The Department may provide a reservation of an award from the Manufactured Dwelling Parks Preservation Fund through a process that may include but is not limited to any of the following:

(a) A direct Department award in which the director makes an award without an application;

(b) An application according to a first-come, first-reviewed and ready to proceed to closing process; or

ADMINISTRATIVE RULES

(c) An application according to a competitive review process.

(2) In the case of a direct award under section (1)(a) of this rule, the Department may request information that the Department determines appropriate to support the award. An applicant for an award under section (1)(b) or (1)(c) of this rule shall submit, in an application form and according to a process prescribed by the Department, a proposal in the form and with the content required by the Department.

Stat. Auth.: ORS 456.555

Stats. Implemented: 2009 OL Ch. 906 Sec. 7

Hist.: OHCS 4-2010(Temp), f. & cert. ef. 2-25-10 thru 8-23-10; OHCS 10-2010, f. & cert. ef. 8-23-10

813-027-0040

Criteria for Funding

As the Department determines funds to be available, moneys from the Manufactured Dwelling Parks Preservation Fund may be awarded based on the following criteria:

(1) Funds must be used to purchase a manufactured dwelling park;

(2) An applicant is a community organization or tenant group;

(3) The park purchase proposal includes a term of at least 20 years of affordability as defined in the application;

(4) The park purchase proposal demonstrates ongoing appropriate technical assistance to the park if cooperative owned or owned by a tenant-owned nonprofit organization;

(5) A purchase and sale agreement or other similar document demonstrating site control has been signed by both the buyer and seller of the park;

(6) The applicant has adequately demonstrated the ability to meet the proposed terms of loan repayment to a lender or to the Department when funding is awarded as a loan;

(7) The applicant has adequately demonstrated the park can be operated in a financially feasible manner for at least the term of affordability;

(8) The applicant has agreed to operate the park for the duration of the affordability period as specified in the application;

(9) The applicant agrees to meet benchmarks for timely closing on funding resources and completion of renovations as provided in the application proposal; and

(10) Any other criteria that the Department or Council determines to be appropriate.

Stat. Auth.: ORS 456.555

Stats. Implemented: 2009 OL Ch. 906 Sec. 7

Hist.: OHCS 4-2010(Temp), f. & cert. ef. 2-25-10 thru 8-23-10; OHCS 10-2010, f. & cert. ef. 8-23-10

813-027-0050

Application Review

(1) An application for an award from the Manufactured Dwelling Parks Preservation Fund is subject to the Department's approval, denial or modification, in whole or in part, and is also subject to review by the State Housing Council.

(2) When a funding award is in excess of an applicable threshold established by the State Housing Council and the Council's review and approval are required under ORS 456.561, the Council shall approve or disapprove the application at a public hearing pursuant to ORS 456.571.

(3) When reviewing an application, in addition to any specific evaluation criteria, the Department or the Council, as appropriate, may consider the following matters:

(a) The amount of available funds in the program;

(b) The availability of other Department sources for park purchase;

(c) The geographic distribution of requests throughout the state; and

(d) Any other criteria that the Department or Council determines to be appropriate.

(4) The Department or the Council at any time may request additional information with respect to an application or award.

(5) Approval, denial or modification of an application under this rule is subject to the Department's judgment as to which applications will best achieve the purposes of the program and will best meet applicable evaluation criteria.

(6) Terms and conditions of an award shall be established in the funding agreement or other documents required by the Department and shall be recorded against the property. If the applicant does not own the property at the time of fund disbursement or is a long-term lessee, the applicant or the lessor shall open an escrow account and have the funding agreement or other required documents placed in escrow and recorded immediately upon obtaining title to or control of the property.

(7) The Department may require payment of funding provided under this rule if all or part of the commitments to park purchase, technical assistance, or period of affordability are modified or withdrawn.

Stat. Auth.: ORS 456.555

Stats. Implemented: 2009 OL Ch. 906 Sec. 7

Hist.: OHCS 4-2010(Temp), f. & cert. ef. 2-25-10 thru 8-23-10; OHCS 10-2010, f. & cert. ef. 8-23-10

813-027-0060

Charges

(1) The Department may charge an applicant for an award from the Manufactured Dwelling Parks Preservation Fund for costs incurred by the Department in evaluating and taking action on an application, and may also:

(a) Impose a transfer application charge on an owner who receives a contract, grant, loan or tax credit through the Department or who requests the Department's approval of a change in ownership; or

(b) Impose a transfer review charge on an owner and transferee who effects a change in ownership without prior written approval by the Department.

(2) The Department may charge for costs incurred by the Department for review of a transaction by the Department of Justice, including but not limited to a change requested by the applicant to a required document.

Stat. Auth.: ORS 456.555

Stats. Implemented: 2009 OL Ch. 906 Sec. 7

Hist.: OHCS 4-2010(Temp), f. & cert. ef. 2-25-10 thru 8-23-10; OHCS 10-2010, f. & cert. ef. 8-23-10

813-027-0070

General Administrative and Monitoring Requirements

(1) A recipient of moneys from the Manufactured Dwelling Parks Preservation Fund shall furnish annual reports and other materials as disclosed in the grant or loan documents to the Department.

(2) A recipient of the Manufactured Dwelling Parks Preservation Fund moneys is subject to reviews or field inspections, or both, as the Department determines to be appropriate for ensuring compliance.

(3) A recipient of fund moneys shall retain financial records, supporting documents and all other pertinent records for six years after affordability period expires or after any litigation or audit claim is resolved, whichever is later. The recipient shall provide the Department access to all books, accounts, documents, records and other property belonging to or in use by the recipient and relating to the use of the fund moneys.

(4) A recipient must certify that the final uses of the Manufactured Dwelling Parks Preservation Fund proceeds have been used as represented in the application and are in compliance with the program as limited by law.

Stat. Auth.: ORS 456.555

Stats. Implemented: 2009 OL Ch. 906 Sec. 7

Hist.: OHCS 4-2010(Temp), f. & cert. ef. 2-25-10 thru 8-23-10; OHCS 10-2010, f. & cert. ef. 8-23-10

813-027-0080

Noncompliance

(1) At any time before the expiration of the affordability period, if the Department determines that a recipient of the moneys from the Manufactured Dwelling Parks Preservation Fund is not in compliance with applicable requirements, the recipient shall take corrective actions required by the Department. Examples of noncompliance include, but are not limited to, the use of fund moneys for activities not approved in the funding agreement, the failure to complete activities in a timely manner, the failure to comply with applicable rules or regulations or the lack of a continued capacity by the recipient to carry out the approved activities. The Department may take any of the actions described in section (3) of this rule against a recipient who does not take the required corrective actions to the satisfaction of the Department.

(2) In addition to, or in lieu of a requirement of corrective action under section (1) of this rule, the Department may take one or more of the actions described in section (3) of this rule against a recipient who is not in compliance with applicable requirements if the Department determines that one or more of the following circumstances exist:

(a) The Department or recipient has not disbursed moneys within one year of award by the Department.

(b) A public or private party funding agreement that is related to the project is not executed within six months of the award of moneys from the fund.

(c) A material breach of the funding agreement occurs, such as a failure to use the funds for eligible costs or a failure of the recipient to serve the population stated in the funding agreement.

(d) The funding agreement is not recorded on the property as required by OAR 813-027-0050(6) or pursuant to agreement.

(e) The Department finds that significant corrective actions are necessary to protect the integrity of the award money and that the corrective actions are not or will not be made within a reasonable time.

ADMINISTRATIVE RULES

(3) The Department may take one or more of the following actions under this rule:

- (a) Prohibit a recipient from applying for future moneys from the fund or for other Department assistance;
 - (b) Revoke an existing award.
 - (c) Withhold unexpended moneys.
 - (d) Require return of moneys disbursed to the recipient but not yet expended by the recipient.
 - (e) Require repayment of expended moneys.
 - (f) Payment of any legal costs associated with a review of non-compliance.
 - (g) Invoke other remedies that may be incorporated into the funding agreement.
- (4) Actions that the Department may take under this rule are cumulative and not exclusive and are in addition to any other rights and remedies provided by law or under a funding agreement.

Stat. Auth.: ORS 456.555
Stats. Implemented: 2009 OL Ch. 906 Sec. 7
Hist.: OHCS 4-2010(Temp), f. & cert. ef. 2-25-10 thru 8-23-10; OHCS 10-2010, f. & cert. ef. 8-23-10

813-027-0090

Waiver

The Department may waive or modify any requirements of these rules, unless such waiver or modification would violate applicable federal or state law.

Stat. Auth.: ORS 456.555
Stats. Implemented: 2009 OL Ch. 906 Sec. 7
Hist.: OHCS 4-2010(Temp), f. & cert. ef. 2-25-10 thru 8-23-10; OHCS 10-2010, f. & cert. ef. 8-23-10

Rule Caption: Establishes the Housing Preservation Fund; authorizes assistance for the acquisition, renovation or maintenance of eligible housing.

Adm. Order No.: OHCS 11-2010

Filed with Sec. of State: 8-23-2010

Certified to be Effective: 8-23-10

Notice Publication Date: 7-1-2010

Rules Adopted: 813-028-0001, 813-028-0010, 813-028-0020, 813-028-0030, 813-028-0040, 813-028-0050, 813-028-0060, 813-028-0070, 813-028-0080, 813-028-0090

Rules Repealed: 813-028-0001(T), 813-028-0010(T), 813-028-0020(T), 813-028-0030(T), 813-028-0040(T), 813-028-0050(T), 813-028-0060(T), 813-028-0070(T), 813-028-0080(T), 813-028-0090(T)

Subject: The rules will implement the Housing Preservation Program and authorize the department to allocate financial aid in the acquisition, renovation or maintenance of section 8 housing or other housing with federal rent subsidies.

Rules Coordinator: Sandy McDonnell—(503) 986-2012

813-028-0001

Purpose and Objectives

The rules of OAR chapter 813, division 028, are adopted for the purpose of administering section 5, chapter 906, Oregon Laws 2009, which establishes the Housing and Community Services Department Housing Preservation Fund and authorizes the Department to provide financial assistance to aid in the acquisition, renovation or maintenance of section 8 housing or other housing with federal rent subsidies.

Stat. Auth.: ORS 456.555
Stats. Implemented: 2009 OL Ch. 906 Sec. 5
Hist.: OHCS 5-2010(Temp), f. & cert. ef. 2-25-10 thru 8-23-10; OHCS 11-2010, f. & cert. ef. 8-23-10

813-028-0010

Definitions

All terms are used in OAR 813, division 028, as defined in the Act and as provided in OAR 813-005-0005 and herein. As used in this Division, unless the context indicates otherwise:

(1) "Department" means the Oregon Housing and Community Services Department established in ORS 456.555.

(2) "Fund" means the Housing and Community Services Department Housing Preservation Fund established in section 5, chapter 906, Oregon Laws 2009.

Stat. Auth.: ORS 456.555
Stats. Implemented: 2009 OL Ch. 906 Sec. 5

Hist.: OHCS 5-2010(Temp), f. & cert. ef. 2-25-10 thru 8-23-10; OHCS 11-2010, f. & cert. ef. 8-23-10

813-028-0020

Eligibility for Moneys from Fund

The Department may disburse moneys in the fund by grant, loan or otherwise as determined by the Department, subject to the availability of funds and limitations otherwise prescribed by law. The purposes for which the moneys may be disbursed include but are not limited to that of avoiding the expiration of federally contracted rent subsidies for affordable housing. These subsidies include but are not limited to subsidies under contracts with the U. S. Department of Housing and Urban Development and U.S. Department of Agriculture Rural Development that enable community organizations, for-profit entities and individuals to do the following: (1) Acquire or rehabilitate existing structures; and (2) Maintain housing with federally contracted rent subsidies.

Stat. Auth.: ORS 456.555
Stats. Implemented: 2009 OL Ch. 906 Sec. 5
Hist.: OHCS 5-2010(Temp), f. & cert. ef. 2-25-10 thru 8-23-10; OHCS 11-2010, f. & cert. ef. 8-23-10

813-028-0030

Application Procedure and Requirements

(1) The Department may provide a reservation of an award from the fund through a process that may include but is not limited to any of the following:

- (a) A direct Department award;
- (b) An application according to a first-come, first-reviewed process;

or

- (c) An application according to a competitive review process.

(2) In the case of a direct award under section (1)(a) of this rule, the Department may request information that the Department determines appropriate to support the award. An applicant for an award under section (1)(b) or (c) of this rule shall submit, in an application form and according to a process prescribed by the Department, a proposal as required by the Department. The proposal shall include all of the following items, subject to waiver of one or more of the items by the Department:

(a) A written description that includes the number of units, the unit mix, proposed rents, the site location, the proposed program of services to occupants, amenities and any other pertinent information.

(b) A statement of purpose indicating the housing type and residents to be housed, and the length of time the units will be available as affordable.

- (c) A pro forma of expenses and income.

(d) The requested amount of funds, with proposed loan repayment terms if the funds are requested as a loan.

(e) Total development costs, with a description of all additional funding and funding sources.

(f) A description of the experience of the sponsor, developer, owner or manager in developing and operating housing.

- (g) Any other documentation requested by the Department.

Stat. Auth.: ORS 456.555
Stats. Implemented: 2009 OL Ch. 906 Sec. 5
Hist.: OHCS 5-2010(Temp), f. & cert. ef. 2-25-10 thru 8-23-10; OHCS 11-2010, f. & cert. ef. 8-23-10

813-028-0040

Criteria for Funding

(1) As the Department determines to be possible and appropriate, moneys from the fund are subject to distribution throughout the state and on the basis of identified needs and financial feasibility.

(2) Specific criteria for distributing moneys from the fund include but are not limited to the following:

(a) The Department may give preference to an application that does one or more of the following:

(A) Provides the greatest number of low and very low income housing units for the least amount of account funds expended from or committed toward matching funds available from other loans, grants or eligible in-kind contributions.

(B) Ensures the longest possible use as low or very low income housing units, as determined by the State Housing Council.

(C) Provides housing for specific populations that historically have faced barriers in finding housing and that are identified as having a priority in the Department's Consolidated Plan or its successor, or in a state-acknowledged initiative.

(D) Meets other criteria established by the Department with respect to a particular project.

ADMINISTRATIVE RULES

(b) The Department may condition funding for a development on the continued use of the development for the targeted population, on the provision of supportive services for the duration of the development and to the extent indicated in the funding application.

(c) Terms and conditions of an award must be established in the funding agreement or other documents required by the Department and shall be recorded against the property. If the applicant does not own the property at the time of fund disbursement or is a long-term lessee, the applicant or the lessor shall open an escrow account and have the funding agreement or other required documents placed in escrow and recorded immediately upon obtaining title to or control of the property.

(3) The Department may require repayment of funding provided under this rule if all or part of the commitments to residents, supportive services or period of use for low- or very-low income housing is withdrawn or reduced.

Stat. Auth.: ORS 456.555
Stats. Implemented: 2009 OL Ch. 906 Sec. 5
Hist.: OHCS 5-2010(Temp), f. & cert. ef. 2-25-10 thru 8-23-10; OHCS 11-2010, f. & cert. ef. 8-23-10

813-028-0050

Application Review

(1) An application is subject to the Department's approval, denial or modification, in whole or in part, and is also subject to review by the State Housing Council as appropriate.

(2) When a funding award is in excess of an applicable threshold established by the State Housing Council and the Council's review and approval are required under ORS 456.561, the Council shall approve or disapprove the application at a public hearing pursuant to ORS 456.571.

(3) When reviewing an application, in addition to any specific evaluation criteria, the Department or the Council, as appropriate, may consider the following matters:

- (a) The amount of available funds in the program;
- (b) The ability of the applicant to meet proposed terms of loan repayment, when funding is awarded as a loan;
- (c) The availability of other sources of assistance;
- (d) The applicant's efforts to leverage public or private funds; and
- (e) Any other criteria that the Department or Council determines to be appropriate.

(4) The Department or the Council at any time may request additional information with respect to an application or award at any time.

(5) Approval or denial of an application under this rule is subject to the Department's judgment as to which applications will best achieve the purposes of the program and will best meet applicable evaluation criteria in the program application forms and handbooks.

Stat. Auth.: ORS 456.555
Stats. Implemented: 2009 OL Ch. 906 Sec. 5
Hist.: OHCS 5-2010(Temp), f. & cert. ef. 2-25-10 thru 8-23-10; OHCS 11-2010, f. & cert. ef. 8-23-10

813-028-0060

Charges

(1) The Department may charge an applicant for costs incurred by the Department in evaluating and taking action on an application, and may also:

(a) Impose a transfer application charge on an owner who receives a contract, grant, loan or tax credit through the Department or who requests the Department's approval of a change in ownership; or

(b) Impose a transfer review charge on an owner and transferee who effects a change in ownership without prior written approval by the Department.

(2) The Department may charge for costs incurred by the Department for review of a transaction by the Department of Justice, including but not limited to a change requested by the applicant to a required document.

Stat. Auth.: ORS 456.555
Stats. Implemented: 2009 OL Ch. 906 Sec. 5
Hist.: OHCS 5-2010(Temp), f. & cert. ef. 2-25-10 thru 8-23-10; OHCS 11-2010, f. & cert. ef. 8-23-10

813-028-0070

General Administrative and Monitoring Requirements

(1) A recipient of fund moneys shall furnish annual reports and other materials to the Department as required by the Department.

(2) A recipient of fund moneys is subject to reviews or field inspections, or both, by the Department that the Department determines to be appropriate for ensuring compliance.

(3) A recipient of fund moneys shall retain financial records, supporting documents and all other pertinent records for six years after affordabil-

ity expires or after any litigation or audit claim is resolved, whichever is later. The recipient shall provide the Department access to all books, accounts, documents, records and other property belonging to or in use by the recipient and relating to the use of the fund moneys.

(4) A recipient must certify final uses of preservation proceeds for tax exempt eligible uses.

Stat. Auth.: ORS 456.555
Stats. Implemented: 2009 OL Ch. 906 Sec. 5
Hist.: OHCS 5-2010(Temp), f. & cert. ef. 2-25-10 thru 8-23-10; OHCS 11-2010, f. & cert. ef. 8-23-10

813-028-0080

Noncompliance

(1) At any time before the expiration of the affordability period, if the Department determines that a recipient is not in compliance with applicable requirements, the recipient shall take corrective actions required by the Department. Examples of noncompliance include but are not limited to the use of fund moneys for activities not approved in the funding agreement, the failure to complete activities in a timely manner, the failure to comply with applicable rules or regulations or the lack of a continued capacity by the recipient to carry out the approved activities. The Department may take one or more of the actions described in section (3) of this rule against a recipient who does not take the required corrective actions to the satisfaction of the Department.

(2) In addition to or in lieu of a requirement of corrective action under section (1) of this rule, the Department may take one or more of the actions described in section (3) of this rule against a recipient who is not in compliance with applicable requirements if the Department determines that one or more of the following circumstances exist:

(a) The Department or recipient has not disbursed moneys within one year of award by the Department.

(b) A public or private party funding agreement that is related to the project is not executed within six months of the award of moneys from the fund.

(c) A material breach of the funding agreement occurs, such as a failure to use the funds for eligible costs or a failure of the recipient to serve the population stated in the funding agreement.

(d) The funding agreement is not recorded on the property as required by OAR 813-028-0040(2)(c) or pursuant to agreement.

(e) The Department finds that significant corrective actions are necessary to protect the integrity of the award money and that the corrective actions are not or will not be made within a reasonable time.

(3) The Department may take one or more of the following actions under this rule:

(a) Prohibit a recipient from applying for future moneys from the fund or for other Department assistance;

(b) Revoke an existing award.

(c) Withhold unexpended moneys.

(d) Require return of moneys disbursed to the recipient but not yet expended by the recipient.

(e) Require repayment of expended moneys.

(f) Payment of any legal cost associated with a review of non-compliance.

(g) Invoke other remedies that may be incorporated into the funding agreement.

(4) Actions that the Department may take under this rule are cumulative and not exclusive and are in addition to any other rights and remedies provided by law or under a funding agreement.

Stat. Auth.: ORS 456.555
Stats. Implemented: 2009 OL Ch. 906 Sec. 5
Hist.: OHCS 5-2010(Temp), f. & cert. ef. 2-25-10 thru 8-23-10; OHCS 11-2010, f. & cert. ef. 8-23-10

813-028-0090

Waiver

The Department may waive or modify any requirements of these rules, unless such waiver or modification would violate applicable federal or state law.

Stat. Auth.: ORS 456.555
Stats. Implemented: 2009 OL Ch. 906 Sec. 5
Hist.: OHCS 5-2010(Temp), f. & cert. ef. 2-25-10 thru 8-23-10; OHCS 11-2010, f. & cert. ef. 8-23-10

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Rule Caption: Removes the maximum project award limit of \$300,000.

Adm. Order No.: OHCS 12-2010(Temp)

Filed with Sec. of State: 8-24-2010

Certified to be Effective: 8-24-10 thru 2-18-11

ADMINISTRATIVE RULES

Notice Publication Date:

Rules Amended: 813-042-0030

Subject: 813-042-0030 — Removes the maximum project award limit of \$300,000.

Rules Coordinator: Sandy McDonnell—(503) 986-2012

813-042-0030

Distribution of Funds

(1) The Department shall develop a distribution formula which takes into account the relative housing needs of regions in the state, and shall concentrate funds in those areas of the state with the greatest need for low- and very-low income housing as may be evidenced by factors including, but not limited to, the unmet housing need, extent of overcrowding or number of poverty households.

(2) The distribution formula shall provide for a minimum amount of funds to regions of the state. If there are not enough applications submitted from a particular region to use the minimum regional amount, the funds may be distributed to other regions.

Stat. Auth.: ORS 456.515 – 456.720, 458.600 – 458.630

Stats. Implemented: ORS 456.555

Hist.: OHCS 14-2006(Temp), f. & cert. ef. 8-4-06 thru 1-30-07; OHCS 7-2007, f. & cert. ef. 1-11-07; OHCS 12-2010(Temp), f. & cert. ef. 8-24-10 thru 2-18-11

Rule Caption: Removes the maximum project award limit of \$300,000.

Adm. Order No.: OHCS 13-2010(Temp)

Filed with Sec. of State: 8-24-2010

Certified to be Effective: 8-24-10 thru 2-18-11

Notice Publication Date:

Rules Amended: 813-043-0030

Subject: 813-043-0030 — Removes the maximum project award limit of \$300,000.

Rules Coordinator: Sandy McDonnell—(503) 986-2012

813-043-0030

Distribution of Funds

(1) The Department shall develop a distribution formula which takes into account the relative housing needs of regions and shall concentrate funds in those areas of the state with the greatest housing need, as may be evidenced by factors including but not limited to, the unmet housing need, extent of overcrowding, and number of poverty households.

(2) The distribution formula shall provide for a minimum amount of funds to regions of the state. If an inadequate number of applications are submitted from a particular region to use the minimum regional amount, then the funds may be redistributed to other regions.

Stat. Auth.: ORS 458.600 - 458.650

Stats. Implemented: ORS 458.600 - 458.650 & Ch. 740, OL 1991

Hist.: HSG 4-1991(Temp), f. & cert. ef. 10-10-91; HSG 4-1992, f. & cert. ef. 4-28-92; OHCS 13-2010(Temp), f. & cert. ef. 8-24-10 thru 2-18-11

Oregon Liquor Control Commission Chapter 845

Rule Caption: Amend beer, wine and cider coupon rules to allow cross-promotional and retailer sponsored coupons.

Adm. Order No.: OLCC 9-2010

Filed with Sec. of State: 8-23-2010

Certified to be Effective: 9-1-10

Notice Publication Date: 5-1-2010

Rules Amended: 845-007-0010, 845-007-0015

Subject: OAR 845-007-0015 Advertising Media, Coupons: This rule regulates the sorts of advertising and coupons which are allowed for the sale of beer, wine and cider in Oregon. The proposal to amend this rule came from a Business Partners Joint Steering Committee workgroup and was subsequently supported by the entire Steering Committee. The proposal, per the Business Partners recommendation, amends the rule in regards to cross-promotional coupons so as to allow alcohol manufacturers to provide coupons for generic non-alcohol products in addition to the currently allowed branded products. The proposal includes that all such coupons, branded and generic, be redeemable only by mail. Because the consumer would receive the rebate directly from the manufacturer, the issue of financial assistance to the retailer is eliminated. Additionally, while this rule matter was open, language was added addressing retailer sponsored

coupons, where the retailer bears all of the costs. The previous rule language addressed only manufacturer coupons and many of its restrictions were to prevent financial assistance to retailers. Financial assistance is not an issue for coupons sponsored solely by a retailer, so new language was added clarifying that retailer coupons, such as rain checks and discounts off of a total grocery purchase, are allowed.

OAR 845-007-0010 Definitions: This rule contains the definitions applicable to the Commission's Division 7 Advertising rules. Section (3) of this rule was amended to clarify our definition of "coupon".

Rules Coordinator: Jennifer Huntsman—(503) 872-5004

845-007-0010

Definitions

As used in OAR 845-007-0005 through 845-007-0035:

(1) "Advertising" is publicizing the trade name of a licensee together with words or symbols referring to alcoholic beverages or publicizing the brand name of an alcoholic beverage.

(2) "Alcoholic Beverage" contains more than one-half of one percent alcohol by volume and is intended for human consumption.

(3) "Coupon" or "rebate coupon" means any coupon, ticket, certificate token or any other material that a person may use to obtain a price reduction or rebate in connection with alcoholic beverages. This definition applies whether the coupon requires a purchase or not.

(4) "Handbill" is a flyer, leaflet, or sheet that advertises alcoholic beverages.

(5) "Point of sale" item is a display, sign, or other material that advertises alcoholic beverages at a licensed premises.

Stat. Auth.: ORS 471, including ORS 471.030, 471.730(1) & (5)

Stats. Implemented: ORS 471.730(7)

Hist.: LCC 56, f. 10-20-76, ef. 12-1-76; Renumbered from 845-010-0086; LCC 7-1985, f. 7-30-85, ef. 9-1-85; OLCC 16-1989, f. 12-14-89, cert. ef. 1-1-90; OLCC 9-2010, f. 8-23-10, cert. ef. 9-1-10

845-007-0015

Advertising Media, Coupons

(1) The Commission prohibits advertising through:

(a) Handbills that are posted or passed out in public areas such as parking lots and publicly owned property; and

(b) Point of sale items on premises where the advertised product is not sold.

(2) The Commission may prohibit advertising through additional media consistent with the objectives in OAR 845-007-0005.

(3) The Commission allows manufacturers to give consumer rebates coupons on malt beverages, wine and cider. Progressive-type coupons which provide a larger rebate when progressively more alcohol is purchased are permitted. An example of this would be a rebate that offers \$5 for the purchase of one six-pack/bottle but \$12 for two. All advertising associated with rebate coupons must comply with applicable state and federal law and regulations. The manufacturer must furnish rebate coupons to all licensees carrying the product for off-premises consumption. The manufacturer is responsible for the redemption of rebate coupons. No retail licensee may receive any money or similar benefit from a manufacturer for the redemption of any coupons. All rebate coupons offered by manufacturers in the State of Oregon must meet the following requirements:

(a) Coupons must be redeemable only by mail, except that a manufacturer may offer instantly redeemable coupons for products sold to consumers under the manufacturer's retail privileges at the manufacturer's licensed premises;

(b) Coupons must bear an expiration date;

(c) Manufacturers must require proof of purchase;

(d) Coupons must be valid only for adults of legal drinking age.

(4) The Commission may require withdrawal of the rebate coupon if the manufacturer does not comply with the conditions of the rebate coupon or Commission rules.

(5) The Commission allows manufacturers to offer cross promotional rebate coupons that provide a discount or rebate on food, non-alcoholic beverages or non-food items with or without the purchase of an alcoholic beverage product (for example, \$1.00 off tortilla chips with the purchase of a six-pack of Corona beer). Such coupons may be offered for generic or branded products (for example, hot dogs or Armour hot dogs) but may not be limited to exclusive store brands or products. All manufacturer issued cross promotional coupons must comply with the requirements in section (3) of this rule.

(6) The Commission allows retailers to issue coupons on alcoholic beverages provided that the retailer bears all costs associated with the

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redemption of the coupon and receives no payment from any manufacturer. Examples of retailer issued coupons could include rain checks issued by a retailer that allow a customer to get the advertised price of an alcoholic beverage product when a product is temporarily out of stock, coupons or certificates that provide a discount on meals including alcohol to be consumed at a licensed premises, coupons that provide a discount on any products the retailer sells such as 10% off of a bill of \$50 or more, and customer loyalty programs such as club cards or frequent customer discount cards. Retailer issued coupons may be instantly redeemable or mail-in. The retail licensee must pay for all discounts on alcoholic beverages provided under retailer issued coupons.

(7) Use of coupons must conform with the principles of OAR 845-013-0001. A licensee who violates any section of this rule commits a Category IV violation under the Commission's sanction schedule (OAR 845-006-0500).

Stat. Auth.: ORS 471, including 471.030, 471.730(1) & (5)
Stats. Implemented: ORS 471.730(7)
Hist.: LCC 56, f. 10-20-76, ef. 12-1-76; LCC 7-1979, f. 4-2-79, ef. 4-5-79; Renumbered from 845-010-0091; LCC 7-1985, f. 7-30-85, ef. 9-1-85; OLCC 6-1998, f. 5-21-98, cert. ef. 6-1-98; OLCC 9-2003, f. 6-27-03, cert. ef. 7-1-03; OLCC 2-2004, f. 2-17-04, cert. ef. 6-1-04; OLCC 15-2006, f. 10-19-06, cert. ef. 11-1-06; OLCC 26-2007, f. 12-17-07, cert. ef. 1-1-08; OLCC 9-2010, f. 8-23-10, cert. ef. 9-1-10

Rule Caption: Adopt new rule setting standards for satellite liquor stores pilot program.

Adm. Order No.: OLCC 10-2010

Filed with Sec. of State: 8-23-2010

Certified to be Effective: 9-1-10

Notice Publication Date: 6-1-2010

Rules Adopted: 845-015-0200

Subject: The purpose of the satellite liquor stores pilot project is to determine the efficacy of operating satellite liquor stores in smaller communities where there is a fluctuating, seasonal demand due to tourism or other similar factors. The program will allow all parties to see how best to implement an ongoing program if the pilot project is successful. The pilot program will consist of up to six new satellite liquor stores operated by retail sales agents appointed on a temporary basis. The pilot program will last for up to three years for each pilot program agent. Six months before the end of the three-year pilot, the performance of each pilot liquor store will be evaluated, and if successful, a process to create a permanent satellite liquor store will commence. Pilot program agents will be required to provide the Commission with all data related to the operation of the pilot liquor store. This rule sets the standards and procedures the Commission will use when locating and evaluating the pilot satellite liquor stores.

Rules Coordinator: Jennifer Huntsman—(503) 872-5004

845 015 0200

Satellite Liquor Stores Pilot Program

(1) Purpose. The Satellite Liquor Stores Pilot Program is a program wherein the Oregon Liquor Control Commission (Commission) appoints retail sales agents on a temporary basis to operate Pilot Satellite Liquor Stores under the terms set forth in this rule. Pilot Satellite Liquor Stores are non-exclusive retail liquor stores located in smaller communities where there is a fluctuating, seasonal demand for an additional small outlet due to tourism or other similar factors. The purpose of the Pilot Program is to obtain data on the efficacy of operating such satellite stores in these areas. In connection with the Pilot Program, the Commission will collect data on a variety of subjects, including but not limited to: the economic viability (profitability) of the Pilot Program business model for the Pilot Program Agent and the state of Oregon; public safety impacts on the community; and public response to the program including customer satisfaction and convenience.

(2) Definitions. The following definitions apply only to this rule:

(a) The Satellite Liquor Stores Pilot Program is called the Pilot Program.

(b) The agent appointed to the pilot agency is called a Pilot Program Retail Sales Agent, or Pilot Program Agent. Pilot Program Agent is a retail agent who currently operates a Liquor Store (the "Primary Liquor Store") in the community where the Pilot Satellite Liquor Store is located.

(c) Pilot Program Retail Sales Agent Agreement or Pilot Program Agreement is the agreement between the Pilot Program Agent and the Oregon Liquor Control Commission.

(d) The location where the Commission appoints a retail sales agent on a temporary basis to operate a Liquor Store is called a Pilot Satellite Liquor Store.

(e) Liquor Store means a retail sales agency of the Oregon Liquor Control Commission.

(3) Number of Pilot Liquor Stores; Factors Considered when Siting Pilot Liquor Stores. The Pilot Program will consist of up to six new Pilot Satellite Liquor Stores to be selected within 12 months of the start of the Pilot Program. The Commission will consider the following factors in determining the locations of Pilot Satellite Liquor Stores:

(a) Population fluctuations, changes in consumer traffic patterns, and/or increased demand within a community during seasonal or peak periods due to tourism or other similar factors;

(b) Distance of the proposed Satellite Liquor Store from existing Liquor Store(s);

(c) Community proximity of the proposed Satellite Liquor Store to the Pilot Program Agent's Primary Liquor Store;

(d) Sales volume of the Pilot Program Agent's primary Liquor Store;

(e) Anticipated ability of the Pilot Satellite Liquor Store to accommodate seasonal, fluctuating demand (through operating days/hours, product mix, etc);

(f) Size of Pilot Satellite Liquor Store, including retail floor space and storage space. A Pilot Satellite Liquor Store may carry no more than 50 percent of the products carried in the Primary Liquor Store, as measured by SKUs;

(g) The ability of the Pilot Program Agent to negotiate acceptable terms for the Satellite Liquor Store location.

(4) Length of Pilot Program Retail Sales Agent Agreements. Each Pilot Program Agent and the Commission will execute a Pilot Program Agent Agreement, the duration of which will not exceed three years from the effective date of the Pilot Program Agent's appointment at the Pilot Satellite Liquor Store. Six months before the expiration of each Pilot Program Retail Sales Agent Agreement, the performance of the applicable Pilot Liquor Store will be evaluated. The Commission will evaluate performance consistent with section (9)(a)-(d) of this rule, the terms of the applicable Pilot Program Retail Sales Agent Agreement, and the Retail Operations Manual. A process to create a permanent Satellite Liquor Store at the applicable location will be initiated by the Commission if it determines the applicable Pilot Satellite Liquor Store is a success.

(5) All statutes and administrative rules governing retail liquor agents will apply to this Pilot Program, with the following exceptions:

(a) OAR 845-015-0110 Establishment of a Retail Liquor Store;

(b) OAR 845-015-0120 Retail Sales Agent Selection Procedure;

(c) OAR 845-015-0135 Public Opinion on Retail Liquor Store Location;

(d) OAR 845-015-0140 Hours and Days of Operation;

(e) OAR 845-015-0190 Resignation Buy-Out Program for Retail Liquor Agents;

(f) OAR 845-015-0193(1) & (2) Terminating an Agency Agreement;

(g) OAR 845-015-0196 Appointment of a Temporary Agent.

(6) The Retail Operations Manual, including any Pilot Program Appendix, and other relevant Commission policies will apply to the Pilot Program, unless otherwise provided in the Pilot Program Agreement.

(7) All personnel working in the Pilot Satellite Liquor Store must meet all the standards and requirements for liquor store clerks which are required by the Pilot Program Agreement and the Retail Operations Manual.

(8) Pilot Program Agents will provide the Commission with any and all data related to the operation of the Pilot Satellite Liquor Store as specified in the Pilot Program Agreement and the Retail Operations Manual.

(9) Measuring Success of the Pilot Program. Factors the Commission will consider in measuring the success of the Pilot Program include but are not limited to:

(a) Economic viability of the Pilot Program business model for Pilot Program Agents and the Commission;

(b) Increase in total seasonal revenue from liquor sales in the community;

(c) Effects on the public safety of the surrounding community;

(d) Public response to the Satellite Liquor Stores, including customer satisfaction and convenience.

Stat. Auth.: ORS 471, including 471.030, 471.040 & 471.730(1) & (5)

Stats. Implemented: ORS 471.750

Hist.: OLCC 10-2010, f. 8-23-10, cert. ef. 9-1-10

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Oregon Qualified Tuition Savings Board Chapter 173

Rule Caption: Update rules that relate to Oregon's 529 college savings program.

Adm. Order No.: QTSB 2-2010

Filed with Sec. of State: 9-10-2010

Certified to be Effective: 9-14-10

Notice Publication Date: 5-1-2010

Rules Adopted: 173-001-0020, 173-005-0005, 173-016-0010

Rules Amended: 173-001-0005, 173-001-0010, 173-001-0015, 173-005-0000, 173-006-0000, 173-006-0005, 173-007-0000, 173-007-0005, 173-008-0000, 173-008-0005, 173-008-0010, 173-009-0000, 173-009-0005, 173-009-0010, 173-009-0015, 173-010-0000, 173-010-0025, 173-011-0000, 173-012-0000, 173-012-0005, 173-014-0000, 173-014-0005, 173-014-0010, 173-015-0010

Rules Repealed: 173-001-0005(T), 173-001-0010(T), 173-001-0015(T), 173-001-0020(T), 173-005-0000(T), 173-005-0005(T), 173-006-0000(T), 173-006-0005(T), 173-007-0000(T), 173-007-0005(T), 173-008-0000(T), 173-008-0005(T), 173-008-0010(T), 173-009-0000(T), 173-009-0005(T), 173-009-0010(T), 173-009-0015(T), 173-010-0000(T), 173-010-0025(T), 173-011-0000(T), 173-012-0000(T), 173-012-0005(T), 173-014-0000(T), 173-014-0005(T), 173-014-0010(T), 173-015-0010(T), 173-016-0010(T)

Subject: The rules being adopted and amended are the rules of the Oregon 529 College Savings Board regarding notice of proposed rulemaking and model rules of procedure; administration, eligibility; change in account ownership or designated beneficiary; opening and account; application, participation agreement; contributions; distributions. termination of an account; fees; investment policies; confidentiality; and other miscellaneous matters.

Rules Coordinator: Michael J. Parker—(503) 378-4329

173-001-0005

Model Rules of Procedure

The Model Rules of Procedure under the Administrative Procedure Act, as promulgated by the Attorney General of the State of Oregon, effective January 1, 2008, are adopted as the rules of procedure for administrative rulemaking and other administrative law functions of the board.

[ED. NOTE: The full text of the Attorney General's Model Rules of Procedure is available from the office of the Attorney General or the Oregon Qualified Tuition Savings Board.]

Stat. Auth.: ORS 183.341

Stats. Implemented: ORS 183.341 & SB 756 (1999)

Hist.: QTSB 1-2000, f. 8-14-00, cert. ef. 8-15-00; QTSB 1-2010(Temp), f. & cert. ef. 3-25-10 thru 9-15-10; QTSB 2-2010, f. 9-10-10, cert. ef. 9-14-10

173-001-0010

ADR Related Model Rules

The Attorney General's ADR Related Model Rules, effective January 1, 2008, as set forth in OAR 137, Divisions 1 through 5, are adopted by the Board as its rules for collaborative dispute resolution.

Stat. Auth.: ORS 183.502(3)

Stats. Implemented: ORS 183.502(3) & SB 756 (1999) (348.841 - 348.873)

Hist.: QTSB 3-2000, f. & cert. ef. 10-25-00 QTSB 1-2010(Temp), f. & cert. ef. 3-25-10 thru 9-15-10; QTSB 2-2010, f. 9-10-10, cert. ef. 9-14-10

173-001-0015

Confidentiality and Inadmissibility of Mediation Communications

(1) The words and phrases used in this rule have the same meaning as given to them in ORS 36.110 and 36.234.

(2) Nothing in this rule affects any confidentiality created by other law. Nothing in this rule relieves a public body from complying with the Public Meetings Law, ORS 192.610 to 192.690. Whether or not they are confidential under this or other rules of the agency, mediation communications are exempt from disclosure under the Public Records Law to the extent provided in 192.410 to 192.505.

(3) This rule applies only to mediations in which the agency is a party or is mediating a dispute as to which the agency has regulatory authority. This rule does not apply when the agency is acting as the "mediator" in a matter in which the agency also is a party as defined in ORS 36.234.

(4) To the extent mediation communications would otherwise compromise negotiations under ORS 40.190 (OEC Rule 408), those mediation communications are not admissible as provided in 40.190 (OEC Rule 408), notwithstanding any provisions to the contrary in section (9) of this rule.

(5) **Mediations Excluded.** Sections (6)–(10) of this rule do not apply to:

(a) Mediation of workplace interpersonal disputes involving the interpersonal relationships between this agency's employees, officials or employees and officials, unless a formal grievance under a labor contract, a tort claim notice or a lawsuit has been filed; or

(b) Mediation in which the person acting as the mediator will also act as the hearings officer in a contested case involving some or all of the same matters; or

(c) Mediation in which the only parties are public bodies; or

(d) Mediation involving two or more public bodies and a private party if the laws, rules or policies governing mediation confidentiality for at least one of the public bodies provide that mediation communications in the mediation are not confidential; or

(e) Mediation involving 15 or more parties if the agency has designated that another mediation confidentiality rule adopted by the agency may apply to that mediation.

(6) **Disclosures by Mediator.** A mediator may not disclose or be compelled to disclose mediation communications in a mediation and, if disclosed, such communications may not be introduced into evidence in any subsequent administrative, judicial or arbitration proceeding unless:

(a) All the parties to the mediation and the mediator agree in writing to the disclosure; or

(b) The mediation communication may be disclosed or introduced into evidence in a subsequent proceeding as provided in subsections (c)–(d), (j)–(l) or (o)–(p) of section (9) of this rule.

(7) **Confidentiality and Inadmissibility of Mediation Communications.** Except as provided in sections (8)–(9) of this rule, mediation communications are confidential and may not be disclosed to any other person, are not admissible in any subsequent administrative, judicial or arbitration proceeding and may not be disclosed during testimony in, or during any discovery conducted as part of a subsequent proceeding, or introduced as evidence by the parties or the mediator in any subsequent proceeding.

(8) **Written Agreement.** Section (7) of this rule does not apply to a mediation unless the parties to the mediation agree in writing, as provided in this section, that the mediation communications in the mediation will be confidential and/or nondiscoverable and inadmissible. If the mediator is the employee of and acting on behalf of a state agency, the mediator or an authorized agency representative must also sign the agreement. The parties' agreement to participate in a confidential mediation must be in substantially the following form. This form may be used separately or incorporated into an "agreement to mediate."

Agreement to Participate in a Confidential Mediation

The Agency and the parties to the mediation agree to participate in a mediation in which the mediation communications are confidential and/or nondiscoverable and inadmissible to the extent authorized by OAR 173-001-0015(8) and this agreement. This agreement relates to the following mediation:

(a) _____
(Identify the mediation to which this agreement applies)

(b) To the extent authorized by OAR 173-001-0015(8), mediation communications in this mediation are: (check one or more)

___ Confidential and may not be disclosed to any other person

___ Not admissible in any subsequent administrative proceeding and may not be disclosed during testimony in, or during any discovery conducted as part of a subsequent administrative proceeding, or introduced as evidence by the parties or the mediator in any subsequent administrative proceeding

___ Not admissible in any subsequent administrative, judicial or arbitration proceeding and may not be disclosed during testimony in, or during any discovery conducted as part of a subsequent administrative, judicial or arbitration proceeding, or introduced as evidence by the parties or the mediator in any subsequent administrative, judicial or arbitration proceeding

(c) OREGON 529 COLLEGE SAVINGS BOARD (Agency)

By: _____ Date: _____

Signature of Agency's authorized representative (when agency is a party) or Agency employee acting as the mediator (when Agency is mediating the dispute)

(d) _____
Name of party to the mediation

Signature of party's authorized representative Date

(e) _____
Name of party to the mediation

Signature of party's authorized representative Date

(9) Exceptions to confidentiality and inadmissibility.

(a) Any statements, memoranda, work products, documents and other materials, otherwise subject to discovery that were not prepared specifically for use in the mediation are not confidential and may be disclosed or introduced into evidence in a subsequent proceeding.

(b) Any mediation communications that are public records, as defined in ORS 192.410(4), and were not specifically prepared for use in the mediation are not confidential and may be disclosed or introduced into evidence

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in a subsequent proceeding unless the substance of the communication is confidential or privileged under state or federal law.

(c) A mediation communication is not confidential and may be disclosed by any person receiving the communication to the extent that person reasonably believes that disclosing the communication is necessary to prevent the commission of a crime that is likely to result in death or bodily injury to any person. A mediation communication is not confidential and may be disclosed in a subsequent proceeding to the extent its disclosure may further the investigation or prosecution of a felony crime involving physical violence to a person.

(d) Any mediation communication related to the conduct of a licensed professional that is made to or in the presence of a person who, as a condition of his or her professional license, is obligated to report such communication by law or court rule is not confidential and may be disclosed to the extent necessary to make such a report.

(e) The parties to the mediation may agree in writing that all or part of the mediation communications are not confidential or that all or part of the mediation communications may be disclosed and may be introduced into evidence in a subsequent proceeding unless the substance of the communication is confidential, privileged or otherwise prohibited from disclosure under state or federal law.

(f) A party to the mediation may disclose confidential mediation communications to a person if the party's communication with that person is privileged under ORS chapter 40 or other provision of law. A party to the mediation may disclose confidential mediation communications to a person for the purpose of obtaining advice concerning the subject matter of the mediation, if all the parties agree.

(g) An employee of the agency may disclose confidential mediation communications to another agency employee so long as the disclosure is necessary to conduct authorized activities of the agency. An employee receiving a confidential mediation communication under this subsection is bound by the same confidentiality requirements as apply to the parties to the mediation.

(h) A written mediation communication may be disclosed or introduced as evidence in a subsequent proceeding at the discretion of the party who prepared the communication so long as the communication is not otherwise confidential under state or federal law and does not contain confidential information from the mediator or another party who does not agree to the disclosure.

(i) In any proceeding to enforce, modify or set aside a mediation agreement, a party to the mediation may disclose mediation communications and such communications may be introduced as evidence to the extent necessary to prosecute or defend the matter. At the request of a party, the court may seal any part of the record of the proceeding to prevent further disclosure of mediation communications or agreements to persons other than the parties to the agreement.

(j) In an action for damages or other relief between a party to the mediation and a mediator or mediation program, mediation communications are not confidential and may be disclosed and may be introduced as evidence to the extent necessary to prosecute or defend the matter. At the request of a party, the court may seal any part of the record of the proceeding to prevent further disclosure of the mediation communications or agreements.

(k) When a mediation is conducted as part of the negotiation of a collective bargaining agreement, the following mediation communications are not confidential and such communications may be introduced into evidence in a subsequent administrative, judicial or arbitration proceeding:

(A) A request for mediation; or

(B) A communication from the Employment Relations Board Conciliation Service establishing the time and place of mediation; or

(C) A final offer submitted by the parties to the mediator pursuant to ORS 243.712; or

(D) A strike notice submitted to the Employment Relations Board.

(l) To the extent a mediation communication contains information the substance of which is required to be disclosed by Oregon statute, other than ORS 192.410 to 192.505, that portion of the communication may be disclosed as required by statute.

(m) Written mediation communications prepared by or for the agency or its attorney are not confidential and may be disclosed and may be introduced as evidence in any subsequent administrative, judicial or arbitration proceeding to the extent the communication does not contain confidential information from the mediator or another party, except for those written mediation communications that are:

(A) Attorney-client privileged communications so long as they have been disclosed to no one other than the mediator in the course of the medi-

ation or to persons as to whom disclosure of the communication would not waive the privilege; or

(B) Attorney work product prepared in anticipation of litigation or for trial; or

(C) Prepared exclusively for the mediator or in a caucus session and not given to another party in the mediation other than a state agency; or

(D) Prepared in response to the written request of the mediator for specific documents or information and given to another party in the mediation; or

(E) Settlement concepts or proposals, shared with the mediator or other parties.

(n) A mediation communication made to the agency may be disclosed and may be admitted into evidence to the extent the Board determines that disclosure of the communication is necessary to prevent or mitigate a serious danger to the public's health or safety, and the communication is not otherwise confidential or privileged under state or federal law.

(o) The terms of any mediation agreement are not confidential and may be introduced as evidence in a subsequent proceeding, except to the extent the terms of the agreement are exempt from disclosure under ORS 192.410 to 192.505, a court has ordered the terms to be confidential under ORS 30.402 or state or federal law requires the terms to be confidential.

(p) The mediator may report the disposition of a mediation to the agency at the conclusion of the mediation so long as the report does not disclose specific confidential mediation communications. The agency or the mediator may use or disclose confidential mediation communications for research, training or educational purposes, subject to the provisions of ORS 36.232(4).

(10) When a mediation is subject to section (7) of this rule, the agency will provide to all parties to the mediation and the mediator a copy of this rule or a citation to the rule and an explanation of where a copy of the rule may be obtained. Violation of this provision does not waive confidentiality or inadmissibility.

[ED. NOTE: Forms referenced are available from the agency.]

Stat. Authority: ORS 36.224

Stat. Implemented: ORS 36.224, 36.228, 36.230 & 36.232

Hist.: QTSB 2-2001, f. 8-9-01, cert. ef. 8-10-01; QTSB 1-2010(Temp), f. & cert. ef. 3-25-10 thru 9-15-10; QTSB 2-2010, f. 9-10-10, cert. ef. 9-14-10

173-001-0020

Policies and Procedures of the Office of the Treasurer

The policies and procedures of the Office of the State Treasurer in regard to personal services contracting and purchasing goods and services, to the extent not inconsistent with the Act or OAR chapter 173, are adopted as the policies and procedures of the board.

Stat. Authority: ORS 36.224

Stat. Implemented: ORS 36.224, 36.228, 36.230 & 36.232

Hist.: QTSB 1-2010(Temp), f. & cert. ef. 3-25-10 thru 9-15-10; QTSB 2-2010, f. 9-10-10, cert. ef. 9-14-10

173-005-0000

Definitions

All terms used in OAR chapter 173 are as defined in the Act. In addition, as used in OAR chapter 173, unless the context indicates otherwise:

(1) "Act" means ORS 348.841 to 348.873, as amended from time to time.

(2) "Business day" means any weekday on which the New York Stock Exchange (NYSE) is open.

(3) "Participation agreement" means the agreement setting forth the terms and conditions governing an account and participation in the applicable plan.

(4) "Code" means the Internal Revenue Code and any regulations, rulings, announcements or other guidance issued thereunder.

(5) "Executive Director" means the Executive Director of the Oregon 529 College Savings Network.

(6) "Person" means a "person" as defined in Section 7701(a)1 of the Code, including an individual, trust, estate, partnership, association, company or corporation, and in addition, the State of Oregon or a State of Oregon local government or an agency or instrumentality of either.

(7) "Plan" means a plan that is established by the board under the Oregon 529 College Savings Network, pursuant to its authority under the Act.

(8) "In writing", "written requests", "written instructions" or similar terms used to refer to communications regarding an account include emails or transactions conducted online or electronically as permitted by the board.

(9) "Plan manager" means a third party entity serving as the administrator, marketing agent and/or investment manager of a plan. References in

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OAR chapter 173 to “plan manager” mean the plan manager of the plan under which an account was opened.

(10) “UGMA/UTMA” means the Uniform Gifts to Minors Act, the Uniform Transfer to Minors Act or a substantially similar act of Oregon or another state, as applicable.

Stat. Auth.: ORS 348.853(2)
Stats. Implemented: ORS 348.853(2)
Hist.: QTSB 1-2001, f. & cert. ef. 1-2-01; QTSB 1-2002(Temp), f. & cert. ef. 6-14-02 thru 12-6-02; QTSB 2-2002(Temp), f. & cert. ef. 8-15-02 thru 12-6-02; QTSB 3-2002, f. & cert. ef. 10-29-02; QTSB 1-2010(Temp), f. & cert. ef. 3-25-10 thru 9-15-10; QTSB 2-2010, f. 9-10-10, cert. ef. 9-14-10

173-005-0005

Executive Director

The Executive Director is responsible for the day to day operations of the network and for carrying out such duties and responsibilities as assigned by the board.

Stat. Auth.: ORS 348.853(2)
Stats. Implemented: ORS 348.853(2)
Hist.: QTSB 1-2010(Temp), f. & cert. ef. 3-25-10 thru 9-15-10; QTSB 2-2010, f. 9-10-10, cert. ef. 9-14-10

173-006-0000

Account Owner

Any person, including a custodian under UGMA/UTMA, who is legally able to contract under applicable state law and who meets federal and state legal requirements governing the network, is eligible to establish an account.

Stat. Auth.: ORS 348.853(2)
Stats. Implemented: ORS 348.841 & 348.873
Hist.: QTSB 1-2001, f. & cert. ef. 1-2-01; QTSB 1-2002(Temp), f. & cert. ef. 6-14-02 thru 12-6-02; Administrative correction 11-10-03; QTSB 1-2010(Temp), f. & cert. ef. 3-25-10 thru 9-15-10; QTSB 2-2010, f. 9-10-10, cert. ef. 9-14-10

173-006-0005

Designated Beneficiary

(1) There are no restrictions on the age of a designated beneficiary nor any required relationship between the account owner and the designated beneficiary of an account.

(2) At any one time there shall be only one account owner and one designated beneficiary per account.

(3) Except as described in OAR 173-006-0005(4) below, there is no limit on the number of accounts that may be opened for one designated beneficiary by different account owners.

(4) Unless the board directs otherwise, if an account is established by an account owner for a designated beneficiary in a plan when an account already exists in that plan or in another plan under the network having that same designated beneficiary and same account owner, then the subsequently established account will be closed and the current market value of the account, along with any fee that has been paid with respect to that account, will be returned to the account owner as soon as administratively reasonable following discovery of such subsequently established account.

(5) An account owner may also be the designated beneficiary of an account.

Stat. Auth.: ORS 348.853(2)
Stats. Implemented: ORS 348.857(4)
Hist.: QTSB 1-2001, f. & cert. ef. 1-2-01; QTSB 1-2002(Temp), f. & cert. ef. 6-14-02 thru 12-6-02; QTSB 2-2002(Temp), f. & cert. ef. 8-15-02 thru 12-6-02; QTSB 3-2002, f. & cert. ef. 10-29-02; QTSB 1-2010(Temp), f. & cert. ef. 3-25-10 thru 9-15-10; QTSB 2-2010, f. 9-10-10, cert. ef. 9-14-10

173-007-0000

Change of Account Ownership

(1) An account owner may designate a successor account owner who shall become the new account owner upon the death, resignation or legal incompetence of the original account owner. This designation may be made by an account owner in the application or at any time thereafter by submitting to the appropriate plan a written designation of a successor account owner containing the information required by the appropriate plan. A designation of a successor account owner shall not be effective until registered in the records of the plan. In the event a successor account owner is not designated by an account owner, the successor account owner shall be determined by the appropriate plan.

(2) If a change in the ownership of an account is required by a court order by a court of competent jurisdiction directing such change of ownership or by an affidavit or declaration that meets the requirements of the appropriate plan for transfer of ownership upon death without a court order, such change of account ownership shall not be effective until the appropriate plan receives the court order or affidavit or declaration requiring such change, and the change of account ownership is registered in the records of the appropriate plan, unless otherwise required by law.

(3) An account owner may change ownership of the account to another eligible person by executing such forms or following such procedures as required by the appropriate plan.

(4) An account owner who is a custodian under UGMA/UTMA may only transfer ownership of the account in accordance with the requirements, if any, of UGMA/UTMA and the plan under which the account was opened.

(5) The ownership of an account whose account owner is a custodian under UGMA/UTMA shall be transferred to the designated beneficiary or the designated beneficiary's estate, as required by UGMA/UTMA, upon submission by the custodian and/or designated beneficiary of any documentation required by the board.

Stat. Auth.: ORS 348.853(2)
Stats. Implemented: ORS 348.853(2)
Hist.: QTSB 1-2001, f. & cert. ef. 1-2-01; QTSB 1-2002(Temp), f. & cert. ef. 6-14-02 thru 12-6-02; QTSB 2-2002(Temp), f. & cert. ef. 8-15-02 thru 12-6-02; QTSB 3-2002, f. & cert. ef. 10-29-02; QTSB 1-2010(Temp), f. & cert. ef. 3-25-10 thru 9-15-10; QTSB 2-2010, f. 9-10-10, cert. ef. 9-14-10

173-007-0005

Change of Designated Beneficiary

An account owner (other than an account owner who is a custodian under UGMA/UTMA) may change the designated beneficiary of the account as permitted under Section 529 of the Code and OAR chapter 173. A change of designated beneficiary shall not be effective until the appropriate plan receives a written request containing the information required by the appropriate plan and such change is registered in the records of the appropriate plan.

Stat. Auth.: ORS 348.853(2)
Stats. Implemented: ORS 348.867(1) & 348.853(2)
Hist.: QTSB 1-2001, f. & cert. ef. 1-2-01; QTSB 1-2002(Temp), f. & cert. ef. 6-14-02 thru 12-6-02; QTSB 2-2002(Temp), f. & cert. ef. 8-15-02 thru 12-6-02; QTSB 3-2002, f. & cert. ef. 10-29-02; QTSB 1-2010(Temp), f. & cert. ef. 3-25-10 thru 9-15-10; QTSB 2-2010, f. 9-10-10, cert. ef. 9-14-10

173-008-0000

Opening an Account

(1) To open an account, an applicant must submit to the appropriate plan a completed application, and either make an initial contribution as provided in OAR 173-009-0000 or select a method of contribution permitted by the plan.

(2) An applicant must select from the investment options offered by a plan in which contributions to his/her/its account will be invested. After an account has been opened, the account owner may change the investment options selected for the account only as permitted by section 529 of the Code.

Stat. Auth.: ORS 348.853(2)
Stats. Implemented: ORS 348.857(1), 348.860(1) & 348.853(2)
Hist.: QTSB 1-2001, f. & cert. ef. 1-2-01; QTSB 1-2002(Temp), f. & cert. ef. 6-14-02 thru 12-6-02; QTSB 2-2002(Temp), f. & cert. ef. 8-15-02 thru 12-6-02; QTSB 3-2002, f. & cert. ef. 10-29-02; QTSB 1-2010(Temp), f. & cert. ef. 3-25-10 thru 9-15-10; QTSB 2-2010, f. 9-10-10, cert. ef. 9-14-10

173-008-0005

Refusal to Open an Account

The Board may refuse to open an account for reasons that may include but are not necessarily limited to the following:

(1) The applicant is not an eligible account owner.
(2) The applicant has not provided all of the information required by the application.

(3) The total account balance of all accounts in the network for the same designated beneficiary is (or would be when taking into account a contribution being made) greater than the maximum limit established by the board pursuant to OAR 173-009-0015.

The network shall accept contributions for accounts for that designated beneficiary (including contributions establishing new accounts), in the order of their receipt until the maximum account balance limit for that designated beneficiary has been reached.

(4) Entering into a participation agreement between the board and the applicant violates any federal securities or state “blue sky” laws or any other federal or state law.

(5) It is determined that an account having the same account owner and designated beneficiary already exists in a plan under the network.

(6) The Board determines that, for any other reason, it would be advisable to limit the number of accounts in the network or the plan under which the account is being opened.

(7) The board reserves the right to refuse applications that it determines to be an abuse of the network or a plan.

Stat. Auth.: ORS 348.853(2)
Stats. Implemented: ORS 348.841(2), 348.857(4) & 348.853(2)
Hist.: QTSB 1-2001, f. & cert. ef. 1-2-01; QTSB 1-2002(Temp), f. & cert. ef. 6-14-02 thru 12-6-02; QTSB 2-2002(Temp), f. & cert. ef. 8-15-02 thru 12-6-02; QTSB 3-2002, f. & cert.

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ef. 10-29-02; QTSB 1-2010(Temp), f. & cert. ef. 3-25-10 thru 9-15-10; QTSB 2-2010, f. 9-10-10, cert. ef. 9-14-10

173-008-0010

Participation Agreement

(1) An account owner must enter into a participation agreement for each account by completing and signing an application, which incorporates the participation agreement by reference or requires that the account owner acknowledge having received and read the current participation agreement. The participation agreement sets forth terms and conditions under which the account owner participates in a plan. The participation agreement may be amended by the board at any time and from time to time.

(2) Any correspondence with the plan shall be sent to the address indicated in the participant agreement or related plan disclosure materials.

(3) The plan manager may take action on behalf of and receive materials on behalf of the plan it manages.

Stat. Auth.: ORS 348.853(2)

Stats. Implemented: ORS 348.853(2)

Hist.: QTSB 1-2001, f. & cert. ef. 1-2-01; QTSB 1-2002(Temp), f. & cert. ef. 6-14-02 thru 12-6-02; Administrative correction 4-15-03; QTSB 1-2010(Temp), f. & cert. ef. 3-25-10 thru 9-15-10; QTSB 2-2010, f. 9-10-10, cert. ef. 9-14-10

173-009-0000

Contributions Generally

(1) The minimum initial contribution that must be made to an account at the time the account is opened will be specified by the appropriate plan, except that the minimum initial contribution requirement for a plan may be waived if the account owner agrees to participate in an automatic investment plan or other similar regular periodic contribution plan for that account in accordance with the participation agreement governing the account or may be waived on such terms as specified by the appropriate plan. The board may at any time without notice change the minimum contribution amounts.

(2) The board reserves the right to refuse contributions that it determines to be an abuse of the network or a plan.

(3) Subsequent contributions made to an account will be in accordance with the plan's participation agreement governing the account.

Stat. Auth.: ORS 348.853(2)

Stats. Implemented: ORS 348.857(2) & 348.853(2)

Hist.: QTSB 1-2001, f. & cert. ef. 1-2-01; QTSB 1-2002(Temp), f. & cert. ef. 6-14-02 thru 12-6-02; QTSB 2-2002(Temp), f. & cert. ef. 8-15-02 thru 12-6-02; QTSB 3-2002, f. & cert. ef. 10-29-02; QTSB 1-2010(Temp), f. & cert. ef. 3-25-10 thru 9-15-10; QTSB 2-2010, f. 9-10-10, cert. ef. 9-14-10

173-009-0005

Cash Contributions Only

Contributions to an account shall be made in cash only. Cash includes checks, money orders, electronic funds transfers, whether through payroll deduction, an automatic contribution plan or otherwise, and such other methods as the board determines and as permitted under applicable law. Cash does not include securities, property or debit or credit card charges.

Stat. Auth.: ORS 348.853(2)

Stats. Implemented: ORS 348.841 & 348.873

Hist.: QTSB 1-2001, f. & cert. ef. 1-2-01; QTSB 1-2010(Temp), f. & cert. ef. 3-25-10 thru 9-15-10; QTSB 2-2010, f. 9-10-10, cert. ef. 9-14-10

173-009-0010

Rollover Contributions

(1) Any person who is an account owner under another qualified tuition program may rollover, subject to section 529 of the Code and the terms of such other qualified tuition program, all or part of the funds from an account in such other qualified tuition program to an account in a plan.

(2) The board also may permit a rollover contribution from a Coverdell education savings account described by Section 530 of the Code, a qualified U.S. savings bond described by Section 135 of the Code, or such other account(s) as may be permitted from time to time under section 529 of the Code.

(3) In order to set up a new account in which to deposit a rollover contribution from an account in another qualified tuition program, a Coverdell education savings account, a qualified U.S. savings bond, or such other account(s) as may be permitted from time to time under section 529 of the Code, an applicant must, in addition to complying with the requirements of OAR 173-008, submit to the appropriate plan such information as the board may from time to time require, including the amount of the rollover contribution which is attributable to earnings on such contribution. In the case of a rollover contribution made directly from another qualified tuition program, information regarding the earnings portion of the contribution may be provided directly by the distributing qualified tuition program.

(4) The entire amount of a rollover contribution from an account in another qualified tuition program, a Coverdell education savings account, a

qualified U.S. savings bond, or such other account(s) as may be permitted from time to time under section 529 of the Code is counted for purposes of calculating the total account balance of all accounts for a designated beneficiary. If such rollover contribution causes the total account balance of all accounts in the network for a designated beneficiary to exceed the maximum limit established by the board pursuant to OAR 173-009-0015, the excess funds, or if required by the appropriate plan, the entire rollover contribution, shall be returned.

(5) A rollover contribution from another qualified tuition program, a Coverdell education savings account, a qualified U.S. savings bond, or such other account(s) as may be permitted from time to time under section 520 of the Code may be made only as permitted from time to time under section 529 of the Code. Any rollover contribution made that is not permitted under section 529 of the Code shall be returned.

Stat. Auth.: ORS 348.853(2)

Stats. Implemented: ORS 348.853(2)

Hist.: QTSB 1-2001, f. & cert. ef. 1-2-01; QTSB 1-2002(Temp), f. & cert. ef. 6-14-02 thru 12-6-02; QTSB 2-2002(Temp), f. & cert. ef. 8-15-02 thru 12-6-02; QTSB 3-2002, f. & cert. ef. 10-29-02; QTSB 1-2010(Temp), f. & cert. ef. 3-25-10 thru 9-15-10; QTSB 2-2010, f. 9-10-10, cert. ef. 9-14-10

173-009-0015

Maximum Contribution Limit

Additional contributions to an account for a designated beneficiary are prohibited when the total account balance for all accounts for that designated beneficiary under the network exceeds the amount established by the Board as required by and in accordance with section 529(b)(6) of the Code.

Stat. Auth.: ORS 348.853(2)

Stats. Implemented: ORS 348.857(4) & 348.853(2)

Hist.: QTSB 1-2001, f. & cert. ef. 1-2-01; QTSB 1-2002(Temp), f. & cert. ef. 6-14-02 thru 12-6-02; QTSB 2-2002(Temp), f. & cert. ef. 8-15-02 thru 12-6-02; QTSB 3-2002, f. & cert. ef. 10-29-02; QTSB 1-2010(Temp), f. & cert. ef. 3-25-10 thru 9-15-10; QTSB 2-2010, f. 9-10-10, cert. ef. 9-14-10

173-010-0000

Distribution Request

(1) Only the account owner may request a distribution of funds (whether for a qualified withdrawal, a nonqualified withdrawal, or otherwise) from his/her/its account by submitting to the appropriate plan a completed distribution request form (or following such other procedures as are permitted under the appropriate plan) and such other information as from time to time is required by such plan.

(2) A distribution from an account shall be subject to any applicable state and federal taxes.

Stat. Auth.: ORS 348.853(2)

Stats. Implemented: ORS 348.870(1) & 348.853(2)

Hist.: QTSB 1-2001, f. & cert. ef. 1-2-01; QTSB 1-2002(Temp), f. & cert. ef. 6-14-02 thru 12-6-02; QTSB 2-2002(Temp), f. & cert. ef. 8-15-02 thru 12-6-02; QTSB 3-2002, f. & cert. ef. 10-29-02; QTSB 1-2010(Temp), f. & cert. ef. 3-25-10 thru 9-15-10; QTSB 2-2010, f. 9-10-10, cert. ef. 9-14-10

173-010-0025

Rollover Distribution and Fund Transfers

Rollovers and transfers within the network will be permitted only to the extent permitted by section 529 of the Code.

Stat. Auth.: ORS 348.853(2)

Stats. Implemented: ORS 348.867(2) & 348.853(2)

Hist.: QTSB 1-2001, f. & cert. ef. 1-2-01; QTSB 1-2002(Temp), f. & cert. ef. 6-14-02 thru 12-6-02; QTSB 2-2002(Temp), f. & cert. ef. 8-15-02 thru 12-6-02; QTSB 3-2002, f. & cert. ef. 10-29-02; QTSB 1-2010(Temp), f. & cert. ef. 3-25-10 thru 9-15-10; QTSB 2-2010, f. 9-10-10, cert. ef. 9-14-10

173-011-0000

Termination of an Account

The account owner may terminate an account at any time. The board may terminate an account in accordance with the provisions of the participation agreement or in accordance with the Act or OAR chapter 173. If the board determines that an account owner or a designated beneficiary has provided false or misleading information to the board or a higher education institution with respect to an account or has acted in a manner that adversely affects the integrity of the network or a plan, the board may terminate the account. The remaining account balance will be distributed to the account owner, and the contributions and earnings thereon may be subject to federal and any applicable state income tax.

Stat. Auth.: ORS 348.853(2)

Stats. Implemented: ORS 348.841(9), 348.870(3) & 348.853(2)

Hist.: QTSB 1-2001, f. & cert. ef. 1-2-01; QTSB 1-2002(Temp), f. & cert. ef. 6-14-02 thru 12-6-02; QTSB 2-2002(Temp), f. & cert. ef. 8-15-02 thru 12-6-02; QTSB 3-2002, f. & cert. ef. 10-29-02; QTSB 1-2010(Temp), f. & cert. ef. 3-25-10 thru 9-15-10; QTSB 2-2010, f. 9-10-10, cert. ef. 9-14-10

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173-012-0000

Board Administration Fees

The board may charge each plan in the network a fee based on assets of the plan in order to pay for the board's administrative expenses. This fee shall be collected from a plan and paid to the board on a monthly or quarterly basis. The board may from time to time review and adjust this fee.

Stat. Auth.: ORS 348.853(2)

Stats. Implemented: ORS 348.857(6) & 348.853(2)

Hist.: QTSB 1-2001, f. & cert. ef. 1-2-01; QTSB 2-2002(Temp), f. & cert. ef. 8-15-02 thru 12-6-02; QTSB 3-2002, f. & cert. ef. 10-29-02; QTSB 1-2010(Temp), f. & cert. ef. 3-25-10 thru 9-15-10; QTSB 2-2010, f. 9-10-10, cert. ef. 9-14-10

173-012-0005

Other Fees

The plan manager for each plan may charge such fees as are agreed to between the plan manager and the board, which fees may be payable by the account owners or from the assets of the plan.

Stat. Auth.: ORS 348.853(2)

Stats. Implemented: ORS 348.857(6) & 348.853(2)

Hist.: QTSB 1-2001, f. & cert. ef. 1-2-01; QTSB 2-2002(Temp), f. & cert. ef. 8-15-02 thru 12-6-02; QTSB 3-2002, f. & cert. ef. 10-29-02; QTSB 1-2010(Temp), f. & cert. ef. 3-25-10 thru 9-15-10; QTSB 2-2010, f. 9-10-10, cert. ef. 9-14-10

173-014-0000

Investment Policies

The Board shall establish the investment policies for each plan in the network. These policies shall be reviewed, and may be modified, from time to time as the Board, in its sole discretion, determines. Any change to a plan's investment policy shall apply prospectively.

Stat. Auth.: ORS 348.853(2)

Stats. Implemented: ORS 348.841 - 348.873

Hist.: QTSB 1-2001, f. & cert. ef. 1-2-01; QTSB 1-2010(Temp), f. & cert. ef. 3-25-10 thru 9-15-10; QTSB 2-2010, f. 9-10-10, cert. ef. 9-14-10

173-014-0005

Reassignment of Accounts under the Age-Based and Years-to-College Investment Options

Reassignment of an account under any age-based or years-to-college investment options shall occur at a time and in a manner determined by the board and the appropriate plan manager.

Stat. Auth.: ORS 348.853(2)

Stats. Implemented: ORS 348.841 - 348.873

Hist.: QTSB 1-2001, f. & cert. ef. 1-2-01; QTSB 2-2002(Temp), f. & cert. ef. 8-15-02 thru 12-6-02; QTSB 3-2002, f. & cert. ef. 10-29-02; QTSB 1-2010(Temp), f. & cert. ef. 3-25-10 thru 9-15-10; QTSB 2-2010, f. 9-10-10, cert. ef. 9-14-10

173-014-0010

Investment Direction

Investment direction by the account owner or designated beneficiary of an account is prohibited unless otherwise permitted by section 529.

Stat. Auth.: ORS 348.853(2)

Stats. Implemented: ORS 348.841 - 348.873

Hist.: QTSB 1-2002(Temp), f. & cert. ef. 6-14-02 thru 12-6-02; QTSB 3-2002, f. & cert. ef. 10-29-02; QTSB 1-2010(Temp), f. & cert. ef. 3-25-10 thru 9-15-10; QTSB 2-2010, f. 9-10-10, cert. ef. 9-14-10

173-015-0010

Confidentiality

Individual account information, including, but not limited to, names, addresses, telephone numbers, personal identification information, amounts contributed and earnings on amounts contributed, shall be maintained as confidential, and may be disclosed only as needed to administer the network consistent with the Act, the Code and Oregon tax laws or unless the person providing the information or who is the subject of the information executes and delivers to the appropriate plan its written consent to disclosure. This consent shall be in form and substance satisfactory to the board.

Stat. Auth.: ORS 348.853(2)

Stats. Implemented: ORS 348.853(2)

Hist.: QTSB 1-2002(Temp), f. & cert. ef. 6-14-02 thru 12-6-02; QTSB 3-2002, f. & cert. ef. 10-29-02; QTSB 1-2010(Temp), f. & cert. ef. 3-25-10 thru 9-15-10; QTSB 2-2010, f. 9-10-10, cert. ef. 9-14-10

173-016-0010

Waivers

The executive director may waive non statutory requirements of OAR chapter 173 if such a waiver would serve the best interests of the network and the board and would not violate Section 529 of the Code.

Stat. Auth.: ORS 348.853(2)

Stats. Implemented: ORS 348.841 - 348.873

Hist.: QTSB 1-2010(Temp), f. & cert. ef. 3-25-10 thru 9-15-10; QTSB 2-2010, f. 9-10-10, cert. ef. 9-14-10

Rule Caption: Authorizes Video LotterySM prizes over \$600; multiple owners of cash slips; housekeeping changes.

Adm. Order No.: LOTT 9-2010

Filed with Sec. of State: 8-30-2010

Certified to be Effective: 9-5-10

Notice Publication Date: 8-1-2010

Rules Adopted: 177-200-0077

Rules Amended: 177-040-0050, 177-040-0051, 177-046-0110, 177-200-0005, 177-200-0010, 177-200-0011, 177-200-0012, 177-200-0015, 177-200-0020, 177-200-0032, 177-200-0050, 177-200-0060, 177-200-0065, 177-200-0070, 177-200-0075, 177-200-0080, 177-200-0090

Rules Repealed: 177-040-0050(T), 177-040-0051(T), 177-200-0005(T), 177-200-0010(T), 177-200-0020(T), 177-200-0032(T), 177-200-0077(T)

Subject: The Lottery initiated rulemaking to adopt permanent rules authorizing Video LotterySM Specialty Games that offer some Jackpot Prizes greater than \$600. Other amendments include authorizing joint ownership of cash slips, clarifying a cash slip is a bearer instrument, and housekeeping changes for clarity and consistency.

Rules Coordinator: Mark W. Hohlt—(503) 540-1417

177-040-0050

Retailer Duties

(1) **General:** This rule contains duties to be performed by a Lottery retailer beyond those duties described in the Lottery retailer contract. The duties listed herein are not meant to be exclusive. Other duties and requirements for retailers may be contained elsewhere in OAR Division 177, ORS Chapter 461, or in the Lottery retailer contract.

(2) **All Retailers:** All Lottery retailers shall:

(a) **Stock Equipment:** Keep all Lottery equipment on the retailer's premises stocked with a variety of Scratch-itSM tickets, play slips, computer-generated tickets, and any other Oregon Lottery® product required to be sold. Unless exempted by the Lottery, if a Lottery retailer fails to stock or replenish these items as they are made available for sale by the Lottery, or as they are depleted because of purchase or use, the Lottery may remove the equipment.

(b) **Perform Minor Maintenance:** Replace ribbons, ticket stock, and clear paper jams as may be required for any of the equipment provided by the Lottery for the sale of Lottery tickets or shares.

(c) **Maintain Paper Stock:** Install and use only approved Lottery-provided paper stock which has been specifically assigned to the selling retailer when selling Lottery tickets and shares.

(d) **Obtain Permits:** Be required to arrange for and obtain all necessary permits required by federal, state, and local governments for electrical installation, electrical power, telephone service, fiber optic lines and connections, and coaxial cable and connections required to sell Lottery tickets or shares at the retail site.

(e) **Pay Amounts Due:** Pay the amount due to the Lottery for the sale of Lottery tickets or shares by the use of an electronic funds transfer (EFT). In most instances, this EFT shall occur at the end of the fourth day after the close of each Lottery business week. When an applicant operates multiple Lottery retail sites before the effective date of this rule, the routine date of the EFT collection may be set beyond the fourth day after the close of the business week in order to accommodate the needs of the combined sites.

(3) **Traditional Lottery Game Retailers:** A Lottery retailer authorized to sell traditional Lottery games shall:

(a) **Scratch-ItSM Validation:** Validate a Scratch-ItSM ticket prize through equipment provided by the Lottery connected to the Lottery's central computer system and destroy the ticket after validation and payment of the prize. Any Lottery retailer who does not destroy the ticket after validation and payment of a winning ticket shall be liable for a prize paid by another Lottery retailer who subsequently pays the ticket.

(b) **Draw Game Validation:** Validate Draw game prizes through the Draw game terminal before paying a Draw game prize.

(c) **Underage Play:** Monitor Lottery player-operated vending machines, as defined in OAR 177-045-0000, to prevent underage play.

(4) **Video Retailers:** A Video LotterySM game retailer shall:

(a) **Cash Slip Validation:** Validate any Video LotterySM cash slip presented for payment that was issued at the retailer's location, through the Lottery's on-site video validation terminal before paying a Video

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LotterySM prize, except for those cash slips required to be validated and paid at Lottery Headquarters in Salem.

(b) **Restrict Visibility:** Restrict Video LotterySM game terminals from visibility from areas outside of the business and from view of dining areas or other areas where minors are permitted to linger.

(c) **Age-Posted Area:** Maintain Video LotterySM game terminals in an area of the business that is prohibited to minors. The area must be posted as such by the Oregon State Lottery or the Oregon Liquor Control Commission. This restriction against minors does not apply to minors who qualify under the exceptions permitted by the Oregon Liquor Control Commission for access to areas normally prohibited to minors.

(5) **Sanctions:** The Director may sanction a Lottery retailer for the loss, damage, or destruction of any winning game ticket or share. This includes, but is not limited to: Imposing a requirement for remedial training for the retailer or the retailer's employees, and any other actions for failure to perform contract duties or requirements as described in the Lottery retailer contract or OAR Chapter 177.

Stat. Auth.: OR Const. Art. XV, Sec. 4(4)

Stats. Implemented: ORS 461

Hist.: LC 4-1995, f. 4-27-95, cert. ef. 5-1-95; LOTT 5-1999(Temp), f. & cert. ef. 5-26-99 thru 6-26-99, Administrative correction 11-17-99; LOTT 6-2000, f. 7-26-00, cert. ef. 8-1-00; LOTT 11-2002(Temp), f. 9-6-02, cert. ef. 9-9-02 thru 3-6-03; LOTT 22-2002, f. & cert. ef. 11-25-02; LOTT 3-2004(Temp), f. & cert. ef. 4-6-04 thru 10-1-04; LOTT 6-2004, f. & cert. ef. 5-26-04; LOTT 12-2008, f. 12-23-08, cert. ef. 1-1-09; LOTT 6-2009, f. 9-28-09, cert. ef. 10-1-09; LOTT 4-2010(Temp), f. 3-10-10, cert. ef. 3-15-10 thru 9-4-10; LOTT 9-2010, f. 8-30-10, cert. ef. 9-5-10

177-040-0051

Designated Employees and Payment of Prizes

(1) **Designated Employees:** A traditional Lottery retailer must designate employees authorized to redeem winning Lottery tickets and shares. A Video LotterySM retailer must designate employees authorized to redeem Video LotterySM cash slips as defined in OAR 177-200-0005(1).

(2) **Traditional Lottery Retailers:** A traditional Lottery retailer must redeem winning Lottery tickets and shares during all of the retailer's designated hours of redemption.

(3) **Video LotterySM Retailers:** Except for those cash slips required to be validated and paid at Lottery Headquarters in Salem, during all business hours of operation a Video LotterySM retailer must redeem any Video LotterySM cash slip presented for payment that was issued at that retailer's location, except as follows:

(a) In the event of exceptional circumstances, a retailer may delay validation and payment of a cash slip for a period of time not to exceed 24 hours from the time the cash slip is initially submitted to the retailer for payment. "Exceptional circumstances" means rare and unforeseen circumstances beyond the reasonable control of the retailer; and

(b) Within 48 hours from the time the cash slip is initially submitted to the retailer for payment, the retailer must submit to the Lottery a written report of the delay of payment and the exceptional circumstances that required the delay.

(c) The Director may review claims of exceptional circumstances and determine whether delayed payment was appropriate under the circumstances. Upon the Director's request, the retailer must provide the Director with evidence supporting a claim of exceptional circumstances. If a retailer fails to comply with a request or fails to adequately support a claim of exceptional circumstances, the Director shall find that the delay was not appropriate.

(d) If the Director finds that the delay was not appropriate, the retailer's delay of payment shall be considered a failure to perform contract duties or requirements, and the Lottery may take appropriate action including termination of the retailer contract. The Director's decision is final.

(4) **Payment:** Except as provided in section (3) of this rule, a retailer must immediately pay prizes in cash or by check, or any combination thereof, when a winning Lottery ticket or share meeting the requirements of these rules is presented for payment, including a Video LotterySM cash slip. A retailer must not pay prizes in tokens, chips, or merchandise or charge a fee for paying a prize or for issuing payment.

(5) **Validation:** Notwithstanding section (3) of this rule, once a Lottery retailer validates a winning ticket or share, including a Video LotterySM cash slip, the retailer must immediately pay it. The Lottery's terminal will not validate a cash slip issued for a Jackpot Prize.

Stat. Auth.: ORS 461, 461.217, 461.250 & 461.300 & Or. Const. Art. XV, Sec. 4(4)

Stats. Implemented: ORS 461.217, 461.250 & 461.300

Hist.: LOTT 11-2002(Temp), f. 9-6-02, cert. ef. 9-9-02 thru 3-6-03; LOTT 22-2002, f. & cert. ef. 11-25-02; LOTT 2-2003(Temp), f. & cert. ef. 3-14-03 thru 9-5-03; LOTT 9-2003, f. & cert. ef. 6-30-03; LOTT 2-2008, f. & cert. ef. 6-2-08; LOTT 4-2010(Temp), f. 3-10-10, cert. ef. 3-15-10 thru 9-4-10; LOTT 9-2010, f. 8-30-10, cert. ef. 9-5-10

177-046-0110

Payment of Prizes

(1) **General:** All winning Lottery tickets or shares may be presented to the Oregon State Lottery for payment. Winning tickets or shares for prizes of \$600 or less may also be presented for payment to the appropriate Lottery retailer specified in the applicable game rule.

(2) **Mailing Address:** Winners who mail a winning Lottery ticket or share to the Lottery must sign the Lottery ticket or share in the designated area on the ticket or share, write the claimant's mailing address in the place indicated on the ticket or share, and mail it to the Lottery Headquarters, P.O. Box 14515, Salem, Oregon 97309. Registered mail is recommended.

(3) **Lottery Headquarters Address:** Winners who present a claim in person at the Lottery may do so by bringing the winning Lottery ticket or share to the Lottery Headquarters, Player Services, 500 Airport Road SE, Salem, Oregon 97301 during Lottery business hours.

(4) **Retailer Validation and Payment of Prizes of \$600 or Less:** To determine whether a Lottery ticket or share presented for payment entitles the holder to a prize, a retailer must validate the claim with the Lottery by scanning the bar code or manually entering the bar code number printed on each Lottery ticket or share into equipment provided by the Lottery, and, if authorized by the Lottery, pay the player the prize amount due.

(a) **Retailer Payment:** A retailer is authorized to pay a prize of \$600 or less and shall pay that prize in cash or check, or any combination thereof.

(b) **Lottery Payment:** If a retailer's prize payment check is dishonored, the player may seek payment from the Lottery by presenting a copy of the dishonored check to the Lottery Headquarters, Player Services Office, 500 Airport Road SE, Salem, Oregon during Lottery business hours, or by mailing a copy of the dishonored check with a winner claim form to the Lottery Headquarters, P.O. Box 14515, Salem, Oregon 97309. If the Lottery determines that payment of the prize is authorized, the retailer has not paid the prize, and it is unlikely that the retailer will pay the prize, the Lottery may then issue a check to the player in the amount of the prize due less any applicable tax withholding.

(c) **Retailer Sanction:** A retailer that pays a prize with a check that is dishonored may be subject to termination of the Lottery Retailer Contract.

(5) **Lottery Validation and Prize Payment:** Upon validation of a winning Lottery ticket or share presented to the Lottery for payment, the Director may pay the amount of the prize to the player less any applicable tax withholding. If the ticket or share is determined to be invalid, or a non-winning ticket or share, or the claim is invalid, the Director shall deny the claim and inform the player.

(a) **Lottery Prize Payment of \$600 or Less:** Payment may be made by check, cash card, or in cash, or any combination thereof.

(A) **Lottery Headquarters:** Cash prize payments made at Lottery Headquarters are limited to \$50 per person per day. Any prize payment balance remaining above \$50 shall be paid by check. Payment may be made in person or by mail, except that the Lottery will not mail cash.

(B) **Lottery Kiosk:** Cash prize payments made at a Lottery kiosk are limited to \$100 per transaction. Any prize payment balance remaining above \$100 shall be paid by cash card.

(C) **Prizes by Mail:** A winning ticket may be submitted to the Lottery by mail. If mailed, the player must sign the ticket in the designated area on the ticket, write the player's mailing address in the place indicated on the ticket, and mail it to the Lottery Headquarters, P.O. Box 14515, Salem, Oregon 97309. Registered mail is recommended.

(b) **Lottery Prize Payment of Prizes Greater than \$600:** A player must claim a Lottery prize of more than \$600 by:

(A) **Claiming in Person:** Bringing the ticket to the Lottery Headquarters, Player Services Office, 500 Airport Road SE, Salem, Oregon during Lottery business hours and presenting the ticket or share to the Lottery; or

(B) **Claiming by Mail:** Signing the ticket in the designated area on the ticket, writing the player's mailing address on the ticket in the place indicated on the ticket, completing a winner claim form, and mailing it together with the winning ticket to the Lottery Headquarters, P.O. Box 14515, Salem, Oregon 97309. Registered mail is recommended. The winner claim form may be obtained from any Lottery retailer, from a Lottery kiosk, or from the Lottery Headquarters at the addresses listed above.

(c) **High Tier Prize Payments:** The Lottery will pay a winning ticket or share by check, or subject to OAR 177-010-0050, may pay the prize in merchandise if the prize is merchandise.

(6) **Claiming Lottery Tickets or Shares Jointly:** If more than one name appears in the designated area on a Lottery ticket or share, or if a Lottery ticket or share is owned by two or more persons, the prize must be claimed in accordance with the following:

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(a) General: All persons claiming ownership of the winning Lottery ticket or share must complete and sign the Lottery's request and release form. Each of the persons signing the form must indicate each person's proportionate share of the prize. Each person must receive at least \$1.00. At least one of the persons claiming ownership of the ticket or share must sign the ticket or share. That person's signature must also appear on the request and release form. If a winning ticket or share is mailed to the Lottery Headquarters with multiple signatures on it, the Director will mail the request and release form to the claimants.

(b) Deceased Signatories: A deceased signatory who dies before signing the request and release form will be presumed to have an ownership interest equal to that of the other signatories. In the event there is a deceased signatory, the Director may withhold payment for 60 days from the date of validation to allow co-owners the opportunity to seek a declaratory ruling from a court.

(c) Relinquishment of Interest: When a person who has signed a Lottery ticket or share wishes to relinquish the person's ownership interest in the Lottery ticket or share, that person must sign the Lottery's release of ownership form relinquishing the person's ownership interest. In no event will a person be permitted to relinquish ownership interest once it is determined that the person owes money for child support or other legal attachment has taken place. Once the Lottery receives the release of ownership form, it is irrevocable.

(d) Issuance of Prize Checks to Multiple Owners: If a validated winning Lottery ticket or share is claimed by multiple owners who are sharing a single prize, the Director will issue to each person claiming a share of the prize amount, a check for the portion of the prize amount claimed by each multiple owner, the total not to exceed the total prize amount. No cash payments will be made to multiple owners. However, the Director reserves the right to issue a single prize check to an individual whose name appears on the ticket or share instead of multiple prize checks to the owners of the ticket or share if the value of each individual prize check would be less than \$50 or if the number of persons claiming a share of the prize exceeds 100 people. The Lottery shall pay multiple winners of a Lottery prize only at the Lottery Headquarters in Salem. Lottery retailers are not authorized to pay multiple winners who share a single prize.

(e) Payment to Multiple Owners at Lottery Kiosk: Notwithstanding subsection (6)(d) of this rule, the Lottery may pay multiple winners of a single Lottery prize at a Lottery kiosk if the total amount of the prize is \$600 or less. Payment shall be made as set forth in paragraph (5)(a)(B) of this rule.

(f) Conflicting Information or Discrepancies: If there is conflicting information or discrepancies between the names on a winning Lottery ticket or share and the names on a claim form, the Lottery may withhold prize payment until the owners resolve the conflicting information. Discrepancies include, but are not limited to: Names or addresses scratched out or erased, or unreadable or altered names or addresses.

(g) Investigations: At the discretion of the Director, the Lottery may conduct an investigation to aid in the determination of the rightful owners prior to payment of any prize.

(h) Determinations: The Director's decisions regarding the determination of a winning Lottery ticket or share, or the determination of the rightful owner or owners of a prize, or of any other dispute or matter arising from payment or awarding of prizes are final and binding on all parties.

(7) Payment of Prizes Donated Anonymously to Non-Profit Groups and Others:

(a) General: The Director may pay a prize according to written anonymous instructions received with a winning Lottery ticket or share. The recipient must be a natural person or a non-profit group as described in Section 501(c)(3) of the Internal Revenue Code.

(b) Adult Recipient: If the intended recipient is a natural person of majority, the Director will contact the person and make payment to the person in accordance with the anonymous written instructions.

(c) Minor Recipient: If the intended donation benefits a natural person who is a minor, the Director will make payment in accordance with the Oregon Uniform Transfers to Minors Act, Oregon Revised Statutes (ORS) 126.805 to 126.886.

(d) Non-Profit Group as Recipient: If the intended recipient qualifies as a non-profit group as described in Section 501(c)(3) of the Internal Revenue Code, the Director will make payment only as follows:

(A) Identification of Recipient: The Director will attempt to identify and contact the intended recipient. The intended recipient shall designate in writing an agent, (a natural person) to act on its behalf and to receive the prize payment on behalf of the recipient. The Director shall confirm both

the written authorization and the agent. An intended recipient is encouraged to select a bonded agent.

(B) Appearance: The agent shall appear in person at the Lottery Headquarters in Salem to claim the prize payment on behalf of the intended recipient. The Director may confirm to the Director's satisfaction that the agent is authorized to accept the donation in the agent's own name on behalf of the intended recipient.

(C) Signature and Payment: Subsequent to receipt of acceptable identification, along with a completed claim form from the agent, and the Director's review and approval, the agent, in the presence of a duly authorized Lottery official, shall sign the agent's own name on the winning Lottery ticket or share in the place indicated on the ticket or share and immediately return it to the Lottery. The Director shall then make payment to the agent less any applicable tax withholding.

(D) Identification of Donor: If the Director can reasonably identify the donor, the Director shall not make payment as specified above, but shall instead contact the donor and notify the donor to retrieve the Lottery ticket or share upon presenting acceptable proof of identification. The donor may retrieve the winning ticket or share in person at the Lottery Headquarters in Salem upon the presentation of acceptable proof of identification. The prize, less any applicable tax withholding, will be paid to the donor upon validation of the winning ticket or share.

(e) Win for Life Prize: If the winning Lottery ticket received is a Win for Life top prize of \$1,000 a week for life, the prize paid will be the lump sum guaranteed five year payment under the Win for Life game rules.

(f) Forfeiture of Unclaimed Prize: In the event that the Director is unable to locate the intended recipient or the anonymous donor, the winning Lottery ticket or share shall be retained until the end of the prize claim period. After the end of the prize claim period, the ticket or share shall constitute an unclaimed prize as described in OAR 177-010-0085 and shall be forfeited to the public purpose.

(g) Discharge of Lottery from Liability: The State of Oregon, its agents, officers, employees, and representatives, including but not limited to, the Oregon Lottery, its Director, agents, officers, employees, and representatives, are discharged of all liability upon payment of an anonymously donated prize in accordance with this rule and any applicable game rules to the extent that they do not conflict with this rule. The Lottery is not responsible in any way for the fulfillment or completion of the agreement between the intended recipient and the agent. The Lottery's decisions regarding the determination that a Lottery ticket or share donated anonymously is, or is not, a winning ticket or share or any question or dispute arising from the payment of such a prize is final and binding on all parties. In the event a question or issue arises regarding payment of a prize donated anonymously, the Director may withhold payment until the question or issue is resolved. The Lottery, the intended recipient or custodian, if the intended recipient is a minor, or the designated agent if the intended recipient is a non-profit group, may petition a court of competent jurisdiction for judicial resolution of the matter.

(8) Social Security Numbers: Each United States resident who is to receive a payment of winnings greater than \$600 shall furnish to the Lottery the information required on the Internal Revenue Service Form W-2G (or any other form required by the IRS,) including but not limited to the winner's name, address, and social security number. This disclosure is mandatory and the authority for such disclosure is 42 USC 405(c)(2)(C), 26 CFR 31.3402(q)-1(e), and ORS 461.715(1)(a). A winner's social security number will be used for the purpose of identifying child support obligors and submitting required documents to state and federal tax authorities.

(9) Payment Decisions: The Director shall make the final decision on whether any prize is paid or any annual prize payment is made. All prizes shall be paid within a reasonable time after they are validated, unless the Director delays a prize payment. The Director may, at any time, delay any prize payment in order to review the validity of a prize claim, or review a change of circumstances relative to the prize awarded, the payee, or the claim, or review any other relevant matter that may come to the Director's attention. Except as set forth in OAR 177-098-0060, for any prize requiring annual payments, all payments after the first payment shall be made on the anniversary date of the first payment in accordance with the type of prize awarded. Any delayed annual payment will be brought up to date immediately when payment is authorized by the Director.

Stat. Auth.: ORS 461 & OR Const. Art. XV, Sec. 4(4)

Stats. Implemented: ORS 461.020, 461.210, 461.220, 461.230, 461.240, 461.250 & 461.260
Hist.: LOTT 12-2002(Temp), f. 9-6-02, cert. ef. 9-9-02 thru 3-6-03; LOTT 23-2002, f. & cert. ef. 11-25-02; LOTT 10-2005(Temp), f. & cert. ef. 11-2-05 thru 4-28-06; LOTT 18-2005, f. 12-21-05, cert. ef. 12-31-05; LOTT 4-2007(Temp), f. 11-8-07, cert. ef. 11-12-07 thru 5-9-08; LOTT 1-2008, f. 3-21-08, cert. ef. 3-31-08; LOTT 7-2009, f. 9-28-09, cert. ef. 10-1-09; LOTT 6-2010, f. 3-18-10, cert. ef. 3-21-10; LOTT 9-2010, f. 8-30-10, cert. ef. 9-5-10

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177-200-0005

Definitions

For purposes of Division 200, the following definitions apply except as otherwise provided in OAR Chapter 177, or unless the context requires otherwise.

(1) “**Cash slip**” means the receipt issued by a Video LotterySM game terminal for the payment of a player’s credits remaining at the end of play or for the payment of a Jackpot Prize.

(2) “**Specialty Game(s)**” refers to Video LotterySM games that offer some prizes greater than \$600, such as the Lottery’s Platinum Spin Series games.

(3) “**Jackpot Prize**” refers to a prize won during Specialty Game play that is greater than \$600.

Stat. Auth.: OR Const. Art. XV, Sec. 4(4) & ORS 461

Stats. Implemented: ORS 461.215 & 461.217

Hist.: LOTT 7-2003(Temp), f. & cert. ef. 6-5-03 thru 11-28-03; LOTT 15-2003, f. & cert. ef. 9-29-03; LOTT 4-2010(Temp), f. 3-10-10, cert. ef. 3-15-10 thru 9-4-10; LOTT 9-2010, f. 8-30-10, cert. ef. 9-5-10

177-200-0010

Game Requirements

(1) **General:** To play a Video LotterySM game, a player deposits cash into a Video LotterySM game terminal that displays the deposit as a number of credits to which the player is entitled. Each credit represents a monetary amount as specified in each Video LotterySM game. The player purchases a game play by wagering one or more credits. Prizes are paid on the terminal in the form of credits. A player may wager the credits that the player has won on additional game plays or may direct the terminal to issue a cash slip for the remaining credits. For Jackpot Prizes, the terminal will automatically cash out the Jackpot Prize and issue a cash slip for amount of the Jackpot Prize to the player.

(2) **Bonus Game Plays:** In addition to the prizes paid as credits, and depending on the specific game, bonus game plays may be awarded to a player. A prize awarded on an individual bonus game play is independent of the original game play and, except for a Jackpot Prize, may not exceed \$600.

(3) **Odds of Winning:** A close approximation of the odds of winning some prize for each game must be displayed on a Video LotterySM game terminal screen or a help screen. Each game also must display the amount wagered and the amount awarded for each possible winning occurrence based on the number of credits wagered on a game play.

(4) **Payout Tables:** Each game shall provide a method for a player to view payout tables for that game.

(5) **Age Requirement:** To play a Video LotterySM game, a player must be at least 21 years of age.

Stat. Auth.: ORS 461

Stats. Implemented: ORS 461.210

Hist.: LC 8-1991, f. & cert. ef. 11-25-91; LOTT 7-2003(Temp), f. & cert. ef. 6-5-03 thru 11-28-03; LOTT 15-2003, f. & cert. ef. 9-29-03; LOTT 6-2006(Temp), f. 6-12-06, cert. ef. 6-26-06 thru 12-8-06; LOTT 7-2006, f. 8-30-06, cert. ef. 9-1-06; LOTT 4-2010(Temp), f. 3-10-10, cert. ef. 3-15-10 thru 9-4-10; LOTT 9-2010, f. 8-30-10, cert. ef. 9-5-10

177-200-0011

Accuracy of Wagers

It is the sole responsibility of a player to verify the accuracy of a wager placed on a Video LotterySM game terminal by the player. The Lottery is not responsible for any wager placed in error. The Lottery will not cancel wagers or provide refunds.

Stat. Auth.: OR Const. Art. XV, Sec. 4(4) & ORS 461

Stats. Implemented: ORS 461.215 & 461.217

Hist.: LOTT 7-2003(Temp), f. & cert. ef. 6-5-03 thru 11-28-03; LOTT 15-2003, f. & cert. ef. 9-29-03; LOTT 9-2010, f. 8-30-10, cert. ef. 9-5-10

177-200-0012

Ownership of Cash Slips

(1) **General:** Except for a cash slip claimed jointly in accordance with the provisions of OAR 177-046-0110(6), until such time as a name of an individual or individuals is imprinted or placed upon a cash slip, a cash slip is a bearer instrument and is owned by the bearer of the cash slip.

(2) **Owner:** When a name is placed upon a cash slip in the designated area, the cash slip ceases to be a bearer instrument. The individual(s) whose name(s) appears in that area on the cash slip is the owner(s) of the cash slip. More than one name may be placed on a cash slip.

(3) **Natural Person:** Only a natural person who is at least 21 years of age may own a cash slip and claim payment for it.

(4) **Joint Owners:** Multiple individuals at least 21 years of age may jointly own and claim payment as owners of a cash slip. Multiple individuals hold the cash slip as tenants in common. Multiple individuals may spec-

ify the percentage of ownership each person holds. Each individual must hold \$1.00 of the cash slip value at a minimum.

Stat. Auth.: OR Const. Art. XV, Sec. 4(4) & ORS 461

Stats. Implemented: ORS 461.215 & 461.217

Hist.: LOTT 7-2003(Temp), f. & cert. ef. 6-5-03 thru 11-28-03; LOTT 15-2003, f. & cert. ef. 9-29-03; LOTT 9-2010, f. 8-30-10, cert. ef. 9-5-10

177-200-0015

Game Play Price

The price of a game play for a Video LotterySM game shall be clearly displayed on the terminal screen during play.

Stat. Auth.: OR Const. Art. XV, Sec. 4(4), ORS 461.210, 461.230, 461.240,

461.250, 461.260 & 962, OL 1991 (enrolled HB 3151)

Stats. Implemented: ORS 461.240

Hist.: LC 8-1991, f. & cert. ef. 11-25-91; LOTT 7-2003(Temp), f. & cert. ef. 6-5-03 thru 11-28-03; LOTT 15-2003, f. & cert. ef. 9-29-03; LOTT 9-2010, f. 8-30-10, cert. ef. 9-5-10

177-200-0020

Payment of Video LotterySM Game Cash Slips

(1) **Original Cash Slip:** Except as set forth in sections (6) and (7) of this rule, an original cash slip is the only valid receipt for claiming prizes or for redeeming credits remaining on a terminal. A copy of a cash slip has no pecuniary or prize value and does not constitute evidence of a cash slip.

(2) **Retailer Validation Requirements:** A retailer shall pay a cash slip only if:

(a) The cash slip is presented for payment at the retailer location that issued the cash slip.

(b) The individual presenting the cash slip is 21 years of age or older and authorized to play under these rules and Oregon statutes.

(c) The cash slip is presented to the retailer within 28 days of the date it was properly issued.

(d) It is intact and legible and meets all the Lottery’s security requirements.

(e) It is not counterfeit, fraudulent, lacking the correct captions, altered, tampered with in any manner, or obtained from the Lottery or Lottery retailer by any fraudulent means.

(f) The information appearing on the cash slip corresponds with the computer record of the cash slip data recorded in the Lottery’s central computer system.

(g) It has not been previously paid, and

(h) It is not a prize that must be validated and paid at Lottery Headquarters in Salem, such as a Jackpot Prize.

(3) **Retailer Validation Exception:** If a cash slip is not intact or legible, the prize or credits that would have otherwise appeared on the cash slip may nevertheless be paid by the retailer as follows:

(a) **Software Validation:** Upon notification by a player that a Video LotterySM game terminal issued a cash slip that is not intact or legible, the retailer shall obtain a validation number from the terminal. If the retailer is able to obtain a validation number from the terminal that corresponds to the time and amount of the credits claimed by the player, then the retailer shall validate the prize or credits that would otherwise have appeared on the cash slip through the validation terminal and pay the player.

(A) **Software Validation Report:** If the retailer pays the player pursuant to section (3)(a) of this rule, the retailer must complete a Retailer Software Validation Report signed by the player and the retailer. The retailer must retain the report for one year. The retailer must group the reports by month and must make them available for audit by the Lottery immediately upon request. The retailer must retain and attach the damaged or illegible cash slips to the reports.

(B) **Validation Number Unavailable:** If the retailer is unable to obtain a validation number from the terminal that corresponds to the time and amount of the credits claimed by the player as required by subsection (3)(a), the player may request payment of the cash slip from the Lottery as provided in section (7) of this rule.

(b) **Jackpot Prize Cash Slip Not Issued, Intact, or Legible:** If a cash slip for a Jackpot Prize is not intact or legible, the player and the retailer must complete a Video Problem Report form, attach the cash slip or all available portions of the cash slip to the form if available, and must submit the form and the cash slip to the Lottery for investigation. The Jackpot Prize may be paid as set forth in section (6) and (7) of this rule.

(4) **Retailer Payment of Cash Slip:** Upon validation of a cash slip as set forth in sections (2) and (3) of this rule, a retailer may pay the amount due in cash or check, or any combination thereof. A retailer must not pay a cash slip in tokens, chips, or merchandise, or charge a fee for paying a cash slip or for issuing payment.

(a) **Dishonored Retailer Check:** If a retailer’s check is dishonored, the player may seek payment from the Lottery by presenting a copy of the dishonored check to Lottery Headquarters, Player Services Office, 500 Airport

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Road SE, Salem, Oregon during Lottery business hours, or by mailing a copy of the dishonored check with a winner claim form to Lottery Headquarters, P.O. Box 14515, Salem, Oregon 97309. If the Lottery determines that payment of the cash slip is authorized, the retailer has not paid the cash slip, and it is unlikely that the retailer will pay the cash slip, the Lottery may then issue a check to the claimant in the amount of the cash slip.

(b) Possible Contract Termination: A retailer that pays a cash slip with a check that is dishonored may be subject to termination of the Lottery Retailer Contract.

(5) Lottery Validation and Payment of Cash Slips: Payment of a cash slip may be made at Lottery Headquarters, Player Services, 500 Airport Road SE, Salem, Oregon. Validation and payment of a cash slip for a Jackpot Prize must be made at Lottery Headquarters in Salem. The cash slip must be presented for payment no sooner than the next Lottery business day after it is issued, must meet all of the requirements in sections (1) and (2) of this rule, and must be delivered to the Lottery in person or by mail at P.O. Box 14515, Salem, Oregon 97309 (registered mail recommended) before 5:00 P.M. within one year of the date that the cash slip was issued. If the final day of the one-year claim period falls on a day when the Oregon Lottery Headquarters is not open to the general public, such as a weekend, Lottery holiday, or furlough closure day, the claim period shall be extended until 5:00 p.m. on the next day the Oregon Lottery Headquarters is open to the general public. Upon validation of a cash slip, the Lottery will pay the amount due less any applicable tax withholding. For cash slips of \$600 or less, payment may be made by check, cash card, or any combination thereof. For cash slips of more than \$600, payment will be made by check. Payment may be made in person or by mail.

(6) Lack of Cash Slip or Validation Number: If a player does not have a cash slip, or a retailer was unable to obtain a validation number, the Lottery will conduct an investigation of a claim presented for payment to the Lottery. The investigation will determine the reasons or causes for the failure of the terminal to produce a cash slip or to print an intact and legible cash slip, and why the retailer was unable to obtain a validation number.

(a) Payment: The Lottery may pay the claim if the Lottery can determine from its investigation that the credit was on the terminal identified by the player at the time claimed, and that no cash slip has been paid on the claim.

(b) Signed Statement: The Lottery will not pay any such claim without a signed statement by a player. The player's statement must contain game play information that can be compared to data in the Lottery's central computer system that substantiates that the player won a prize in the amount and at the time claimed, and information from which the Lottery reasonably can determine that the claim has not been paid.

(c) Jackpot Prize: The Lottery will not pay the claim for a Jackpot Prize without receipt of a Video Problem Report form as described in section (3)(b) of this rule.

(7) Lottery Validation Exceptions: If a cash slip cannot be validated because the cash slip data is not recorded on the Lottery's central computer system, the Director may still authorize payment if:

(a) The Lottery conducts an investigation of the claim, and

(b) The Director concludes that the claimant was an authorized player and that the absence of a record of the cash slip data in the Lottery's central computer system was the result of either a technical problem in the Video LotterySM game terminal or a communications problem that prevented the recording of the credits in the Lottery's central computer system.

(8) Subsequent Claims: If a cash slip paid by a retailer is later submitted for payment to the Lottery, the Lottery may pay the cash slip and debit the retailer's account for the amount of the cash slip. The Lottery will conduct an investigation in accordance with section (6) of this rule to determine that the Lottery properly may make payment.

(9) Withholding of Payment: The Lottery may withhold payment of any cash slip claim presented to it until the expiration of the 28-day prize claim period at the retailer's location for prizes payable by the retailer or until the completion of any investigation by the Lottery to determine if payment is proper.

Stat. Auth.: OR Const. Art. XV, Sec. 4(4)
Stats. Implemented: ORS 461.250

Hist.: LC 8-1991, f. & cert. ef. 11-25-91; LC 9-1993, f. 11-18-93, cert. ef. 12-1-93; LC 9-1994, f. 8-19-94, cert. ef. 9-1-94; LC 1-1995, f. 1-25-95, cert. ef. 3-1-95; LC 6-1996, f. 5-30-96, cert. ef. 6-1-96; LC 4-1997, f. & cert. ef. 4-25-97; LOTT 7-2003(Temp), f. & cert. ef. 6-5-03 thru 11-28-03; LOTT 15-2003, f. & cert. ef. 9-29-03; LOTT 10-2005(Temp), f. & cert. ef. 11-2-05 thru 4-28-06; LOTT 18-2005, f. 12-21-05, cert. ef. 12-31-05; LOTT 2-2010, f. 1-29-10, cert. ef. 2-1-10; LOTT 4-2010(Temp), f. 3-10-10, cert. ef. 3-15-10 thru 9-4-10; LOTT 9-2010, f. 8-30-10, cert. ef. 9-5-10

177-200-0032

Retailer Payment Credit/Debit

(1) **Debit:** Except for cash slips that are presented for payment to the Lottery and which have not been recorded in the Lottery's central computer system, the Lottery shall debit the retailer's EFT account with the amount of any cash slip issued at that retailer that is presented for payment to the Lottery within 28 days of the date it was issued, and any payments made by the Lottery under OAR 177-200-0020(6) or (7), unless the retailer's account has already been debited under section (3) of this rule.

(2) **Credit:** Prizes paid by the retailer upon a validated cash slip shall be credited to the retailer's EFT account. Prizes that are paid by a retailer but not validated at the time of payment shall be credited to the retailer's account if payment is authorized under OAR 177-200-0020(1) and (2).

(3) **Automatic Debit of Unredeemed Prizes:** If a cash slip is not redeemed within 28 days of the date it was issued, the Lottery will debit the retailer's EFT account for the amount of that cash slip.

(4) **Limitation on Redemption:** A retailer must not attempt to redeem and may not pay a cash slip for any Jackpot Prize. A retailer shall only redeem cash slips for prizes awarded on terminals located on its premises. If a retailer redeems a cash slip from another location, or redeems a cash slip for a Jackpot Prize, the Lottery will not credit the retailer's EFT account for the payment.

Stat. Auth.: OR Const. Art. XV, Sec. 4(4) & ORS 461

Stats. Implemented: ORS 461.215 & 461.217

Hist.: LOTT 7-2003(Temp), f. & cert. ef. 6-5-03 thru 11-28-03; LOTT 15-2003, f. & cert. ef. 9-29-03; LOTT 4-2010(Temp), f. 3-10-10, cert. ef. 3-15-10 thru 9-4-10; LOTT 9-2010, f. 8-30-10, cert. ef. 9-5-10

177-200-0050

Method of Determining Winners

Each Video LotterySM game terminal must have a random number generator that will determine the occurrence of a specific card, symbol, or number to be displayed on the video screen during a game play. A selection process will be considered random if it meets the requirements of OAR 177-200-0055.

Stat. Auth.: OR Const. Art. XV, Sec. 4(4)

Stats. Implemented: ORS 461.217

Hist.: LC 8-1991, f. & cert. ef. 11-25-91; LOTT 7-2003(Temp), f. & cert. ef. 6-5-03 thru 11-28-03; LOTT 15-2003, f. & cert. ef. 9-29-03; LOTT 9-2010, f. 8-30-10, cert. ef. 9-5-10

177-200-0060

Requirements for Percentage Payout

The maximum payout percentage for the Lottery's Video LotterySM games is 96 percent. Extended play games may exceed this number.

Stat. Auth.: OR Const. Art. XV, Sec. 4(4)

Stats. Implemented: ORS 461.220

Hist.: LC 8-1991, f. & cert. ef. 11-25-91; LC 9-1993, f. 11-18-93, cert. ef. 12-1-93; LC 9-1994, f. 8-19-94, cert. ef. 9-1-94; LC 1-1995, f. 1-25-95, cert. ef. 3-1-95; LC 7-1995, f. & cert. ef. 7-7-95; LC 3-1996(Temp), f. & cert. ef. 3-27-96; LC 6-1996, f. 5-30-96, cert. ef. 6-1-96; LOTT 7-2003(Temp), f. & cert. ef. 6-5-03 thru 11-28-03; LOTT 15-2003, f. & cert. ef. 9-29-03; LOTT 9-2010, f. 8-30-10, cert. ef. 9-5-10

177-200-0065

Video Lottery Game Management

(1) **Video Game Management:** The Director of the Lottery shall manage the Video LotterySM games installed on its Video LotterySM game terminals pursuant to ORS 461.200. The Director may revise the Lottery's Video LotterySM games at any time and in any manner. The Lottery is under no obligation to continue to operate existing games and may initiate new or revised games at any time.

(2) **Retailer's Sales:** A retailer's sales of all Lottery tickets and shares and sales of non-Lottery products are the prime factors considered by the Lottery in managing the games installed on its Video LotterySM equipment. A retailer's sales from Video LotterySM games must comply with the provisions of OAR 177-040-0017 or 177-040-0061 and OAR 177-045-0030.

(3) **Removal of Games:** The Lottery may furnish or remove video games from equipment on a retailer's premises at any time for any reason. The Lottery may limit the amount of time that a game is available at any time for any reason.

(4) **Test Equipment:** With the consent of the retailer, the Lottery may test new or revised games on its equipment on a retailer's premises.

(5) **Operation of Other Laws:** This rule does not preclude the Lottery from removing any or all of its games installed on its equipment or limiting the time or hours the games are operational pursuant to any other applicable law or contract provision.

Stat. Auth.: OR Const. Art. XV, Sec. 4(4) & ORS 461

Stats. Implemented: ORS 461.215 & 461.217

Hist.: LOTT 7-2003(Temp), f. & cert. ef. 6-5-03 thru 11-28-03; LOTT 15-2003, f. & cert. ef. 9-29-03; LOTT 2-2005, f. 4-11-05, cert. ef. 5-1-05; LOTT 9-2010, f. 8-30-10, cert. ef. 9-5-10

ADMINISTRATIVE RULES

177-200-0070

Requirements for Poker Games

Video LotterySM game terminals offering poker games must meet the following requirements:

(1) **General:** Standard decks of 52 playing cards shall be used. Jokers may be added to the decks if the resulting payout percentages meet the requirements of OAR 177-200-0060.

(2) **Shuffling:** When the deck is shuffled, it must be shuffled randomly and frozen. All cards used for play must be taken in order from the top of the deck. All cards needed for play must be stored in the non-volatile memory of the Video LotterySM game terminal. Non-volatile memory is a device that stores information that cannot be erased or destroyed when power is disconnected to the Video LotterySM game terminal. The manufacturer need not represent the whole deck in memory. Shuffling is the process of generating the cards possibly used in the play and may be conducted in any manner that satisfies the randomness tests in OAR 177-200-0055.

(3) **Dealing:** The program must deal the first cards in the order they are contained in the shuffled deck to the player. For draw poker games or hands, the player must have the option to hold or discard one or more of the cards initially drawn according to the game design. Any autohold features that assist players in their decision as to which of the cards to hold and discard for the chance to obtain a winning combination must be displayed. Any cards that are discarded must be replaced by the remaining cards in the deck by a predefined process that draws any additional cards in the order they are contained in the shuffled deck.

(4) **Initial Cards:** If the initial cards dealt constitute a winning hand or hands according to the game's pay table, the Video LotterySM game terminal must automatically notify the player of the winning hand or hands, display the kind of hand (e.g., one pair, two pair, three of a kind), and the potential prize amount.

(5) **Conclusion of Play:** At the conclusion of each game play, the Video LotterySM game terminal must display the winning combinations, if any, and the amount won.

(6) **Extended Play:** An extended play option may be included.

Stat. Auth.: OR Const. Art. XV, Sec. 4(4)

Stats. Implemented: ORS 461.220

Hist.: LC 8-1991, f. & cert. ef. 11-25-91; LOTT 7-2003(Temp), f. & cert. ef. 6-5-03 thru 11-28-03; LOTT 15-2003, f. & cert. ef. 9-29-03; LOTT 11-2004, 6-23-04, cert. ef. 7-1-04; LOTT 9-2010, f. 8-30-10, cert. ef. 9-5-10

177-200-0075

Requirements for Video Line Games

(1) **General:** A video line game must meet the following requirements:

(a) **Randomness:** The program must select numbers and symbols that satisfy the randomness requirements of OAR 177-200-0055.

(b) **Multi-Line Game Play:** When more than one line is played during a game play, each individual line that is brought into play by wagering additional credits must be clearly identified on the Video LotterySM game terminal screen.

(c) **End of Each Play:** At the end of each game play, the Video LotterySM game terminal must display and identify each winning combination of numbers or symbols, if any, and the amount won, if any.

(2) **Configuration:** A game may be configured as a matching game in which the player selects numbers or symbols from a fixed grid or pattern, or a game where randomly selected numbers or symbols line up in a row or other specified shape, or a game where one or more specified numbers or symbols must appear in order to constitute a winning game play.

(3) **Cessation of Movement:** A game may be configured so that after the player initiates game play, the movement of numbers or symbols stops automatically, or the player may manually choose to stop the movement prior to an automatic stop.

Stat. Auth.: OR Const. Art. XV, Sec. 4(4)

Stats. Implemented: ORS 461.210, 461.215, 461.217, 461.220

Hist.: LOTT 2-2005, f. 4-11-05, cert. ef. 5-1-05; LOTT 9-2010, f. 8-30-10, cert. ef. 9-5-10

177-200-0077

Specialty Games

(1) **General:** The Lottery may offer Specialty Games. Specialty Games may be offered as poker games or video line games.

(2) **Validation of Jackpot Prize Cash Slip:** A cash slip issued for a Jackpot Prize may only be validated and may only be paid at Lottery Headquarters in Salem pursuant to section (3) of this rule.

(3) **Payment of Jackpot Prizes:** A Jackpot Prize of more than \$600 must be claimed by:

(a) **Claiming in Person:** Bringing the cash slip issued for the Jackpot Prize to the Lottery Headquarters, Player Services Office, 500 Airport Road

SE, Salem, Oregon during Lottery business hours. The cash slip must be presented to the Lottery no sooner than the next Lottery business day following issuance; or

(b) **Claiming by Mail:** Signing the cash slip issued for the Jackpot Prize in the designated area on the cash slip, writing the individual's mailing address on the cash slip in the place indicated on the cash slip, completing a winner claim form, and mailing it together with the winning cash slip to the Lottery Headquarters, P.O. Box 14515, Salem, Oregon 97309. Registered mail is recommended. The winner claim form may be obtained from any Lottery retailer, from a Lottery kiosk, from the Lottery Headquarters at the addresses listed above, or downloaded from the Lottery's website.

(c) **Claiming a Jackpot Prize Jointly:** If more than one name appears in the designated area on a cash slip issued for a Jackpot Prize, the cash slip must be redeemed in accordance with the provisions of OAR 177-046-0110(6)(a) through (h) for tickets and shares.

Stat. Auth.: ORS 461 & OR Constitution Art. XV, Sec. 4(4)

Stats. Implemented: ORS 300, 461 & 461.335

Hist.: LOTT 4-2010(Temp), f. 3-10-10, cert. ef. 3-15-10 thru 9-4-10; LOTT 9-2010, f. 8-30-10, cert. ef. 9-5-10

177-200-0080

Discharge of Lottery from Liability

(1) **General:** The State of Oregon, its agents, officers, and employees, and the Oregon State Lottery Commission, its agents, officers, and employees, are discharged of all liability upon award of a prize, or, if a cash slip is presented to the Lottery for payment, upon payment of the cash slip. The State of Oregon, its agents, officers, and employees, and the Oregon State Lottery Commission, its agents, officers, and employees, are not liable for any terminal malfunction nor are they liable for the payment of any cash slip presented to a retailer for payment.

(2) **Director's Decisions:** The Director's decisions and judgments regarding award of a prize and the payment of a cash slip are final and binding. If a question arises as to the amount of a prize, the amount of a cash slip, or whether a Video LotterySM game terminal malfunctioned, the Lottery may deposit any prize winnings into an interest-bearing escrow fund until it resolves the controversy, or it may petition a court of competent jurisdiction for instructions and a resolution of the controversy. All interest that may accrue while the prize winnings are on deposit in an interest-bearing fund is and remains the property of the Lottery.

(3) **Disputes:** In the event a dispute occurs between the Lottery and a player as to the amount of a prize, the amount of a cash slip, or whether a Video LotterySM game terminal malfunctioned, the Director may replace the disputed wager with one of equivalent value. This is the player's sole and exclusive remedy. The Director's decision is final.

Stat. Auth.: OR Const. Art. XV, Sec. 4(4) & ORS 461

Stats. Implemented: ORS 461.215 & 461.217

Hist.: LOTT 7-2003(Temp), f. & cert. ef. 6-5-03 thru 11-28-03; LOTT 15-2003, f. & cert. ef. 9-29-03; LOTT 9-2010, f. 8-30-10, cert. ef. 9-5-10

177-200-0090

Governing Law

(1) **General:** By playing a game on a Video LotterySM game terminal, a player agrees to abide by and comply with Oregon law, including the statutes and administrative rules governing Video LotterySM games and game terminals that are in effect and as may be amended, and any additional terms and conditions that may be found on the cash slip. In the event of a conflict between any additional terms and conditions on a cash slip with the Lottery's rules, the rules control.

(2) **Lottery Materials:** All materials distributed by the Lottery for playing Video LotterySM games are to be used solely for playing the video games permitted under these rules. Any use or reproduction of the materials for purposes other than those permitted by these rules may constitute a violation of Oregon gambling laws.

(3) **Director's Decisions:** All decisions of the Director regarding Video LotterySM games are final.

Stat. Auth.: OR Const. Art. XV, Sec. 4(4) & ORS 461

Stats. Implemented: ORS 461.215 & 461.217

Hist.: LOTT 7-2003(Temp), f. & cert. ef. 6-5-03 thru 11-28-03; LOTT 15-2003, f. & cert. ef. 9-29-03; LOTT 9-2010, f. 8-30-10, cert. ef. 9-5-10

**Oregon University System,
Oregon Institute of Technology
Chapter 578**

Rule Caption: To amend the Schedule of Special Institutional Fees and Charges.

ADMINISTRATIVE RULES

Adm. Order No.: OIT 2-2010
Filed with Sec. of State: 8-30-2010
Certified to be Effective: 8-30-10
Notice Publication Date: 8-1-2010
Rules Amended: 578-041-0030
Rules Repealed: 578-041-0030(T)

Subject: 578-041-0030 Amends the Schedule of Special Institution Fees and Charges. Amendments allow for increases, revisions, additions or deletions of special course fees and general services fees for fiscal year 2010-2011. The schedule of subject fees may be obtained from the Oregon Institute of Technology Business Affairs Office.

Rules Coordinator: Leticia Hill—(541) 885-1133

578-041-0030

Special Institution Fees and Charges

(1) The Schedule of special Institution Fees and Charges establishes charges for selected courses and general services for Oregon Institute of Technology for the academic year 2010–2011 and are hereby adopted by reference.

(2) Copies of this fee schedule may be obtained from the Oregon Institute of Technology Business Affairs Office.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.070(2)

Hist.: OIT 1-1985, f. 1-10-85, ef. 2-1-85; OIT 1-1986, f. & ef. 9-4-86; OIT 4-1991, f. & cert. ef. 7-22-91; OIT 5-1992, f. & cert. ef. 9-24-92; OIT 1-1993, f. & cert. ef. 9-24-93; OIT 1-1995, f. & cert. ef. 7-7-95; OIT 1-1996, f. & cert. ef. 9-11-96; OIT 2-1996, f. & cert. ef. 12-19-96; OIT 1-1997, f. & cert. ef. 12-31-97; OIT 2-1998, f. & cert. ef. 11-12-98; OIT 1-1999, f. & cert. ef. 8-26-99; OIT 1-2000, f. & cert. ef. 7-7-00; OIT 1-2001, f. & cert. ef. 7-19-01; OIT 1-2002, f. & cert. ef. 7-15-02; OIT 1-2003, f. & cert. ef. 6-11-03; OIT 1-2004, f. & cert. ef. 6-9-04; OIT 1-2005, f. & cert. ef. 6-10-05; OIT 1-2006, f. & cert. ef. 6-2-06; OIT 1-2007, f. & cert. ef. 6-7-07; OIT 1-2008, f. & cert. ef. 6-10-08; OIT 1-2009, f. & cert. ef. 9-2-09; OIT 1-2010(Temp), f. & cert. ef. 6-28-10 thru 12-23-10; OIT 2-2010, f. & cert. ef. 8-30-10

Parks and Recreation Department Chapter 736

Rule Caption: Amendment to OAR 736-018-0045 for adoption of the Bates State Park Master Plan.

Adm. Order No.: PRD 9-2010

Filed with Sec. of State: 9-15-2010

Certified to be Effective: 10-1-10

Notice Publication Date: 7-1-2010

Rules Amended: 736-018-0045

Subject: ORS 390.180 (1) authorizes the Director of the Oregon Parks and Recreation Department to adopt administrative rules that establish a master plan for each state park. Accordingly, OPRD is adopting a new master plan for Bates State Park. Master plans for state parks are adopted as administrative rules under OAR 736-018-0045. The purpose of amending OAR 736-018-0045 is to adopt the Master Plan for this park as an Oregon Administrative Rule.

The Master Plan responds to the most current information on park resource conditions and public recreation needs as they pertain to this park. The plan was formulated through OPRD's mandated master planning process which included meetings and written comment opportunities involving the general public, an advisory committee, local residents, tribes that are affiliated with the area, and affected state and federal agencies and local governments. The Department held a rule-making hearing and accepted testimony on the proposed rule amendment for adoption of the Master Plan.

The Master Plan to be adopted through the rule amendment has no effect on small businesses. However, businesses have had the same opportunities to be involved, through public meetings and written comment opportunities, as other members of the public.

Rules Coordinator: Vanessa DeMoe—(503) 986-0719

736-018-0045

Adopted State Park Master Plan Documents

(1) The following state park master plan documents have been adopted and incorporated by reference into this division:

(a) Fort Stevens State Park Master Plan, as amended in 2001;

(b) Cape Lookout State Park;

(c) Cape Kiwanda State Park, renamed as Cape Kiwanda State Natural Area;

(d) Nestucca Spit State Park, renamed as Robert Straub State Park;

(e) Jessie M. Honeyman Memorial State Park as amended in 2009;

(f) Columbia Gorge Management Unit Master Plan, including: Rocky Butte State Scenic Corridor, Lewis and Clark State Recreation Site, Dabney State Recreation Area, Portland Womens' Forum State Scenic Viewpoint, Crown Point State Scenic Corridor, Guy W. Talbot State Park, George W. Joseph State Natural Area, Rooster Rock State Park, Shepperd's Dell State Natural Area, Bridal Veil Falls State Scenic Viewpoint, Dalton Point State Recreation Site, Benson State Recreation Area, Ainsworth State Park, McLoughlin State Natural Area, John B. Yeon State Scenic Corridor, Bonneville State Scenic Corridor, Sheridan State Scenic Corridor, Lang Forest State Scenic Corridor, Lindsey Creek State Scenic Corridor, Starvation Creek State Park, Viento State Park, Wygant State Natural Area, Vinzenz Lausman Memorial State Natural Area, Seneca Fouts Memorial State Natural Area, Koberg Beach State Recreation Site, Memaloose State Park, and Mayer State Park;

(g) Molalla River State Park;

(h) Champoeg State Park;

(i) Willamette Mission State Park;

(j) Cascadia State Park;

(k) Willamette River Middle Fork State Parks Master Plan, 2006, including: Elijah Bristow State Park; Jasper State Recreation Site; Pengra Access; Dexter State Recreation Site; Lowell State Recreation Site; and the parks that comprise the Fall Creek State Recreation Area, including Winberry Park, North Shore Park, Sky Camp, Cascara Campground, Fisherman's Point Group Camp, Free Meadow, Lakeside 1 and Lakeside 2;

(l) Cove Palisades State Park Master Plan, as amended in 2002;

(m) Silver Falls State Park Master Plan, as amended in 2009;

(n) Curry County State Parks Master Plan, including: Floras Lake State Park, renamed as Floras Lake State Natural Area; Cape Blanco State Park; Paradise Point Ocean Wayside, renamed as Paradise Point State Recreation Site; Port Orford Heads Wayside, renamed as Port Orford Heads State Park; Humbug Mountain State Park; Otter Point Wayside, renamed as Otter Point State Recreation Site; Cape Sebastian State Park, renamed as Cape Sebastian State Scenic Corridor; Otter Point Wayside; Port Orford Cedar Forest Wayside, renamed as Port Orford Cedar Forest State Scenic Corridor; and Buena Vista Ocean Wayside; Pistol River State Scenic Viewpoint; Samuel H. Boardman State Scenic Corridor; Harris Beach State Recreation Area; McVay State Recreation Site; Winchuck State Recreation Site; Crissey Field State Recreation Site; Alfred A. Loeb State Park;

(o) Hat Rock State Park Master Plan, renamed as Hat Rock State Recreation Area;

(p) Deschutes County State Parks, including: La Pine and Tumalo State Parks; Cline Falls, renamed as Cline Falls State Scenic Viewpoint; and Pilot Butte, renamed as Pilot Butte State Scenic Viewpoint;

(q) Sunset Bay District Parks, including: Umpqua Lighthouse State Park (this chapter was replaced by the Umpqua Lighthouse State Park Master Plan, 2004); William M. Tugman State Park; Yoakam Point State Park, renamed as Yoakum Point State Natural Site; Sunset Bay State Park; Shore Acres State Park; and Cape Arago State Park;

(r) Bullards Beach District Parks, including: Seven Devils State Wayside, renamed as Seven Devils State Recreation Site; Bullards Beach State Park; Bandon Ocean Wayside, renamed as Face Rock State Scenic Viewpoint; and Bandon State Park, renamed as Bandon State Natural Area;

(s) Tillamook County Coastal State Parks, including: Oswald West State Park; Nehalem Bay State Park (this chapter was replaced by the Nehalem Bay State Park Master Plan, 2009); Cape Meares State Park, renamed as Cape Meares State Scenic Viewpoint; Neahkanie-Manzanita State Wayside, renamed as Neahkanie-Manzanita State Recreation Site; Manhattan Beach State Wayside, renamed as Manhattan Beach State Recreation Site; Rockaway Beach State Wayside, renamed as Rockaway Beach State Recreation Site; Twin Rocks State Wayside, renamed as Twin Rocks State Natural Site; Oceanside Beach State Wayside, renamed as Oceanside Beach State Recreation Site; and Neskowin Beach State Wayside, renamed as Neskowin Beach State Recreation Site;

(t) Beverly Beach District Parks South, including: Boiler Bay State Park, renamed as Boiler Bay State Scenic Viewpoint; Rocky Creek State Wayside, renamed as Rocky Creek State Scenic Viewpoint; Otter Crest State Wayside, renamed as Otter Crest State Scenic Viewpoint; Devil's Punchbowl State Park, renamed as Devil's Punchbowl State Natural Area; Beverly Beach State Park; Agate Beach State Wayside, renamed as Agate Beach State Recreation Site; and Ellmaker State Park, renamed as Ellmaker State Wayside;

(u) Smith Rock State Park;

(v) Collier District Parks, including: Booth State Wayside, renamed as Booth State Scenic Corridor; Chandler State Wayside; Collier Memorial

ADMINISTRATIVE RULES

State Park; Goose Lake State Recreation Area; Jackson F. Kimball State Park, renamed as Jackson F. Kimball State Recreation Site; and Klamath Falls-Lakeview Forest Wayside, renamed as Klamath Falls-Lakeview Forest State Scenic Corridor;

(w) Banks-Vernonia State Park, renamed as Banks-Vernonia State Trail;

(x) Sumpter Valley Dredge State Park, renamed as Sumpter Valley Dredge State Heritage Area;

(y) Illinois River Forks State Park;

(z) Wallowa County State Parks Master Plan, 2000;

(aa) L.L. "Stub" Stewart Memorial State Park Master Plan, 2005;

(bb) Master Plan for Clay Myers State Natural Area at Whalen Island, 2003;

(cc) South Beach State Park Master Plan, 2003;

(dd) Prineville Reservoir Resource Management Plan/Master Plan, 2003;

(ee) Detroit Lake State Park Master Plan, 2002;

(ff) Umpqua Lighthouse State Park Master Plan, 2004;

(gg) Fort Yamhill State Heritage Area Master Plan, 2004;

(hh) Thompson's Mills State Heritage Site Master Plan, 2006;

(ii) Luckiamute State Natural Area Master Plan, 2009;

(jj) Iwetemlaykin State Heritage Site Master Plan, 2009;

(kk) Kam Wah Chung State Heritage Site Master Plan, 2009;

(ll) Nehalem Bay State Park Master Plan, 2009. ;

(mm) Bates State Park Master Plan, 2010.

(2) The master plan documents which have been incorporated by reference into this division are available from the State Parks and Recreation Department, 725 Summer Street NE, Suite C, Salem OR 97301.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 390.180(1)(c)

Stats. Implemented: ORS 390.180(1)(c)

Hist.: PRD 9-1998, f. 7-29-98, cert. ef. 7-31-98; PRD 4-1999, f. & cert. ef. 5-14-99; PRD 9-2000, f. 6-14-00, cert. ef. 7-1-00; PRD 1-2001, f. & cert. ef. 2-1-01; PRD 5-2001, f. & cert. ef. 6-29-01; PRD 6-2001, f. & cert. ef. 9-6-01; PRD 3-2002, f. & cert. ef. 3-22-02; PRD 2-2003, f. & cert. ef. 2-27-03; PRD 3-2003, f. & cert. ef. 2-27-03; PRD 5-2003, f. & cert. ef. 7-8-03; PRD 9-2003, f. & cert. ef. 10-13-03; PRD 11-2003, f. & cert. ef. 11-7-03; PRD 7-2004, f. & cert. ef. 5-14-04; PRD 9-2004, f. & cert. ef. 6-14-04; PRD 1-2005, f. & cert. ef. 2-4-05; PRD 3-2005, f. & cert. ef. 5-4-05; PRD 4-2006, f. 7-14-06, cert. ef. 7-14-06; PRD 5-2006, f. 9-15-06, cert. ef. 10-1-06; PRD 1-2009, f. 1-15-09, cert. ef. 2-1-09; PRD 3-2009, f. 3-12-09, cert. ef. 4-1-09; PRD 4-2009, f. 4-15-09, cert. ef. 5-1-09; PRD 5-2009, f. 4-15-09, cert. ef. 5-1-09; PRD 6-2009, f. 5-14-09, cert. ef. 6-1-09; PRD 12-2009, f. & cert. ef. 9-3-09; PRD 13-2009, f. 9-15-09 cert. ef. 10-1-09; PRD 9-2010, f. 9-15-10, cert. ef. 10-1-10

Psychiatric Security Review Board Chapter 859

Rule Caption: Determination of Sufficient Funding to Implement Oregon Laws 2009, Chapter 826.

Adm. Order No.: PSRB 1-2010(Temp)

Filed with Sec. of State: 8-19-2010

Certified to be Effective: 8-23-10 thru 2-18-11

Notice Publication Date:

Rules Adopted: 859-300-0001

Subject: 2009 Oregon Laws, Chapter 826 (House Bill 2853) contains two sections that require the Psychiatric Security Review Board to determine whether it has received sufficient legislative appropriation and/or federal funding to carry out both the records reconciliation and relief programs and then to publish a rule stating the findings of its determination. The Psychiatric Security Review Board must publish a rule acknowledging its findings of sufficient funding prior to the Psychiatric Security Review Board and any other agency carrying out its responsibilities in Sections 1 and 5 of House Bill 2853.

The proposed rule will do so as the Psychiatric Security Review Board has determined it has received sufficient funding to implement the programs in House Bill 2853. Therefore, the Psychiatric Security Review Board needs to adopt this rule on a temporary basis to allow it to implement these two programs and to allow other agencies to carry out their responsibilities in House Bill 2853.

Rules Coordinator: Mary Claire Buckley—(503) 229-5596

859-300-0001

Determination of Sufficient Funding

(1) The Psychiatric Security Review Board has determined that it has received sufficient legislative appropriation or other funding to carry out the provisions of Section One of Oregon Laws 2009, Chapter 826.

(2) The Psychiatric Security Review Board has determined that it has received sufficient legislative appropriation or other funding to carry out the provisions of Section Five of Oregon Laws 2009, Chapter 826.

Stat. Auth.: OL 2009, Ch. 826

Stats. Implemented: ORS 166.250, 166.274, 166.291, 166.470, OL 2009, Ch. 826

Hist.: PSRB 1-2010(Temp), f. 8-19-10, cert. ef. 8-23-10 thru 2-18-11

Public Utility Commission Chapter 860

Rule Caption: In the Matter of a Rulemaking to Update OAR 860-032-0620.

Adm. Order No.: PUC 4-2010

Filed with Sec. of State: 9-10-2010

Certified to be Effective: 9-10-10

Notice Publication Date: 8-1-2010

Rules Amended: 860-032-0620

Subject: This rulemaking makes the changes necessary to implement a new, online filing and payment system for the reporting and payment of the Oregon Universal Service surcharge by subject companies. The amendments to the rule impact due dates for filing reports and submitting payments, create a new de minimis provision for contributions owing that are less than ten dollars, and provide guidelines for reimbursing a company that has overpaid.

Rules Coordinator: Diane Davis—(503) 378-4372

860-032-0620

Quarterly OUS Report: Filing and Payment

(1) For the purpose of the OUS fund, a telecommunications provider must file its contribution report with the OUS Administrator. For the first quarter (January through March) the contribution report is due on or before May 28, for the second quarter (April through June) it is due on or before August 28, for the third quarter (July through September) it is due on or before November 28, and for the fourth quarter (October through December) it is due on or before February 28 of the following year. The contribution report must include the signature of an officer of the telecommunications provider, or an officer's designee, verifying the accuracy of the information in the contribution report. In the case of the electronic filing, the required signature is an electronic signature. A telecommunications provider must send or transmit its contribution report so that it is received in the OUS Administrator's offices no later than 5 p.m. on the date it is due.

(2) A telecommunications provider must file the contribution report for each quarter with no exceptions, including when the contribution amount shown on the report is \$0.00.

(3) The amount shown on the contribution report referenced in section (1) of this rule is due and payable by the telecommunications provider on or before the following days: February 28, May 28, August 28, and November 28. A telecommunications provider must send payment (electronically or by mail) so that it is received in the Commission's offices by no later than 5 p.m. on the date it is due.

(4) If the telecommunications provider's contribution amount for a quarter is less than a minimum of \$10 (i.e. \$9.99 or less), the telecommunications provider is not required to pay the contribution amount for that quarter but it must still file its contribution report. If the telecommunications provider has outstanding amounts owing for contributions, late statement fees, late payment penalties, and interest totaling more than the \$10 minimum amount, this section does not apply and the total amount is due and payable.

(5) If a telecommunications provider fails to file a contribution report as required by these rules, the Commission shall impose a late report fee of \$100.

(6) If a telecommunications provider files a contribution report but fails to pay the contribution amount in full on or before the day it is due, the Commission shall add a late payment fee equal to nine percent (9%) of the unpaid amount of the contribution, up to a maximum of \$500.

(7) If a telecommunications provider fails to pay the contribution amount in full on or before the day it is due, the Commission shall add interest on the unpaid contribution amount at the rate of nine percent per annum from the day payment was due until paid.

(8) If the amount shown due on a contribution report is not paid on the due date, the Commission may issue a written notice of proposed assessment or proposed order to set the sum due. The Commission may waive the late report fee, the late payment fee, the interest on the unpaid contribution amount, or any combination thereof, if the provider requests the waiver and

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provides evidence showing that the provider paid its contribution amount late due to circumstances beyond its control.

(9) A telecommunications provider must submit revisions to a previously-filed contribution report no later than three years from its due date. If making the refunds arising from one or more Commission-verified revised contribution reports received from the telecommunications provider would have a material financial impact on the OUS fund, the Oregon Universal Service Fund Board may enter into an agreement with the telecommunications provider to spread payment of the refunds over a time period not to exceed three years.

Stat. Auth.: ORS 183, 192, 756 & 759
Stats. Implemented: ORS 756.040, 759.015 & 759.425
Hist.: PUC 23-2002, f. & cert. ef. 12-9-02; PUC 3-2009, f. & cert. ef. 4-14-09; PUC 4-2010, f. & cert. ef. 9-10-10

**Secretary of State,
Archives Division
Chapter 166**

Rule Caption: Amends rule to require the uniform retention of all state agency account transfer records.

Adm. Order No.: OSA 2-2010

Filed with Sec. of State: 9-3-2010

Certified to be Effective: 9-3-10

Notice Publication Date: 8-1-2010

Rules Amended: 166-300-0025

Subject: Amends rule to require the uniform retention of all state agency account transfer records. Amendment eliminates the 75 year retention of records documenting transfers between statutory funds, and requires a uniform 6 year retention of all state agency account transfer records, documenting the authorized transfer, movement and receipt of funds between accounting structures.

Rules Coordinator: Julie Yamaka—(503) 378-5199

166-300-0025

Financial Records

(1) "1099-Miscellaneous Forms Records" document the agency's responsibility for ensuring vendor payments are accurate. If vendor information is incorrect, the agency prepares a '1099-Misc. Change Request' and forwards it to the Statewide Financial Management Services section for correct to the 1099-Misc. form. The Statewide Financial Management Application (SFMA) tracks vendor payments and produces 1099-Misc. forms for federal reporting. (Retention: Retain 6 years, destroy).

(2) "Account Reconciliation Records" Records document the reconciliation of agency funds and accounts such as cash accounts with the State Treasury or other subsystems, capital asset to capital expenditures, or federal revenue to federal expenditures. Records may include printouts, worksheets, reports, schedules, and other supporting documentation. Records include those produced by the Statewide Financial Management Application (SFMA), the Department of Administrative Services Data Mart, and any other subsystems used by the agency. (Retention: Retain 6 years, destroy).

(3) "Account Transfer Records" Records document the authorized transfer, movement, and receipt of funds between various accounting structures, including agency cost accounting systems, agency subsystems, Treasury accounts, and the statewide financial management application. Records include journal vouchers and transfer requests. (Retention: Retain 6 years, destroy).

(4) "Accounting Structure Organizational Hierarchy Records" Records document the program and/or organization of an agency's accounting structure. The accounting structure includes items such as comptroller objects, agency objects, fund structure, and general ledger account and other codes and profiles. Records include those produced by the Statewide Financial Management Application (SFMA) the Department of Administrative Services Data Mart, and any other subsystems used by the agency. Records may include SFMA profile listings showing accounting structure and fund split tables. (Retention: Retain 6 years, destroy).

(5) "Accounting System Input Documents and Listings, and Agency Control Reports" Records document transactions or changes entered into the accounting system and other subsystems. They are used to control accuracy of data entry and to verify data input and batch control. Records include those produced by the Statewide Financial Management Application (SFMA), the Department of Administrative Services Data Mart, and any other subsystems used by the agency. Records include input

documents, batch control reports, hand-posted spreadsheets, control reports, and memoranda. (Retention: Retain 4 years, destroy).

(6) "Accounts Payable Reports" Records document current outstanding liabilities and provide a record of payments of bills by the agency. They may also serve as a subsidiary ledger. Records include those produced by the Statewide Financial Management Application (SFMA), the Department of Administrative Services Data Mart, and any other subsystems used by the agency. (Retention: (a) Retain SFMA requestable reports: 6 years, destroy; (b) Retain all other accounts payable records: 6 years, destroy).

(7) "Accounts Receivable Reports" Records document billings and collections and provide a record of money owed to the agency. Serves as a subsidiary ledger of original entry/input and records amounts received from debtors for goods and/or services. Aging reports are used to monitor accounts that are outstanding and overdue. Records include those produced by the Statewide Financial Management Application (SFMA), the Department of Administrative Services Data Mart, and any other subsystems used by the agency. (Retention: (a) Retain monthly accounts receivable reports and SFMA requestable reports: 6 years, destroy; (b) Retain all other accounts receivable records: 6 years after collected or deemed uncollectible, destroy).

(8) "Annual Financial Reports" Records document the agency's annual financial condition and results of operation as of June 30 using trial balance data. These reports are used as a reference by the Secretary of State, Audits Division and included in the Comprehensive Annual Financial Report (CAFR) produced by the Department of Administrative Services. Records may include transmittal cover sheet, organization and function, combined balance sheet, combined statement of revenues, expenditures, changes in fund balance, notes to the financial statement, and exhibits. Exhibits may include a working trial balance by fund type, adjustments to accounting data, cash flow analysis, and other documents supporting statement amounts and notes. The Department of Administrative Services maintains the statewide record copy of the CAFR. (Retention: Retain 10 years, destroy).

(9) "Audit Reports" Records document an examination of the agency's fiscal condition, internal control and compliance policies and procedures, performance or other financial related audits by the Secretary of State, Audits Division; internal auditors; or independent auditors. Records include audit reports, supporting documentation, agency comments, and correspondence. The Secretary of State, Audits Division maintains the statewide record copy of their audits. SEE ALSO Internal Audit Reports in this section. (Retention: (a) Retain grant fund audit reports: 5 years or according to the terms (if greater than 5 years) specified in the grant, destroy; (b) Retain all other audit reports: 5 years, destroy).

(10) "Bank Statements Records" document the current status and transaction activity of agency funds held at a bank or at the State Treasury. Records may include bank/Treasury statements and support reconciliation records, validated deposit slips and/or paid check/warrant copies. (Retention: Retain 6 years, destroy).

(11) "Budget Allotment Reports" Records document the agency's containment within quarterly budget authorizations using expenditure, encumbrance, and budget data. Records are used to develop and monitor apportioned fiscal distributions. (Retention: Retain present and previous biennium, destroy).

(12) "Budget Preparation Records" Records document the agency's activity to plan, develop, estimate and propose biennial budget requests. Records may include budget requests, spreadsheets, expenditure projection work papers, preliminary division/section budget proposals, budget development schedules, allotment reports, decision packages, spending plans, funding formula factor analysis, compensation plan proposals, contingency/deviation plans, performance measures, fiscal impact analysis, and correspondence. Records may also include monthly trial balance summaries, expenditure detail reports, revenue detail reports, monthly encumbrance registers, and expenditure and revenue registers. (Retention: Retain present and previous biennium, destroy).

(13) "Cash Receipt Records" Records document tabulated and keyed-in transactions for cash received by the agency. Records may include cash register tapes or equivalent, copies of receipts, and batch sheets. SEE ALSO Receipts and Receipt Registers in this section. (Retention: Retain 6 years, destroy).

(14) "Check Cancellation Request Records" Records document the request to cancel checks issued and to request the issuance of duplicates. Records may include request memoranda and check photocopies. (Retention: Retain 6 years, destroy).

(15) "Check Conversion Records" Records document checks received from customers that are electronically deposited after being imaged and

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converted to an Automated Clearing House (ACH) transaction or Image Replacement Document (IRD) (Retention: (a) Retain original paper instrument 120 days, destroy (b) Retain ACH transaction or IRD 6 years, destroy).

(16) "Check Registers Records" document an original entry listing which logs checks issued by the agency. Information includes date, check number, payee, and amount. (Retention: Retain 6 years, destroy).

(17) "Checks Records" document redeemed checks written on agency accounts. Records may include redeemed, void and canceled checks, and supporting documentation. (Retention: Retain 6 years, destroy).

(18) "Competitive Bid Records" Records document the evaluation and award of bids to vendors and/or agencies and provides evidence of accepted and rejected bids. Records may include but are not limited to requests for proposals, bids, and information; bid and quote lists; notices of bid opening and award; comparison summaries; spreadsheets; tabulation worksheets; bid advertising records; tally sheets; bid specifications; and vendor correspondence. SEE ALSO Purchasing Records and Vendor Reports in this section. (Retention: Retain 6 years after bid awarded or canceled, destroy).

(19) "Credit and Debit Receipts" Agency's copy of credit or debit card receipt documenting payment received by agency. Records include customer's name and account information (Retention: Retain 36 months after transaction, destroy).

(20) "Credit Card Records" Records document the application and approval to use state-issued credit cards and purchases made with these cards. Records may include but are not limited to credit card applications, approvals, credit card transaction logs, credit card security and check-out records, monthly credit card statements, and purchasing documentation. (Retention: (a) Retain application and approvals: 3 years after card cancelled, revoked, or denied, destroy; (b) Retain all other credit card records: 6 years, destroy).

(21) "Debit/Credit Advices Records" document the receipt of and/or verification of special deposits or withdrawals and the adjustment of dollar amounts in funds because of recording errors or fund transfers between accounts. Information includes account number, debit/credit amount, authorization, and justification. (Retention: Retain 6 years, destroy).

(22) "Deposit Slips Records" document monies deposited in banks at privately operated institutions and the State Treasury. Records are used to reconcile and balance an agency's State Treasury or bank accounts. Information may include date and amount deposited. (Retention: Retain 6 years, destroy).

(23) "Emergency Board Request Records" Records document the agency's requests to the Legislative Emergency Board for additional funds or authority to spend funds between legislative sessions. Records may include but are not limited to requests, schedules and agendas, exhibits, organization charts, testimony summaries, fiscal analysis, legislative progress reports, revenue projections, reclassification plans, presentation drafts, performance measures, other exhibits, and correspondence. (Retention: Retain present and previous biennium, destroy).

(24) "Encumbrance Registers Records" document a listing of outstanding encumbrances (financial obligations), purchase commitments, and vouchers written to liquidate or reduce encumbrances. Records include those produced by the Statewide Financial Management Application (SFMA), the Department of Administrative Services Data Mart, and any other subsystems used by the agency. (Retention: Retain 3 years, destroy).

(25) "Expenditure and Revenue Reports" Records summarize expenditures, revenue, encumbrances, and budgetary data, and are used to monitor and control expenditures in accordance with Legislatively Approved Budgets. Records include those produced by the Statewide Financial Management Application (SFMA), the Department of Administrative Services Data Mart, and any other subsystems used by the agency. (Retention: (a) Retain monthly expenditure and revenue 6 years, destroy; (b) Retain SFMA expenditure and revenue projection reports: until superseded or obsolete, destroy; (c) Retain all other expenditure and revenue reports: 2 years, destroy).

(26) "General Ledger Transaction Reports" Records document all fiscal transactions of the agency for each month. Data is used to prepare an agency's financial statements. Records include those produced by the Statewide Financial Management Application (SFMA), the Department of Administrative Services Data Mart, and any other subsystems used by the agency. The Department of Administrative Services, Statewide Financial Management Services section maintains the statewide record copy of the General Ledger. (Retention: Retain 6 years, destroy).

(27) "Grant Records" Records document the application, evaluation, awarding, administration, monitoring, and status of grants in which the

agency is the recipient, grantor, allocator, or administrator. Grants may be awarded from federal or state government, or other public or private funding sources. Records may include but are not limited to applications including project proposals and narratives, summaries, objectives, activities, budgets, exhibits, and award notification; grant evaluation records and recommendations concerning grant applications; grant administration records including progress reports, budgets, project objectives, proposals, and summaries; records documenting allocation of funds; contracts; records monitoring project plans and measuring achievement and performance; equipment inventories; financial reports, accounting records, audit reports, expenditure reports, and related correspondence and documentation. Records include those produced by the Statewide Financial Management Application (SFMA), the Department of Administrative Services Data Mart, and any other subsystems used by the agency. (Retention: (a) Retain grant records, including SFMA requestable reports: 5 years after final or annual expenditure report accepted, destroy; (b) Retain unsuccessful grant applications: 3 years after rejection or withdrawal, destroy; (c) Retain capital asset records: 3 years after disposition of assets, destroy).

(28) "Internal Audit Reports" Records document financial and performance audits performed on an annual or project basis by agency-employed internal auditors or contracted auditors. Audits investigate potential problem areas and internal fiscal control structures and may include recommendations for improvement in agency systems. Records include audit reports, supporting documentation, agency comments, and correspondence. SEE ALSO Audit Reports in this section. (Retention: Retain 5 years, destroy).

(29) "Invoice Registers Records" document a listing of who was billed by the agency for services rendered and provide a detailed breakdown of individual invoice billings. Information includes invoice number, amount, date, item or service billed for, and billed party name. (Retention: Retain 6 years, destroy).

(30) "Invoices Records" document goods and services billed by the agency. Information may include invoice number, date, transaction description, identification of parties involved, prices, and terms of sale. (Retention: Retain 6 years, destroy).

(31) "Journal Entry Registers Records" document an account record of original entry/input and provides a record of debit and credit journal transactions. Information includes date, account number, action, and debit/credit amount. (Retention: Retain 6 years, destroy).

(32) "Legislatively Adopted Budgets Records" document the comprehensive financial plan for the agency's biennial operating budget that was approved by the legislature and forms a basis for appropriations. Records may include supplemental reports dealing with affirmative action, productivity, performance measures, improvement in programs, information systems, and other subjects. The Department of Administrative Services, Budget and Management section maintains the statewide record copies of Legislatively Adopted Budgets. (Retention: Retain 10 years, destroy).

(33) "Oregon State Treasury Reports" Records document reports generated by the Oregon State Treasury and are used to update an agency on account and fund status and activity, investment balances and transactions, and the agency's activities in issuing debt. Records include banking, account, and other finance reports, investment reports, and debt management reports. (Retention: (a) Retain daily account reports: until superseded by monthly reports which summarize daily activity, destroy; (b) Retain debt management reports: 6 years after indebtedness is retired, whether by maturing or being called, destroy; (c) Retain all other State Treasury reports: 6 years, destroy).

(34) "Petty Cash Fund Records" Records document petty cash activity for the agency. Records include requests and authorizations to establish petty cash funds, ledgers, statements, requests for disbursements, copies of receipts and invoices. (Retention: Retain 6 years, destroy).

(35) "Purchasing Records" Records document the purchase of goods and services by the agency. Records may include purchase orders and requests, purchase authorizations, requisitions, contract release orders, price agreements, material/cost specifications, copy center/printing orders, and correspondence. SEE ALSO Competitive Bid Records and Vendor Reports in this section. (Retention: Retain 6 years, destroy).

(36) "Receipt Registers Records" document a detailed list of processed cash receipt transactions and is used to verify receipts, estimate revenue, and reconcile accounts. Records include those produced by the Statewide Financial Management Application (SFMA), the Department of Administrative Services Data Mart, and any other subsystems used by the agency. (Retention: Retain 6 years, destroy).

(37) "Receipts Records" document acknowledgment of payment and/or delivery. Information includes date, amount, signature, items

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received or delivered, and receipt number. SEE ALSO Cash Receipt Records in this section. (Retention: Retain 6 years, destroy).

(38) "Travel Expense Records" Records document reimbursement claims made by employees for travel and related expenses. Records may include travel expense detail sheets, supporting documentation, and correspondence. (Retention: Retain 6 years, destroy).

(39) "Trial Balance Reports" Records document a summary of general ledger accounts and shows the agency's current financial position. Reports are used to prepare the agency's financial statements. Records include those produced by the Statewide Financial Management Application (SFMA), the Department of Administrative Services Data Mart, and any other subsystems used by the agency. (Retention: Retain 6 years, destroy).

(40) "Unclaimed Property Report" Records document annual reports submitted to the Department of State Lands of financial assets being held for a person or entity that cannot be found. Series includes Holder Report, owner information, correspondence and other related documents. Note: Unclaimed property is not real estate, abandoned personal property, or lost and found items. (Retention: Retain 3 years after the property is remitted to the Department of State Lands, destroy).

(41) "Vendor Reports" Records document vendor data, which is used to select vendors, and to track voucher and purchase order status. Records include those produced by the Statewide Financial Management Application (SFMA), Data Mart, and any other subsystems used by the agency. SEE ALSO Purchasing Records in this section. (Retention: (a) Retain annual vendor reports: 6 years, destroy; (b) Retain all other vendor reports: until superseded or obsolete, destroy).

(42) "Voucher Registers Records" document a book of original entry and provides a listing of vouchered disbursement transactions. Records include those produced by the Statewide Financial Management Application (SFMA), the Department of Administrative Services Data Mart, and any other subsystems used by agency. (Retention: Retain 6 years, destroy).

(43) "Vouchers Records" document individually authorized expenditure transactions. Records provide the documentation and backup for all payments to vendors. Voucher files may contain invoices, receipts, travel expense detail sheets, purchase requests, purchase orders, cancelled checks, other supporting documents, and correspondence. Records include those produced by the Statewide Financial Management Application (SFMA), the Department of Administrative Services Data Mart, and any other subsystems used by the agency. (Retention: Retain 6 years, destroy).

(44) "Warrant Cancellation Request Records" Records document the request to cancel warrants issued on vouchers, and to request the issue of duplicates. If the warrant is physically available, it is cancelled and re-issued if necessary. However, if the warrant is not physically present, an affidavit is required. Records include request memoranda, affidavits, photocopies and memoranda from the Department of Administrative Services confirming re-issuance. (Retention: Retain 6 years, destroy).

(45) "Warrant Registers Records" document a listing of warrants issued by an agency. Information includes date, payee, warrant number, and amount. (Retention: Retain 6 years, destroy).

(46) "Warrants Records" document the promise to pay and the authorization for claim payments. Records may include redeemed, void cancelled, and undeliverable warrants, and supporting documentation. (Retention: (a) Retain undeliverable warrant: until expired, destroy (b) Retain all other warrants: 6 years, destroy).

Stat. Auth.: ORS 192 & 357

Stats. Implemented: ORS 192.005-192.170 & 357.805-357.895

Hist.: OSA 3-1995, f. & cert. ef. 5-25-95, OSA 3-1996, f. 4-9-96, cert. ef. 4-15-96; OSA 9-1998, f. & cert. ef. 12-30-98; OSA 1-1999, f. & cert. ef. 2-4-99, Renumbered from 166-305-0010; OSA 5-2002, f. & cert. ef. 10-14-02; OSA 1-2005, f. & cert. ef. 2-28-05; OSA 1-2009, f. & cert. ef. 2-19-09; OSA 1-2010, f. & cert. ef. 5-27-10; OSA 2-2010, f. & cert. ef. 9-3-10

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Rule Caption: Correcting OAR 166-200 to correct retention period.

Adm. Order No.: OSA 3-2010

Filed with Sec. of State: 9-14-2010

Certified to be Effective: 9-14-10

Notice Publication Date: 6-1-2010

Rules Amended: 166-200-0090

Subject: Members of the original Advisory Committee for the full update to OAR 166-200 brought to the Archives Division's attention that the retention period listed for OAR 166-200-0090(21)(a) was

incorrect and that it should be reduced. This rule will correct the rule to reflect the Advisory committee's previous decision.

Rules Coordinator: Julie Yamaka—(503) 378-5199

166-200-0090

Personnel Records

(1) **Affirmative Action Records** Records document city compliance with the statutes and regulatory requirements of the U.S. Equal Employment Opportunity Commission. May include plans, updates, policy statements, reports, and supporting information. (Minimum retention: (a) Plans, updates and policy statements, retain permanently; (b) Other records, retain 3 years).

(2) **Benefits Continuation Records** Records document notifications to employees or dependents informing them of their rights to continue insurance coverage after termination or during disability or family leave. Continuation may be under COBRA or another provision. Notice is also sent to a third party administrator who administers the extended coverage. The records typically consist of notices sent and correspondence. Records may be filed with the Employee Benefits Records or Employee Personnel Records. SEE ALSO Employee Payroll Records in the Payroll section. (Minimum retention: 3 years after employee separation or eligibility expired).

(3) **Collective Bargaining Records** Records documenting negotiations between the city and employee representatives. May include contracts, reports, negotiation notes, letters of agreement, arbitration findings, cost analyses, minutes, tape recordings, and related records. SEE ALSO Contracts and Agreements in the Recorder-General section. (Minimum retention: (a) Contracts and minutes, retain 75 years after contract expires; (b) Other records, retain 6 years after contract expires).

(4) **Comparable Worth Study Records** Records document the analysis, study, and resolution of pay equity, alleged job discrimination, and related issues involving the city and its employees. May include job content questionnaire summaries, position allocation reports, personnel reclassification studies, job category listings, study outlines, graphs, tables, and related records. (Minimum retention: (a) Final study or report, retain permanently; (b) All other records, retain 5 years).

(5) **Criminal Background Check Records** Records document the pre-employment or periodic criminal record checks performed on prospective or current staff, faculty, and volunteers. Records may include but are not limited to a log recording when background checks are done and who they are done on, and a fingerprint-based criminal history verification form documenting the result of a criminal history background check coordinated by the Oregon Law Enforcement Data System (LEDS). The form includes name and other personally identifiable information, indication of existence or absence of criminal record, and related documentation. (Minimum retention: (a) Background check log, retain until superseded or obsolete; (b) All other records, retain 90 days).

(6) **Disciplinary Action Records** Records document dismissal, suspension, progressive disciplinary measures, and other actions against employees. May include statements, investigative records, interview and hearing records, findings, and related records. May be filed with Employee Personnel Records. (Minimum retention: (a) Investigations resulting in termination, retain 10 years after employee separation; (b) Investigations resulting in disciplinary action or exoneration, retain 3 years after resolution; (c) Unfounded investigations, retain 3 years).

(7) **Drug Testing Records** Records document the testing of current and prospective employees for controlled substances prohibited by policy, procedure, or statute. Records may include but are not limited to the documentation of test results, the collection process, the random sample process, and those documenting the decision to administer reasonable suspicion drug testing. (Minimum retention: (a) Positive test results, retain 5 years; (b) Negative test results, retain 1 year).

(8) **Employee Benefits Records** Records document an individual city employee's benefit information such as selection of insurance plans, retirement, pension, and disability plans, deferred compensation plans, and other benefit program information. Records may include but are not limited to plan selection and application forms, enrollment records, contribution and deduction summaries, personal data records, authorizations, beneficiary information, year-end leave balance reports, notices of disability payments made, and related documentation. Records may be filed with the Employee Personnel Record. SEE ALSO the Payroll section. (Minimum retention: (a) Year-end leave balance reports and official copy of retirement enrollment records, retain 75 years after date of hire; (b) All Other records, retain 3 years after employee separation or eligibility expired).

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(9) **Employee Medical Records** Records document an individual employee's work related medical history. These records are not personnel records and must be kept in a separate location from employee personnel records as required by the Americans with Disabilities Act. Records may include but are not limited to medical examination records (pre-employment, pre-assignment, periodic, or episodic), X-rays, records of significant health or disability limitations related to job assignments, documentation of work related injuries or illnesses, hearing test records, hazard exposure records, first-aid incident records, physician statements, release consent forms, and related correspondence. SEE ALSO Hazard Exposure Records in this section. (Minimum retention: (a) Hazard exposure records, retain 30 years after separation ; (b) Other records, retain 6 years after separation).

(10) **Employee Personnel Records** Records document an individual employee's work history. Records may include but are not limited to applications; notices of appointment; employment applications; training and certification records; records of health limitations; salary schedules; tuition reimbursement records; personnel actions; performance appraisal evaluations; letters of commendation and recommendation; letters of reprimand; notices of disciplinary action; notices of layoff; letters of resignation; home address and telephone disclosures; emergency notification forms; oaths of office; grievance and complaint records; and related correspondence and documentation. Records may be exempt from public disclosure per ORS 192. 502 (2). SEE ALSO Disciplinary Action Records, Employee Benefits Records, Employee Medical Records, Grievance and Complaint Records, Recruitment and Selection Records, and Volunteer Worker Records in this section. (Minimum retention: (a) Letters of reprimand and notices of disciplinary action, retain 3 years; (b) All other records, retain 6 years after separation).

(11) **Employee Recognition Program Records** Records document the recognition of employees for special service to the city. May include service awards, recognition certificates, commendations, award nominations, lists of past recipients, and presentation or ceremony records and photographs. Some records in this series may have historic value. For appraisal assistance contact the Oregon State Archives. SEE ALSO Employee Suggestion Award Records in this section. (Minimum retention: 6 years).

(12) **Employee Suggestion Award Records** Records document an employee suggestion program where employees may submit suggestions that improve effectiveness, efficiency, and economy in city government. Employees may receive awards for adopted suggestions. Records may include suggestion forms and evaluations, award information, and related documentation. SEE ALSO Employee Recognition Records in this section. (Minimum retention: (a) Adopted suggestions, retain 2 years; (b) Suggestions not adopted, retain 1 year).

(13) **Employment Eligibility Verification Forms (I-9)** Records document the filing of U.S. Immigration and Naturalization Service Form I-9 form, which verifies that an applicant or employee is eligible to work in the United States. Information includes employee information and verification data such as citizenship or alien status and signature, and employer review and verification data such as documents, which establish identity and eligibility, and employer's signature certifying that documents have been checked. (Minimum retention: 3 years after date of hire or 1 year after employee separation, whichever is longer).

(14) **Equal Employment Opportunity Complaint Records** Case files maintained in relation to discrimination complaints made against the city. Records may include complaints, reports, exhibits, withdrawal notices, copies of decisions, hearings and meetings records, and related documentation and correspondence. (Minimum retention: 3 years after final decision issued).

(15) **Equal Employment Opportunity (EEO) Compliance Records** Reports and related records maintained by cities with 15 or more employees in compliance with U.S. Equal Employment Opportunity Commission regulations. Contains EEO-4 reports and all records related to the completion of the reports. (Minimum retention: 3 years).

(16) **Equal Employment Opportunity Policy Development Records** Records document the adoption and administration of city programs to set personnel policies and procedures within the scope of the Civil Rights Act of 1964 and the Equal Employment Opportunity Act of 1972. May contain anti-discrimination committee meeting records and reports, workplace analyses, discrimination complaint policies and procedures, and related records. (Minimum retention: (a) Plans, updates, and policy statements, retain permanently; (b) All other records, retain 3 years).

(17) **Grievance and Complaint Records** Grievances or complaints filed by current employees, terminated employees, applicants, or private citizens regarding employment practices. Often relates to interpretations

and alleged violations of employment contracts. Records often include complaints, investigation records, interview and hearing reports, arbitrator's findings and decisions, tape recordings and related records. (Minimum retention: 3 years).

(18) **Hazard Exposure Records** Records document a city employee's exposure to hazardous conditions such as chemicals, toxic substances, blood-borne pathogens, biological agents, bacteria, virus, fungus, radiation, noise, dust, heat, cold, vibration, repetitive motion, or other dangerous work related conditions. These records are not personnel records and should be maintained in an Employee Medical File. Records may include but are not limited to hearing test records, radiation measurement records, blood test or other laboratory results, incident reports, first-aid records, X-rays, work station air sampling reports, and correspondence. SEE ALSO Employee Medical Records in this section. (Minimum retention: 30 years after separation).

(19) **Photo Identification Records** Photographs and other records used to identify city employees, private security personnel, contract workers, and others. May include photographs taken for city identification cards, driver's license photographs, and information such as name, date of birth, physical description, identification number, driver's license number, and other data. (Minimum retention: Until superseded or obsolete).

(20) **Position Description, Classification, and Compensation Records** Records document the description, classification, and compensation of city jobs and positions. Usually includes details of duties and responsibilities of each position, time percentage breakdowns of tasks, skills and abilities needed for each position, and related records documenting the development, modification, or redefinition of each job or position. Records often include reports, position descriptions, position evaluations, compensation studies, job analyses, interview data, selection criteria, authorizations, agreements, and related records. (Minimum retention: 3 years after obsolete or superseded).

(21) **Recruitment and Selection Records** Records document the recruitment and selection of city employees. Records may also document the recruitment and selection of contracted service providers such as attorneys, auditors, insurance agents, labor consultants, and others. Records may include but are not limited to job announcements and descriptions, applicant lists, applications and resumes, position advertisement records, civil service and other examination records, classification specifications, affirmative actions records, interview questions, interview and application scoring notes, applicant background investigation information, letters of reference, civil service records, position authorization forms, certifications of eligibles, recruitment summary records (job announcement, position description, documentation relating to the announcement and test, and test items and ratings levels), and related correspondence and documentation. SEE ALSO Employee Personnel Records and Employment Eligibility Verification Forms (I-9) in this section. (Minimum retention: (a) Announcement records, position description, and test and rating records, retain 3 years; (b) Unsolicited applications and resumes, retain 3 months if not returned to the solicitor; (c) Unsuccessful applications and other records, retain 3 years after position filled or recruitment canceled).

(22) **Training Program Records** Records related to the design and implementation of training programs provided to employees by the city. May include class descriptions, instructor certifications, planning documentation, instructional materials, course outlines, class enrollment and attendance records, and related records. SEE ALSO Employee Personnel Records for training records related to individual employees. (Minimum retention: (a) Significant program records, retain 5 years; (b) Class enrollment and attendance records, retain 2 years; (c) All other records, retain 1 year).

(23) **Volunteer Program Records** Records document the activities and administration of volunteer programs in the city. Useful for program planning. May include volunteer hour statistics, volunteer program publicity records, insurance requirement information, inactive volunteer files, and related records. For records related to individual volunteers, see Volunteer Worker Records in this section. (Minimum retention: 4 years).

(24) **Volunteer Worker Records** Records document work performed for the city by citizens without compensation for their services. May include agreements, applications, skills test results, training documentation, task assignment and monitoring records, and related information. (Minimum retention: 4 years after separation).

Stat. Auth.: ORS 192 & 357

Stats. Implemented: ORS 192.005 - 192.170 & 357.805 - 357.895

Hist.: OSA 1-1998, f. & cert. ef. 1-7-98; OSA 3-2002, f. & cert. ef. 7-2-02; OSA 3-2008, f. & cert. ef. 12-10-08; OSA 6-2009, f. & cert. ef. 8-26-09; OSA 3-2010, f. & cert. ef. 9-14-10

ADMINISTRATIVE RULES

Secretary of State, Corporation Division Chapter 160

Rule Caption: Official notary seal and embosser requirements for vendor.

Adm. Order No.: CORP 10-2010

Filed with Sec. of State: 8-30-2010

Certified to be Effective: 9-1-10

Notice Publication Date: 8-1-2010

Rules Amended: 160-100-0100, 160-100-0110, 160-100-0120

Rules Repealed: 160-100-0100(T), 160-100-0110(T), 160-100-0120(T)

Subject: These rules clarify the requirements for the official notary seal and embosser for vendors. It specifically indicates how the required elements are to appear on the seal and embosser, and how a partial seal shall be imprinted on a notarial certificate attachment and document.

Rules Coordinator: Karen Hutchinson—(503) 986-2364

160-100-0100

Description of Imprint of Official Seal

(1) The reasonably legible imprint of an official seal of a notary public shall contain:

(a) The state seal, as described in ORS 186.020;

(b) The following words, in descending order, centered in the official seal to the right of the state seal:

(A) The words "Official Seal";

(B) The printed name of the notary public;

(C) The words "Notary Public — Oregon";

(D) The words "Commission No." immediately followed by the notary public's commission number;

(E) The words "My Commission Expires", immediately followed by the notary public's commission expiration date, expressed in terms of the month, two-digit date, and complete year.

(2) The imprint of an official seal of a notary public shall be made with permanent black ink.

EXAMPLES: [Examples not included. See ED. NOTE.]

[ED. NOTE: Examples referenced are available from the agency.]

Stat. Auth.: ORS 194.031

Stats. Implemented: ORS 194.031

Hist.: SD 7-1978, f. & ef. 8-10-78; Renumbered from 165-027-0010; SOS-AD 2-1990, f. 5-9-90, cert. ef. 7-1-90; CORP 1-1993, f. 12-29-93, cert. ef. 1-1-94, Renumbered from 164-100-0100; CORP 2-2010, f. 1-22-10 cert. ef. 2-3-10; CORP 8-2010(Temp), f. 6-11-10, cert. ef. 7-1-10 thru 12-28-10; CORP 10-2010, f. 8-30-10, cert. ef. 9-1-10

160-100-0110

Use of Official Seal

(1) A notary public shall use the notary public's official seal to perform a notarial act.

(2) A notary public shall use the notary public's official seal by placing a legible imprint of the official seal on a notarial certificate.

(3) A notary public shall not place an imprint of the notary public's official seal over any signature in a document to be notarized or in a notarial certificate, nor over any writing in a notarial certificate.

(4) When a notarial certificate is on a separate piece of paper attached to the document to be notarized or when there are attachments to the document to be notarized, a notary public may use an additional imprint of the notary public's official seal to mark for identification the document or attachment if the imprint does not make any part of the document or attachment illegible. The additional seal will be partially stamped on the notarial certificate, and partially on the document or attachment to the notarized document.

(5) A notary public shall not use the notary public's official seal for any purpose other than to perform a notarial act.

(6) A notary public shall not permit any other person to use the notary public's official seal for any purpose.

(7) A notary public shall not use any other notary public's official seal or any other object in lieu of the notary public's official seal to perform a notarial act.

Stat. Auth.: ORS 194.031

Stats. Implemented: ORS 194.005 & 194.031

Hist.: SOS-AD 2-1990, f. 5-9-90, cert. ef. 7-1-90; CORP 1-1993, f. 12-29-93, cert. ef. 1-1-94, Renumbered from 164-100-0110; CORP 8-2010(Temp), f. 6-11-10, cert. ef. 7-1-10 thru 12-28-10; CORP 10-2010, f. 8-30-10, cert. ef. 9-1-10

160-100-0120

Description of Official Seal Embosser

(1) An official seal embosser of a notary public shall be two concentric circles each formed by a continuous solid or intermittent line.

(2) The embossment of the official seal embosser of a notary public shall contain the following legible printing:

(a) The name of the notary public centered at the top and between the two circles;

(b) The words "STATE OF OREGON" centered at the bottom and between the two circles;

(c) The word "NOTARY" above the word "PUBLIC" both centered within the inner circle.

Example: [Example not included. See ED. NOTE.]

[ED. NOTE: Example referenced is available from the agency.]

Stat. Auth.: ORS 194.031

Stats. Implemented: ORS 194.031

Hist.: SD 7-1978, f. & ef. 8-10-78; Renumbered from 165-027-0005; SOS-AD 2-1990, f. 5-9-90, cert. ef. 7-1-90; CORP 1-1993, f. 12-29-93, cert. ef. 1-1-94, Renumbered from 164-100-0120; CORP 8-2010(Temp), f. 6-11-10, cert. ef. 7-1-10 thru 12-28-10; CORP 10-2010, f. 8-30-10, cert. ef. 9-1-10

Teacher Standards and Practices Commission Chapter 584

Rule Caption: Clarifies test requirements, practicums for endorsements, Civil Rights test, 120 day grace period and adopts CTE rules.

Adm. Order No.: TSPC 6-2010

Filed with Sec. of State: 8-31-2010

Certified to be Effective: 8-31-10

Notice Publication Date: 4-1-2010

Rules Adopted: 584-042-0022, 584-042-0031, 584-042-0051

Rules Amended: 584-036-0080, 584-038-0004, 584-038-0190, 584-050-0040

Rules Repealed: 584-042-0031(T)

Subject: ADOPT: 584-042-0022— *Instructor Appraisal Committees* – Defines IAC and their role with Career and Technical Education licenses.

584-042-0031 – *CTE I Teaching License* – Clarifies Civil Rights Test requirement and rule formatting.

584-042-0051 – *CTE Professional Development Plan* – Clarifies pedagogy-related coursework is required for industry applicants and experience is required for applicants from education.

AMEND: 584-036-0080 – *Licensure Tests* – Allows out-of-state applicants who passed other states' licensure tests to waive comparable Oregon tests.

584-038-0004 – *Adding Endorsements to a Basic or Standard License* – Clarifies practicum to add endorsement to Basic and Standard is the same as adding endorsement to Initial or Continuing.

584-038-0190 – *Basic Advanced Mathematics* – Language clarification regarding semester hours.

584-050-0040 – *Expiration and Continued Use of Expired Licenses and Registrations* – Clarifies use of the 120 day "grace" period.

REPEAL: 584-042-0031 (T) – *CTE I Teaching License* – Temporary rule replaced with Permanent CTE I Teaching License

Rules Coordinator: Victoria Chamberlain—(503) 378-6813

584-042-0022

Instructor Appraisal Committees

(1) An Instructor Appraisal Committee (IAC) is a group of industry and education experts appointed by a school district with an approved ODE Career and Technical Education program. The IAC is convened to evaluate either CTE licensure or CTE endorsement applicants with regard to their work experience and preparation in a CTE endorsed area. (See OAR 584-042-0044 Career and Technical Education Endorsements.)

(2) The appointed Instructor Appraisal committee must make specific CTE licensure and endorsement recommendations to the Oregon Department of Education and to the Teacher Standards and Practices Commission based on their evaluation of each applicant's preparation and work experience in a CTE endorsement area.

(3) The Instructor Appraisal Committee is comprised of specific membership depending on whether the applicant comes from business and industry or whether the applicant already holds a TSPC License. In all cases, the IAC must have at least five members. An individual member may

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represent more than one of the representative areas outlined in subsections (e) through (f) immediately below.

(a) Instructor Appraisal Committees evaluating applicants from business and industry and new to education must have at least two educator representatives on the committee subject to the requirements in subsection (e) below.

(b) Instructor Appraisal Committees evaluating applicants for a CTE endorsement onto a TSPC existing CTE, Basic, Standard, Initial or Continuing Teaching License must have at least two business and industry representatives on the committee subject to the requirements in subsection (f) below.

(c) District Administrators: All IACs must have a school district administrator or a director of CTE from the district. The administrator representative is an official member of the IAC.

(d) Ex-Officio: The district may appoint non-voting ex-officio members to the IAC.

(e) Educators: Educator representatives may be from public or private secondary and post-secondary institutions. Educators must possess current and substantial knowledge of pedagogy, instructional practices, assessment practices, classroom management, and educational policy. Secondary representatives must hold a valid TSPC license. Post-secondary representatives should be from the applicant's endorsement program area. The educator representative(s) is an official member of the IAC.

(f) Business or industry members: Business or industry representatives may be either employers or employees of the business or industry. At least one business or industry representative must be currently engaged in an occupation related to the career and technical education program endorsement area. The representative must possess current and substantial knowledge of the technical and environmental requirements, and standards of behavior required of the business or industry program. The business or industry representative is an official member of the IAC.

(4) Once appointed, the IAC must select a trained facilitator to operate the IAC during each candidate appraisal process. All facilitators must be approved by the ODE prior to selection. An ODE recognized Regional Coordinator of Career and Technical Education or an appropriate ODE program area specialist may serve as the facilitator. Failure to obtain ODE approval may result in an invalid recommendation and is a basis for determining that the licensure process is incomplete.

(5) The IAC must appoint a chair from the official membership of the committee. The chair may not be an ex-officio member or an appointed facilitator. The chair is responsible to provide the IAC's rationale for the recommendation and must sign any submitted recommendation for a waiver of academic or work experience to the ODE, prior to application for licensure at TSPC.

(6) The CTE Regional Coordinator and the appropriate ODE program specialist must officially verify the IAC member roster as well as evaluations and recommendations of the IAC prior to application for licensure at TSPC.

(7) The applicant's proposed professional development plan must be consistent with the CTE I Teaching License (OAR 584-042-0031) requirements if the candidate does not hold an existing CTE, Basic, Standard, Initial or Continuing teaching license.

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.120 – 342.430, 342.455-342.495, 342.553

Hist.: TSPC 6-2010, f. & cert. ef. 8-31-10

584-042-0031

Career and Technical Education I Teaching License

(1) Upon filing a correct and complete application in form and manner prescribed by the Commission, an applicant may be eligible for a Career and Technical Education Teaching I License in one or more Career and Technical Education endorsements. The license may be issued for up to three years.

(2) The Career and Technical Education I Teaching License is valid to teach in:

(a) An ODE-approved Career and Technical Education program[s] for which the educator is specifically licensed;

(b) Any CTE teaching license is valid for assignments in diversified occupations or as work experience coordinators.

(3) The application must be a joint application from the applicant and the school district who seeks to employ the applicant. The complete application must be directly submitted by the applicant. TSPC will not accept applications submitted by third parties.

(4) The application packet must include the following:

(a) A signed and dated TSPC application and the appropriate fees;

(b) Furnish fingerprints in the manner prescribed by the commission and provide satisfactory responses to the character questions contained in the commission's licensure application;

(c) Evidence the requesting school district has an ODE-approved program in the requested Career and Technical Education endorsement area; or evidence that the district has submitted their application for approval of the CTE program to the ODE. The district must indicate the approximate date they expect to obtain ODE approval of their program;

(d) The Instructor Appraisal Committee's recommendation for licensure on an approved ODE form, including any course restrictions related to the recommended endorsement unless waived by ODE pursuant to OAR 584-042-0060 Waivers and 584-042-0070 Work Experience;

(e) A copy of the signed CTE Professional Development Plan indicating the expectations for the educator over the next three years. The application for licensure is deemed incomplete if the professional development plan does not align with OAR 584-042-0051 CTE Professional Development Plan.

(f) The name and credentials of the identified CTE mentor;

(g) Transcripts of an associate's degree or equivalent; or in the alternative, the ODE waiver, consistent with OAR 584-042-0060 Waivers, that is signed and dated within 90 days from the date of the application to TSPC;

(h) Passing score on the Protecting Student and Civil Rights in the Educational Environment test; and

(i) Work experience evidence documented in one of the following ways:

(A) Planned and coordinated or previous and documented work experience in accordance with OAR 584-042-0070 Work Experience verified by ODE and completed within the past five years; or

(B) A copy of the industry certification or licensure.

(5) CTE I Teaching Licenses will be issued for one year at a time for a maximum of three years total subject to special renewal conditions:

(a) First Renewal: The applicant must submit:

(A) A signed and dated TSPC application and renewal fees as defined by rule;

(B) A letter of support from the co-applicant district;

(C) A passing score as currently specified by the commission on a test of basic skills; and

(D) Proof of significant progress toward completion of the requirements as outlined in the CTE professional development plan as defined in OAR 584-042-0020 Definitions.

(b) Second Renewal: The applicant must submit:

(A) A C-1 application and renewal fees as defined by rule;

(B) A letter of support from the co-applicant district; and

(C) Proof of significant additional progress beyond the first renewal toward completion of the requirements as outlined in the CTE professional development plan as defined in OAR 584-042-0051 Professional Development Plan.

(c) Renewal under subsections 5(a) and 5(b) above are not subject to the 120-day grace period and must be submitted sufficiently in advance of the license expiration date to ensure continuity of licensure. Failure to submit a timely application is grounds for denial of a renewal pursuant to this subsection and may be grounds for discipline under OAR 584-020-0040.

(d) Failure to show significant progress is deemed to be an incomplete application for renewal.

(e) The Executive Director may grant renewal of the license upon failure to show progress if the circumstances preventing completion of progress are exceptional and extenuating. An Emergency Teaching License will be issued for the period of time it takes to cure the renewal deficit. Any time extensions under this subsection will be deducted from the next renewal cycle.

(6) The Career and Technical Education I Teaching License is not renewable beyond three years. Holders of this license must finish their requirements for the CTE II Teaching License within three years from when the license is first issued, no exceptions. If the employment opportunity associated with first acquiring the license ceases, the license holder is encouraged to continue working toward completion of the CTE II Teaching License requirements.

(7) If the application and fee for the Career and Technical Education II Teaching License is received prior to the expiration of the Career and Technical Education I Teaching License, the license will remain valid for another 120 days following the expiration of the license.

(a) The applicant and co-applicant district must provide documentation that the requirements for the Career and Technical Education II Teaching License have been met prior to the expiration of the 120 days after

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the Career and Technical Education I Teaching License has expired to remain continuously licensed in this area.

(b) In the event the co-applicant district is unable to provide the documentation required in subsection (a) above, the ODE may certify that the applicant is qualified for the CTE II Teaching License.

(c) Applicants are encouraged to submit complete applications for the CTE II Teaching License at least 90 days prior to the expiration of the final CTE I Teaching License.

(8) In addition to the requirements for the CTE Professional Development Plan, the CTE licensee must meet all of the requirements for the CTE II Teaching License at the end of three years following the issuance of the CTE I.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120, 342.147 & 342.165
Hist.: TSPC 2-2010(Temp), f. & cert. ef. 3-5-10 thru 8-31-10; TSPC 6-2010, f. & cert. ef. 8-31-10

584-042-0051

Career and Technical Education (CTE) Professional Development Plan

(1) A CTE professional development plan (PDP) is required as part of the application for the Career and Technical Education I Teaching License. The CTE professional development plan must be for at least three years.

(2) The CTE professional development plan must be signed by both the district and the prospective educator. The employing school district will keep a copy of the CTE professional development plan.

(3) A signed copy of the plan must be included in the CTE I Teaching License application materials submitted to the Commission.

(4) The plan must include assurances that the district has assigned an appropriately licensed administrator to monitor the progress and timely completion of the signed CTE professional development plan. The administrator must be identified in the application materials for the CTE I Teaching License.

(5) The plan must include assurances that the district has assigned an appropriately trained mentor consistent with 584-042-0021(6) and such mentor is identified in the application materials.

(6) For applicants holding a Five-Year, Basic, Standard, Initial, Initial I, Initial II, Continuing, or an equivalent out-of-state non-provisional teaching license prior to applying for the Career and Technical Education I Teaching License; the scope of the PDP must include:

(a) Activities identified by the Instructional Appraisal Committee (IAC) that address relevant CTE professional development needs, including verifiable work experience, and coursework that specifically relates to career and technical education; and

(b) Verifiable work experience that has been performed in the last five (5) years and includes one of the following:

(A) At least 1800 hours of previous and documented related work as defined in OAR 584-042-0070(2) CTE Work Experience;

(B) At least 600 hours of planned and coordinated related work experience as defined in OAR 584-042-0070(1) CTE Work Experience;

(C) The equivalent combination of planned and coordinated and previous and documented related work at a technical skill level within the last five years; or

(D) Related industry certification or licensure.

(7) For applicants who have not previously completed a teacher preparation program, the CTE professional development plan must outline how the applicant will acquire a minimum of fifteen (15) quarter hours or ten (10) semester hours, as specified below, of teacher preparation required for eligibility for a Career and Technical Education II Teaching License. The Instructor Appraisal Committee may increase the requirements if they deem the additional education is necessary. Applicants under this subsection must meet all of the following requirements in subsections (a) through (d).

(a) Obtain six (6) quarter hours or four (4) semester hours of education-specific coursework which must be selected from the following areas:

(A) Introduction to Career and Technical Education in Oregon;

(B) Introduction to the Education Profession;

(C) Oregon School Law including a focus on special needs students;

(D) Classroom Management;

(E) Multi-cultural Education;

(F) Second Language Acquisition;

(G) Human Development for adolescent and older children;

(H) Education Psychology and Learning Development; and

(b) Obtain at least three (3) quarter hours or two (2) semester hours in Curriculum Design, Instructional Strategies and Assessment; and

(c) Obtain at least (3) quarter hours or two (2) semester hours in instructional methodology in how to teach mathematics to secondary learners, which may include coursework focused on how to teach mathematics in the CTE context; and

(d) Obtain at least three (3) quarter hours or two (2) semester hours in instructional methodology in how to teach reading, or writing and literacy to secondary learners.

(8) In addition to the requirements in subsections (6) and (7) above, all applicants, regardless if they are coming from education or industry, must show evidence they have at one time obtained or will obtain all of the following specific college-level coursework:

(a) Three (3) quarter hours or two (2) semester hours of math at or above a level required by the industry related to the applicant's endorsement and identified by the IAC; and

(b) Three (3) quarter hours or two (2) semester hours of college level language arts or speech at the one-hundred level or higher as identified by the IAC.

(9) The IAC may increase the minimum requirements described in subsection (8) above if they deem additional education is needed.

(10) Coursework as required by the Instructor Appraisal Committee must be attained through a TSPC-approved teacher education program or an accredited community college and verified by transcripts submitted to TSPC at the time of application for a Career and Technical Education II License. If in doubt whether the coursework will apply, check with TSPC prior to enrolling in coursework to fulfill these requirements.

(11) Professional Development Plans may be modified after initial development and submission to TSPC with written approval by ODE. Modified plans must be submitted to TSPC with ODE's approval prior to the expiration of the CTE I Teaching License.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 – 342.430; 342.455 – 342.496; 342.553
Hist.: TSPC 6-2010, f. & cert. ef. 8-31-10

584-036-0080

Licensure Tests

(1) Licensure tests are required to demonstrate subject-matter competency in most endorsement areas established by the commission.

(2) Out-of-State Applicants: Out-of-state applicants may present proof of passage of another state's subject-matter competency test for full subject-matter endorsement on an Oregon license under the following conditions:

(a) The area in which the test was passed is comparable to the subject-matter endorsement area adopted by the commission and is not a basic skills test;

(b) The test was administered by either the former or current testing companies representing Evaluation Systems group of Pearson (ESP) or Education Testing Service (ETS);

(c) (A) A passing score on an out-of-state licensure test for subject-matter endorsement on the license results in waiver of a comparable Oregon adopted beginning-teacher licensure test if the subject-matter area covered by the out-of-state test is more similar than not to the Oregon test.

(B) The burden is on the applicant to provide alternate proof the test was taken and the score was a passing score in another state if the applicant is unable to produce an original score report. TSPC reserves the right to reject the alternate verification if the source of the score verification is not a higher education institution or another public educator licensure agency; and

(d) Any subject-matter test, except the basic skills tests, may be waived if the applicant demonstrates special academic preparation satisfactory to the commission together with five years of half-time or more experience teaching the specific subject matter on a license valid for the assignment in a public school or regionally accredited private school in a U.S. jurisdiction before holding any Oregon license. The five years of half-time or more experience must be acquired entirely outside of the State of Oregon and must be obtained while holding an unrestricted out-of-state license valid for the assignment. Teaching experience without a valid license does not count toward test waiver.

(3) An electronic score report submitted by the testing company administering the test at the applicant's request will be treated as an "original" score report. In all other cases, only the original score report, or an authentic facsimile will be accepted as validation of passing the required test. TSPC reserves the right to require the applicant to produce authentic evidence of passage of the test the applicant wishes to submit for consideration for test waiver.

(4) Other evidence documenting passage of a required test for licensure may be accepted at the executive director's discretion when exigent

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circumstances prohibit the educator from presenting an original score report. The executive director may submit the evidence and the decision to the commission at the next meeting at the director's discretion in cases the director believes may need commission review.

(5) Basic Skills Tests: To satisfy the basic skills testing requirements, the commission will accept passing scores on the following tests:

(a) The California Basic Educator Skills Test (CBEST) — Evaluation Systems of Pearson (ESP);

(b) The Washington Educator Skills Test — Basic (WEST-B) — Evaluation Systems of Pearson (ESP);

(c) The Praxis I: Pre-Professional Skills Assessment (PPST) — Education Testing Service (ETS);

(d) See OAR 584-036-0082 for information related to coursework in lieu of Basic Skills Tests;

(e) A regionally-accredited or foreign equivalent doctorate degree waives the basic skills tests;

(f) An out-of-state applicant may waive the basic skills test with evidence of full out-of-state licensure and a Master's degree from an accredited institution or foreign equivalent;

(g) Applicants submitting proof of a non-provisional California Teaching License will be deemed to have passed the California Basic Educator Skills Test (CBEST); and

(h) The basic skills requirement may be met by a combination of any one of the testing options or coursework options offered in OAR 584-036-0082. For example: A passing test of the writing portion of the CBEST; combined with a passing score of the reading portion of the PPST; combined with the approved math coursework at an approved institution would satisfy the Basic Skills requirement for licensure.

(6) Applicants may be eligible for Alternative Assessment in lieu of the subject-matter tests. Alternative Assessment is only allowed for waiver of subject-matter tests required for specific licenses or endorsements. (See OAR 584-052-0030 to 584-052-0033 regarding Alternative Assessment and OAR 584-036-0082 regarding Basic Skills Tests.)

(7) Applicants seeking endorsement in areas where the commission has not adopted an approved test must complete coursework requirements in Division 38 to add the endorsement to a Basic, Standard, Initial or Continuing Teaching License. In the alternative, applicants may submit evidence of a passing score from another state's licensure test and evidence they held the endorsement on an out-of-state license in lieu of satisfying the Division 38 required coursework.

(8) For situations not covered by these rules, the commission grants the executive director the discretion to determine whether test scores or licenses submitted pursuant to this section meet the commission's intent with regard to preventing unnecessary redundancy in completing licensure requirements.

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.120 - 342.430 342.455-342.495, 342.553

Hist.: TSPC 2-2007, f. & cert. ef. 4-23-07; TSPC 2-2009, f. & cert. ef. 3-12-09; TSPC 6-2010, f. & cert. ef. 8-31-10

584-038-0004

Adding Endorsements to a Basic or Standard License

(1) An endorsement will be added on a basic or standard license upon documentation of a passing score as currently specified by the commission on a designated test of subject mastery, together with completion of one of the following practical experiences: (For Basic or Standard Elementary License practicum exceptions, see subsection (4) below.)

(a) A practicum of two semester hours or three quarter hours, which except as specified below may or may not be part of a longer preparation that includes content or methods courses in the specialty, in an institution approved to prepare teachers for that endorsement;

(b) Verification of 60 hours or more of experience teaching the new subject-area at least one hour each day or the equivalent on either an optional assignment of ten hours or less or an approved conditional assignment permit (CAP) as allowed by OAR 584-036-0181; or

(c) Completion of an approved program in the new specialty area.

(2) Alternately, the applicant may qualify for a new endorsement through completion of academic requirements, together with completion of either of the following practical experiences:

(a) Verification of five years of half-time or more experience teaching the new specialty on a license valid for the assignment. However, all ESOL, ESOL/bilingual experience must be completed outside of Oregon on a license valid for the assignment; or

(b) Verification of teaching experience on either an optional assignment of ten hours or less or an approved conditional assignment permit as

allowed by OAR 584-036-0081 if teaching in Oregon and if approved by the program.

(3) Middle-School Endorsements: Middle-School Endorsements may be added to a Basic or Standard Teaching License under the conditions specified in subsection (1) above with passage of any of the middle-school Commission approved tests in Language Arts, Social Studies or Science. The endorsement will be limited to teaching those subjects in grades 5 through 9 only. (See OAR 584-036-0015 for rules on assignments.)

(4) Endorsements on Elementary Licenses: A subject-matter endorsement may be added to a Basic or Standard Elementary License in the core academic areas of Language Arts; Social Studies; and Science by passage of a Commission-approved test in the subject-matter area only. An additional practicum is not required.

(5) In addition to the requirements described in subsection (1)(a) above, an approved institutional program including content and methods courses is always required as preparation for added endorsement in elementary education, special education, communication disorders, hearing impairment, or visual impairment.

(6) Approved course preparation is required for adding endorsement in subjects for which no subject mastery test is available.

(7) Subjects in which the commission does not offer endorsement may be taught by anyone holding a valid basic or standard license.

(8) Academic requirements for basic endorsement are detailed in sections of OAR 584-038 below, and academic requirements for standard endorsement are detailed in OAR 584-040. Also, career and technical education endorsements to basic, standard, and pre-1965 licenses are discussed in OAR 584-042-0009.

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.120 - 342.430, 342.455-342.495, 342.553

Hist.: TSPC 4-1999, f. & cert. ef. 8-2-99; TSPC 6-2005(Temp), f. & cert. ef. 8-16-05 thru 1-30-06; TSPC 9-2005, f. & cert. ef. 11-15-05; TSPC 2-2008, f. & cert. ef. 4-15-08; TSPC 6-2010, f. & cert. ef. 8-31-10

584-038-0190

Basic Advanced Mathematics

Forty-two quarter or twenty-eight semester hours designed to develop competence in college-level mathematics, to include:

(1) Abstract algebra.

(2) Linear algebra.

(3) Geometry.

(4) Analysis.

(5) Probability and statistics.

(6) Elementary number theory.

(7) Computer science.

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.120 - 342.200

Hist.: TS 15, f. 12-20-76, ef. 1-1-77; TS 17, f. 12-19-77, ef. 1-1-78; TS 6-1984, f. 12-27-84, ef. 1-15-85; TS 1-1987, f. & ef. 3-3-87; TS 1-1988, f. 1-14-88, cert. ef. 1-15-88; TS 6-1989, f. & cert. ef. 10-6-89; TSPC 6-2010, f. & cert. ef. 8-31-10

584-050-0040

Expiration and Continued Use of Expired Licenses and Registrations

(1) A license, certificate or registration expires on the date posted on the license or registration unless an application for renewal or upgrade to the next license is received by the Commission prior to that expiration date. If a license or registration expires, reinstatement requirements, including possible late fees must be met for further licensure, certification or registration.

(2) In spite of the expiration date, a license, certificate or registration identified in subsection (1) continues to be valid for a 120 day grace period after the date of expiration only for purposes of ORS 342.173 so long as the application and fee for renewal been received by the TSPC office on or before the date of expiration of the license.

(a) Late applications will receive a grace period that does not exceed the amount of time the educator would have had if the application and fee had been received prior to the expiration date on the license, certificate or registration. (See subsection (3) below.)

(b) The period the license, certificate or registration was expired will show in the Commission's records. The next license, certificate or registration will be issued from the date the application and fees were received if received after the expiration date on the license, certificate or registration.

(3) Unless an application for renewal and fee are received prior to the expiration date on the license, certificate or registration subject to this rule, the educator is not eligible to continue employment under the license or registration.

(a) If the application and full fee are received following the expiration date on a renewable license, then the educator becomes eligible to work on the expired license upon posting of the fee and activation of the grace peri-

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od on the TSPC web site through the 120th day following the expiration of the license

(b) If an application for renewal is late, an applicant may have to pay for an expedited license, certificate or renewal if there is insufficient time to issue the license, certificate or renewal before the 120 day grace period expires.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 - 342.430 & 342.985
Hist.: TS 15, f. 12-20-76, ef. 1-1-77; TS 17, f. 12-19-77, ef. 1-1-78; TS 2-1981(Temp), f. & ef. 8-17-81; TS 1-1982, f. & ef. 1-5-82; TS 1-1992, f. & cert. ef. 1-15-92; TSPC 13-2006, f. & cert. ef. 11-22-06; TSPC 7-2007, f. & cert. ef. 12-14-07; TSPC 2-2009, f. & cert. ef. 3-12-09; TSPC 6-2010, f. & cert. ef. 8-31-10

Rule Caption: Updates the emergency teaching license requirements to include a resume and official transcripts may be required.

Adm. Order No.: TSPC 7-2010

Filed with Sec. of State: 9-15-2010

Certified to be Effective: 9-15-10

Notice Publication Date: 7-1-2010

Rules Amended: 584-060-0210

Rules Repealed: 584-060-0210(T)

Subject: 584-060-0210 – Emergency Teaching License – Explains a complete resume is required and official transcripts may be required.

Repeal: 584-060-0210(T) – Emergency Teaching License.

Rules Coordinator: Victoria Chamberlain – (503) 378-6813

584-060-0210

Emergency Teaching License

(1) Upon filing a correct and complete application in form and manner prescribed by the commission, a qualified applicant and a co-applicant district may be granted an Emergency Teaching License. An Emergency Teaching License may be issued when a school district demonstrates

extenuating circumstances that merit the issuance of the license in order to protect the district's programs or students.

(2) The Emergency Teaching License shall be issued solely at the discretion of the Executive Director for any length of time deemed necessary to protect the district's programs or students. In most cases, an Emergency Teaching License will not exceed one year unless the educator or the district has presented unusual extenuating circumstances. The Executive Director may consider efforts the educator has made in meeting licensure requirements. Additionally, the Executive Director will consider academic preparation or experience the proposed educator has had in the area in which the district is requesting the license.

(3) To be eligible for the Emergency Teaching License an applicant and co-applicant district must provide the following:

(a) C-1 application and fee;

(b) Furnish fingerprints in the manner prescribed by the commission if the applicant has not been fingerprinted or has not held an active license issued by the commission in the past three years;

(c) Submit a C-3 form from the district and a letter detailing the extenuating circumstances constituting the emergency and the applicant's unique skills qualifying the applicant for the license;

(d) A request for the least amount of time necessary to meet the Emergency needs of the district; and

(e) A complete resume including work history. The Executive Director may request official transcripts if the resume is insufficient to make a decision.

(4) The Emergency Teaching License is not subject to the 120 day grace period allowed for licensure renewal purposes under ORS 342.127.

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.120 - 342.430, 342.455 - 342.495 & 342.553
Hist.: TSPC 3-2003, f. & cert. ef. 5-15-03; TSPC 8-2004(Temp), f. & cert. ef. 9-10-04 thru 3-9-05 (Suspended by TSPC 9-2004(Temp), f. & cert. ef. 9-5-04 thru 3-9-05); TSPC 1-2005, f. & cert. ef. 1-21-05; TSPC 2-2008, f. & cert. ef. 4-15-08; TSPC 2-2009, f. & cert. ef. 3-12-09; TSPC 5-2010(Temp), f. & cert. ef. 8-13-10 thru 12-31-10; TSPC 7-2010, f. & cert. ef. 9-15-10

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123-043-0085	1-14-2010	Amend(T)	2-1-2010	123-065-1560	6-14-2010	Repeal	7-1-2010
123-043-0085	7-1-2010	Amend	8-1-2010	123-065-1570	6-14-2010	Repeal	7-1-2010
123-043-0085(T)	7-1-2010	Repeal	8-1-2010	123-065-1580	6-14-2010	Repeal	7-1-2010
123-043-0095	12-1-2009	Amend	1-1-2010	123-065-1590	6-14-2010	Repeal	7-1-2010
123-043-0095	1-14-2010	Amend(T)	2-1-2010	123-065-1600	6-14-2010	Repeal	7-1-2010
123-043-0102	12-1-2009	Amend	1-1-2010	123-065-1610	6-14-2010	Repeal	7-1-2010
123-043-0102	7-1-2010	Amend	8-1-2010	123-065-1620	6-14-2010	Repeal	7-1-2010
123-043-0102(T)	7-1-2010	Repeal	8-1-2010	123-065-1650	6-14-2010	Repeal	7-1-2010
123-043-0105	12-1-2009	Amend	1-1-2010	123-065-1670	6-14-2010	Repeal	7-1-2010
123-043-0105	7-1-2010	Amend	8-1-2010	123-065-1700	6-14-2010	Repeal	7-1-2010
123-043-0105(T)	7-1-2010	Repeal	8-1-2010	123-065-1710	6-14-2010	Repeal	7-1-2010
123-043-0115	12-1-2009	Amend	1-1-2010	123-065-1720	6-14-2010	Repeal	7-1-2010
123-043-0115	1-14-2010	Amend(T)	2-1-2010	123-065-1730	6-14-2010	Repeal	7-1-2010
123-049-0005	2-1-2010	Amend	3-1-2010	123-065-1740	6-14-2010	Repeal	7-1-2010
123-049-0010	2-1-2010	Amend	3-1-2010	123-065-1750	6-14-2010	Repeal	7-1-2010
123-049-0020	2-1-2010	Amend	3-1-2010	123-065-1900	6-14-2010	Repeal	7-1-2010
123-049-0030	2-1-2010	Amend	3-1-2010	123-065-1910	6-14-2010	Repeal	7-1-2010
123-049-0040	2-1-2010	Amend	3-1-2010	123-065-1920	6-14-2010	Repeal	7-1-2010
123-049-0050	2-1-2010	Amend	3-1-2010	123-065-2500	6-14-2010	Repeal	7-1-2010
123-049-0060	2-1-2010	Amend	3-1-2010	123-065-2510	6-14-2010	Repeal	7-1-2010
123-065-0000	6-14-2010	Repeal	7-1-2010	123-065-2520	6-14-2010	Repeal	7-1-2010
123-065-0005	6-14-2010	Repeal	7-1-2010	123-065-2530	6-14-2010	Repeal	7-1-2010
123-065-0010	1-5-2010	Amend(T)	2-1-2010	123-065-2540	6-14-2010	Repeal	7-1-2010
123-065-0010	6-14-2010	Repeal	7-1-2010	123-065-2550	6-14-2010	Repeal	7-1-2010
123-065-0059	6-14-2010	Repeal	7-1-2010	123-065-2700	6-14-2010	Repeal	7-1-2010
123-065-0080	6-14-2010	Repeal	7-1-2010	123-065-3000	6-14-2010	Repeal	7-1-2010
123-065-0090	6-14-2010	Repeal	7-1-2010	123-065-3030	6-14-2010	Repeal	7-1-2010
123-065-0095	6-14-2010	Repeal	7-1-2010	123-065-3110	6-14-2010	Repeal	7-1-2010
123-065-0100	6-14-2010	Repeal	7-1-2010	123-065-3130	6-14-2010	Repeal	7-1-2010
123-065-0140	6-14-2010	Repeal	7-1-2010	123-065-3140	6-14-2010	Repeal	7-1-2010
123-065-0150	6-14-2010	Repeal	7-1-2010	123-065-3170	6-14-2010	Repeal	7-1-2010
123-065-0200	6-14-2010	Repeal	7-1-2010	123-065-3200	6-14-2010	Repeal	7-1-2010
123-065-0210	6-14-2010	Repeal	7-1-2010	123-065-3230	6-14-2010	Repeal	7-1-2010
123-065-0220	6-14-2010	Repeal	7-1-2010	123-065-3300	6-14-2010	Repeal	7-1-2010
123-065-0230	6-14-2010	Repeal	7-1-2010	123-065-3330	6-14-2010	Repeal	7-1-2010
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123-065-0365	6-14-2010	Repeal	7-1-2010	123-065-3530	6-14-2010	Repeal	7-1-2010
123-065-1000	6-14-2010	Repeal	7-1-2010	123-065-3545	6-14-2010	Repeal	7-1-2010

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123-065-3600	6-14-2010	Repeal	7-1-2010	123-065-4570	6-14-2010	Repeal	7-1-2010
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123-065-3830	6-14-2010	Repeal	7-1-2010	123-065-4590	6-14-2010	Repeal	7-1-2010
123-065-3850	6-14-2010	Repeal	7-1-2010	123-065-4600	6-14-2010	Repeal	7-1-2010
123-065-4000	6-14-2010	Repeal	7-1-2010	123-065-4610	6-14-2010	Repeal	7-1-2010
123-065-4010	6-14-2010	Repeal	7-1-2010	123-065-4620	6-14-2010	Repeal	7-1-2010
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123-065-4130	6-14-2010	Repeal	7-1-2010	123-065-4750	6-14-2010	Repeal	7-1-2010
123-065-4140	6-14-2010	Repeal	7-1-2010	123-065-4760	6-14-2010	Repeal	7-1-2010
123-065-4200	6-14-2010	Repeal	7-1-2010	123-065-4800	6-14-2010	Repeal	7-1-2010
123-065-4220	6-14-2010	Repeal	7-1-2010	123-065-4950	6-14-2010	Repeal	7-1-2010
123-065-4230	6-14-2010	Repeal	7-1-2010	123-065-4960	6-14-2010	Repeal	7-1-2010
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123-065-4318	6-14-2010	Repeal	7-1-2010	123-065-7600	6-14-2010	Repeal	7-1-2010
123-065-4320	6-14-2010	Repeal	7-1-2010	123-065-7700	6-14-2010	Repeal	7-1-2010
123-065-4323	6-14-2010	Repeal	7-1-2010	123-065-8000	6-14-2010	Repeal	7-1-2010
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123-065-4340	6-14-2010	Repeal	7-1-2010	123-065-8400	6-14-2010	Repeal	7-1-2010
123-065-4345	6-14-2010	Repeal	7-1-2010	123-070-1000	12-1-2009	Amend	1-1-2010
123-065-4355	6-14-2010	Repeal	7-1-2010	123-070-1000	7-1-2010	Amend	8-1-2010
123-065-4365	6-14-2010	Repeal	7-1-2010	123-070-1100	12-1-2009	Amend	1-1-2010
123-065-4375	6-14-2010	Repeal	7-1-2010	123-070-1100	7-1-2010	Amend	8-1-2010
123-065-4380	6-14-2010	Repeal	7-1-2010	123-070-1150	12-1-2009	Amend	1-1-2010
123-065-4400	6-14-2010	Repeal	7-1-2010	123-070-1200	12-1-2009	Repeal	1-1-2010
123-065-4410	6-14-2010	Repeal	7-1-2010	123-070-1300	12-1-2009	Amend	1-1-2010
123-065-4420	6-14-2010	Repeal	7-1-2010	123-070-1500	12-1-2009	Amend	1-1-2010
123-065-4430	6-14-2010	Repeal	7-1-2010	123-070-1500	7-1-2010	Amend	8-1-2010
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123-065-4450	6-14-2010	Repeal	7-1-2010	123-070-1700	12-1-2009	Repeal	1-1-2010
123-065-4460	6-14-2010	Repeal	7-1-2010	123-070-1800	12-1-2009	Amend	1-1-2010
123-065-4470	6-14-2010	Repeal	7-1-2010	123-070-1900	12-1-2009	Amend	1-1-2010
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123-065-4500	6-14-2010	Repeal	7-1-2010	123-070-2100	7-1-2010	Am. & Ren.	8-1-2010
123-065-4510	6-14-2010	Repeal	7-1-2010	123-070-2200	7-1-2010	Am. & Ren.	8-1-2010
123-065-4520	6-14-2010	Repeal	7-1-2010	123-070-2300	12-1-2009	Amend	1-1-2010
123-065-4530	6-14-2010	Repeal	7-1-2010	123-070-2300	7-1-2010	Am. & Ren.	8-1-2010
123-065-4540	6-14-2010	Repeal	7-1-2010	123-070-2400	12-1-2009	Amend	1-1-2010
123-065-4550	6-14-2010	Repeal	7-1-2010	123-070-2400	7-1-2010	Am. & Ren.	8-1-2010
123-065-4560	6-14-2010	Repeal	7-1-2010	123-080-0000	1-1-2010	Amend	2-1-2010

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123-080-0040	1-1-2010	Amend	2-1-2010	123-165-0045	5-1-2010	Adopt	6-1-2010
123-087-0010	1-1-2010	Amend	2-1-2010	123-165-0045(T)	5-1-2010	Repeal	6-1-2010
123-087-0030	1-1-2010	Amend	2-1-2010	123-165-0050	1-14-2010	Adopt(T)	2-1-2010
123-087-0040	1-1-2010	Repeal	2-1-2010	123-165-0050	5-1-2010	Adopt	6-1-2010
123-090-0000	1-1-2010	Amend	2-1-2010	123-165-0050(T)	5-1-2010	Repeal	6-1-2010
123-090-0010	1-1-2010	Amend	2-1-2010	123-200-0005	5-1-2010	Adopt	6-1-2010
123-090-0030	1-1-2010	Amend	2-1-2010	123-200-0010	5-1-2010	Adopt	6-1-2010
123-090-0040	1-1-2010	Amend	2-1-2010	123-200-0020	5-1-2010	Adopt	6-1-2010
123-090-0060	1-1-2010	Amend	2-1-2010	123-200-0030	5-1-2010	Adopt	6-1-2010
123-125-0000	6-1-2010	Amend	7-1-2010	123-200-0040	5-1-2010	Adopt	6-1-2010
123-125-0020	6-1-2010	Amend	7-1-2010	123-200-0050	5-1-2010	Adopt	6-1-2010
123-125-0040	6-1-2010	Amend	7-1-2010	123-200-0060	5-1-2010	Adopt	6-1-2010
123-135-0000	4-1-2010	Amend	5-1-2010	123-200-0070	5-1-2010	Adopt	6-1-2010
123-135-0010	4-1-2010	Amend	5-1-2010	123-200-0080	5-1-2010	Adopt	6-1-2010
123-135-0020	4-1-2010	Amend	5-1-2010	123-200-0090	5-1-2010	Adopt	6-1-2010
123-135-0030	4-1-2010	Amend	5-1-2010	123-200-0100	5-1-2010	Adopt	6-1-2010
123-135-0040	4-1-2010	Amend	5-1-2010	123-200-0120	5-1-2010	Adopt	6-1-2010
123-135-0050	4-1-2010	Amend	5-1-2010	123-200-0130	5-1-2010	Adopt	6-1-2010
123-135-0060	4-1-2010	Repeal	5-1-2010	123-200-0140	5-1-2010	Adopt	6-1-2010
123-135-0065	4-1-2010	Adopt	5-1-2010	123-200-0150	5-1-2010	Adopt	6-1-2010
123-135-0070	4-1-2010	Repeal	5-1-2010	123-200-0160	5-1-2010	Adopt	6-1-2010
123-135-0080	4-1-2010	Amend	5-1-2010	123-200-0170	5-1-2010	Adopt	6-1-2010
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123-135-0110	4-1-2010	Amend	5-1-2010	123-500-0000	3-1-2010	Amend	4-1-2010
123-140-0010	4-1-2010	Amend	5-1-2010	123-500-0005	3-1-2010	Amend	4-1-2010
123-140-0010	5-21-2010	Amend(T)	7-1-2010	123-500-0010	3-1-2010	Adopt	4-1-2010
123-140-0020	4-1-2010	Amend	5-1-2010	123-500-0015	3-1-2010	Adopt	4-1-2010
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123-155-0050	2-1-2010	Amend	3-1-2010	123-500-0050	3-1-2010	Am. & Ren.	4-1-2010
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123-155-0150	2-1-2010	Amend	3-1-2010	123-500-0060	3-1-2010	Am. & Ren.	4-1-2010
123-155-0200	2-1-2010	Amend	3-1-2010	123-500-0075	3-1-2010	Adopt	4-1-2010
123-155-0250	2-1-2010	Amend	3-1-2010	123-500-0080	3-1-2010	Adopt	4-1-2010
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123-155-0400	2-1-2010	Amend	3-1-2010	123-500-0175	3-1-2010	Adopt	4-1-2010
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123-165-0010	5-1-2010	Adopt	6-1-2010	123-650-0059	6-14-2010	Adopt	7-1-2010
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123-165-0020	1-14-2010	Adopt(T)	2-1-2010	123-650-0500	6-14-2010	Adopt	7-1-2010
123-165-0020	5-1-2010	Adopt	6-1-2010	123-650-0700	6-14-2010	Adopt	7-1-2010
123-165-0020(T)	5-1-2010	Repeal	6-1-2010	123-650-1000	6-14-2010	Adopt	7-1-2010
123-165-0030	1-14-2010	Adopt(T)	2-1-2010	123-650-1100	6-14-2010	Adopt	7-1-2010
123-165-0030	5-1-2010	Adopt	6-1-2010	123-650-1500	6-14-2010	Adopt	7-1-2010
123-165-0030(T)	5-1-2010	Repeal	6-1-2010	123-650-2000	6-14-2010	Adopt	7-1-2010
123-165-0040	1-14-2010	Adopt(T)	2-1-2010	123-650-2100	6-14-2010	Adopt	7-1-2010
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123-690-2100	6-14-2010	Adopt	7-1-2010	125-247-0270	1-1-2010	Amend	2-1-2010
123-690-2300	6-14-2010	Adopt	7-1-2010	125-247-0275	1-1-2010	Amend	2-1-2010
123-690-2400	6-14-2010	Adopt	7-1-2010	125-247-0280	1-1-2010	Amend	2-1-2010
123-690-4000	6-14-2010	Adopt	7-1-2010	125-247-0287	1-1-2010	Amend	2-1-2010
123-690-4200	6-14-2010	Adopt	7-1-2010	125-247-0288	1-1-2010	Amend	2-1-2010
123-690-4400	6-14-2010	Adopt	7-1-2010	125-247-0296	1-1-2010	Amend	2-1-2010
123-690-4600	6-14-2010	Adopt	7-1-2010	125-247-0305	1-1-2010	Amend	2-1-2010
123-690-5000	6-14-2010	Adopt	7-1-2010	125-247-0310	1-1-2010	Amend	2-1-2010
123-690-5200	6-14-2010	Adopt	7-1-2010	125-247-0320	1-1-2010	Amend	2-1-2010
123-690-6000	6-14-2010	Adopt	7-1-2010	125-247-0340	1-1-2010	Amend	2-1-2010
123-690-6200	6-14-2010	Adopt	7-1-2010	125-247-0470	1-1-2010	Amend	2-1-2010
123-690-8000	6-14-2010	Adopt	7-1-2010	125-247-0500	1-1-2010	Amend	2-1-2010
123-690-8100	6-14-2010	Adopt	7-1-2010	125-247-0550	1-1-2010	Amend	2-1-2010
123-690-8500	6-14-2010	Adopt	7-1-2010	125-247-0600	1-1-2010	Amend	2-1-2010
125-045-0210	11-19-2009	Amend	1-1-2010	125-247-0610	1-1-2010	Amend	2-1-2010
125-045-0215	11-19-2009	Amend	1-1-2010	125-247-0630	1-1-2010	Amend	2-1-2010
125-045-0225	11-19-2009	Amend	1-1-2010	125-247-0640	1-1-2010	Amend	2-1-2010
125-055-0100	7-26-2010	Amend(T)	9-1-2010	125-247-0660	1-1-2010	Amend	2-1-2010
125-055-0105	7-26-2010	Amend(T)	9-1-2010	125-247-0691	1-1-2010	Amend	2-1-2010
125-055-0115	7-26-2010	Amend(T)	9-1-2010	125-247-0700	1-1-2010	Amend	2-1-2010
125-055-0120	7-26-2010	Amend(T)	9-1-2010	125-247-0710	1-1-2010	Amend	2-1-2010
125-055-0125	7-26-2010	Amend(T)	9-1-2010	125-247-0720	1-1-2010	Amend	2-1-2010
125-055-0130	7-26-2010	Amend(T)	9-1-2010	125-247-0740	1-1-2010	Amend	2-1-2010
125-246-0110	1-1-2010	Amend	2-1-2010	125-247-0750	1-1-2010	Amend	2-1-2010
125-246-0130	1-1-2010	Amend	2-1-2010	125-247-0770	1-1-2010	Repeal	2-1-2010
125-246-0150	1-1-2010	Amend	2-1-2010	125-247-0800	1-1-2010	Repeal	2-1-2010
125-246-0165	1-1-2010	Adopt	2-1-2010	125-248-0130	1-1-2010	Amend	2-1-2010
125-246-0170	1-1-2010	Amend	2-1-2010	125-248-0200	1-1-2010	Amend	2-1-2010
125-246-0200	1-1-2010	Amend	2-1-2010	125-248-0210	1-1-2010	Amend	2-1-2010
125-246-0210	1-1-2010	Amend	2-1-2010	125-248-0220	1-1-2010	Amend	2-1-2010
125-246-0220	1-1-2010	Amend	2-1-2010	125-248-0230	1-1-2010	Amend	2-1-2010
125-246-0310	1-1-2010	Amend	2-1-2010	125-248-0240	1-1-2010	Amend	2-1-2010
125-246-0312	1-1-2010	Adopt	2-1-2010	125-248-0260	1-1-2010	Amend	2-1-2010
125-246-0314	1-1-2010	Adopt	2-1-2010	125-248-0300	1-1-2010	Amend	2-1-2010
125-246-0330	1-1-2010	Amend	2-1-2010	125-248-0310	1-1-2010	Amend	2-1-2010
125-246-0333	1-1-2010	Amend	2-1-2010	125-248-0330	1-1-2010	Amend	2-1-2010
125-246-0335	1-1-2010	Amend	2-1-2010	125-248-0340	1-1-2010	Amend	2-1-2010
125-246-0345	1-1-2010	Amend	2-1-2010	125-249-0120	1-1-2010	Amend	2-1-2010
125-246-0351	1-1-2010	Amend	2-1-2010	125-249-0130	1-1-2010	Amend	2-1-2010
125-246-0352	1-1-2010	Repeal	2-1-2010	125-249-0145	1-1-2010	Adopt	2-1-2010
125-246-0360	1-1-2010	Amend	2-1-2010	125-249-0200	1-1-2010	Amend	2-1-2010
125-246-0365	1-1-2010	Amend	2-1-2010	125-249-0230	1-1-2010	Amend	2-1-2010
125-246-0550	1-1-2010	Repeal	2-1-2010	125-249-0260	1-1-2010	Amend	2-1-2010
125-246-0560	1-1-2010	Amend	2-1-2010	125-249-0270	1-1-2010	Amend	2-1-2010
125-246-0570	1-1-2010	Amend	2-1-2010	125-249-0280	1-1-2010	Amend	2-1-2010
125-246-0575	1-1-2010	Repeal	2-1-2010	125-249-0300	1-1-2010	Amend	2-1-2010
125-246-0576	1-1-2010	Amend	2-1-2010	125-249-0330	1-1-2010	Amend	2-1-2010
125-246-0621	1-1-2010	Adopt	2-1-2010	125-249-0350	1-1-2010	Amend	2-1-2010
125-246-0635	1-1-2010	Amend	2-1-2010	125-249-0360	1-1-2010	Amend	2-1-2010
125-247-0005	1-1-2010	Repeal	2-1-2010	125-249-0370	1-1-2010	Amend	2-1-2010
125-247-0110	1-1-2010	Adopt	2-1-2010	125-249-0390	1-1-2010	Amend	2-1-2010
125-247-0200	1-1-2010	Amend	2-1-2010	125-249-0420	1-1-2010	Amend	2-1-2010
125-247-0255	1-1-2010	Amend	2-1-2010	125-249-0430	1-1-2010	Amend	2-1-2010
125-247-0256	1-1-2010	Repeal	2-1-2010	125-249-0440	1-1-2010	Amend	2-1-2010

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125-249-0620	1-1-2010	Amend	2-1-2010	137-049-0290	1-1-2010	Amend	1-1-2010
125-249-0640	1-1-2010	Amend	2-1-2010	137-049-0320	1-1-2010	Amend	1-1-2010
125-249-0645	1-1-2010	Amend	2-1-2010	137-049-0330	1-1-2010	Amend	1-1-2010
125-249-0650	1-1-2010	Amend	2-1-2010	137-049-0350	1-1-2010	Amend	1-1-2010
125-249-0660	1-1-2010	Amend	2-1-2010	137-049-0360	1-1-2010	Amend	1-1-2010
125-249-0680	1-1-2010	Amend	2-1-2010	137-049-0390	1-1-2010	Amend	1-1-2010
125-249-0800	1-1-2010	Amend	2-1-2010	137-049-0400	1-1-2010	Amend	1-1-2010
125-249-0810	1-1-2010	Amend	2-1-2010	137-049-0430	1-1-2010	Amend	1-1-2010
125-249-0815	1-1-2010	Amend	2-1-2010	137-049-0440	1-1-2010	Amend	1-1-2010
125-249-0820	1-1-2010	Amend	2-1-2010	137-049-0620	1-1-2010	Amend	1-1-2010
125-249-0860	1-1-2010	Amend	2-1-2010	137-049-0645	1-1-2010	Amend	1-1-2010
125-249-0870	1-1-2010	Amend	2-1-2010	137-049-0650	1-1-2010	Amend	1-1-2010
125-249-0900	1-1-2010	Amend	2-1-2010	137-049-0670	1-1-2010	Amend	1-1-2010
125-700-0015	6-29-2010	Amend(T)	8-1-2010	137-049-0680	1-1-2010	Amend	1-1-2010
125-700-0055	6-29-2010	Amend(T)	8-1-2010	137-049-0800	1-1-2010	Amend	1-1-2010
137-045-0010	1-1-2010	Amend	1-1-2010	137-049-0815	1-1-2010	Amend	1-1-2010
137-045-0015	1-1-2010	Amend	1-1-2010	137-049-0820	1-1-2010	Amend	1-1-2010
137-045-0020	1-1-2010	Amend	1-1-2010	137-049-0860	1-1-2010	Amend	1-1-2010
137-045-0030	1-1-2010	Amend	1-1-2010	137-050-0320	1-4-2010	Repeal	1-1-2010
137-045-0035	1-1-2010	Amend	1-1-2010	137-050-0330	1-4-2010	Repeal	1-1-2010
137-045-0050	1-1-2010	Amend	1-1-2010	137-050-0333	1-4-2010	Repeal	1-1-2010
137-045-0052	1-1-2010	Amend	1-1-2010	137-050-0335	1-4-2010	Repeal	1-1-2010
137-045-0060	1-1-2010	Amend	1-1-2010	137-050-0340	1-4-2010	Repeal	1-1-2010
137-045-0070	1-1-2010	Amend	1-1-2010	137-050-0350	1-4-2010	Repeal	1-1-2010
137-046-0110	1-1-2010	Amend	1-1-2010	137-050-0360	1-4-2010	Repeal	1-1-2010
137-046-0210	1-1-2010	Amend	1-1-2010	137-050-0370	1-4-2010	Repeal	1-1-2010
137-047-0250	1-1-2010	Amend	1-1-2010	137-050-0390	1-4-2010	Repeal	1-1-2010
137-047-0255	1-1-2010	Amend	1-1-2010	137-050-0400	1-4-2010	Repeal	1-1-2010
137-047-0260	1-1-2010	Amend	1-1-2010	137-050-0405	1-4-2010	Repeal	1-1-2010
137-047-0261	1-1-2010	Amend	1-1-2010	137-050-0410	1-4-2010	Repeal	1-1-2010
137-047-0262	1-1-2010	Amend	1-1-2010	137-050-0420	1-4-2010	Repeal	1-1-2010
137-047-0263	1-1-2010	Amend	1-1-2010	137-050-0430	1-4-2010	Repeal	1-1-2010
137-047-0270	1-1-2010	Amend	1-1-2010	137-050-0450	1-4-2010	Repeal	1-1-2010
137-047-0280	1-1-2010	Amend	1-1-2010	137-050-0455	1-4-2010	Repeal	1-1-2010
137-047-0300	1-1-2010	Amend	1-1-2010	137-050-0465	1-4-2010	Repeal	1-1-2010
137-047-0310	1-1-2010	Amend	1-1-2010	137-050-0475	1-4-2010	Repeal	1-1-2010
137-047-0470	1-1-2010	Amend	1-1-2010	137-050-0485	1-4-2010	Repeal	1-1-2010
137-047-0550	1-1-2010	Amend	1-1-2010	137-050-0490	1-4-2010	Repeal	1-1-2010
137-047-0600	1-1-2010	Amend	1-1-2010	137-050-0700	1-4-2010	Adopt	1-1-2010
137-047-0640	1-1-2010	Amend	1-1-2010	137-050-0700	2-12-2010	Amend(T)	3-1-2010
137-047-0800	1-1-2010	Amend	1-1-2010	137-050-0700	7-1-2010	Amend	8-1-2010
137-048-0130	1-1-2010	Amend	1-1-2010	137-050-0700(T)	7-1-2010	Amend	8-1-2010
137-048-0200	1-1-2010	Amend	1-1-2010	137-050-0710	1-4-2010	Adopt	1-1-2010
137-048-0210	1-1-2010	Amend	1-1-2010	137-050-0710	2-12-2010	Amend(T)	3-1-2010
137-048-0220	1-1-2010	Amend	1-1-2010	137-050-0710	7-1-2010	Amend	8-1-2010
137-048-0250	1-1-2010	Amend	1-1-2010	137-050-0710(T)	7-1-2010	Amend	8-1-2010
137-048-0260	1-1-2010	Amend	1-1-2010	137-050-0715	1-4-2010	Adopt	1-1-2010
137-048-0300	1-1-2010	Amend	1-1-2010	137-050-0715	2-12-2010	Amend(T)	3-1-2010
137-048-0310	1-1-2010	Amend	1-1-2010	137-050-0715	7-1-2010	Amend	8-1-2010
137-048-0320	1-1-2010	Amend	1-1-2010	137-050-0715(T)	7-1-2010	Amend	8-1-2010
137-049-0150	1-1-2010	Amend	1-1-2010	137-050-0720	1-4-2010	Adopt	1-1-2010
137-049-0200	1-1-2010	Amend	1-1-2010	137-050-0725	1-4-2010	Adopt	1-1-2010
137-049-0210	1-1-2010	Amend	1-1-2010	137-050-0730	1-4-2010	Adopt	1-1-2010
137-049-0220	1-1-2010	Amend	1-1-2010	137-050-0730	7-1-2010	Amend	8-1-2010
137-049-0260	1-1-2010	Amend	1-1-2010	137-050-0735	1-4-2010	Adopt	1-1-2010

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137-050-0745	1-4-2010	Adopt	1-1-2010	137-060-0220	3-12-2010	Amend	4-1-2010
137-050-0750	1-4-2010	Adopt	1-1-2010	137-060-0230	3-12-2010	Amend	4-1-2010
137-050-0755	1-4-2010	Adopt	1-1-2010	137-060-0250	3-12-2010	Amend	4-1-2010
137-050-0760	1-4-2010	Adopt(T)	1-1-2010	137-060-0310	3-12-2010	Amend	4-1-2010
137-050-0760	1-8-2010	Amend(T)	2-1-2010	137-060-0320	3-12-2010	Amend	4-1-2010
137-050-0760	2-12-2010	Adopt(T)	3-1-2010	137-060-0330	3-12-2010	Amend	4-1-2010
137-050-0760	7-1-2010	Adopt	8-1-2010	137-060-0350	3-12-2010	Amend	4-1-2010
137-050-0760(T)	1-8-2010	Suspend	2-1-2010	137-060-0410	3-12-2010	Amend	4-1-2010
137-050-0760(T)	2-12-2010	Suspend	3-1-2010	137-060-0420	3-12-2010	Amend	4-1-2010
137-050-0760(T)	7-1-2010	Amend	8-1-2010	137-060-0430	3-12-2010	Amend	4-1-2010
137-050-0765	1-4-2010	Adopt	1-1-2010	137-060-0450	3-12-2010	Amend	4-1-2010
137-055-1020	1-4-2010	Amend	2-1-2010	137-078-0000	8-2-2010	Amend(T)	9-1-2010
137-055-1070	1-4-2010	Amend(T)	2-1-2010	137-078-0005	8-2-2010	Amend(T)	9-1-2010
137-055-1070	4-1-2010	Amend	5-1-2010	137-078-0010	8-2-2010	Amend(T)	9-1-2010
137-055-1070(T)	4-1-2010	Repeal	5-1-2010	137-078-0015	8-2-2010	Amend(T)	9-1-2010
137-055-1090	1-4-2010	Amend	2-1-2010	137-078-0020	8-2-2010	Amend(T)	9-1-2010
137-055-1120	1-4-2010	Amend	2-1-2010	137-078-0025	8-2-2010	Amend(T)	9-1-2010
137-055-1140	1-4-2010	Amend	2-1-2010	137-078-0030	8-2-2010	Amend(T)	9-1-2010
137-055-1145	1-4-2010	Amend	2-1-2010	137-078-0035	8-2-2010	Amend(T)	9-1-2010
137-055-1160	9-1-2010	Amend(T)	8-1-2010	137-078-0040	8-2-2010	Amend(T)	9-1-2010
137-055-2160	1-4-2010	Amend(T)	2-1-2010	137-078-0041	8-2-2010	Adopt(T)	9-1-2010
137-055-2160	7-1-2010	Amend	8-1-2010	137-078-0045	8-2-2010	Amend(T)	9-1-2010
137-055-2160(T)	7-1-2010	Amend	8-1-2010	137-078-0050	8-2-2010	Amend(T)	9-1-2010
137-055-2360	1-4-2010	Amend	2-1-2010	137-078-0051	8-2-2010	Adopt(T)	9-1-2010
137-055-2380	1-4-2010	Amend	2-1-2010	137-105-0050	4-19-2010	Adopt(T)	6-1-2010
137-055-3020	1-4-2010	Amend	2-1-2010	137-105-0050	6-30-2010	Adopt	8-1-2010
137-055-3080	1-4-2010	Amend	2-1-2010	137-105-0050(T)	6-30-2010	Repeal	8-1-2010
137-055-3220	1-4-2010	Amend	2-1-2010	141-085-0506	1-1-2010	Amend	1-1-2010
137-055-3260	1-4-2010	Amend	2-1-2010	141-085-0510	1-1-2010	Amend	1-1-2010
137-055-3300	1-4-2010	Amend	2-1-2010	141-085-0515	1-1-2010	Amend	1-1-2010
137-055-3340	1-4-2010	Amend(T)	2-1-2010	141-085-0530	1-1-2010	Amend	1-1-2010
137-055-3340	1-12-2010	Amend(T)	2-1-2010	141-085-0534	1-1-2010	Adopt	1-1-2010
137-055-3340	4-1-2010	Amend	5-1-2010	141-085-0535	1-1-2010	Amend	1-1-2010
137-055-3340(T)	1-12-2010	Suspend	2-1-2010	141-085-0545	1-1-2010	Amend	1-1-2010
137-055-3340(T)	4-1-2010	Repeal	5-1-2010	141-085-0550	1-1-2010	Amend	1-1-2010
137-055-3400	1-4-2010	Amend	2-1-2010	141-085-0555	1-1-2010	Amend	1-1-2010
137-055-3420	1-4-2010	Amend	2-1-2010	141-085-0565	1-1-2010	Amend	1-1-2010
137-055-3430	7-1-2010	Amend(T)	8-1-2010	141-085-0570	1-1-2010	Am. & Ren.	1-1-2010
137-055-3435	1-4-2010	Adopt	2-1-2010	141-085-0575	1-1-2010	Amend	1-1-2010
137-055-3660	1-4-2010	Amend	2-1-2010	141-085-0585	1-1-2010	Amend	1-1-2010
137-055-4210	1-4-2010	Adopt	2-1-2010	141-085-0590	1-1-2010	Amend	1-1-2010
137-055-4420	1-4-2010	Amend	2-1-2010	141-085-0665	1-1-2010	Amend	1-1-2010
137-055-4450	1-4-2010	Amend	2-1-2010	141-085-0670	1-1-2010	Repeal	1-1-2010
137-055-4455	1-4-2010	Amend	2-1-2010	141-085-0675	1-1-2010	Amend	1-1-2010
137-055-4620	1-4-2010	Amend	2-1-2010	141-085-0680	1-1-2010	Amend	1-1-2010
137-055-4640	1-4-2010	Amend	2-1-2010	141-085-0685	1-1-2010	Amend	1-1-2010
137-055-5110	1-4-2010	Amend	2-1-2010	141-085-0690	1-1-2010	Amend	1-1-2010
137-055-5220	1-4-2010	Amend	2-1-2010	141-085-0700	1-1-2010	Amend	1-1-2010
137-055-6022	1-4-2010	Amend	2-1-2010	141-085-0705	1-1-2010	Amend	1-1-2010
137-055-6024	1-4-2010	Amend	2-1-2010	141-085-0720	1-1-2010	Amend	1-1-2010
137-055-6260	1-4-2010	Amend	2-1-2010	141-085-0725	1-1-2010	Amend	1-1-2010
137-060-0110	3-12-2010	Amend	4-1-2010	141-085-0730	1-1-2010	Amend	1-1-2010
137-060-0120	3-12-2010	Amend	4-1-2010	141-085-0735	1-1-2010	Amend	1-1-2010
137-060-0130	3-12-2010	Amend	4-1-2010	141-085-0745	1-1-2010	Amend	1-1-2010
137-060-0150	3-12-2010	Amend	4-1-2010	141-085-0750	1-1-2010	Amend	1-1-2010

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141-089-0350	1-1-2010	Repeal	1-1-2010	150-314.280-(N)	1-1-2010	Amend	2-1-2010
141-089-0355	1-1-2010	Repeal	1-1-2010	150-314.360	7-31-2010	Amend	9-1-2010
141-089-0360	1-1-2010	Repeal	1-1-2010	150-314.610(4)	1-1-2010	Repeal	2-1-2010
141-089-0365	1-1-2010	Repeal	1-1-2010	150-314.775	7-31-2010	Amend	9-1-2010
141-089-0370	1-1-2010	Repeal	1-1-2010	150-314.778	7-31-2010	Adopt	9-1-2010
141-089-0375	1-1-2010	Repeal	1-1-2010	150-314.781	7-31-2010	Adopt	9-1-2010
141-089-0380	1-1-2010	Repeal	1-1-2010	150-314.784	7-31-2010	Adopt	9-1-2010
141-089-0385	1-1-2010	Repeal	1-1-2010	150-314.840	7-31-2010	Amend	9-1-2010
141-089-0390	1-1-2010	Repeal	1-1-2010	150-315.141	7-31-2010	Amend	9-1-2010
141-102-0000	4-1-2010	Amend	4-1-2010	150-315.144	7-31-2010	Adopt	9-1-2010
141-102-0010	4-1-2010	Amend	4-1-2010	150-315.204-(A)	1-1-2010	Amend	2-1-2010
141-102-0020	4-1-2010	Amend	4-1-2010	150-315.204-(A)	3-15-2010	Amend	4-1-2010
141-102-0030	4-1-2010	Amend	4-1-2010	150-315.262	1-1-2010	Amend	2-1-2010
141-102-0040	4-1-2010	Amend	4-1-2010	150-316.014	7-31-2010	Amend	9-1-2010
141-142-0010	12-15-2009	Adopt	1-1-2010	150-316.216	7-31-2010	Am. & Ren.	9-1-2010
141-142-0015	12-15-2009	Adopt	1-1-2010	150-316.680(1)(c)-(A)	7-31-2010	Amend	9-1-2010
141-142-0020	12-15-2009	Adopt	1-1-2010	150-316.ORLAWS			
141-142-0025	12-15-2009	Adopt	1-1-2010	2010.CH66	7-23-2010	Adopt(T)	9-1-2010
141-142-0030	12-15-2009	Adopt	1-1-2010	150-317.013	7-31-2010	Amend	9-1-2010
141-142-0035	12-15-2009	Adopt	1-1-2010	150-317.063	7-31-2010	Adopt	9-1-2010
141-142-0040	12-15-2009	Adopt	1-1-2010	150-317.090	2-19-2010	Amend	4-1-2010
150-118.140	7-31-2010	Amend	9-1-2010	150-317.097	1-1-2010	Amend	2-1-2010
150-118.160-(B)	2-19-2010	Amend(T)	4-1-2010	150-317.326	1-1-2010	Repeal	2-1-2010
150-118.160-(B)	7-31-2010	Amend	9-1-2010	150-323.107	7-31-2010	Amend	9-1-2010
150-118.225	1-1-2010	Amend	2-1-2010	150-323.130	7-31-2010	Amend	9-1-2010
150-118.NOTE	5-7-2010	Adopt(T)	6-1-2010	150-323.500(9)	1-1-2010	Adopt	2-1-2010
150-118.NOTE	7-31-2010	Adopt	9-1-2010	150-323.500(9)	6-30-2010	Amend(T)	7-1-2010
150-118.NOTE(T)	7-31-2010	Repeal	9-1-2010	150-323.500(9)(T)	1-1-2010	Repeal	2-1-2010
150-285C.170	7-31-2010	Repeal	9-1-2010	150-323.530	7-31-2010	Amend	9-1-2010
150-294.175(2)-(B)	3-9-2010	Amend(T)	4-1-2010	150-358.505	1-1-2010	Adopt	2-1-2010
150-294.450(3)	7-31-2010	Amend	9-1-2010	150-457.430	7-31-2010	Amend	9-1-2010
150-305.100-(C)	3-19-2010	Adopt	4-1-2010	150-457.440(2)	7-31-2010	Adopt	9-1-2010
150-305.100-(C)(T)	3-19-2010	Repeal	4-1-2010	150-457.440(9)	7-31-2010	Amend	9-1-2010
150-305.220(1)	1-1-2010	Amend	2-1-2010	150-465.101(5)-(B)	8-19-2010	Adopt(T)	10-1-2010
150-305.220(2)	1-1-2010	Amend	2-1-2010	160-001-0000	2-1-2010	Amend	3-1-2010
150-305.230	7-31-2010	Amend	9-1-2010	160-005-0008	1-1-2010	Adopt	2-1-2010
150-305.290	1-1-2010	Repeal	2-1-2010	160-010-0010	7-1-2010	Amend	8-1-2010
150-306.126(2)	1-1-2010	Amend	2-1-2010	160-010-0013	7-1-2010	Amend	8-1-2010
150-307.110	7-31-2010	Repeal	9-1-2010	160-010-0014	7-1-2010	Amend	8-1-2010
150-307.250(1)(b)	1-1-2010	Am. & Ren.	2-1-2010	160-010-0200	1-1-2010	Amend	2-1-2010
150-307.270(1)-(A)	1-1-2010	Amend	2-1-2010	160-010-0210	1-1-2010	Adopt	2-1-2010
150-307.330	1-1-2010	Amend	2-1-2010	160-010-0220	1-1-2010	Adopt	2-1-2010
150-307.340	7-31-2010	Repeal	9-1-2010	160-010-0230	1-1-2010	Adopt	2-1-2010
150-307.547	1-1-2010	Adopt	2-1-2010	160-010-0240	1-1-2010	Adopt	2-1-2010
150-308.027	7-31-2010	Repeal	9-1-2010	160-040-0103	1-1-2010	Amend	2-1-2010
150-308.205-(B)	7-31-2010	Am. & Ren.	9-1-2010	160-040-0104	1-1-2010	Amend	2-1-2010
150-308.225	7-31-2010	Adopt	9-1-2010	160-040-0311	1-1-2010	Amend	2-1-2010
150-308.234	7-31-2010	Amend	9-1-2010	160-040-0507	1-1-2010	Adopt	2-1-2010
150-308.875-(A)	1-1-2010	Amend	2-1-2010	160-050-0140	2-27-2010	Amend(T)	3-1-2010
150-309.100-(D)	1-1-2010	Adopt	2-1-2010	160-050-0140	4-2-2010	Amend	5-1-2010
150-311.668(1)(a)-(A)	1-1-2010	Amend	2-1-2010	160-050-0140(T)	4-2-2010	Repeal	5-1-2010
150-311.668(1)(a)-(B)	1-1-2010	Amend	2-1-2010	160-050-0215	2-27-2010	Amend(T)	3-1-2010
150-311.688	1-1-2010	Amend	2-1-2010	160-050-0215	4-2-2010	Amend	5-1-2010
150-311.689	1-1-2010	Amend	2-1-2010	160-050-0215(T)	4-2-2010	Repeal	5-1-2010
150-311.691	1-1-2010	Amend	2-1-2010	160-100-0040	1-1-2010	Amend	2-1-2010

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160-100-0100	2-3-2010	Amend	3-1-2010	161-025-0030	2-1-2010	Amend(T)	3-1-2010
160-100-0100	7-1-2010	Amend(T)	7-1-2010	161-025-0030	4-23-2010	Amend	6-1-2010
160-100-0100	9-1-2010	Amend	10-1-2010	161-025-0030(T)	4-23-2010	Repeal	6-1-2010
160-100-0100(T)	9-1-2010	Repeal	10-1-2010	161-025-0060	1-1-2010	Amend(T)	1-1-2010
160-100-0110	7-1-2010	Amend(T)	7-1-2010	161-025-0060	4-23-2010	Amend	6-1-2010
160-100-0110	9-1-2010	Amend	10-1-2010	161-025-0060(T)	4-23-2010	Repeal	6-1-2010
160-100-0110(T)	9-1-2010	Repeal	10-1-2010	161-030-0000	2-1-2010	Amend(T)	3-1-2010
160-100-0120	7-1-2010	Amend(T)	7-1-2010	161-030-0000	4-23-2010	Amend	6-1-2010
160-100-0120	9-1-2010	Amend	10-1-2010	161-030-0000(T)	4-23-2010	Repeal	6-1-2010
160-100-0120(T)	9-1-2010	Repeal	10-1-2010	161-050-0000	2-1-2010	Amend(T)	3-1-2010
160-100-0301	3-1-2010	Adopt	4-1-2010	161-050-0000	4-23-2010	Amend	6-1-2010
160-100-0400	1-1-2010	Amend	2-1-2010	161-050-0000(T)	4-23-2010	Repeal	6-1-2010
160-100-0610	1-1-2010	Amend	2-1-2010	161-050-0050	2-1-2010	Amend(T)	3-1-2010
160-100-0700	1-1-2010	Adopt	2-1-2010	161-050-0050	4-23-2010	Amend	6-1-2010
160-100-1110	6-1-2010	Amend	7-1-2010	161-050-0050(T)	4-23-2010	Repeal	6-1-2010
161-002-0000	1-1-2010	Amend(T)	1-1-2010	162-010-0000	4-1-2010	Amend	5-1-2010
161-002-0000	4-23-2010	Amend	6-1-2010	162-010-0020	4-1-2010	Amend	5-1-2010
161-002-0000(T)	4-23-2010	Repeal	6-1-2010	162-010-0030	4-1-2010	Amend	5-1-2010
161-010-0010	2-1-2010	Amend(T)	3-1-2010	162-010-0050	4-1-2010	Amend	5-1-2010
161-010-0010	4-23-2010	Amend	6-1-2010	162-010-0130	4-1-2010	Amend	5-1-2010
161-010-0010(T)	4-23-2010	Repeal	6-1-2010	162-010-0150	4-1-2010	Amend	5-1-2010
161-010-0020	2-1-2010	Amend(T)	3-1-2010	162-010-0200	4-1-2010	Amend	5-1-2010
161-010-0020	4-23-2010	Amend	6-1-2010	162-010-0230	4-1-2010	Amend	5-1-2010
161-010-0020(T)	4-23-2010	Repeal	6-1-2010	162-010-0240	4-1-2010	Amend	5-1-2010
161-010-0055	2-1-2010	Suspend	3-1-2010	162-010-0270	4-1-2010	Amend	5-1-2010
161-010-0055	4-23-2010	Repeal	6-1-2010	162-010-0310	4-1-2010	Amend	5-1-2010
161-010-0085	2-1-2010	Amend(T)	3-1-2010	162-010-0316	4-1-2010	Adopt	5-1-2010
161-010-0085	4-23-2010	Amend	6-1-2010	162-010-0330	4-1-2010	Amend	5-1-2010
161-010-0085(T)	4-23-2010	Repeal	6-1-2010	162-040-0000	4-1-2010	Re-number	5-1-2010
161-015-0000	2-1-2010	Amend(T)	3-1-2010	162-040-0001	4-1-2010	Adopt	5-1-2010
161-015-0000	4-23-2010	Amend	6-1-2010	162-040-0020	4-1-2010	Amend	5-1-2010
161-015-0000(T)	4-23-2010	Repeal	6-1-2010	162-040-0060	4-1-2010	Amend	5-1-2010
161-015-0010	2-1-2010	Amend(T)	3-1-2010	162-040-0065	4-1-2010	Amend	5-1-2010
161-015-0010	4-23-2010	Amend	6-1-2010	162-040-0110	4-1-2010	Amend	5-1-2010
161-015-0010(T)	4-23-2010	Repeal	6-1-2010	162-040-0115	4-1-2010	Amend	5-1-2010
161-015-0025	2-1-2010	Amend(T)	3-1-2010	162-040-0130	4-1-2010	Amend	5-1-2010
161-015-0025	4-23-2010	Amend	6-1-2010	162-040-0135	4-1-2010	Amend	5-1-2010
161-015-0025(T)	4-23-2010	Repeal	6-1-2010	162-040-0136	4-1-2010	Adopt	5-1-2010
161-015-0030	2-1-2010	Amend(T)	3-1-2010	162-040-0148	4-1-2010	Amend	5-1-2010
161-015-0030	4-23-2010	Amend	6-1-2010	162-040-0160	4-1-2010	Amend	5-1-2010
161-015-0030(T)	4-23-2010	Repeal	6-1-2010	165-001-0015	12-31-2009	Amend	2-1-2010
161-020-0005	2-1-2010	Amend(T)	3-1-2010	165-001-0025	12-31-2009	Amend	2-1-2010
161-020-0005	4-23-2010	Amend	6-1-2010	165-001-0035	12-31-2009	Amend	2-1-2010
161-020-0005(T)	4-23-2010	Repeal	6-1-2010	165-001-0040	12-31-2009	Amend	2-1-2010
161-020-0110	2-1-2010	Amend(T)	3-1-2010	165-001-0045	12-31-2009	Amend	2-1-2010
161-020-0110	4-23-2010	Amend	6-1-2010	165-001-0050	12-31-2009	Amend	2-1-2010
161-020-0110(T)	4-23-2010	Repeal	6-1-2010	165-001-0055	12-31-2009	Amend	2-1-2010
161-020-0130	2-1-2010	Amend(T)	3-1-2010	165-001-0065	12-31-2009	Repeal	2-1-2010
161-020-0130	4-23-2010	Amend	6-1-2010	165-001-0080	12-31-2009	Amend	2-1-2010
161-020-0130(T)	4-23-2010	Repeal	6-1-2010	165-002-0010	12-31-2009	Amend	2-1-2010
161-020-0150	2-1-2010	Amend(T)	3-1-2010	165-002-0020	12-31-2009	Amend	2-1-2010
161-020-0150	4-23-2010	Amend	6-1-2010	165-005-0130	12-31-2009	Amend	2-1-2010
161-020-0150(T)	4-23-2010	Repeal	6-1-2010	165-005-0160	2-26-2010	Adopt	4-1-2010
161-025-0025	2-1-2010	Amend(T)	3-1-2010	165-007-0035	12-31-2009	Amend	2-1-2010
161-025-0025	4-23-2010	Amend	6-1-2010	165-007-0290	12-31-2009	Amend	2-1-2010

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165-007-0310	12-31-2009	Adopt	2-1-2010	173-001-0020(T)	9-14-2010	Repeal	10-1-2010
165-007-0320	8-4-2010	Adopt	9-1-2010	173-005-0000	3-25-2010	Amend(T)	5-1-2010
165-007-2011	2-26-2010	Adopt(T)	4-1-2010	173-005-0000	9-14-2010	Amend	10-1-2010
165-010-0005	12-31-2009	Amend	2-1-2010	173-005-0000(T)	9-14-2010	Repeal	10-1-2010
165-010-0120	12-31-2009	Repeal	2-1-2010	173-005-0005	3-25-2010	Adopt(T)	5-1-2010
165-012-0005	12-31-2009	Amend	2-1-2010	173-005-0005	9-14-2010	Adopt	10-1-2010
165-012-0005	4-22-2010	Amend	6-1-2010	173-005-0005(T)	9-14-2010	Repeal	10-1-2010
165-012-0050	12-31-2009	Amend	2-1-2010	173-006-0000	3-25-2010	Amend(T)	5-1-2010
165-012-0240	12-31-2009	Amend	2-1-2010	173-006-0000	9-14-2010	Amend	10-1-2010
165-013-0010	12-31-2009	Amend	2-1-2010	173-006-0000(T)	9-14-2010	Repeal	10-1-2010
165-013-0020	12-31-2009	Amend	2-1-2010	173-006-0005	3-25-2010	Amend(T)	5-1-2010
165-014-0005	12-31-2009	Amend	2-1-2010	173-006-0005	9-14-2010	Amend	10-1-2010
165-014-0100	12-31-2009	Amend	2-1-2010	173-006-0005(T)	9-14-2010	Repeal	10-1-2010
165-014-0280	12-31-2009	Amend	2-1-2010	173-007-0000	3-25-2010	Amend(T)	5-1-2010
165-020-0005	12-31-2009	Amend	2-1-2010	173-007-0000	9-14-2010	Amend	10-1-2010
165-020-0020	12-31-2009	Amend	2-1-2010	173-007-0000(T)	9-14-2010	Repeal	10-1-2010
165-020-0050	12-31-2009	Amend	2-1-2010	173-007-0005	3-25-2010	Amend(T)	5-1-2010
165-020-0060	12-31-2009	Amend	2-1-2010	173-007-0005	9-14-2010	Amend	10-1-2010
166-150-0035	12-23-2009	Amend	2-1-2010	173-007-0005(T)	9-14-2010	Repeal	10-1-2010
166-150-0110	5-27-2010	Amend	7-1-2010	173-008-0000	3-25-2010	Amend(T)	5-1-2010
166-200-0050	5-27-2010	Amend	7-1-2010	173-008-0000	9-14-2010	Amend	10-1-2010
166-200-0090	9-14-2010	Amend	10-1-2010	173-008-0000(T)	9-14-2010	Repeal	10-1-2010
166-300-0025	5-27-2010	Amend	7-1-2010	173-008-0005	3-25-2010	Amend(T)	5-1-2010
166-300-0025	9-3-2010	Amend	10-1-2010	173-008-0005	9-14-2010	Amend	10-1-2010
166-400-0025	5-27-2010	Amend	7-1-2010	173-008-0005(T)	9-14-2010	Repeal	10-1-2010
166-400-0060	5-27-2010	Amend	7-1-2010	173-008-0010	3-25-2010	Amend(T)	5-1-2010
166-450-0050	5-27-2010	Amend	7-1-2010	173-008-0010	9-14-2010	Amend	10-1-2010
166-475-0050	5-27-2010	Amend	7-1-2010	173-008-0010(T)	9-14-2010	Repeal	10-1-2010
166-475-0095	5-27-2010	Amend	7-1-2010	173-009-0000	3-25-2010	Amend(T)	5-1-2010
167-001-0005	7-7-2010	Amend	8-1-2010	173-009-0000	9-14-2010	Amend	10-1-2010
167-001-0007	7-7-2010	Amend	8-1-2010	173-009-0000(T)	9-14-2010	Repeal	10-1-2010
167-001-0030	7-7-2010	Amend	8-1-2010	173-009-0005	3-25-2010	Amend(T)	5-1-2010
167-001-0081	7-7-2010	Amend	8-1-2010	173-009-0005	9-14-2010	Amend	10-1-2010
167-001-0085	7-7-2010	Amend	8-1-2010	173-009-0005(T)	9-14-2010	Repeal	10-1-2010
167-001-0360	7-7-2010	Amend	8-1-2010	173-009-0010	3-25-2010	Amend(T)	5-1-2010
167-001-0605	7-7-2010	Amend	8-1-2010	173-009-0010	9-14-2010	Amend	10-1-2010
170-040-0110	11-19-2009	Adopt	1-1-2010	173-009-0010(T)	9-14-2010	Repeal	10-1-2010
170-061-0000	2-2-2010	Amend	3-1-2010	173-009-0015	3-25-2010	Amend(T)	5-1-2010
170-061-0015	1-15-2010	Amend	2-1-2010	173-009-0015	9-14-2010	Amend	10-1-2010
170-061-0015	1-26-2010	Amend(T)	3-1-2010	173-009-0015(T)	9-14-2010	Repeal	10-1-2010
170-061-0015	7-1-2010	Amend(T)	7-1-2010	173-010-0000	3-25-2010	Amend(T)	5-1-2010
170-061-0015(T)	1-15-2010	Repeal	2-1-2010	173-010-0000	9-14-2010	Amend	10-1-2010
170-061-0015(T)	7-1-2010	Suspend	7-1-2010	173-010-0000(T)	9-14-2010	Repeal	10-1-2010
170-063-0000	1-15-2010	Amend	2-1-2010	173-010-0025	3-25-2010	Amend(T)	5-1-2010
170-063-0000(T)	1-15-2010	Repeal	2-1-2010	173-010-0025	9-14-2010	Amend	10-1-2010
173-001-0005	3-25-2010	Amend(T)	5-1-2010	173-010-0025(T)	9-14-2010	Repeal	10-1-2010
173-001-0005	9-14-2010	Amend	10-1-2010	173-011-0000	3-25-2010	Amend(T)	5-1-2010
173-001-0005(T)	9-14-2010	Repeal	10-1-2010	173-011-0000	9-14-2010	Amend	10-1-2010
173-001-0010	3-25-2010	Amend(T)	5-1-2010	173-011-0000(T)	9-14-2010	Repeal	10-1-2010
173-001-0010	9-14-2010	Amend	10-1-2010	173-012-0000	3-25-2010	Amend(T)	5-1-2010
173-001-0010(T)	9-14-2010	Repeal	10-1-2010	173-012-0000	9-14-2010	Amend	10-1-2010
173-001-0015	3-25-2010	Amend(T)	5-1-2010	173-012-0000(T)	9-14-2010	Repeal	10-1-2010
173-001-0015	9-14-2010	Amend	10-1-2010	173-012-0005	3-25-2010	Amend(T)	5-1-2010
173-001-0015(T)	9-14-2010	Repeal	10-1-2010	173-012-0005	9-14-2010	Amend	10-1-2010
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173-014-0000	9-14-2010	Amend	10-1-2010	177-098-0100	3-21-2010	Adopt	5-1-2010
173-014-0000(T)	9-14-2010	Repeal	10-1-2010	177-098-0110	3-21-2010	Adopt	5-1-2010
173-014-0005	3-25-2010	Amend(T)	5-1-2010	177-099-0100	2-1-2010	Amend	3-1-2010
173-014-0005	9-14-2010	Amend	10-1-2010	177-099-0100(T)	2-1-2010	Repeal	3-1-2010
173-014-0005(T)	9-14-2010	Repeal	10-1-2010	177-200-0005	3-15-2010	Amend(T)	4-1-2010
173-014-0010	3-25-2010	Amend(T)	5-1-2010	177-200-0005	9-5-2010	Amend	10-1-2010
173-014-0010	9-14-2010	Amend	10-1-2010	177-200-0005(T)	9-5-2010	Repeal	10-1-2010
173-014-0010(T)	9-14-2010	Repeal	10-1-2010	177-200-0010	3-15-2010	Amend(T)	4-1-2010
173-015-0010	3-25-2010	Amend(T)	5-1-2010	177-200-0010	9-5-2010	Amend	10-1-2010
173-015-0010	9-14-2010	Amend	10-1-2010	177-200-0010(T)	9-5-2010	Repeal	10-1-2010
173-015-0010(T)	9-14-2010	Repeal	10-1-2010	177-200-0011	9-5-2010	Amend	10-1-2010
173-016-0010	3-25-2010	Adopt(T)	5-1-2010	177-200-0012	9-5-2010	Amend	10-1-2010
173-016-0010	9-14-2010	Adopt	10-1-2010	177-200-0015	9-5-2010	Amend	10-1-2010
173-016-0010(T)	9-14-2010	Repeal	10-1-2010	177-200-0020	2-1-2010	Amend	3-1-2010
177-010-0003	3-21-2010	Amend	5-1-2010	177-200-0020	3-15-2010	Amend(T)	4-1-2010
177-020-0100	2-1-2010	Amend	3-1-2010	177-200-0020	9-5-2010	Amend	10-1-2010
177-036-0200	1-20-2010	Suspend	3-1-2010	177-200-0020(T)	9-5-2010	Repeal	10-1-2010
177-036-0200	3-21-2010	Repeal	5-1-2010	177-200-0032	3-15-2010	Amend(T)	4-1-2010
177-036-0200(T)	3-21-2010	Repeal	5-1-2010	177-200-0032	9-5-2010	Amend	10-1-2010
177-040-0026	6-27-2010	Amend	8-1-2010	177-200-0032(T)	9-5-2010	Repeal	10-1-2010
177-040-0027	6-27-2010	Repeal	8-1-2010	177-200-0050	9-5-2010	Amend	10-1-2010
177-040-0028	6-27-2010	Repeal	8-1-2010	177-200-0060	9-5-2010	Amend	10-1-2010
177-040-0029	6-27-2010	Repeal	8-1-2010	177-200-0065	9-5-2010	Amend	10-1-2010
177-040-0050	3-15-2010	Amend(T)	4-1-2010	177-200-0070	9-5-2010	Amend	10-1-2010
177-040-0050	9-5-2010	Amend	10-1-2010	177-200-0075	9-5-2010	Amend	10-1-2010
177-040-0050(T)	9-5-2010	Repeal	10-1-2010	177-200-0077	3-15-2010	Adopt(T)	4-1-2010
177-040-0051	3-15-2010	Amend(T)	4-1-2010	177-200-0077	9-5-2010	Adopt	10-1-2010
177-040-0051	9-5-2010	Amend	10-1-2010	177-200-0077(T)	9-5-2010	Repeal	10-1-2010
177-040-0051(T)	9-5-2010	Repeal	10-1-2010	177-200-0080	9-5-2010	Amend	10-1-2010
177-046-0110	3-21-2010	Amend	5-1-2010	177-200-0090	9-5-2010	Amend	10-1-2010
177-046-0110	9-5-2010	Amend	10-1-2010	190-020-0000	7-1-2010	Amend	8-1-2010
177-050-0027	2-1-2010	Amend	3-1-2010	190-020-0005	7-1-2010	Amend	8-1-2010
177-065-0005	6-27-2010	Repeal	8-1-2010	190-020-0010	7-1-2010	Amend	8-1-2010
177-065-0015	6-27-2010	Repeal	8-1-2010	190-020-0012	7-1-2010	Adopt	8-1-2010
177-065-0020	6-27-2010	Repeal	8-1-2010	190-020-0013	7-1-2010	Adopt	8-1-2010
177-065-0025	6-27-2010	Repeal	8-1-2010	190-020-0015	7-1-2010	Amend	8-1-2010
177-065-0030	6-27-2010	Repeal	8-1-2010	190-020-0025	7-1-2010	Amend	8-1-2010
177-065-0035	6-27-2010	Repeal	8-1-2010	190-020-0030	7-1-2010	Amend	8-1-2010
177-065-0040	6-27-2010	Repeal	8-1-2010	190-020-0035	7-1-2010	Amend	8-1-2010
177-065-0045	6-27-2010	Repeal	8-1-2010	190-020-0040	7-1-2010	Amend	8-1-2010
177-065-0055	6-27-2010	Repeal	8-1-2010	190-020-0045	7-1-2010	Repeal	8-1-2010
177-065-0065	6-27-2010	Repeal	8-1-2010	190-020-0050	7-1-2010	Amend	8-1-2010
177-065-0075	6-27-2010	Repeal	8-1-2010	190-020-0055	7-1-2010	Amend	8-1-2010
177-065-0080	6-27-2010	Repeal	8-1-2010	190-020-0060	7-1-2010	Amend	8-1-2010
177-070-0005	3-21-2010	Amend	5-1-2010	190-020-0065	7-1-2010	Amend	8-1-2010
177-070-0025	2-1-2010	Amend	3-1-2010	190-020-0070	7-1-2010	Repeal	8-1-2010
177-098-0000	3-21-2010	Adopt	5-1-2010	190-020-0074	7-1-2010	Adopt	8-1-2010
177-098-0010	3-21-2010	Adopt	5-1-2010	190-020-0080	7-1-2010	Adopt	8-1-2010
177-098-0020	3-21-2010	Adopt	5-1-2010	190-020-0085	7-1-2010	Adopt	8-1-2010
177-098-0030	3-21-2010	Adopt	5-1-2010	199-001-0000	3-15-2010	Amend	4-1-2010
177-098-0040	3-21-2010	Adopt	5-1-2010	199-001-0005	3-15-2010	Amend	4-1-2010
177-098-0050	3-21-2010	Adopt	5-1-2010	199-001-0007	3-15-2010	Adopt	4-1-2010
177-098-0060	3-21-2010	Adopt	5-1-2010	199-001-0010	3-15-2010	Amend	4-1-2010
177-098-0070	3-21-2010	Adopt	5-1-2010	199-001-0014	3-15-2010	Adopt	4-1-2010
177-098-0080	3-21-2010	Adopt	5-1-2010	199-001-0015	3-15-2010	Adopt	4-1-2010

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199-001-0020	3-15-2010	Amend	4-1-2010	250-020-0240	1-15-2010	Amend	2-1-2010
199-001-0030	8-4-2010	Amend	9-1-2010	250-020-0241	6-1-2010	Amend(T)	7-1-2010
199-001-0035	3-15-2010	Amend	4-1-2010	250-030-0030	1-15-2010	Amend(T)	2-1-2010
199-001-0040	3-15-2010	Amend	4-1-2010	250-030-0030	5-6-2010	Amend	6-1-2010
199-005-0001	3-15-2010	Adopt	4-1-2010	250-030-0030(T)	5-6-2010	Repeal	6-1-2010
199-005-0003	3-15-2010	Adopt	4-1-2010	255-005-0005	7-6-2010	Amend(T)	8-1-2010
199-005-0003	3-15-2010	Amend	4-1-2010	255-030-0013	9-3-2010	Amend	10-1-2010
199-005-0005	3-15-2010	Amend	4-1-2010	255-030-0027	7-6-2010	Amend(T)	8-1-2010
199-005-0010	3-15-2010	Amend	4-1-2010	255-032-0005	3-26-2010	Amend	5-1-2010
199-005-0015	3-15-2010	Amend	4-1-2010	255-032-0005(T)	3-26-2010	Repeal	5-1-2010
199-005-0020	3-15-2010	Amend	4-1-2010	255-032-0011	3-26-2010	Amend	5-1-2010
199-005-0025	3-15-2010	Amend	4-1-2010	255-032-0011(T)	3-26-2010	Repeal	5-1-2010
199-005-0027	3-15-2010	Adopt	4-1-2010	255-032-0015	3-26-2010	Amend	5-1-2010
199-005-0030	8-4-2010	Amend	9-1-2010	255-032-0015(T)	3-26-2010	Repeal	5-1-2010
199-005-0035	3-15-2010	Amend	4-1-2010	255-032-0025	3-26-2010	Amend	5-1-2010
199-010-0005	3-15-2010	Amend	4-1-2010	255-032-0025(T)	3-26-2010	Repeal	5-1-2010
199-010-0025	3-15-2010	Amend	4-1-2010	255-032-0026	3-26-2010	Repeal	5-1-2010
199-010-0035	3-15-2010	Amend	4-1-2010	255-032-0029	3-26-2010	Amend	5-1-2010
199-010-0060	3-15-2010	Amend	4-1-2010	255-032-0029(T)	3-26-2010	Repeal	5-1-2010
199-010-0070	3-15-2010	Amend	4-1-2010	255-062-0005	1-5-2010	Adopt(T)	2-1-2010
199-010-0075	3-15-2010	Amend	4-1-2010	255-062-0006	7-6-2010	Adopt(T)	8-1-2010
199-010-0080	3-15-2010	Amend	4-1-2010	255-062-0010	1-5-2010	Adopt(T)	2-1-2010
199-010-0085	3-15-2010	Amend	4-1-2010	255-062-0011	7-6-2010	Adopt(T)	8-1-2010
199-010-0090	3-15-2010	Amend	4-1-2010	255-062-0015	1-5-2010	Adopt(T)	2-1-2010
199-010-0095	3-15-2010	Amend	4-1-2010	255-062-0016	7-6-2010	Adopt(T)	8-1-2010
199-010-0100	3-15-2010	Amend	4-1-2010	255-062-0020	1-5-2010	Adopt(T)	2-1-2010
199-010-0150	3-15-2010	Amend	4-1-2010	255-062-0021	7-6-2010	Adopt(T)	8-1-2010
199-020-0005	3-15-2010	Amend	4-1-2010	255-062-0025	1-5-2010	Adopt(T)	2-1-2010
199-020-0008	3-15-2010	Adopt	4-1-2010	255-062-0026	7-6-2010	Adopt(T)	8-1-2010
213-003-0001	1-1-2010	Amend	2-1-2010	255-062-0030	1-5-2010	Adopt(T)	2-1-2010
213-003-0001(T)	1-1-2010	Repeal	2-1-2010	255-062-0031	7-6-2010	Adopt(T)	8-1-2010
213-008-0002	4-15-2010	Amend(T)	5-1-2010	255-070-0001	1-1-2010	Amend	2-1-2010
213-008-0002	7-1-2010	Amend	8-1-2010	255-094-0000	2-26-2010	Am. & Ren.	4-1-2010
213-008-0002(T)	7-1-2010	Repeal	8-1-2010	255-094-0002	2-26-2010	Adopt	4-1-2010
213-017-0004	12-13-2009	Amend	1-1-2010	255-094-0010	2-26-2010	Amend	4-1-2010
213-017-0004	1-1-2010	Amend	2-1-2010	255-094-0015	2-26-2010	Amend	4-1-2010
213-017-0004(T)	12-13-2009	Repeal	1-1-2010	255-094-0020	2-26-2010	Amend	4-1-2010
213-017-0005	1-1-2010	Amend	2-1-2010	257-001-0005	1-1-2010	Amend(T)	2-1-2010
213-017-0006	12-13-2009	Amend	1-1-2010	257-001-0005	6-30-2010	Amend	7-1-2010
213-017-0006	1-1-2010	Amend	2-1-2010	257-001-0005(T)	6-30-2010	Repeal	7-1-2010
213-017-0006	6-30-2010	Amend(T)	8-1-2010	257-010-0015	7-1-2010	Amend(T)	8-1-2010
213-017-0006(T)	12-13-2009	Repeal	1-1-2010	257-010-0020	7-1-2010	Amend(T)	8-1-2010
213-017-0009(T)	1-1-2010	Suspend	1-1-2010	257-010-0025	7-1-2010	Amend(T)	8-1-2010
213-018-0022	12-13-2009	Adopt	1-1-2010	257-010-0045	7-1-2010	Amend(T)	8-1-2010
213-018-0022(T)	12-13-2009	Repeal	1-1-2010	257-010-0050	7-1-2010	Amend(T)	8-1-2010
213-018-0058	1-1-2010	Adopt	2-1-2010	257-010-0055	5-28-2010	Amend(T)	7-1-2010
250-010-0154	1-15-2010	Amend	2-1-2010	257-045-0010	1-1-2010	Adopt(T)	2-1-2010
250-010-0650	1-5-2010	Amend(T)	2-1-2010	257-045-0010	6-30-2010	Adopt	7-1-2010
250-010-0650	1-15-2010	Amend(T)	2-1-2010	257-045-0010(T)	6-30-2010	Repeal	7-1-2010
250-010-0650	5-6-2010	Amend	6-1-2010	257-045-0020	1-1-2010	Adopt(T)	2-1-2010
250-010-0650(T)	1-15-2010	Suspend	2-1-2010	257-045-0020	6-30-2010	Adopt	7-1-2010
250-010-0650(T)	5-6-2010	Repeal	6-1-2010	257-045-0020(T)	6-30-2010	Repeal	7-1-2010
250-020-0033	6-1-2010	Amend(T)	6-1-2010	257-045-0030	1-1-2010	Adopt(T)	2-1-2010
250-020-0151	6-15-2010	Amend(T)	7-1-2010	257-045-0030	6-30-2010	Adopt	7-1-2010
250-020-0221	1-15-2010	Amend	2-1-2010	257-045-0030(T)	6-30-2010	Repeal	7-1-2010
250-020-0221	5-6-2010	Amend(T)	6-1-2010	257-045-0040	1-1-2010	Adopt(T)	2-1-2010

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257-045-0040(T)	6-30-2010	Repeal	7-1-2010	257-050-0157	7-14-2010	Amend(T)	8-1-2010
257-045-0050	1-1-2010	Adopt(T)	2-1-2010	257-050-0157(T)	6-30-2010	Repeal	7-1-2010
257-045-0050	6-30-2010	Adopt	7-1-2010	257-050-0170	1-1-2010	Amend(T)	2-1-2010
257-045-0050(T)	6-30-2010	Repeal	7-1-2010	257-050-0170	6-30-2010	Amend	7-1-2010
257-050-0020	1-1-2010	Amend(T)	2-1-2010	257-050-0170(T)	6-30-2010	Repeal	7-1-2010
257-050-0020	6-30-2010	Amend	7-1-2010	257-050-0180	1-1-2010	Amend(T)	2-1-2010
257-050-0020(T)	6-30-2010	Repeal	7-1-2010	257-050-0180	6-30-2010	Amend	7-1-2010
257-050-0040	1-1-2010	Amend(T)	2-1-2010	257-050-0180(T)	6-30-2010	Repeal	7-1-2010
257-050-0040	6-30-2010	Amend	7-1-2010	257-050-0200	1-1-2010	Amend(T)	2-1-2010
257-050-0040(T)	6-30-2010	Repeal	7-1-2010	257-050-0200	6-30-2010	Amend	7-1-2010
257-050-0050	1-1-2010	Amend(T)	2-1-2010	257-050-0200(T)	6-30-2010	Repeal	7-1-2010
257-050-0050	6-30-2010	Amend	7-1-2010	259-006-0000	6-2-2010	Amend	7-1-2010
257-050-0050	7-14-2010	Amend(T)	8-1-2010	259-007-0000	6-2-2010	Amend	7-1-2010
257-050-0050(T)	6-30-2010	Repeal	7-1-2010	259-008-0000	12-15-2009	Amend	1-1-2010
257-050-0060	1-1-2010	Amend(T)	2-1-2010	259-008-0005	8-1-2010	Amend	8-1-2010
257-050-0060	6-30-2010	Amend	7-1-2010	259-008-0015	1-11-2010	Amend	2-1-2010
257-050-0060(T)	6-30-2010	Repeal	7-1-2010	259-008-0015	3-15-2010	Amend	4-1-2010
257-050-0070	1-1-2010	Amend(T)	2-1-2010	259-008-0017	5-1-2010	Adopt	5-1-2010
257-050-0070	6-30-2010	Amend	7-1-2010	259-008-0020	8-1-2010	Amend	8-1-2010
257-050-0070(T)	6-30-2010	Repeal	7-1-2010	259-008-0025	12-15-2009	Amend	1-1-2010
257-050-0090	1-1-2010	Amend(T)	2-1-2010	259-008-0025	5-1-2010	Amend	5-1-2010
257-050-0090	6-30-2010	Amend	7-1-2010	259-008-0025(T)	12-15-2009	Repeal	1-1-2010
257-050-0090(T)	6-30-2010	Repeal	7-1-2010	259-008-0030	8-1-2010	Amend	8-1-2010
257-050-0095	1-1-2010	Amend(T)	2-1-2010	259-008-0040	5-1-2010	Amend	5-1-2010
257-050-0095	6-30-2010	Amend	7-1-2010	259-008-0060	1-11-2010	Amend	2-1-2010
257-050-0095(T)	6-30-2010	Repeal	7-1-2010	259-008-0060	3-15-2010	Amend	4-1-2010
257-050-0100	1-1-2010	Amend(T)	2-1-2010	259-008-0060	6-2-2010	Amend	7-1-2010
257-050-0100	6-30-2010	Amend	7-1-2010	259-008-0060	8-1-2010	Amend	8-1-2010
257-050-0100(T)	6-30-2010	Repeal	7-1-2010	259-008-0060	8-13-2010	Amend	9-1-2010
257-050-0110	1-1-2010	Amend(T)	2-1-2010	259-008-0064	1-11-2010	Amend	2-1-2010
257-050-0110	6-30-2010	Amend	7-1-2010	259-008-0064	3-15-2010	Amend	4-1-2010
257-050-0110(T)	6-30-2010	Repeal	7-1-2010	259-008-0064	8-1-2010	Amend	8-1-2010
257-050-0115	1-1-2010	Amend(T)	2-1-2010	259-008-0065	8-1-2010	Amend	8-1-2010
257-050-0115	6-30-2010	Amend	7-1-2010	259-008-0067	8-1-2010	Amend	8-1-2010
257-050-0115(T)	6-30-2010	Repeal	7-1-2010	259-008-0075	5-1-2010	Amend	5-1-2010
257-050-0125	1-1-2010	Amend(T)	2-1-2010	259-008-0076	8-1-2010	Amend	8-1-2010
257-050-0125	6-30-2010	Amend	7-1-2010	259-009-0005	12-15-2009	Amend(T)	1-1-2010
257-050-0125(T)	6-30-2010	Repeal	7-1-2010	259-009-0005	6-14-2010	Amend	7-1-2010
257-050-0130	1-1-2010	Amend(T)	2-1-2010	259-009-0062	12-15-2009	Amend(T)	1-1-2010
257-050-0130	6-30-2010	Amend	7-1-2010	259-009-0062	6-14-2010	Amend	7-1-2010
257-050-0130(T)	6-30-2010	Repeal	7-1-2010	259-009-0070	8-1-2010	Amend	8-1-2010
257-050-0140	1-1-2010	Amend(T)	2-1-2010	259-030-0000	6-2-2010	Amend	7-1-2010
257-050-0140	6-30-2010	Amend	7-1-2010	259-060-0500	7-1-2010	Amend(T)	7-1-2010
257-050-0140(T)	6-30-2010	Repeal	7-1-2010	274-006-0001	1-1-2010	Adopt	2-1-2010
257-050-0145	1-1-2010	Amend(T)	2-1-2010	274-006-0002	1-1-2010	Adopt	2-1-2010
257-050-0145	6-30-2010	Amend	7-1-2010	274-006-0004	1-1-2010	Adopt	2-1-2010
257-050-0145(T)	6-30-2010	Repeal	7-1-2010	274-006-0005	1-1-2010	Adopt	2-1-2010
257-050-0150	1-1-2010	Amend(T)	2-1-2010	274-006-0010	1-1-2010	Adopt	2-1-2010
257-050-0150	6-30-2010	Amend	7-1-2010	274-006-0011	1-1-2010	Adopt	2-1-2010
257-050-0150(T)	6-30-2010	Repeal	7-1-2010	274-006-0012	1-1-2010	Adopt	2-1-2010
257-050-0155	1-1-2010	Amend(T)	2-1-2010	274-006-0013	1-1-2010	Adopt	2-1-2010
257-050-0155	6-30-2010	Amend	7-1-2010	274-006-0014	1-1-2010	Adopt	2-1-2010
257-050-0155	7-14-2010	Amend(T)	8-1-2010	274-006-0015	1-1-2010	Adopt	2-1-2010
257-050-0155(T)	6-30-2010	Repeal	7-1-2010	274-006-0018	1-1-2010	Adopt	2-1-2010
257-050-0157	1-1-2010	Amend(T)	2-1-2010	274-006-0020	1-1-2010	Adopt	2-1-2010

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274-007-0001	7-26-2010	Adopt	9-1-2010	291-097-0040	7-14-2010	Amend	8-1-2010
274-007-0001(T)	7-26-2010	Repeal	9-1-2010	291-097-0040(T)	7-14-2010	Repeal	8-1-2010
274-007-0002	7-26-2010	Adopt	9-1-2010	291-097-0080	11-20-2009	Amend	1-1-2010
291-015-0100	7-14-2010	Amend(T)	8-1-2010	291-097-0100	11-20-2009	Amend	1-1-2010
291-015-0105	7-14-2010	Amend(T)	8-1-2010	291-157-0005	4-6-2010	Amend	5-1-2010
291-015-0110	7-14-2010	Amend(T)	8-1-2010	291-157-0005(T)	4-6-2010	Repeal	5-1-2010
291-015-0115	7-14-2010	Amend(T)	8-1-2010	291-157-0010	4-6-2010	Amend	5-1-2010
291-015-0120	7-14-2010	Amend(T)	8-1-2010	291-157-0010(T)	4-6-2010	Repeal	5-1-2010
291-015-0125	7-14-2010	Amend(T)	8-1-2010	291-157-0015	4-6-2010	Amend	5-1-2010
291-015-0130	7-14-2010	Suspend	8-1-2010	291-157-0015(T)	4-6-2010	Repeal	5-1-2010
291-015-0135	7-14-2010	Amend(T)	8-1-2010	291-157-0020	4-6-2010	Repeal	5-1-2010
291-015-0140	7-14-2010	Suspend	8-1-2010	291-157-0021	4-6-2010	Adopt	5-1-2010
291-015-0145	7-14-2010	Suspend	8-1-2010	291-157-0021(T)	4-6-2010	Repeal	5-1-2010
291-015-0150	7-14-2010	Suspend	8-1-2010	291-157-0025	4-6-2010	Repeal	5-1-2010
291-038-0005	9-8-2010	Amend	10-1-2010	291-157-0035	4-6-2010	Amend	5-1-2010
291-038-0015	9-8-2010	Amend	10-1-2010	291-157-0035(T)	4-6-2010	Repeal	5-1-2010
291-058-0046	2-24-2010	Amend	4-1-2010	291-157-0041	4-6-2010	Repeal	5-1-2010
291-059-0010	9-8-2010	Repeal	10-1-2010	291-157-0055	4-6-2010	Repeal	5-1-2010
291-059-0020	9-8-2010	Repeal	10-1-2010	291-180-0274	1-4-2010	Adopt(T)	2-1-2010
291-059-0030	9-8-2010	Repeal	10-1-2010	291-180-0274	6-10-2010	Adopt	7-1-2010
291-070-0130	11-20-2009	Amend	1-1-2010	291-206-0005	2-24-2010	Adopt	4-1-2010
291-075-0010	9-15-2010	Amend	10-1-2010	291-206-0005	3-23-2010	Amend(T)	5-1-2010
291-075-0015	9-15-2010	Amend	10-1-2010	291-206-0005	9-8-2010	Amend	10-1-2010
291-084-0010	11-20-2009	Repeal	1-1-2010	291-206-0005(T)	9-8-2010	Repeal	10-1-2010
291-084-0020	11-20-2009	Repeal	1-1-2010	291-206-0010	2-24-2010	Adopt	4-1-2010
291-084-0030	11-20-2009	Repeal	1-1-2010	291-206-0010	3-23-2010	Amend(T)	5-1-2010
291-084-0040	11-20-2009	Repeal	1-1-2010	291-206-0010	9-8-2010	Amend	10-1-2010
291-097-0005	11-20-2009	Amend	1-1-2010	291-206-0010(T)	9-8-2010	Repeal	10-1-2010
291-097-0005	4-14-2010	Amend(T)	5-1-2010	291-206-0015	2-24-2010	Adopt	4-1-2010
291-097-0005	7-14-2010	Amend	8-1-2010	291-206-0015	3-23-2010	Amend(T)	5-1-2010
291-097-0005(T)	7-14-2010	Repeal	8-1-2010	291-206-0015	9-8-2010	Amend	10-1-2010
291-097-0010	11-20-2009	Amend	1-1-2010	291-206-0015(T)	9-8-2010	Repeal	10-1-2010
291-097-0010	4-14-2010	Amend(T)	5-1-2010	291-206-0020	2-24-2010	Adopt	4-1-2010
291-097-0010	7-14-2010	Amend	8-1-2010	291-206-0020	3-23-2010	Amend(T)	5-1-2010
291-097-0010(T)	7-14-2010	Repeal	8-1-2010	291-206-0020	9-8-2010	Amend	10-1-2010
291-097-0015	11-20-2009	Amend	1-1-2010	291-206-0020(T)	9-8-2010	Repeal	10-1-2010
291-097-0015	4-14-2010	Amend(T)	5-1-2010	291-206-0025	2-24-2010	Adopt	4-1-2010
291-097-0015	7-14-2010	Amend	8-1-2010	291-206-0025	3-23-2010	Amend(T)	5-1-2010
291-097-0015(T)	7-14-2010	Repeal	8-1-2010	291-206-0025	9-8-2010	Amend	10-1-2010
291-097-0020	11-20-2009	Amend	1-1-2010	291-206-0025(T)	9-8-2010	Repeal	10-1-2010
291-097-0020	4-14-2010	Amend(T)	5-1-2010	291-206-0030	2-24-2010	Adopt	4-1-2010
291-097-0020	7-14-2010	Amend	8-1-2010	309-011-0105	7-1-2010	Adopt	8-1-2010
291-097-0020(T)	7-14-2010	Repeal	8-1-2010	309-011-0110	7-1-2010	Adopt	8-1-2010
291-097-0023	11-20-2009	Adopt	1-1-2010	309-011-0115	7-1-2010	Adopt	8-1-2010
291-097-0023	4-14-2010	Amend(T)	5-1-2010	309-011-0120	7-22-2010	Adopt	9-1-2010
291-097-0023	7-14-2010	Amend	8-1-2010	309-011-0125	7-22-2010	Adopt	9-1-2010
291-097-0023(T)	7-14-2010	Repeal	8-1-2010	309-011-0130	7-22-2010	Adopt	9-1-2010
291-097-0025	11-20-2009	Amend	1-1-2010	309-011-0135	7-22-2010	Adopt	9-1-2010
291-097-0025	4-14-2010	Amend(T)	5-1-2010	309-011-0140	7-22-2010	Adopt	9-1-2010
291-097-0025	7-14-2010	Amend	8-1-2010	309-016-0000	3-4-2010	Amend(T)	4-1-2010
291-097-0025(T)	7-14-2010	Repeal	8-1-2010	309-016-0000	8-25-2010	Repeal	10-1-2010
291-097-0030	4-14-2010	Amend(T)	5-1-2010	309-016-0000(T)	7-1-2010	Suspend	7-1-2010
291-097-0030	7-14-2010	Amend	8-1-2010	309-016-0005	3-4-2010	Amend(T)	4-1-2010
291-097-0030(T)	7-14-2010	Repeal	8-1-2010	309-016-0005	8-25-2010	Repeal	10-1-2010
291-097-0040	11-20-2009	Amend	1-1-2010	309-016-0005(T)	7-1-2010	Suspend	7-1-2010

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309-016-0010	3-4-2010	Amend(T)	4-1-2010	309-016-0110(T)	7-1-2010	Suspend	7-1-2010
309-016-0010	8-25-2010	Repeal	10-1-2010	309-016-0115	3-4-2010	Amend(T)	4-1-2010
309-016-0010(T)	7-1-2010	Suspend	7-1-2010	309-016-0115(T)	7-1-2010	Suspend	7-1-2010
309-016-0015	3-4-2010	Amend(T)	4-1-2010	309-016-0120	3-4-2010	Amend(T)	4-1-2010
309-016-0015	8-25-2010	Repeal	10-1-2010	309-016-0120	8-25-2010	Repeal	10-1-2010
309-016-0015	8-25-2010	Repeal	10-1-2010	309-016-0120(T)	7-1-2010	Suspend	7-1-2010
309-016-0015(T)	7-1-2010	Suspend	7-1-2010	309-016-0130	3-4-2010	Suspend	4-1-2010
309-016-0020	3-4-2010	Amend(T)	4-1-2010	309-016-0130	8-25-2010	Repeal	10-1-2010
309-016-0020	8-25-2010	Repeal	10-1-2010	309-016-0140	3-4-2010	Amend(T)	4-1-2010
309-016-0020(T)	7-1-2010	Suspend	7-1-2010	309-016-0140	8-25-2010	Repeal	10-1-2010
309-016-0027	3-4-2010	Suspend	4-1-2010	309-016-0140(T)	7-1-2010	Suspend	7-1-2010
309-016-0027	8-25-2010	Repeal	10-1-2010	309-016-0150	3-4-2010	Suspend	4-1-2010
309-016-0030	3-4-2010	Amend(T)	4-1-2010	309-016-0150	8-25-2010	Repeal	10-1-2010
309-016-0030	8-25-2010	Repeal	10-1-2010	309-016-0160	3-4-2010	Suspend	4-1-2010
309-016-0030(T)	7-1-2010	Suspend	7-1-2010	309-016-0160	8-25-2010	Repeal	10-1-2010
309-016-0035	3-4-2010	Amend(T)	4-1-2010	309-016-0170	3-4-2010	Suspend	4-1-2010
309-016-0035	8-25-2010	Repeal	10-1-2010	309-016-0170	8-25-2010	Repeal	10-1-2010
309-016-0035(T)	7-1-2010	Suspend	7-1-2010	309-016-0180	3-4-2010	Suspend	4-1-2010
309-016-0040	3-4-2010	Amend(T)	4-1-2010	309-016-0180	8-25-2010	Repeal	10-1-2010
309-016-0040	8-25-2010	Repeal	10-1-2010	309-016-0190	3-4-2010	Suspend	4-1-2010
309-016-0040(T)	7-1-2010	Suspend	7-1-2010	309-016-0190	8-25-2010	Repeal	10-1-2010
309-016-0070	3-4-2010	Amend(T)	4-1-2010	309-016-0200	3-4-2010	Suspend	4-1-2010
309-016-0070	8-25-2010	Repeal	10-1-2010	309-016-0200	8-25-2010	Repeal	10-1-2010
309-016-0070(T)	7-1-2010	Suspend	7-1-2010	309-016-0210	3-4-2010	Suspend	4-1-2010
309-016-0072	3-4-2010	Amend(T)	4-1-2010	309-016-0210	8-25-2010	Repeal	10-1-2010
309-016-0072	8-25-2010	Repeal	10-1-2010	309-016-0220	3-4-2010	Amend(T)	4-1-2010
309-016-0072(T)	7-1-2010	Suspend	7-1-2010	309-016-0220	8-25-2010	Repeal	10-1-2010
309-016-0075	3-4-2010	Amend(T)	4-1-2010	309-016-0220(T)	7-1-2010	Suspend	7-1-2010
309-016-0075	8-25-2010	Repeal	10-1-2010	309-016-0230	3-4-2010	Suspend	4-1-2010
309-016-0075(T)	7-1-2010	Suspend	7-1-2010	309-016-0230	8-25-2010	Repeal	10-1-2010
309-016-0077	3-4-2010	Amend(T)	4-1-2010	309-016-0300	3-4-2010	Suspend	4-1-2010
309-016-0077	8-25-2010	Repeal	10-1-2010	309-016-0300	8-25-2010	Repeal	10-1-2010
309-016-0077(T)	7-1-2010	Suspend	7-1-2010	309-016-0310	3-4-2010	Suspend	4-1-2010
309-016-0080	3-4-2010	Amend(T)	4-1-2010	309-016-0310	8-25-2010	Repeal	10-1-2010
309-016-0080	8-25-2010	Repeal	10-1-2010	309-016-0320	3-4-2010	Suspend	4-1-2010
309-016-0080(T)	7-1-2010	Suspend	7-1-2010	309-016-0320	8-25-2010	Repeal	10-1-2010
309-016-0085	3-4-2010	Amend(T)	4-1-2010	309-016-0330	3-4-2010	Suspend	4-1-2010
309-016-0085	8-25-2010	Repeal	10-1-2010	309-016-0330	8-25-2010	Repeal	10-1-2010
309-016-0085(T)	7-1-2010	Suspend	7-1-2010	309-016-0340	3-4-2010	Suspend	4-1-2010
309-016-0088	3-4-2010	Amend(T)	4-1-2010	309-016-0340	8-25-2010	Repeal	10-1-2010
309-016-0088	8-25-2010	Repeal	10-1-2010	309-016-0350	3-4-2010	Suspend	4-1-2010
309-016-0088(T)	7-1-2010	Suspend	7-1-2010	309-016-0350	8-25-2010	Repeal	10-1-2010
309-016-0095	3-4-2010	Amend(T)	4-1-2010	309-016-0360	3-4-2010	Suspend	4-1-2010
309-016-0095	8-25-2010	Repeal	10-1-2010	309-016-0360	8-25-2010	Repeal	10-1-2010
309-016-0095(T)	7-1-2010	Suspend	7-1-2010	309-016-0370	3-4-2010	Suspend	4-1-2010
309-016-0100	3-4-2010	Amend(T)	4-1-2010	309-016-0370	8-25-2010	Repeal	10-1-2010
309-016-0100	8-25-2010	Repeal	10-1-2010	309-016-0380	3-4-2010	Suspend	4-1-2010
309-016-0100(T)	7-1-2010	Suspend	7-1-2010	309-016-0380	8-25-2010	Repeal	10-1-2010
309-016-0102	3-4-2010	Amend(T)	4-1-2010	309-016-0390	3-4-2010	Suspend	4-1-2010
309-016-0102	8-25-2010	Repeal	10-1-2010	309-016-0390	8-25-2010	Repeal	10-1-2010
309-016-0102(T)	7-1-2010	Suspend	7-1-2010	309-016-0400	3-4-2010	Suspend	4-1-2010
309-016-0105	3-4-2010	Amend(T)	4-1-2010	309-016-0400	8-25-2010	Repeal	10-1-2010
309-016-0105	8-25-2010	Repeal	10-1-2010	309-016-0410	3-4-2010	Suspend	4-1-2010
309-016-0105(T)	7-1-2010	Suspend	7-1-2010	309-016-0410	8-25-2010	Repeal	10-1-2010
309-016-0110	3-4-2010	Amend(T)	4-1-2010	309-016-0420	3-4-2010	Suspend	4-1-2010
309-016-0110	8-25-2010	Repeal	10-1-2010	309-016-0420	8-25-2010	Repeal	10-1-2010

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309-016-0430	3-4-2010	Suspend	4-1-2010	309-016-0730	7-1-2010	Adopt(T)	7-1-2010
309-016-0430	8-25-2010	Repeal	10-1-2010	309-016-0730	8-25-2010	Adopt	10-1-2010
309-016-0440	3-4-2010	Suspend	4-1-2010	309-016-0735	7-1-2010	Adopt(T)	7-1-2010
309-016-0440	8-25-2010	Repeal	10-1-2010	309-016-0735	8-25-2010	Adopt	10-1-2010
309-016-0450	3-4-2010	Suspend	4-1-2010	309-016-0740	7-1-2010	Adopt(T)	7-1-2010
309-016-0450	8-25-2010	Repeal	10-1-2010	309-016-0740	8-25-2010	Adopt	10-1-2010
309-016-0600	7-1-2010	Adopt(T)	7-1-2010	309-016-0745	7-1-2010	Adopt(T)	7-1-2010
309-016-0600	8-25-2010	Adopt	10-1-2010	309-016-0745	8-25-2010	Adopt	10-1-2010
309-016-0605	7-1-2010	Adopt(T)	7-1-2010	309-016-0750	7-1-2010	Adopt(T)	7-1-2010
309-016-0605	8-25-2010	Adopt	10-1-2010	309-016-0750	8-25-2010	Adopt	10-1-2010
309-016-0610	7-1-2010	Adopt(T)	7-1-2010	309-016-0755	7-1-2010	Adopt(T)	7-1-2010
309-016-0610	8-25-2010	Adopt	10-1-2010	309-016-0755	8-25-2010	Adopt	10-1-2010
309-016-0615	7-1-2010	Adopt(T)	7-1-2010	309-032-0001	3-4-2010	Repeal	4-1-2010
309-016-0615	8-25-2010	Adopt	10-1-2010	309-032-0070	3-4-2010	Repeal	4-1-2010
309-016-0620	7-1-2010	Adopt(T)	7-1-2010	309-032-0075	3-4-2010	Repeal	4-1-2010
309-016-0620	8-25-2010	Adopt	10-1-2010	309-032-0080	3-4-2010	Repeal	4-1-2010
309-016-0625	7-1-2010	Adopt(T)	7-1-2010	309-032-0085	3-4-2010	Repeal	4-1-2010
309-016-0625	8-25-2010	Adopt	10-1-2010	309-032-0090	3-4-2010	Repeal	4-1-2010
309-016-0630	7-1-2010	Adopt(T)	7-1-2010	309-032-0095	3-4-2010	Repeal	4-1-2010
309-016-0630	8-25-2010	Adopt	10-1-2010	309-032-0100	3-4-2010	Repeal	4-1-2010
309-016-0635	7-1-2010	Adopt(T)	7-1-2010	309-032-0105	3-4-2010	Repeal	4-1-2010
309-016-0635	8-25-2010	Adopt	10-1-2010	309-032-0110	3-4-2010	Repeal	4-1-2010
309-016-0640	7-1-2010	Adopt(T)	7-1-2010	309-032-0115	3-4-2010	Repeal	4-1-2010
309-016-0640	8-25-2010	Adopt	10-1-2010	309-032-0220	3-4-2010	Repeal	4-1-2010
309-016-0645	7-1-2010	Adopt(T)	7-1-2010	309-032-0225	3-4-2010	Repeal	4-1-2010
309-016-0645	8-25-2010	Adopt	10-1-2010	309-032-0230	3-4-2010	Repeal	4-1-2010
309-016-0650	7-1-2010	Adopt(T)	7-1-2010	309-032-0235	3-4-2010	Repeal	4-1-2010
309-016-0650	8-25-2010	Adopt	10-1-2010	309-032-0240	3-4-2010	Repeal	4-1-2010
309-016-0660	7-1-2010	Adopt(T)	7-1-2010	309-032-0245	3-4-2010	Repeal	4-1-2010
309-016-0660	8-25-2010	Adopt	10-1-2010	309-032-0250	3-4-2010	Repeal	4-1-2010
309-016-0665	7-1-2010	Adopt(T)	7-1-2010	309-032-0455	3-4-2010	Repeal	4-1-2010
309-016-0665	8-25-2010	Adopt	10-1-2010	309-032-0460	3-4-2010	Repeal	4-1-2010
309-016-0670	7-1-2010	Adopt(T)	7-1-2010	309-032-0465	3-4-2010	Repeal	4-1-2010
309-016-0670	8-25-2010	Adopt	10-1-2010	309-032-0470	3-4-2010	Repeal	4-1-2010
309-016-0675	7-1-2010	Adopt(T)	7-1-2010	309-032-0475	3-4-2010	Repeal	4-1-2010
309-016-0675	8-25-2010	Adopt	10-1-2010	309-032-0480	3-4-2010	Repeal	4-1-2010
309-016-0680	7-1-2010	Adopt(T)	7-1-2010	309-032-0485	3-4-2010	Repeal	4-1-2010
309-016-0680	8-25-2010	Adopt	10-1-2010	309-032-0490	3-4-2010	Repeal	4-1-2010
309-016-0685	7-1-2010	Adopt(T)	7-1-2010	309-032-0495	3-4-2010	Repeal	4-1-2010
309-016-0685	8-25-2010	Adopt	10-1-2010	309-032-0500	3-4-2010	Repeal	4-1-2010
309-016-0690	7-1-2010	Adopt(T)	7-1-2010	309-032-0505	3-4-2010	Repeal	4-1-2010
309-016-0690	8-25-2010	Adopt	10-1-2010	309-032-0510	3-4-2010	Repeal	4-1-2010
309-016-0695	7-1-2010	Adopt(T)	7-1-2010	309-032-0515	3-4-2010	Repeal	4-1-2010
309-016-0695	8-25-2010	Adopt	10-1-2010	309-032-0525	3-4-2010	Repeal	4-1-2010
309-016-0700	7-1-2010	Adopt(T)	7-1-2010	309-032-0535	3-4-2010	Repeal	4-1-2010
309-016-0700	8-25-2010	Adopt	10-1-2010	309-032-0545	3-4-2010	Repeal	4-1-2010
309-016-0705	7-1-2010	Adopt(T)	7-1-2010	309-032-0555	3-4-2010	Repeal	4-1-2010
309-016-0705	8-25-2010	Adopt	10-1-2010	309-032-0565	3-4-2010	Repeal	4-1-2010
309-016-0710	7-1-2010	Adopt(T)	7-1-2010	309-032-0575	3-4-2010	Repeal	4-1-2010
309-016-0710	8-25-2010	Adopt	10-1-2010	309-032-0585	3-4-2010	Repeal	4-1-2010
309-016-0715	7-1-2010	Adopt(T)	7-1-2010	309-032-0595	3-4-2010	Repeal	4-1-2010
309-016-0715	8-25-2010	Adopt	10-1-2010	309-032-0605	3-4-2010	Repeal	4-1-2010
309-016-0720	7-1-2010	Adopt(T)	7-1-2010	309-032-0720	3-4-2010	Repeal	4-1-2010
309-016-0720	8-25-2010	Adopt	10-1-2010	309-032-0730	3-4-2010	Repeal	4-1-2010
309-016-0725	7-1-2010	Adopt(T)	7-1-2010	309-032-0740	3-4-2010	Repeal	4-1-2010
309-016-0725	8-25-2010	Adopt	10-1-2010	309-032-0750	3-4-2010	Repeal	4-1-2010

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309-032-0770	3-4-2010	Repeal	4-1-2010	309-032-1530	3-4-2010	Adopt	4-1-2010
309-032-0780	3-4-2010	Repeal	4-1-2010	309-032-1535	3-4-2010	Adopt	4-1-2010
309-032-0790	3-4-2010	Repeal	4-1-2010	309-032-1540	3-4-2010	Adopt	4-1-2010
309-032-0800	3-4-2010	Repeal	4-1-2010	309-032-1545	3-4-2010	Adopt	4-1-2010
309-032-0810	3-4-2010	Repeal	4-1-2010	309-032-1550	3-4-2010	Adopt	4-1-2010
309-032-0820	3-4-2010	Repeal	4-1-2010	309-032-1555	3-4-2010	Adopt	4-1-2010
309-032-0820	3-4-2010	Repeal	4-1-2010	309-032-1560	3-4-2010	Adopt	4-1-2010
309-032-0950	3-4-2010	Repeal	4-1-2010	309-032-1565	3-4-2010	Adopt	4-1-2010
309-032-0960	3-4-2010	Repeal	4-1-2010	309-033-0270	12-17-2009	Amend	2-1-2010
309-032-0970	3-4-2010	Repeal	4-1-2010	309-034-0150	3-4-2010	Amend(T)	4-1-2010
309-032-0980	3-4-2010	Repeal	4-1-2010	309-034-0160	3-4-2010	Amend(T)	4-1-2010
309-032-0990	3-4-2010	Repeal	4-1-2010	309-034-0170	3-4-2010	Amend(T)	4-1-2010
309-032-1000	3-4-2010	Repeal	4-1-2010	309-034-0180	3-4-2010	Amend(T)	4-1-2010
309-032-1010	3-4-2010	Repeal	4-1-2010	309-034-0190	3-4-2010	Amend(T)	4-1-2010
309-032-1020	3-4-2010	Repeal	4-1-2010	309-034-0205	3-4-2010	Amend(T)	4-1-2010
309-032-1030	3-4-2010	Repeal	4-1-2010	309-034-0210	3-4-2010	Amend(T)	4-1-2010
309-032-1040	3-4-2010	Repeal	4-1-2010	309-034-0240	3-4-2010	Amend(T)	4-1-2010
309-032-1050	3-4-2010	Repeal	4-1-2010	309-034-0250	3-4-2010	Amend(T)	4-1-2010
309-032-1060	3-4-2010	Repeal	4-1-2010	309-034-0260	3-4-2010	Amend(T)	4-1-2010
309-032-1070	3-4-2010	Repeal	4-1-2010	309-034-0270	3-4-2010	Amend(T)	4-1-2010
309-032-1080	3-4-2010	Repeal	4-1-2010	309-034-0290	3-4-2010	Amend(T)	4-1-2010
309-032-1095	3-4-2010	Repeal	4-1-2010	309-034-0310	3-4-2010	Amend(T)	4-1-2010
309-032-1100	3-4-2010	Repeal	4-1-2010	309-034-0320	3-4-2010	Amend(T)	4-1-2010
309-032-1110	3-4-2010	Repeal	4-1-2010	309-034-0400	3-4-2010	Amend(T)	4-1-2010
309-032-1120	3-4-2010	Repeal	4-1-2010	309-034-0410	3-4-2010	Amend(T)	4-1-2010
309-032-1130	3-4-2010	Repeal	4-1-2010	309-034-0420	3-4-2010	Amend(T)	4-1-2010
309-032-1140	3-4-2010	Repeal	4-1-2010	309-034-0430	3-4-2010	Amend(T)	4-1-2010
309-032-1150	3-4-2010	Repeal	4-1-2010	309-034-0440	3-4-2010	Amend(T)	4-1-2010
309-032-1160	3-4-2010	Repeal	4-1-2010	309-034-0450	3-4-2010	Amend(T)	4-1-2010
309-032-1170	3-4-2010	Repeal	4-1-2010	309-034-0460	3-4-2010	Amend(T)	4-1-2010
309-032-1180	3-4-2010	Repeal	4-1-2010	309-034-0470	3-4-2010	Amend(T)	4-1-2010
309-032-1190	3-4-2010	Repeal	4-1-2010	309-034-0480	3-4-2010	Amend(T)	4-1-2010
309-032-1200	3-4-2010	Repeal	4-1-2010	309-034-0490	3-4-2010	Amend(T)	4-1-2010
309-032-1210	3-4-2010	Repeal	4-1-2010	309-035-0155	12-17-2009	Amend	2-1-2010
309-032-1220	3-4-2010	Repeal	4-1-2010	309-035-0380	12-17-2009	Amend	2-1-2010
309-032-1230	3-4-2010	Repeal	4-1-2010	309-036-0100	6-7-2010	Amend	7-1-2010
309-032-1240	3-4-2010	Repeal	4-1-2010	309-036-0105	6-7-2010	Amend	7-1-2010
309-032-1245	3-4-2010	Repeal	4-1-2010	309-036-0110	6-7-2010	Amend	7-1-2010
309-032-1250	3-4-2010	Repeal	4-1-2010	309-036-0115	6-7-2010	Amend	7-1-2010
309-032-1255	3-4-2010	Repeal	4-1-2010	309-036-0120	6-7-2010	Amend	7-1-2010
309-032-1260	3-4-2010	Repeal	4-1-2010	309-036-0125	6-7-2010	Repeal	7-1-2010
309-032-1265	3-4-2010	Repeal	4-1-2010	309-036-0130	6-7-2010	Adopt	7-1-2010
309-032-1270	3-4-2010	Repeal	4-1-2010	309-036-0135	6-7-2010	Adopt	7-1-2010
309-032-1275	3-4-2010	Repeal	4-1-2010	309-036-0140	6-7-2010	Adopt	7-1-2010
309-032-1280	3-4-2010	Repeal	4-1-2010	309-040-0410	1-29-2010	Amend	3-1-2010
309-032-1285	3-4-2010	Repeal	4-1-2010	309-040-0410(T)	1-29-2010	Repeal	3-1-2010
309-032-1290	3-4-2010	Repeal	4-1-2010	309-041-0550	12-9-2009	Renumber	1-1-2010
309-032-1295	3-4-2010	Repeal	4-1-2010	309-041-0560	12-9-2009	Renumber	1-1-2010
309-032-1300	3-4-2010	Repeal	4-1-2010	309-041-0570	12-9-2009	Renumber	1-1-2010
309-032-1305	3-4-2010	Repeal	4-1-2010	309-041-0580	12-9-2009	Renumber	1-1-2010
309-032-1500	3-4-2010	Adopt	4-1-2010	309-041-0590	12-9-2009	Renumber	1-1-2010
309-032-1505	3-4-2010	Adopt	4-1-2010	309-041-0600	12-9-2009	Renumber	1-1-2010
309-032-1510	3-4-2010	Adopt	4-1-2010	309-041-0610	12-9-2009	Renumber	1-1-2010
309-032-1515	3-4-2010	Adopt	4-1-2010	309-041-0620	12-9-2009	Renumber	1-1-2010
309-032-1520	3-4-2010	Adopt	4-1-2010	309-041-0630	12-9-2009	Renumber	1-1-2010

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309-041-0650	12-9-2009	Renumber	1-1-2010	330-075-0005	12-21-2009	Amend(T)	2-1-2010
309-041-0660	12-9-2009	Renumber	1-1-2010	330-075-0005	6-16-2010	Amend	8-1-2010
309-041-0670	12-9-2009	Renumber	1-1-2010	330-075-0005(T)	6-16-2010	Repeal	8-1-2010
309-041-0680	12-9-2009	Renumber	1-1-2010	330-075-0010	12-21-2009	Amend(T)	2-1-2010
309-041-0690	12-9-2009	Renumber	1-1-2010	330-075-0010	6-16-2010	Repeal	8-1-2010
309-041-0700	12-9-2009	Renumber	1-1-2010	330-075-0015	12-21-2009	Amend(T)	2-1-2010
309-041-0710	12-9-2009	Renumber	1-1-2010	330-075-0015	6-16-2010	Amend	8-1-2010
309-041-0715	12-9-2009	Renumber	1-1-2010	330-075-0015(T)	6-16-2010	Repeal	8-1-2010
309-041-0720	12-9-2009	Renumber	1-1-2010	330-075-0025	12-21-2009	Amend(T)	2-1-2010
309-041-0730	12-9-2009	Renumber	1-1-2010	330-075-0025	6-16-2010	Amend	8-1-2010
309-041-0740	12-9-2009	Renumber	1-1-2010	330-075-0025(T)	6-16-2010	Repeal	8-1-2010
309-041-0750	12-9-2009	Renumber	1-1-2010	330-075-0030	12-21-2009	Suspend	2-1-2010
309-041-0760	12-9-2009	Renumber	1-1-2010	330-075-0035	12-21-2009	Amend(T)	2-1-2010
309-041-0770	12-9-2009	Renumber	1-1-2010	330-075-0035	6-16-2010	Amend	8-1-2010
309-041-0780	12-9-2009	Renumber	1-1-2010	330-075-0035(T)	6-16-2010	Repeal	8-1-2010
309-041-0790	12-9-2009	Renumber	1-1-2010	330-090-0105	4-30-2010	Amend	6-1-2010
309-041-0800	12-9-2009	Renumber	1-1-2010	330-090-0105	5-27-2010	Amend(T)	7-1-2010
309-041-0805	12-9-2009	Renumber	1-1-2010	330-090-0105(T)	4-30-2010	Repeal	6-1-2010
309-041-0810	12-9-2009	Renumber	1-1-2010	330-090-0110	4-30-2010	Amend	6-1-2010
309-041-0820	12-9-2009	Renumber	1-1-2010	330-090-0110	5-27-2010	Amend(T)	7-1-2010
309-041-0830	12-9-2009	Renumber	1-1-2010	330-090-0110(T)	4-30-2010	Repeal	6-1-2010
309-114-0000	9-9-2010	Amend	10-1-2010	330-090-0120	4-30-2010	Amend	6-1-2010
309-114-0005	12-28-2009	Amend	2-1-2010	330-090-0120	5-27-2010	Amend(T)	7-1-2010
309-114-0005	3-12-2010	Amend(T)	4-1-2010	330-090-0120(T)	4-30-2010	Repeal	6-1-2010
309-114-0005	9-9-2010	Amend	10-1-2010	330-090-0130	4-30-2010	Amend	6-1-2010
309-114-0010	9-9-2010	Amend	10-1-2010	330-090-0130	5-27-2010	Amend(T)	7-1-2010
309-114-0015	9-9-2010	Amend	10-1-2010	330-090-0130(T)	4-30-2010	Repeal	6-1-2010
309-114-0020	3-24-2010	Amend(T)	5-1-2010	330-090-0133	4-30-2010	Adopt	6-1-2010
309-114-0020	9-9-2010	Amend	10-1-2010	330-090-0133	5-27-2010	Amend(T)	7-1-2010
309-114-0020(T)	9-9-2010	Repeal	10-1-2010	330-090-0133(T)	4-30-2010	Repeal	6-1-2010
309-114-0025	9-9-2010	Amend	10-1-2010	330-090-0135	4-30-2010	Amend	6-1-2010
309-114-0030	9-9-2010	Amend	10-1-2010	330-090-0135(T)	4-30-2010	Repeal	6-1-2010
325-030-0001	4-26-2010	Adopt	6-1-2010	330-090-0140	1-8-2010	Amend	2-1-2010
325-030-0005	4-26-2010	Adopt	6-1-2010	330-090-0140	5-27-2010	Amend(T)	7-1-2010
325-030-0010	4-26-2010	Adopt	6-1-2010	330-090-0140(T)	1-8-2010	Repeal	2-1-2010
325-030-0015	4-26-2010	Adopt	6-1-2010	330-090-0150	4-30-2010	Amend	6-1-2010
325-030-0020	4-26-2010	Adopt	6-1-2010	330-090-0150	5-27-2010	Amend(T)	7-1-2010
325-030-0025	4-26-2010	Adopt	6-1-2010	330-090-0150(T)	4-30-2010	Repeal	6-1-2010
325-030-0030	4-26-2010	Adopt	6-1-2010	330-090-0350	5-27-2010	Adopt(T)	7-1-2010
325-030-0035	4-26-2010	Adopt	6-1-2010	330-090-0450	5-27-2010	Adopt(T)	7-1-2010
325-030-0040	4-26-2010	Adopt	6-1-2010	330-112-0000	7-1-2010	Adopt(T)	8-1-2010
325-030-0045	4-26-2010	Adopt	6-1-2010	330-112-0010	7-1-2010	Adopt(T)	8-1-2010
325-030-0050	4-26-2010	Adopt	6-1-2010	330-112-0020	7-1-2010	Adopt(T)	8-1-2010
325-030-0055	4-26-2010	Adopt	6-1-2010	330-112-0030	7-1-2010	Adopt(T)	8-1-2010
325-030-0060	4-26-2010	Adopt	6-1-2010	330-112-0040	7-1-2010	Adopt(T)	8-1-2010
330-001-0005	1-27-2010	Amend	3-1-2010	330-112-0050	7-1-2010	Adopt(T)	8-1-2010
330-001-0025	1-27-2010	Adopt	3-1-2010	330-112-0060	7-1-2010	Adopt(T)	8-1-2010
330-063-0000	7-1-2010	Adopt	8-1-2010	330-112-0070	7-1-2010	Adopt(T)	8-1-2010
330-063-0010	7-1-2010	Adopt	8-1-2010	330-112-0080	7-1-2010	Adopt(T)	8-1-2010
330-063-0020	7-1-2010	Adopt	8-1-2010	330-112-0090	7-1-2010	Adopt(T)	8-1-2010
330-063-0030	7-1-2010	Adopt	8-1-2010	330-112-0100	7-1-2010	Adopt(T)	8-1-2010
330-063-0040	7-1-2010	Adopt	8-1-2010	330-160-0015	8-31-2010	Amend(T)	10-1-2010
330-070-0010	7-1-2010	Amend(T)	8-1-2010	330-160-0040	8-31-2010	Adopt(T)	10-1-2010
330-070-0013	7-1-2010	Amend(T)	8-1-2010	330-170-0010	7-1-2010	Adopt(T)	8-1-2010
330-070-0019	7-30-2010	Adopt(T)	9-1-2010	330-170-0020	7-1-2010	Adopt(T)	8-1-2010

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330-170-0040	7-1-2010	Adopt(T)	8-1-2010	331-565-0040	4-1-2010	Amend	5-1-2010
330-170-0050	7-1-2010	Adopt(T)	8-1-2010	331-565-0050	4-1-2010	Amend	5-1-2010
330-170-0060	7-1-2010	Adopt(T)	8-1-2010	331-565-0060	4-1-2010	Amend	5-1-2010
330-170-0070	7-1-2010	Adopt(T)	8-1-2010	331-565-0075	4-1-2010	Repeal	5-1-2010
331-030-0040	7-26-2010	Amend(T)	9-1-2010	331-565-0080	4-1-2010	Amend	5-1-2010
331-505-0000	4-1-2010	Amend	5-1-2010	331-565-0085	4-1-2010	Amend	5-1-2010
331-505-0010	4-1-2010	Amend	5-1-2010	331-565-0090	4-1-2010	Adopt	5-1-2010
331-510-0000	4-1-2010	Amend	5-1-2010	331-565-0095	4-1-2010	Adopt	5-1-2010
331-515-0000	4-1-2010	Amend	5-1-2010	331-570-0000	4-1-2010	Amend	5-1-2010
331-515-0010	4-1-2010	Amend	5-1-2010	331-570-0020	4-1-2010	Amend	5-1-2010
331-515-0020	4-1-2010	Amend	5-1-2010	331-575-0000	4-1-2010	Amend	5-1-2010
331-515-0030	4-1-2010	Amend	5-1-2010	331-575-0010	4-1-2010	Amend	5-1-2010
331-520-0000	4-1-2010	Amend	5-1-2010	331-575-0020	4-1-2010	Amend	5-1-2010
331-520-0010	4-1-2010	Amend	5-1-2010	331-575-0030	4-1-2010	Amend	5-1-2010
331-520-0030	4-1-2010	Amend	5-1-2010	331-575-0050	4-1-2010	Amend	5-1-2010
331-520-0040	4-1-2010	Amend	5-1-2010	331-580-0000	4-1-2010	Amend	5-1-2010
331-520-0060	4-1-2010	Repeal	5-1-2010	331-580-0010	4-1-2010	Amend	5-1-2010
331-520-0070	4-1-2010	Amend	5-1-2010	331-580-0020	4-1-2010	Amend	5-1-2010
331-525-0020	4-1-2010	Amend	5-1-2010	331-580-0030	4-1-2010	Amend	5-1-2010
331-525-0035	4-1-2010	Amend	5-1-2010	331-585-0000	4-1-2010	Amend	5-1-2010
331-525-0038	4-1-2010	Amend	5-1-2010	331-585-0010	4-1-2010	Amend	5-1-2010
331-525-0040	4-1-2010	Amend	5-1-2010	331-585-0020	4-1-2010	Amend	5-1-2010
331-525-0055	4-1-2010	Amend	5-1-2010	331-585-0030	4-1-2010	Amend	5-1-2010
331-525-0060	4-1-2010	Amend	5-1-2010	331-585-0040	4-1-2010	Amend	5-1-2010
331-525-0065	4-1-2010	Amend	5-1-2010	331-590-0000	4-1-2010	Amend	5-1-2010
331-530-0000	4-1-2010	Amend	5-1-2010	331-590-0020	4-1-2010	Amend	5-1-2010
331-530-0020	4-1-2010	Amend	5-1-2010	331-705-0060	12-1-2009	Amend(T)	1-1-2010
331-535-0000	4-1-2010	Amend	5-1-2010	331-705-0060	3-1-2010	Amend	4-1-2010
331-535-0010	4-1-2010	Amend	5-1-2010	331-705-0060(T)	3-1-2010	Repeal	4-1-2010
331-535-0020	4-1-2010	Amend	5-1-2010	331-800-0010	3-15-2010	Amend	4-1-2010
331-535-0030	4-1-2010	Amend	5-1-2010	331-800-0010	5-18-2010	Amend	7-1-2010
331-535-0040	4-1-2010	Amend	5-1-2010	331-800-0020	3-15-2010	Amend	4-1-2010
331-535-0050	4-1-2010	Amend	5-1-2010	331-800-0020	5-18-2010	Amend	7-1-2010
331-535-0060	4-1-2010	Amend	5-1-2010	331-810-0020	3-15-2010	Amend	4-1-2010
331-535-0070	4-1-2010	Amend	5-1-2010	331-810-0020	5-18-2010	Amend	7-1-2010
331-535-0080	4-1-2010	Amend	5-1-2010	331-810-0035	3-15-2010	Repeal	4-1-2010
331-540-0000	4-1-2010	Amend	5-1-2010	331-810-0035	5-18-2010	Repeal	7-1-2010
331-540-0010	4-1-2010	Amend	5-1-2010	331-810-0040	3-15-2010	Amend	4-1-2010
331-540-0020	4-1-2010	Amend	5-1-2010	331-810-0040	5-18-2010	Amend	7-1-2010
331-540-0030	4-1-2010	Amend	5-1-2010	331-840-0070	3-15-2010	Adopt	4-1-2010
331-545-0000	4-1-2010	Amend	5-1-2010	331-840-0070	5-18-2010	Adopt	7-1-2010
331-545-0020	4-1-2010	Amend	5-1-2010	332-020-0020	4-1-2010	Amend(T)	5-1-2010
331-550-0000	4-1-2010	Amend	5-1-2010	332-020-0020	9-9-2010	Amend	10-1-2010
331-555-0010	4-1-2010	Amend	5-1-2010	332-020-0020(T)	9-9-2010	Repeal	10-1-2010
331-555-0030	4-1-2010	Amend	5-1-2010	333-002-0040	7-15-2010	Amend(T)	8-1-2010
331-555-0040	4-1-2010	Amend	5-1-2010	333-002-0060	7-15-2010	Amend(T)	8-1-2010
331-560-0000	4-1-2010	Amend	5-1-2010	333-003-0100	8-12-2010	Amend	9-1-2010
331-560-0010	4-1-2010	Amend	5-1-2010	333-003-0105	8-12-2010	Amend	9-1-2010
331-560-0020	4-1-2010	Amend	5-1-2010	333-003-0110	8-12-2010	Amend	9-1-2010
331-560-0030	4-1-2010	Amend	5-1-2010	333-003-0115	8-12-2010	Amend	9-1-2010
331-560-0050	4-1-2010	Repeal	5-1-2010	333-003-0116	8-12-2010	Adopt	9-1-2010
331-560-0060	4-1-2010	Amend	5-1-2010	333-003-0118	8-12-2010	Adopt	9-1-2010
331-565-0000	4-1-2010	Amend	5-1-2010	333-003-0120	8-12-2010	Amend	9-1-2010
331-565-0020	4-1-2010	Amend	5-1-2010	333-003-0125	8-12-2010	Amend	9-1-2010
331-565-0025	4-1-2010	Amend	5-1-2010	333-003-0130	8-12-2010	Amend	9-1-2010

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333-003-0140	8-12-2010	Amend	9-1-2010	333-035-0065	9-1-2010	Adopt	10-1-2010
333-003-0210	8-12-2010	Adopt	9-1-2010	333-035-0070	9-1-2010	Adopt	10-1-2010
333-004-0010	6-30-2010	Amend	8-1-2010	333-035-0075	9-1-2010	Adopt	10-1-2010
333-004-0060	6-30-2010	Amend	8-1-2010	333-035-0080	9-1-2010	Adopt	10-1-2010
333-004-0070	6-30-2010	Amend	8-1-2010	333-035-0085	9-1-2010	Adopt	10-1-2010
333-008-0010	9-13-2010	Amend	10-1-2010	333-035-0090	9-1-2010	Adopt	10-1-2010
333-008-0020	7-6-2010	Amend(T)	8-1-2010	333-035-0095	9-1-2010	Adopt	10-1-2010
333-008-0030	9-13-2010	Amend	10-1-2010	333-035-0100	9-1-2010	Adopt	10-1-2010
333-008-0040	9-13-2010	Amend	10-1-2010	333-035-0105	9-1-2010	Adopt	10-1-2010
333-008-0050	9-13-2010	Amend	10-1-2010	333-050-0020	12-21-2009	Amend(T)	2-1-2010
333-008-0060	9-13-2010	Amend	10-1-2010	333-050-0050	12-21-2009	Amend(T)	2-1-2010
333-008-0080	9-13-2010	Amend	10-1-2010	333-050-0120	12-21-2009	Amend(T)	2-1-2010
333-011-0106	2-3-2010	Amend	3-1-2010	333-060-0125	12-23-2009	Amend	2-1-2010
333-012-0500	1-14-2010	Amend	2-1-2010	333-060-0128	12-23-2009	Adopt	2-1-2010
333-015-0035	1-14-2010	Amend	2-1-2010	333-060-0505	12-23-2009	Amend	2-1-2010
333-015-0040	1-14-2010	Amend	2-1-2010	333-060-0510	12-23-2009	Amend	2-1-2010
333-015-0075	1-14-2010	Amend	2-1-2010	333-061-0005	4-19-2010	Amend	6-1-2010
333-015-0085	1-14-2010	Amend	2-1-2010	333-061-0010	4-19-2010	Amend	6-1-2010
333-015-0100	1-1-2010	Adopt	2-1-2010	333-061-0015	4-19-2010	Amend	6-1-2010
333-015-0105	1-1-2010	Adopt	2-1-2010	333-061-0020	4-19-2010	Amend	6-1-2010
333-015-0110	1-1-2010	Adopt	2-1-2010	333-061-0030	4-19-2010	Amend	6-1-2010
333-015-0115	1-1-2010	Adopt	2-1-2010	333-061-0032	4-19-2010	Amend	6-1-2010
333-015-0120	1-1-2010	Adopt	2-1-2010	333-061-0034	4-19-2010	Amend	6-1-2010
333-015-0125	1-1-2010	Adopt	2-1-2010	333-061-0036	4-19-2010	Amend	6-1-2010
333-015-0130	1-1-2010	Adopt	2-1-2010	333-061-0040	4-19-2010	Amend	6-1-2010
333-015-0135	1-1-2010	Adopt	2-1-2010	333-061-0042	4-19-2010	Amend	6-1-2010
333-015-0140	1-1-2010	Adopt	2-1-2010	333-061-0043	4-19-2010	Amend	6-1-2010
333-015-0145	1-1-2010	Adopt	2-1-2010	333-061-0045	4-19-2010	Amend	6-1-2010
333-015-0150	1-1-2010	Adopt	2-1-2010	333-061-0050	4-19-2010	Amend	6-1-2010
333-015-0155	1-1-2010	Adopt	2-1-2010	333-061-0055	4-19-2010	Amend	6-1-2010
333-015-0160	1-1-2010	Adopt	2-1-2010	333-061-0057	4-19-2010	Amend	6-1-2010
333-015-0165	1-1-2010	Adopt	2-1-2010	333-061-0058	4-19-2010	Amend	6-1-2010
333-017-0000	3-11-2010	Amend	4-1-2010	333-061-0060	4-19-2010	Amend	6-1-2010
333-017-0005	3-11-2010	Amend	4-1-2010	333-061-0061	4-19-2010	Amend	6-1-2010
333-018-0000	3-11-2010	Amend	4-1-2010	333-061-0062	4-19-2010	Amend	6-1-2010
333-018-0010	3-11-2010	Amend	4-1-2010	333-061-0063	4-19-2010	Amend	6-1-2010
333-018-0013	3-11-2010	Adopt	4-1-2010	333-061-0064	4-19-2010	Amend	6-1-2010
333-018-0015	3-11-2010	Amend	4-1-2010	333-061-0065	4-19-2010	Amend	6-1-2010
333-018-0017	3-11-2010	Adopt	4-1-2010	333-061-0070	4-19-2010	Amend	6-1-2010
333-018-0018	3-11-2010	Amend	4-1-2010	333-061-0071	4-19-2010	Amend	6-1-2010
333-019-0017	3-11-2010	Amend	4-1-2010	333-061-0072	4-19-2010	Amend	6-1-2010
333-019-0027	3-11-2010	Amend	4-1-2010	333-061-0073	4-19-2010	Amend	6-1-2010
333-019-0036	3-11-2010	Amend	4-1-2010	333-061-0076	4-19-2010	Amend	6-1-2010
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333-029-0045	12-23-2009	Amend	2-1-2010	333-061-0228	4-19-2010	Amend	6-1-2010
333-029-0050	12-23-2009	Amend	2-1-2010	333-061-0230	4-19-2010	Amend	6-1-2010
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333-029-0080	12-23-2009	Amend	2-1-2010	333-061-0265	4-19-2010	Amend	6-1-2010
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333-035-0045	9-1-2010	Adopt	10-1-2010	333-061-0272	8-12-2010	Amend	9-1-2010
333-035-0050	9-1-2010	Adopt	10-1-2010	333-061-0272(T)	8-12-2010	Repeal	9-1-2010
333-035-0055	9-1-2010	Adopt	10-1-2010	333-061-0274	3-16-2010	Adopt(T)	5-1-2010

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333-061-0295	4-19-2010	Repeal	6-1-2010	333-102-0025	9-1-2010	Amend	10-1-2010
333-061-0305	4-19-2010	Amend	6-1-2010	333-102-0030	9-1-2010	Amend	10-1-2010
333-061-0310	4-19-2010	Amend	6-1-2010	333-102-0032	9-1-2010	Adopt	10-1-2010
333-061-0315	4-19-2010	Repeal	6-1-2010	333-102-0035	2-16-2010	Amend	4-1-2010
333-061-0320	4-19-2010	Repeal	6-1-2010	333-102-0035	9-1-2010	Amend	10-1-2010
333-061-0324	4-19-2010	Adopt	6-1-2010	333-102-0105	2-16-2010	Amend	4-1-2010
333-061-0325	4-19-2010	Amend	6-1-2010	333-102-0110	2-16-2010	Amend	4-1-2010
333-061-0330	4-19-2010	Amend	6-1-2010	333-102-0115	2-16-2010	Amend	4-1-2010
333-061-0335	4-19-2010	Amend	6-1-2010	333-102-0115	9-1-2010	Amend	10-1-2010
333-062-0100	12-23-2009	Amend	2-1-2010	333-102-0125	9-1-2010	Amend	10-1-2010
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333-070-0080	4-26-2010	Adopt	6-1-2010	333-102-0245	2-16-2010	Amend	4-1-2010
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333-070-0090	4-26-2010	Adopt	6-1-2010	333-102-0285	2-16-2010	Amend	4-1-2010
333-070-0095	4-26-2010	Adopt	6-1-2010	333-102-0285	9-1-2010	Amend	10-1-2010
333-070-0100	4-26-2010	Adopt	6-1-2010	333-102-0290	2-16-2010	Amend	4-1-2010
333-070-0105	4-26-2010	Adopt	6-1-2010	333-102-0305	2-16-2010	Amend	4-1-2010
333-070-0110	4-26-2010	Adopt	6-1-2010	333-102-0305	9-1-2010	Amend	10-1-2010
333-070-0115	4-26-2010	Adopt	6-1-2010	333-102-0325	2-16-2010	Amend	4-1-2010
333-070-0120	4-26-2010	Adopt	6-1-2010	333-102-0340	2-16-2010	Amend	4-1-2010
333-070-0125	4-26-2010	Adopt	6-1-2010	333-102-0340	9-1-2010	Amend	10-1-2010
333-070-0130	4-26-2010	Adopt	6-1-2010	333-102-0900	9-1-2010	Amend	10-1-2010
333-070-0135	4-26-2010	Adopt	6-1-2010	333-103-0001	2-16-2010	Amend	4-1-2010
333-070-0140	4-26-2010	Adopt	6-1-2010	333-103-0003	9-1-2010	Amend	10-1-2010
333-070-0145	4-26-2010	Adopt	6-1-2010	333-103-0010	2-16-2010	Amend	4-1-2010
333-070-0150	4-26-2010	Adopt	6-1-2010	333-103-0010	9-1-2010	Amend	10-1-2010
333-070-0155	4-26-2010	Adopt	6-1-2010	333-103-0015	9-1-2010	Amend	10-1-2010
333-070-0160	4-26-2010	Adopt	6-1-2010	333-103-0030	9-1-2010	Amend	10-1-2010
333-092-0000	12-21-2009	Repeal	2-1-2010	333-103-0035	9-1-2010	Amend	10-1-2010
333-092-0005	12-21-2009	Repeal	2-1-2010	333-106-0005	2-16-2010	Amend	4-1-2010
333-092-0010	12-21-2009	Repeal	2-1-2010	333-106-0005	9-1-2010	Amend	10-1-2010
333-092-0015	12-21-2009	Repeal	2-1-2010	333-106-0055	9-1-2010	Amend	10-1-2010
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333-092-0030	12-21-2009	Repeal	2-1-2010	333-106-0325	9-1-2010	Amend	10-1-2010
333-092-0035	12-21-2009	Repeal	2-1-2010	333-116-0020	2-16-2010	Amend	4-1-2010
333-092-0040	12-21-2009	Repeal	2-1-2010	333-116-0035	2-16-2010	Amend	4-1-2010
333-092-0045	12-21-2009	Repeal	2-1-2010	333-116-0140	2-16-2010	Amend	4-1-2010
333-092-0050	12-21-2009	Repeal	2-1-2010	333-116-0170	2-16-2010	Amend	4-1-2010
333-092-0055	12-21-2009	Repeal	2-1-2010	333-116-0190	2-16-2010	Amend	4-1-2010
333-092-0060	12-21-2009	Repeal	2-1-2010	333-116-0300	2-16-2010	Amend	4-1-2010
333-092-0065	12-21-2009	Repeal	2-1-2010	333-116-0360	2-16-2010	Amend	4-1-2010
333-092-0070	12-21-2009	Repeal	2-1-2010	333-116-0485	2-16-2010	Adopt	4-1-2010
333-092-0075	12-21-2009	Repeal	2-1-2010	333-116-0660	2-16-2010	Amend	4-1-2010
333-092-0080	12-21-2009	Repeal	2-1-2010	333-116-0670	2-16-2010	Amend	4-1-2010
333-092-0085	12-21-2009	Repeal	2-1-2010	333-116-0683	2-16-2010	Amend	4-1-2010
333-092-0090	12-21-2009	Repeal	2-1-2010	333-116-0687	2-16-2010	Amend	4-1-2010
333-092-0095	12-21-2009	Repeal	2-1-2010	333-116-0690	2-16-2010	Amend	4-1-2010
333-100-0020	2-16-2010	Amend	4-1-2010	333-116-0700	2-16-2010	Amend	4-1-2010
333-100-0065	2-16-2010	Amend	4-1-2010	333-116-0810	2-16-2010	Amend	4-1-2010
333-102-0001	9-1-2010	Amend	10-1-2010	333-116-0905	2-16-2010	Amend	4-1-2010
333-102-0010	2-16-2010	Amend	4-1-2010	333-118-0020	2-16-2010	Amend	4-1-2010
333-102-0015	2-16-2010	Amend	4-1-2010	333-118-0050	2-16-2010	Amend	4-1-2010
333-102-0015	9-1-2010	Amend	10-1-2010	333-118-0051	2-16-2010	Adopt	4-1-2010

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333-118-0110	2-16-2010	Amend	4-1-2010	333-265-0012	7-1-2010	Amend	8-1-2010
333-118-0120	2-16-2010	Amend	4-1-2010	333-265-0014	7-1-2010	Amend	8-1-2010
333-118-0125	2-16-2010	Adopt	4-1-2010	333-265-0015	7-1-2010	Adopt	8-1-2010
333-118-0140	2-16-2010	Amend	4-1-2010	333-265-0016	7-1-2010	Amend	8-1-2010
333-118-0150	2-16-2010	Amend	4-1-2010	333-265-0018	7-1-2010	Amend	8-1-2010
333-118-0160	2-16-2010	Amend	4-1-2010	333-265-0020	7-1-2010	Amend	8-1-2010
333-118-0162	2-16-2010	Adopt	4-1-2010	333-265-0022	7-1-2010	Amend	8-1-2010
333-118-0190	2-16-2010	Amend	4-1-2010	333-265-0023	7-1-2010	Amend	8-1-2010
333-118-0200	2-16-2010	Amend	4-1-2010	333-265-0025	7-1-2010	Amend	8-1-2010
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333-119-0010	9-1-2010	Amend	10-1-2010	333-265-0040	7-1-2010	Amend	8-1-2010
333-119-0020	2-16-2010	Amend	4-1-2010	333-265-0050	7-1-2010	Amend	8-1-2010
333-119-0020	9-1-2010	Amend	10-1-2010	333-265-0060	7-1-2010	Amend	8-1-2010
333-119-0060	9-1-2010	Amend	10-1-2010	333-265-0070	7-1-2010	Amend	8-1-2010
333-119-0080	2-16-2010	Amend	4-1-2010	333-265-0080	7-1-2010	Amend	8-1-2010
333-119-0080	9-1-2010	Amend	10-1-2010	333-265-0083	7-1-2010	Adopt	8-1-2010
333-119-0090	2-16-2010	Amend	4-1-2010	333-265-0085	7-1-2010	Adopt	8-1-2010
333-119-0100	2-16-2010	Amend	4-1-2010	333-265-0087	7-1-2010	Adopt	8-1-2010
333-119-0120	9-1-2010	Amend	10-1-2010	333-265-0090	7-1-2010	Amend	8-1-2010
333-119-0200	9-1-2010	Amend	10-1-2010	333-265-0090	7-16-2010	Amend(T)	9-1-2010
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333-120-0015	9-1-2010	Amend	10-1-2010	333-265-0105	7-1-2010	Adopt	8-1-2010
333-120-0500	9-1-2010	Amend	10-1-2010	333-265-0105	7-16-2010	Amend(T)	9-1-2010
333-120-0545	9-1-2010	Adopt	10-1-2010	333-265-0110	7-1-2010	Amend	8-1-2010
333-120-0550	9-1-2010	Amend	10-1-2010	333-265-0140	7-1-2010	Amend	8-1-2010
333-120-0800	2-16-2010	Amend	4-1-2010	333-265-0150	7-1-2010	Amend	8-1-2010
333-124-0001	2-16-2010	Adopt	4-1-2010	333-265-0160	7-1-2010	Amend	8-1-2010
333-124-0010	2-16-2010	Adopt	4-1-2010	333-265-0180	7-1-2010	Repeal	8-1-2010
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333-250-0041	7-1-2010	Amend	8-1-2010	333-270-0040	12-3-2009	Adopt	1-1-2010
333-250-0042	7-1-2010	Amend	8-1-2010	333-270-0050	12-3-2009	Adopt	1-1-2010
333-250-0043	7-1-2010	Amend	8-1-2010	333-270-0060	12-3-2009	Adopt	1-1-2010
333-250-0044	7-1-2010	Amend	8-1-2010	333-270-0070	12-3-2009	Adopt	1-1-2010
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333-250-0046	7-1-2010	Amend	8-1-2010	333-300-0000	12-21-2009	Repeal	2-1-2010
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333-250-0048	7-1-2010	Amend	8-1-2010	333-540-0010	7-1-2010	Adopt	8-1-2010
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333-255-0000	7-1-2010	Amend	8-1-2010	333-540-0030	7-1-2010	Adopt	8-1-2010
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334-001-0055	4-12-2010	Adopt	5-1-2010	340-071-0140	1-4-2010	Amend	2-1-2010
334-001-0055	7-26-2010	Amend(T)	9-1-2010	340-071-0140	9-1-2010	Amend	10-1-2010
335-060-0010	8-11-2010	Amend(T)	9-1-2010	340-093-0030	5-14-2010	Amend	6-1-2010
335-070-0065	11-16-2009	Amend	1-1-2010	340-093-0260	5-14-2010	Adopt	6-1-2010
335-095-0030	8-11-2010	Amend(T)	9-1-2010	340-093-0270	5-14-2010	Adopt	6-1-2010
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337-010-0012	6-15-2010	Repeal	7-1-2010	340-202-0130	5-21-2010	Amend	7-1-2010
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337-010-0061	6-15-2010	Repeal	7-1-2010	340-216-0062	12-16-2009	Adopt	2-1-2010
337-010-0065	6-15-2010	Repeal	7-1-2010	340-216-0064	12-16-2009	Amend	2-1-2010
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337-030-0010	6-15-2010	Adopt	7-1-2010	340-228-0623	12-16-2009	Amend	2-1-2010
337-030-0015	6-15-2010	Adopt	7-1-2010	340-228-0625	12-16-2009	Amend	2-1-2010
337-030-0020	6-15-2010	Adopt	7-1-2010	340-228-0627	12-16-2009	Amend	2-1-2010
337-030-0025	6-15-2010	Adopt	7-1-2010	340-228-0639	12-16-2009	Adopt	2-1-2010
339-005-0000	3-1-2010	Amend	2-1-2010	340-238-0040	12-16-2009	Amend	2-1-2010
340-045-0033	1-22-2010	Amend	3-1-2010	340-244-0030	12-16-2009	Amend	2-1-2010
340-045-0075	9-1-2010	Amend	10-1-2010	340-244-0220	12-16-2009	Amend	2-1-2010
340-045-0100	7-6-2010	Adopt	8-1-2010	340-244-0238	12-16-2009	Amend	2-1-2010
340-054-0010	5-4-2010	Amend(T)	6-1-2010	340-244-0240	12-16-2009	Amend	2-1-2010

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340-244-0246	12-16-2009	Amend	2-1-2010	350-090-0090	6-1-2010	Repeal	6-1-2010
340-246-0090	8-31-2010	Amend	10-1-2010	350-090-0100	6-1-2010	Repeal	6-1-2010
340-252-0020	3-5-2010	Repeal	4-1-2010	350-090-0110	6-1-2010	Repeal	6-1-2010
340-252-0030	3-5-2010	Amend	4-1-2010	350-090-0120	6-1-2010	Repeal	6-1-2010
340-252-0040	3-5-2010	Repeal	4-1-2010	350-090-0130	6-1-2010	Repeal	6-1-2010
340-252-0050	3-5-2010	Repeal	4-1-2010	350-090-0140	6-1-2010	Repeal	6-1-2010
340-252-0060	3-5-2010	Amend	4-1-2010	350-090-0150	6-1-2010	Repeal	6-1-2010
340-252-0070	3-5-2010	Amend	4-1-2010	350-090-0160	6-1-2010	Repeal	6-1-2010
340-252-0080	3-5-2010	Repeal	4-1-2010	350-090-0170	6-1-2010	Repeal	6-1-2010
340-252-0090	3-5-2010	Repeal	4-1-2010	350-090-0180	6-1-2010	Repeal	6-1-2010
340-252-0100	3-5-2010	Repeal	4-1-2010	350-090-0190	6-1-2010	Repeal	6-1-2010
340-252-0110	3-5-2010	Repeal	4-1-2010	350-090-0200	6-1-2010	Repeal	6-1-2010
340-252-0120	3-5-2010	Repeal	4-1-2010	350-090-0210	6-1-2010	Repeal	6-1-2010
340-252-0130	3-5-2010	Repeal	4-1-2010	350-090-0220	6-1-2010	Repeal	6-1-2010
340-252-0140	3-5-2010	Repeal	4-1-2010	350-090-0230	6-1-2010	Repeal	6-1-2010
340-252-0150	3-5-2010	Repeal	4-1-2010	350-090-0240	6-1-2010	Repeal	6-1-2010
340-252-0160	3-5-2010	Repeal	4-1-2010	350-090-0250	6-1-2010	Repeal	6-1-2010
340-252-0170	3-5-2010	Repeal	4-1-2010	350-090-0260	6-1-2010	Repeal	6-1-2010
340-252-0180	3-5-2010	Repeal	4-1-2010	350-090-0270	6-1-2010	Repeal	6-1-2010
340-252-0190	3-5-2010	Repeal	4-1-2010	350-090-0280	6-1-2010	Repeal	6-1-2010
340-252-0200	3-5-2010	Repeal	4-1-2010	350-090-0290	6-1-2010	Repeal	6-1-2010
340-252-0210	3-5-2010	Repeal	4-1-2010	350-090-0300	6-1-2010	Repeal	6-1-2010
340-252-0220	3-5-2010	Repeal	4-1-2010	350-090-0310	6-1-2010	Repeal	6-1-2010
340-252-0230	3-5-2010	Amend	4-1-2010	350-090-0320	6-1-2010	Repeal	6-1-2010
340-252-0240	3-5-2010	Repeal	4-1-2010	350-090-0330	6-1-2010	Repeal	6-1-2010
340-252-0250	3-5-2010	Repeal	4-1-2010	350-090-0340	6-1-2010	Repeal	6-1-2010
340-252-0260	3-5-2010	Repeal	4-1-2010	350-090-0350	6-1-2010	Repeal	6-1-2010
340-252-0270	3-5-2010	Repeal	4-1-2010	350-090-0360	6-1-2010	Repeal	6-1-2010
340-252-0280	3-5-2010	Repeal	4-1-2010	350-090-0370	6-1-2010	Repeal	6-1-2010
340-252-0290	3-5-2010	Repeal	4-1-2010	350-090-0380	6-1-2010	Repeal	6-1-2010
340-266-0010	8-27-2010	Amend	10-1-2010	350-090-0390	6-1-2010	Repeal	6-1-2010
340-266-0020	8-27-2010	Amend	10-1-2010	350-090-0400	6-1-2010	Repeal	6-1-2010
340-266-0030	8-27-2010	Amend	10-1-2010	350-090-0410	6-1-2010	Repeal	6-1-2010
340-266-0040	8-27-2010	Amend	10-1-2010	350-090-0420	6-1-2010	Repeal	6-1-2010
340-266-0050	8-27-2010	Amend	10-1-2010	350-090-0430	6-1-2010	Repeal	6-1-2010
340-266-0060	8-27-2010	Amend	10-1-2010	350-090-0440	6-1-2010	Repeal	6-1-2010
340-266-0065	8-27-2010	Adopt	10-1-2010	350-090-0450	6-1-2010	Repeal	6-1-2010
340-266-0070	8-27-2010	Amend	10-1-2010	350-090-0460	6-1-2010	Repeal	6-1-2010
340-266-0075	8-27-2010	Adopt	10-1-2010	350-090-0470	6-1-2010	Repeal	6-1-2010
340-266-0080	8-27-2010	Amend	10-1-2010	350-090-0480	6-1-2010	Repeal	6-1-2010
340-266-0090	8-27-2010	Amend	10-1-2010	350-090-0490	6-1-2010	Repeal	6-1-2010
340-266-0100	8-27-2010	Amend	10-1-2010	350-090-0500	6-1-2010	Repeal	6-1-2010
340-266-0110	8-27-2010	Amend	10-1-2010	350-090-0510	6-1-2010	Repeal	6-1-2010
340-266-0130	8-27-2010	Amend	10-1-2010	350-090-0520	6-1-2010	Repeal	6-1-2010
340-266-0140	8-27-2010	Adopt	10-1-2010	350-090-0530	6-1-2010	Repeal	6-1-2010
345-001-0010	11-24-2009	Amend	1-1-2010	350-090-0540	6-1-2010	Repeal	6-1-2010
345-001-0220	5-11-2010	Amend	6-1-2010	350-090-0550	6-1-2010	Repeal	6-1-2010
345-024-0590	11-24-2009	Amend	1-1-2010	350-090-0560	6-1-2010	Repeal	6-1-2010
350-090-0010	6-1-2010	Repeal	6-1-2010	350-090-0570	6-1-2010	Repeal	6-1-2010
350-090-0020	6-1-2010	Repeal	6-1-2010	350-090-0580	6-1-2010	Repeal	6-1-2010
350-090-0030	6-1-2010	Repeal	6-1-2010	350-090-0590	6-1-2010	Repeal	6-1-2010
350-090-0040	6-1-2010	Repeal	6-1-2010	350-090-0600	6-1-2010	Repeal	6-1-2010
350-090-0050	6-1-2010	Repeal	6-1-2010	350-090-0610	6-1-2010	Repeal	6-1-2010
350-090-0060	6-1-2010	Repeal	6-1-2010	350-090-0620	6-1-2010	Repeal	6-1-2010
350-090-0070	6-1-2010	Repeal	6-1-2010	350-100-0010	6-1-2010	Repeal	6-1-2010

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350-110-0530	6-1-2010	Repeal	6-1-2010	407-007-0460(T)	3-29-2010	Repeal	5-1-2010
350-110-0540	6-1-2010	Repeal	6-1-2010	407-043-0010	1-1-2010	Amend	2-1-2010
350-110-0550	6-1-2010	Repeal	6-1-2010	407-043-0010(T)	1-1-2010	Repeal	2-1-2010
350-110-0560	6-1-2010	Repeal	6-1-2010	407-045-0250	6-29-2010	Amend	8-1-2010
350-110-0570	6-1-2010	Repeal	6-1-2010	407-045-0260	1-1-2010	Amend(T)	2-1-2010
350-110-0580	6-1-2010	Repeal	6-1-2010	407-045-0260	6-29-2010	Amend	8-1-2010
350-110-0590	6-1-2010	Repeal	6-1-2010	407-045-0260	8-5-2010	Amend(T)	9-1-2010
350-110-0600	6-1-2010	Repeal	6-1-2010	407-045-0260(T)	6-29-2010	Repeal	8-1-2010
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350-110-0620	6-1-2010	Repeal	6-1-2010	407-045-0290	1-1-2010	Amend(T)	2-1-2010
407-007-0000	1-1-2010	Amend	2-1-2010	407-045-0290	6-29-2010	Amend	8-1-2010
407-007-0010	1-1-2010	Amend	2-1-2010	407-045-0290(T)	6-29-2010	Repeal	8-1-2010
407-007-0020	1-1-2010	Amend	2-1-2010	407-045-0300	6-29-2010	Amend	8-1-2010
407-007-0030	1-1-2010	Amend	2-1-2010	407-045-0310	6-29-2010	Amend	8-1-2010
407-007-0040	1-1-2010	Amend	2-1-2010	407-045-0320	6-29-2010	Amend	8-1-2010
407-007-0050	1-1-2010	Amend	2-1-2010	407-045-0330	6-29-2010	Amend	8-1-2010
407-007-0060	1-1-2010	Amend	2-1-2010	407-045-0340	6-29-2010	Amend	8-1-2010
407-007-0065	1-1-2010	Adopt	2-1-2010	407-045-0350	1-1-2010	Amend(T)	2-1-2010
407-007-0070	1-1-2010	Amend	2-1-2010	407-045-0350	6-29-2010	Amend	8-1-2010
407-007-0075	1-1-2010	Adopt	2-1-2010	407-045-0350(T)	6-29-2010	Repeal	8-1-2010
407-007-0080	1-1-2010	Amend	2-1-2010	407-045-0360	6-29-2010	Amend	8-1-2010
407-007-0090	1-1-2010	Amend	2-1-2010	407-045-0370	6-29-2010	Adopt	8-1-2010
407-007-0100	1-1-2010	Amend	2-1-2010	407-045-0800	7-1-2010	Amend	8-1-2010
407-007-0200	1-1-2010	Amend	2-1-2010	407-045-0810	7-1-2010	Amend	8-1-2010
407-007-0210	1-1-2010	Amend	2-1-2010	407-045-0820	7-1-2010	Amend	8-1-2010
407-007-0210	8-12-2010	Amend(T)	9-1-2010	407-045-0820	7-12-2010	Amend(T)	8-1-2010
407-007-0220	1-1-2010	Amend	2-1-2010	407-045-0830	7-1-2010	Amend	8-1-2010
407-007-0230	1-1-2010	Amend	2-1-2010	407-045-0850	7-1-2010	Amend	8-1-2010
407-007-0240	1-1-2010	Amend	2-1-2010	407-045-0860	7-1-2010	Amend	8-1-2010
407-007-0250	1-1-2010	Amend	2-1-2010	407-045-0870	7-1-2010	Amend	8-1-2010
407-007-0275	5-5-2010	Adopt(T)	6-1-2010	407-045-0880	7-1-2010	Amend	8-1-2010
407-007-0280	1-1-2010	Amend	2-1-2010	407-045-0890	7-1-2010	Amend	8-1-2010
407-007-0290	1-1-2010	Amend	2-1-2010	407-045-0900	7-1-2010	Amend	8-1-2010
407-007-0300	1-1-2010	Amend	2-1-2010	407-045-0910	7-1-2010	Amend	8-1-2010
407-007-0315	1-1-2010	Adopt	2-1-2010	407-045-0920	7-1-2010	Amend	8-1-2010
407-007-0320	1-1-2010	Amend	2-1-2010	407-045-0930	7-1-2010	Amend	8-1-2010
407-007-0325	1-1-2010	Adopt	2-1-2010	407-045-0940	7-1-2010	Amend	8-1-2010
407-007-0330	1-1-2010	Amend	2-1-2010	407-045-0950	7-1-2010	Amend	8-1-2010
407-007-0340	1-1-2010	Amend	2-1-2010	407-045-0960	7-1-2010	Amend	8-1-2010
407-007-0350	1-1-2010	Amend	2-1-2010	407-045-0970	7-1-2010	Amend	8-1-2010
407-007-0355	1-1-2010	Repeal	2-1-2010	407-045-0980	7-1-2010	Amend	8-1-2010
407-007-0370	1-1-2010	Amend	2-1-2010	409-023-0000	7-1-2010	Amend	8-1-2010
407-007-0400	3-29-2010	Adopt	5-1-2010	409-023-0010	7-1-2010	Amend	8-1-2010
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407-007-0410	3-29-2010	Adopt	5-1-2010	409-024-0110	7-1-2010	Adopt	8-1-2010
407-007-0410(T)	3-29-2010	Repeal	5-1-2010	409-024-0120	7-1-2010	Adopt	8-1-2010
407-007-0420	3-29-2010	Adopt	5-1-2010	409-024-0130	7-1-2010	Adopt	8-1-2010
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407-007-0430	3-29-2010	Adopt	5-1-2010	409-025-0110	3-1-2010	Adopt	4-1-2010
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407-007-0440	1-8-2010	Adopt(T)	2-1-2010	409-025-0130	3-1-2010	Adopt	4-1-2010
407-007-0440	3-29-2010	Adopt	5-1-2010	409-025-0140	3-1-2010	Adopt	4-1-2010
407-007-0440(T)	3-29-2010	Repeal	5-1-2010	409-025-0150	3-1-2010	Adopt	4-1-2010
407-007-0450	3-29-2010	Adopt	5-1-2010	409-025-0160	3-1-2010	Adopt	4-1-2010
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409-026-0110	1-1-2010	Adopt	2-1-2010	410-122-0207	7-1-2010	Amend	7-1-2010
409-026-0120	1-1-2010	Adopt	2-1-2010	410-122-0208	7-1-2010	Amend	7-1-2010
409-026-0120	1-1-2010	Adopt	2-1-2010	410-122-0210	7-1-2010	Amend	7-1-2010
409-026-0140	1-1-2010	Adopt	2-1-2010	410-122-0211	7-1-2010	Amend	7-1-2010
409-030-0065	4-21-2010	Amend(T)	6-1-2010	410-122-0280	7-1-2010	Amend	7-1-2010
409-040-0100	1-1-2010	Adopt	2-1-2010	410-122-0325	7-1-2010	Amend	7-1-2010
409-040-0105	1-1-2010	Adopt	2-1-2010	410-122-0340	7-1-2010	Amend	7-1-2010
409-040-0110	1-1-2010	Adopt	2-1-2010	410-122-0540	7-1-2010	Amend	7-1-2010
409-040-0115	1-1-2010	Adopt	2-1-2010	410-122-0560	7-1-2010	Amend	7-1-2010
410-050-0861	7-1-2010	Amend	8-1-2010	410-122-0625	7-1-2010	Amend	7-1-2010
410-120-0030	1-1-2010	Amend	1-1-2010	410-122-0630	7-1-2010	Amend	7-1-2010
410-120-0030	7-1-2010	Amend	8-1-2010	410-122-0655	7-1-2010	Amend	7-1-2010
410-120-0030	9-1-2010	Amend	10-1-2010	410-122-0658	7-1-2010	Amend	7-1-2010
410-120-0030(T)	1-1-2010	Repeal	1-1-2010	410-122-0660	1-1-2010	Amend	1-1-2010
410-120-0045	7-1-2010	Adopt	7-1-2010	410-122-0662	1-1-2010	Amend	1-1-2010
410-120-1200	1-1-2010	Amend	1-1-2010	410-122-0662	7-1-2010	Amend	7-1-2010
410-120-1210	1-1-2010	Amend	1-1-2010	410-122-0680	7-1-2010	Amend	7-1-2010
410-120-1230	1-1-2010	Amend	1-1-2010	410-122-0720	7-1-2010	Amend	7-1-2010
410-120-1295	12-4-2009	Amend(T)	1-1-2010	410-123-1000	1-1-2010	Amend	1-1-2010
410-120-1295	1-1-2010	Amend	1-1-2010	410-123-1000	7-1-2010	Amend	7-1-2010
410-120-1295	3-26-2010	Amend	5-1-2010	410-123-1160	1-1-2010	Amend	1-1-2010
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410-120-1340	1-1-2010	Amend	1-1-2010	410-123-1220	1-1-2010	Amend	1-1-2010
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410-120-1570	1-1-2010	Amend	1-1-2010	410-123-1260	7-1-2010	Amend	7-1-2010
410-120-1600	1-1-2010	Amend	1-1-2010	410-130-0200	7-1-2010	Amend	7-1-2010
410-121-0000	1-1-2010	Amend	1-1-2010	410-130-0220	7-1-2010	Amend	7-1-2010
410-121-0000	7-1-2010	Amend	7-1-2010	410-130-0245	7-1-2010	Amend	7-1-2010
410-121-0030	1-1-2010	Amend	1-1-2010	410-130-0255	7-1-2010	Amend	7-1-2010
410-121-0030	7-1-2010	Amend	7-1-2010	410-130-0595	4-15-2010	Amend(T)	5-1-2010
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410-121-0040	1-1-2010	Amend	1-1-2010	410-130-0595(T)	9-1-2010	Repeal	10-1-2010
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410-121-0060	1-1-2010	Amend	1-1-2010	410-136-0245	4-1-2010	Amend(T)	5-1-2010
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410-121-0135	1-1-2010	Amend	1-1-2010	410-138-0005	7-1-2010	Amend	8-1-2010
410-121-0144	7-1-2010	Repeal	7-1-2010	410-138-0007	7-1-2010	Amend	8-1-2010
410-121-0145	2-5-2010	Amend	3-1-2010	410-138-0009	1-1-2010	Amend	1-1-2010
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410-121-0146	7-1-2010	Amend	7-1-2010	410-138-0020	1-1-2010	Amend	1-1-2010
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410-122-0202	7-1-2010	Amend	7-1-2010	410-138-0340	1-1-2010	Repeal	1-1-2010
410-122-0203	1-1-2010	Amend	1-1-2010	410-138-0360	11-16-2009	Amend(T)	1-1-2010
410-122-0203	7-1-2010	Amend	7-1-2010	410-138-0360	1-1-2010	Amend	1-1-2010

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410-138-0360	7-1-2010	Amend	8-1-2010	410-141-0520	1-1-2010	Amend(T)	1-1-2010
410-138-0360(T)	1-1-2010	Repeal	1-1-2010	410-141-0520	1-15-2010	Amend(T)	2-1-2010
410-138-0380	11-16-2009	Amend(T)	1-1-2010	410-141-0520	3-17-2010	Amend	4-1-2010
410-138-0380	1-1-2010	Amend	1-1-2010	410-141-0520	4-1-2010	Amend(T)	5-1-2010
410-138-0380	7-1-2010	Amend	8-1-2010	410-141-0520	4-26-2010	Amend	6-1-2010
410-138-0380(T)	1-1-2010	Repeal	1-1-2010	410-141-0520(T)	1-1-2010	Suspend	1-1-2010
410-138-0390	11-16-2009	Adopt(T)	1-1-2010	410-141-0520(T)	1-15-2010	Suspend	2-1-2010
410-138-0390	1-1-2010	Adopt	1-1-2010	410-141-0520(T)	3-17-2010	Repeal	4-1-2010
410-138-0390	7-1-2010	Amend	8-1-2010	410-141-0520(T)	4-26-2010	Repeal	6-1-2010
410-138-0390(T)	1-1-2010	Repeal	1-1-2010	410-141-0740	7-1-2010	Amend	7-1-2010
410-138-0400	7-1-2010	Adopt	8-1-2010	410-146-0021	1-1-2010	Amend	1-1-2010
410-138-0420	7-1-2010	Adopt	8-1-2010	410-146-0085	1-1-2010	Amend	1-1-2010
410-138-0440	7-1-2010	Adopt	8-1-2010	410-146-0240	1-1-2010	Amend	1-1-2010
410-138-0460	7-1-2010	Adopt	8-1-2010	410-146-0340	1-1-2010	Repeal	1-1-2010
410-138-0500	7-1-2010	Amend	8-1-2010	410-147-0120	1-1-2010	Amend	1-1-2010
410-138-0520	1-1-2010	Repeal	1-1-2010	410-147-0320	1-1-2010	Amend	1-1-2010
410-138-0530	7-1-2010	Repeal	8-1-2010	410-147-0365	5-1-2010	Amend(T)	5-1-2010
410-138-0540	7-1-2010	Amend	8-1-2010	410-147-0365	7-1-2010	Amend	8-1-2010
410-138-0560	1-1-2010	Amend	1-1-2010	410-147-0365(T)	7-1-2010	Repeal	8-1-2010
410-138-0560	7-1-2010	Amend	8-1-2010	410-147-0400	1-1-2010	Amend	1-1-2010
410-138-0600	7-1-2010	Amend	8-1-2010	410-147-0620	1-1-2010	Repeal	1-1-2010
410-138-0610	7-1-2010	Repeal	8-1-2010	410-149-0000	1-1-2010	Repeal	1-1-2010
410-138-0620	1-1-2010	Repeal	1-1-2010	410-149-0020	1-1-2010	Repeal	1-1-2010
410-138-0640	7-1-2010	Amend	8-1-2010	410-149-0040	1-1-2010	Repeal	1-1-2010
410-138-0660	7-1-2010	Amend	8-1-2010	410-149-0060	1-1-2010	Repeal	1-1-2010
410-138-0680	1-1-2010	Amend	1-1-2010	410-149-0080	1-1-2010	Repeal	1-1-2010
410-138-0700	7-1-2010	Amend	8-1-2010	410-150-0080	1-1-2010	Amend	1-1-2010
410-138-0710	7-1-2010	Amend	8-1-2010	410-150-0120	1-1-2010	Repeal	1-1-2010
410-138-0720	1-1-2010	Repeal	1-1-2010	410-150-0160	1-1-2010	Repeal	1-1-2010
410-138-0740	7-1-2010	Amend	8-1-2010	410-150-0240	1-1-2010	Repeal	1-1-2010
410-138-0760	7-1-2010	Amend	8-1-2010	411-001-0100	1-1-2010	Amend	2-1-2010
410-138-0780	7-1-2010	Amend	8-1-2010	411-001-0110	1-1-2010	Amend	2-1-2010
410-140-0050	1-1-2010	Amend	1-1-2010	411-001-0115	1-1-2010	Adopt	2-1-2010
410-140-0115	1-1-2010	Repeal	1-1-2010	411-001-0118	1-1-2010	Adopt	2-1-2010
410-140-0140	1-1-2010	Amend	1-1-2010	411-001-0120	1-1-2010	Amend	2-1-2010
410-140-0160	1-1-2010	Amend	1-1-2010	411-020-0000	7-1-2010	Amend	8-1-2010
410-140-0200	1-1-2010	Amend	1-1-2010	411-020-0002	1-1-2010	Amend(T)	2-1-2010
410-140-0260	1-1-2010	Amend	1-1-2010	411-020-0002	7-1-2010	Amend	8-1-2010
410-141-0000	1-1-2010	Amend	1-1-2010	411-020-0002(T)	7-1-2010	Repeal	8-1-2010
410-141-0000	7-1-2010	Amend	7-1-2010	411-020-0010	7-1-2010	Amend	8-1-2010
410-141-0070	7-1-2010	Amend	7-1-2010	411-020-0015	7-1-2010	Amend	8-1-2010
410-141-0160	7-1-2010	Amend	7-1-2010	411-020-0020	1-1-2010	Amend(T)	2-1-2010
410-141-0200	7-1-2010	Amend	7-1-2010	411-020-0020	7-1-2010	Amend	8-1-2010
410-141-0220	7-1-2010	Amend	7-1-2010	411-020-0020(T)	7-1-2010	Repeal	8-1-2010
410-141-0261	1-1-2010	Amend	1-1-2010	411-020-0025	1-1-2010	Adopt(T)	2-1-2010
410-141-0263	1-1-2010	Amend	1-1-2010	411-020-0025	7-1-2010	Adopt	8-1-2010
410-141-0264	1-1-2010	Amend	1-1-2010	411-020-0025(T)	7-1-2010	Repeal	8-1-2010
410-141-0300	7-1-2010	Amend	7-1-2010	411-020-0030	1-1-2010	Amend(T)	2-1-2010
410-141-0405	1-1-2010	Amend	1-1-2010	411-020-0030	7-1-2010	Amend	8-1-2010
410-141-0405	7-1-2010	Amend	7-1-2010	411-020-0030(T)	7-1-2010	Repeal	8-1-2010
410-141-0407	7-1-2010	Amend	7-1-2010	411-020-0040	7-1-2010	Amend	8-1-2010
410-141-0420	1-1-2010	Amend	1-1-2010	411-020-0060	7-1-2010	Amend	8-1-2010
410-141-0420	7-1-2010	Amend	7-1-2010	411-020-0070	7-1-2010	Amend	8-1-2010
410-141-0480	6-3-2010	Amend(T)	7-1-2010	411-020-0080	7-1-2010	Amend	8-1-2010
410-141-0480	9-1-2010	Amend	10-1-2010	411-020-0085	1-1-2010	Adopt(T)	2-1-2010
410-141-0480(T)	9-1-2010	Repeal	10-1-2010	411-020-0085	7-1-2010	Adopt	8-1-2010

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411-020-0090	7-1-2010	Amend	8-1-2010	411-050-0420	1-1-2010	Amend(T)	2-1-2010
411-020-0100	1-1-2010	Amend(T)	2-1-2010	411-050-0420	7-1-2010	Amend	8-1-2010
411-020-0100	7-1-2010	Amend	8-1-2010	411-050-0420(T)	7-1-2010	Repeal	8-1-2010
411-020-0100(T)	7-1-2010	Repeal	8-1-2010	411-050-0430	7-1-2010	Amend	8-1-2010
411-020-0110	7-1-2010	Amend	8-1-2010	411-050-0435	7-1-2010	Amend	8-1-2010
411-020-0120	1-1-2010	Amend(T)	2-1-2010	411-050-0440	1-1-2010	Amend(T)	2-1-2010
411-020-0120	7-1-2010	Amend	8-1-2010	411-050-0440	7-1-2010	Amend	8-1-2010
411-020-0120(T)	7-1-2010	Repeal	8-1-2010	411-050-0440(T)	7-1-2010	Repeal	8-1-2010
411-020-0130	7-1-2010	Amend	8-1-2010	411-050-0443	7-1-2010	Amend	8-1-2010
411-021-0000	7-1-2010	Repeal	8-1-2010	411-050-0444	1-1-2010	Amend(T)	2-1-2010
411-021-0005	7-1-2010	Repeal	8-1-2010	411-050-0444	7-1-2010	Amend	8-1-2010
411-021-0010	7-1-2010	Repeal	8-1-2010	411-050-0444(T)	7-1-2010	Repeal	8-1-2010
411-021-0015	7-1-2010	Repeal	8-1-2010	411-050-0445	7-1-2010	Amend	8-1-2010
411-021-0020	7-1-2010	Repeal	8-1-2010	411-050-0447	7-1-2010	Amend	8-1-2010
411-021-0025	7-1-2010	Repeal	8-1-2010	411-050-0455	1-1-2010	Amend(T)	2-1-2010
411-026-0000	8-1-2010	Amend	9-1-2010	411-050-0455	7-1-2010	Amend	8-1-2010
411-026-0010	8-1-2010	Amend	9-1-2010	411-050-0455(T)	7-1-2010	Repeal	8-1-2010
411-026-0020	8-1-2010	Amend	9-1-2010	411-050-0460	1-1-2010	Amend(T)	2-1-2010
411-026-0030	8-1-2010	Amend	9-1-2010	411-050-0460	7-1-2010	Amend	8-1-2010
411-026-0040	8-1-2010	Repeal	9-1-2010	411-050-0460(T)	7-1-2010	Repeal	8-1-2010
411-026-0050	8-1-2010	Amend	9-1-2010	411-050-0465	7-1-2010	Amend	8-1-2010
411-026-0060	8-1-2010	Amend	9-1-2010	411-050-0480	1-1-2010	Amend(T)	2-1-2010
411-026-0070	8-1-2010	Amend	9-1-2010	411-050-0480	7-1-2010	Amend	8-1-2010
411-026-0080	8-1-2010	Amend	9-1-2010	411-050-0480(T)	7-1-2010	Repeal	8-1-2010
411-031-0020	5-30-2010	Amend	7-1-2010	411-050-0481	1-1-2010	Amend(T)	2-1-2010
411-031-0020	7-1-2010	Amend(T)	8-1-2010	411-050-0481	7-1-2010	Amend	8-1-2010
411-031-0030	5-30-2010	Amend	7-1-2010	411-050-0481(T)	7-1-2010	Repeal	8-1-2010
411-031-0040	12-1-2009	Amend(T)	1-1-2010	411-050-0487	1-1-2010	Amend(T)	2-1-2010
411-031-0040	5-30-2010	Amend	7-1-2010	411-050-0487	7-1-2010	Amend	8-1-2010
411-031-0040	7-1-2010	Amend(T)	8-1-2010	411-050-0487(T)	7-1-2010	Repeal	8-1-2010
411-031-0040(T)	5-30-2010	Repeal	7-1-2010	411-050-0490	7-1-2010	Amend	8-1-2010
411-031-0050	5-30-2010	Amend	7-1-2010	411-050-0491	7-1-2010	Amend	8-1-2010
411-032-0001	6-30-2010	Amend(T)	8-1-2010	411-054-0005	1-1-2010	Amend(T)	2-1-2010
411-032-0001	7-1-2010	Amend(T)	8-1-2010	411-054-0005	7-1-2010	Amend	8-1-2010
411-032-0001	7-30-2010	Amend(T)	9-1-2010	411-054-0013	7-1-2010	Amend	8-1-2010
411-032-0001(T)	7-1-2010	Suspend	8-1-2010	411-054-0016	1-1-2010	Amend(T)	2-1-2010
411-032-0001(T)	7-30-2010	Suspend	9-1-2010	411-054-0016	7-1-2010	Amend	8-1-2010
411-034-0000	6-30-2010	Amend(T)	8-1-2010	411-054-0016(T)	7-1-2010	Repeal	8-1-2010
411-034-0000	7-29-2010	Amend(T)	9-1-2010	411-054-0025	1-1-2010	Amend(T)	2-1-2010
411-034-0000(T)	7-29-2010	Suspend	9-1-2010	411-054-0025	3-11-2010	Amend(T)	4-1-2010
411-050-0400	1-1-2010	Amend(T)	2-1-2010	411-054-0025	7-1-2010	Amend	8-1-2010
411-050-0400	7-1-2010	Amend	8-1-2010	411-054-0025(T)	3-11-2010	Suspend	4-1-2010
411-050-0400(T)	7-1-2010	Repeal	8-1-2010	411-054-0025(T)	7-1-2010	Repeal	8-1-2010
411-050-0405	7-1-2010	Amend	8-1-2010	411-054-0065	1-1-2010	Amend(T)	2-1-2010
411-050-0408	7-1-2010	Amend	8-1-2010	411-054-0065	7-1-2010	Amend	8-1-2010
411-050-0410	1-1-2010	Amend(T)	2-1-2010	411-054-0065(T)	7-1-2010	Repeal	8-1-2010
411-050-0410	7-1-2010	Amend	8-1-2010	411-054-0105	1-1-2010	Amend(T)	2-1-2010
411-050-0410(T)	7-1-2010	Repeal	8-1-2010	411-054-0105	7-1-2010	Amend	8-1-2010
411-050-0412	1-1-2010	Amend(T)	2-1-2010	411-054-0105(T)	7-1-2010	Repeal	8-1-2010
411-050-0412	3-11-2010	Amend(T)	4-1-2010	411-054-0120	1-1-2010	Amend(T)	2-1-2010
411-050-0412	7-1-2010	Amend	8-1-2010	411-054-0120	7-1-2010	Amend	8-1-2010
411-050-0412(T)	3-11-2010	Suspend	4-1-2010	411-054-0120(T)	7-1-2010	Repeal	8-1-2010
411-050-0412(T)	7-1-2010	Repeal	8-1-2010	411-054-0133	1-1-2010	Adopt(T)	2-1-2010
411-050-0415	1-1-2010	Amend(T)	2-1-2010	411-054-0133	7-1-2010	Adopt	8-1-2010
411-050-0415	7-1-2010	Amend	8-1-2010	411-054-0133(T)	7-1-2010	Repeal	8-1-2010

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411-057-0010	11-1-2010	Repeal	10-1-2010	411-089-0140	1-1-2010	Amend(T)	2-1-2010
411-057-0020	11-1-2010	Repeal	10-1-2010	411-089-0140	7-1-2010	Amend	8-1-2010
411-057-0030	11-1-2010	Repeal	10-1-2010	411-089-0140(T)	7-1-2010	Repeal	8-1-2010
411-057-0040	11-1-2010	Repeal	10-1-2010	411-089-0150	1-1-2010	Suspend	2-1-2010
411-057-0045	11-1-2010	Repeal	10-1-2010	411-089-0150	7-1-2010	Repeal	8-1-2010
411-057-0050	11-1-2010	Repeal	10-1-2010	411-300-0110	1-1-2010	Amend(T)	2-1-2010
411-057-0060	11-1-2010	Repeal	10-1-2010	411-300-0110	7-1-2010	Amend	8-1-2010
411-057-0100	11-1-2010	Adopt	10-1-2010	411-300-0110(T)	7-1-2010	Repeal	8-1-2010
411-057-0110	11-1-2010	Adopt	10-1-2010	411-300-0155	1-1-2010	Amend(T)	2-1-2010
411-057-0120	11-1-2010	Adopt	10-1-2010	411-300-0155	3-18-2010	Amend(T)	5-1-2010
411-057-0130	11-1-2010	Adopt	10-1-2010	411-300-0155	7-1-2010	Amend	8-1-2010
411-057-0140	11-1-2010	Adopt	10-1-2010	411-300-0155(T)	3-18-2010	Suspend	5-1-2010
411-057-0150	11-1-2010	Adopt	10-1-2010	411-300-0155(T)	7-1-2010	Repeal	8-1-2010
411-057-0160	11-1-2010	Adopt	10-1-2010	411-300-0170	1-1-2010	Amend(T)	2-1-2010
411-057-0170	11-1-2010	Adopt	10-1-2010	411-300-0170	3-18-2010	Amend(T)	5-1-2010
411-057-0180	11-1-2010	Adopt	10-1-2010	411-300-0170	7-1-2010	Amend	8-1-2010
411-057-0190	11-1-2010	Adopt	10-1-2010	411-300-0170(T)	3-18-2010	Suspend	5-1-2010
411-070-0000	12-1-2009	Amend	1-1-2010	411-300-0170(T)	7-1-2010	Repeal	8-1-2010
411-070-0005	12-1-2009	Amend	1-1-2010	411-300-0200	1-1-2010	Amend(T)	2-1-2010
411-070-0005(T)	12-1-2009	Repeal	1-1-2010	411-300-0200	3-18-2010	Amend(T)	5-1-2010
411-070-0010	12-1-2009	Amend	1-1-2010	411-300-0200	7-1-2010	Amend	8-1-2010
411-070-0025	12-1-2009	Amend	1-1-2010	411-300-0200(T)	3-18-2010	Suspend	5-1-2010
411-070-0027	12-1-2009	Amend	1-1-2010	411-300-0200(T)	7-1-2010	Repeal	8-1-2010
411-070-0029	12-1-2009	Amend	1-1-2010	411-300-0220	1-1-2010	Amend(T)	2-1-2010
411-070-0033	12-1-2009	Amend	1-1-2010	411-300-0220	7-1-2010	Amend	8-1-2010
411-070-0035	12-1-2009	Amend	1-1-2010	411-300-0220(T)	7-1-2010	Repeal	8-1-2010
411-070-0040	12-1-2009	Amend	1-1-2010	411-305-0005	7-9-2010	Adopt(T)	8-1-2010
411-070-0043	12-1-2009	Amend	1-1-2010	411-305-0005(T)	7-29-2010	Suspend	9-1-2010
411-070-0080	12-1-2009	Amend	1-1-2010	411-305-0010	1-1-2010	Amend(T)	2-1-2010
411-070-0110	12-1-2009	Amend	1-1-2010	411-305-0010	7-1-2010	Amend	8-1-2010
411-070-0125	12-1-2009	Amend	1-1-2010	411-305-0010(T)	7-1-2010	Repeal	8-1-2010
411-070-0130	12-1-2009	Amend	1-1-2010	411-305-0020	1-1-2010	Amend(T)	2-1-2010
411-070-0300	12-1-2009	Amend	1-1-2010	411-305-0020	7-1-2010	Amend	8-1-2010
411-070-0350	12-1-2009	Amend	1-1-2010	411-305-0020(T)	7-1-2010	Repeal	8-1-2010
411-070-0359	12-1-2009	Amend	1-1-2010	411-305-0023	1-1-2010	Amend(T)	2-1-2010
411-070-0415	12-1-2009	Amend	1-1-2010	411-305-0023	7-1-2010	Amend	8-1-2010
411-070-0417	12-1-2009	Amend	1-1-2010	411-305-0023(T)	7-1-2010	Repeal	8-1-2010
411-070-0430	12-1-2009	Amend	1-1-2010	411-305-0050	7-1-2010	Amend	8-1-2010
411-070-0442	12-1-2009	Amend	1-1-2010	411-305-0090	7-1-2010	Amend	8-1-2010
411-070-0442(T)	12-1-2009	Repeal	1-1-2010	411-305-0110	1-1-2010	Amend(T)	2-1-2010
411-070-0452	12-1-2009	Amend	1-1-2010	411-305-0110	7-1-2010	Amend	8-1-2010
411-070-0470	12-1-2009	Amend	1-1-2010	411-305-0110(T)	7-1-2010	Repeal	8-1-2010
411-085-0005	1-1-2010	Amend(T)	2-1-2010	411-305-0115	1-1-2010	Amend(T)	2-1-2010
411-085-0005	7-1-2010	Amend	8-1-2010	411-305-0115	3-18-2010	Amend(T)	5-1-2010
411-085-0005(T)	7-1-2010	Repeal	8-1-2010	411-305-0115	7-1-2010	Amend	8-1-2010
411-085-0020	1-1-2010	Amend	2-1-2010	411-305-0115(T)	3-18-2010	Suspend	5-1-2010
411-085-0020	1-1-2010	Amend(T)	2-1-2010	411-305-0115(T)	7-1-2010	Repeal	8-1-2010
411-085-0020	7-1-2010	Amend	8-1-2010	411-305-0140	1-1-2010	Amend(T)	2-1-2010
411-085-0020(T)	7-1-2010	Repeal	8-1-2010	411-305-0140	3-18-2010	Amend(T)	5-1-2010
411-089-0030	1-1-2010	Amend(T)	2-1-2010	411-305-0140	7-1-2010	Amend	8-1-2010
411-089-0030	7-1-2010	Amend	8-1-2010	411-305-0140(T)	3-18-2010	Suspend	5-1-2010
411-089-0030(T)	7-1-2010	Repeal	8-1-2010	411-305-0140(T)	7-1-2010	Repeal	8-1-2010
411-089-0070	7-1-2010	Adopt	8-1-2010	411-308-0010	12-28-2009	Adopt	2-1-2010
411-089-0075	1-1-2010	Adopt(T)	2-1-2010	411-308-0010(T)	12-28-2009	Repeal	2-1-2010
411-089-0075	7-1-2010	Adopt	8-1-2010	411-308-0020	12-28-2009	Adopt	2-1-2010

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411-308-0020	1-1-2010	Amend(T)	2-1-2010	411-320-0030(T)	3-18-2010	Suspend	5-1-2010
411-308-0020	7-1-2010	Amend	8-1-2010	411-320-0030(T)	7-1-2010	Repeal	8-1-2010
411-308-0020(T)	12-28-2009	Repeal	2-1-2010	411-320-0080	7-4-2010	Amend(T)	8-1-2010
411-308-0020(T)	7-1-2010	Repeal	8-1-2010	411-320-0140	1-1-2010	Amend(T)	2-1-2010
411-308-0030	12-28-2009	Adopt	2-1-2010	411-320-0140	7-1-2010	Amend	8-1-2010
411-308-0030	1-1-2010	Amend(T)	2-1-2010	411-320-0140(T)	7-1-2010	Repeal	8-1-2010
411-308-0030	7-1-2010	Amend	8-1-2010	411-320-0175	7-4-2010	Amend(T)	8-1-2010
411-308-0030(T)	12-28-2009	Repeal	2-1-2010	411-325-0020	1-1-2010	Amend(T)	2-1-2010
411-308-0030(T)	7-1-2010	Repeal	8-1-2010	411-325-0020	7-1-2010	Amend	8-1-2010
411-308-0040	12-28-2009	Adopt	2-1-2010	411-325-0020(T)	7-1-2010	Repeal	8-1-2010
411-308-0040(T)	12-28-2009	Repeal	2-1-2010	411-325-0100	1-1-2010	Amend(T)	2-1-2010
411-308-0050	12-28-2009	Adopt	2-1-2010	411-325-0100	7-1-2010	Amend	8-1-2010
411-308-0050(T)	12-28-2009	Repeal	2-1-2010	411-325-0100(T)	7-1-2010	Repeal	8-1-2010
411-308-0060	12-28-2009	Adopt	2-1-2010	411-325-0160	1-1-2010	Amend(T)	2-1-2010
411-308-0060(T)	12-28-2009	Repeal	2-1-2010	411-325-0160	3-18-2010	Amend(T)	5-1-2010
411-308-0070	12-28-2009	Adopt	2-1-2010	411-325-0160	7-1-2010	Amend	8-1-2010
411-308-0070(T)	12-28-2009	Repeal	2-1-2010	411-325-0160(T)	3-18-2010	Suspend	5-1-2010
411-308-0080	12-28-2009	Adopt	2-1-2010	411-325-0160(T)	7-1-2010	Repeal	8-1-2010
411-308-0080(T)	12-28-2009	Repeal	2-1-2010	411-325-0190	1-1-2010	Amend(T)	2-1-2010
411-308-0090	12-28-2009	Adopt	2-1-2010	411-325-0190	7-1-2010	Amend	8-1-2010
411-308-0090	1-1-2010	Amend(T)	2-1-2010	411-325-0190(T)	7-1-2010	Repeal	8-1-2010
411-308-0090	7-1-2010	Amend	8-1-2010	411-328-0560	1-1-2010	Amend(T)	2-1-2010
411-308-0090(T)	12-28-2009	Repeal	2-1-2010	411-328-0560	7-1-2010	Amend	8-1-2010
411-308-0090(T)	7-1-2010	Repeal	8-1-2010	411-328-0560(T)	7-1-2010	Repeal	8-1-2010
411-308-0100	12-28-2009	Adopt	2-1-2010	411-328-0610	1-1-2010	Amend(T)	2-1-2010
411-308-0100	1-1-2010	Amend(T)	2-1-2010	411-328-0610	7-1-2010	Amend	8-1-2010
411-308-0100	7-1-2010	Amend	8-1-2010	411-328-0610(T)	7-1-2010	Repeal	8-1-2010
411-308-0100(T)	12-28-2009	Repeal	2-1-2010	411-328-0670	1-1-2010	Amend(T)	2-1-2010
411-308-0100(T)	7-1-2010	Repeal	8-1-2010	411-328-0670	3-18-2010	Amend(T)	5-1-2010
411-308-0110	12-28-2009	Adopt	2-1-2010	411-328-0670	7-1-2010	Amend	8-1-2010
411-308-0110	1-1-2010	Amend(T)	2-1-2010	411-328-0670(T)	3-18-2010	Suspend	5-1-2010
411-308-0110	3-18-2010	Amend(T)	5-1-2010	411-328-0670(T)	7-1-2010	Repeal	8-1-2010
411-308-0110	7-1-2010	Amend	8-1-2010	411-330-0010	1-1-2010	Amend(T)	2-1-2010
411-308-0110(T)	12-28-2009	Repeal	2-1-2010	411-330-0010	7-1-2010	Amend	8-1-2010
411-308-0110(T)	3-18-2010	Suspend	5-1-2010	411-330-0010(T)	7-1-2010	Repeal	8-1-2010
411-308-0110(T)	7-1-2010	Repeal	8-1-2010	411-330-0020	1-1-2010	Amend(T)	2-1-2010
411-308-0120	12-28-2009	Adopt	2-1-2010	411-330-0020	7-1-2010	Amend	8-1-2010
411-308-0120(T)	12-28-2009	Repeal	2-1-2010	411-330-0020(T)	7-1-2010	Repeal	8-1-2010
411-308-0130	12-28-2009	Adopt	2-1-2010	411-330-0060	1-1-2010	Amend(T)	2-1-2010
411-308-0130	1-1-2010	Amend(T)	2-1-2010	411-330-0060	3-18-2010	Amend(T)	5-1-2010
411-308-0130	3-18-2010	Amend(T)	5-1-2010	411-330-0060	7-1-2010	Amend	8-1-2010
411-308-0130	7-1-2010	Amend	8-1-2010	411-330-0060(T)	3-18-2010	Suspend	5-1-2010
411-308-0130(T)	12-28-2009	Repeal	2-1-2010	411-330-0060(T)	7-1-2010	Repeal	8-1-2010
411-308-0130(T)	3-18-2010	Suspend	5-1-2010	411-330-0070	1-1-2010	Amend(T)	2-1-2010
411-308-0130(T)	7-1-2010	Repeal	8-1-2010	411-330-0070	3-18-2010	Amend(T)	5-1-2010
411-308-0140	12-28-2009	Adopt	2-1-2010	411-330-0070	7-1-2010	Amend	8-1-2010
411-308-0140(T)	12-28-2009	Repeal	2-1-2010	411-330-0070(T)	3-18-2010	Suspend	5-1-2010
411-308-0150	12-28-2009	Adopt	2-1-2010	411-330-0070(T)	7-1-2010	Repeal	8-1-2010
411-308-0150(T)	12-28-2009	Repeal	2-1-2010	411-330-0100	1-1-2010	Amend(T)	2-1-2010
411-320-0020	1-1-2010	Amend(T)	2-1-2010	411-330-0100	7-1-2010	Amend	8-1-2010
411-320-0020	7-1-2010	Amend	8-1-2010	411-330-0100(T)	7-1-2010	Repeal	8-1-2010
411-320-0020	7-4-2010	Amend(T)	8-1-2010	411-330-0120	1-1-2010	Amend(T)	2-1-2010
411-320-0020(T)	7-1-2010	Repeal	8-1-2010	411-330-0120	7-1-2010	Amend	8-1-2010
411-320-0030	1-1-2010	Amend(T)	2-1-2010	411-330-0120(T)	7-1-2010	Repeal	8-1-2010
411-320-0030	3-18-2010	Amend(T)	5-1-2010	411-330-0140	1-1-2010	Amend(T)	2-1-2010
411-320-0030	7-1-2010	Amend	8-1-2010	411-330-0140	7-1-2010	Amend	8-1-2010

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411-330-0140(T)	7-1-2010	Repeal	8-1-2010	411-345-0100(T)	7-1-2010	Repeal	8-1-2010
411-330-0160	1-1-2010	Amend(T)	2-1-2010	411-345-0210	1-1-2010	Amend(T)	2-1-2010
411-330-0160	7-1-2010	Amend	8-1-2010	411-345-0210	3-18-2010	Amend(T)	5-1-2010
411-330-0160(T)	7-1-2010	Repeal	8-1-2010	411-345-0210	7-1-2010	Amend	8-1-2010
411-335-0020	1-1-2010	Amend(T)	2-1-2010	411-345-0210(T)	3-18-2010	Suspend	5-1-2010
411-335-0020	7-1-2010	Amend	8-1-2010	411-345-0210(T)	7-1-2010	Repeal	8-1-2010
411-335-0020(T)	7-1-2010	Repeal	8-1-2010	411-345-0230	1-1-2010	Amend(T)	2-1-2010
411-335-0030	1-1-2010	Amend(T)	2-1-2010	411-345-0230	7-1-2010	Amend	8-1-2010
411-335-0030	3-18-2010	Amend(T)	5-1-2010	411-345-0230(T)	7-1-2010	Repeal	8-1-2010
411-335-0030	7-1-2010	Amend	8-1-2010	411-345-0290	1-1-2010	Amend(T)	2-1-2010
411-335-0030(T)	3-18-2010	Suspend	5-1-2010	411-345-0290	7-1-2010	Amend	8-1-2010
411-335-0030(T)	7-1-2010	Repeal	8-1-2010	411-345-0290(T)	7-1-2010	Repeal	8-1-2010
411-335-0100	1-1-2010	Amend(T)	2-1-2010	411-346-0100	7-1-2010	Amend	8-1-2010
411-335-0100	7-1-2010	Amend	8-1-2010	411-346-0110	1-1-2010	Amend(T)	2-1-2010
411-335-0100(T)	7-1-2010	Repeal	8-1-2010	411-346-0110	7-1-2010	Amend	8-1-2010
411-340-0020	1-1-2010	Amend(T)	2-1-2010	411-346-0110(T)	7-1-2010	Repeal	8-1-2010
411-340-0020	7-1-2010	Amend	8-1-2010	411-346-0120	7-1-2010	Amend	8-1-2010
411-340-0020(T)	7-1-2010	Repeal	8-1-2010	411-346-0130	7-1-2010	Amend	8-1-2010
411-340-0030	1-1-2010	Amend(T)	2-1-2010	411-346-0140	7-1-2010	Amend	8-1-2010
411-340-0030	7-1-2010	Amend	8-1-2010	411-346-0150	1-1-2010	Amend(T)	2-1-2010
411-340-0030(T)	7-1-2010	Repeal	8-1-2010	411-346-0150	3-18-2010	Amend(T)	5-1-2010
411-340-0040	1-1-2010	Amend(T)	2-1-2010	411-346-0150	7-1-2010	Amend	8-1-2010
411-340-0040	7-1-2010	Amend	8-1-2010	411-346-0150(T)	3-18-2010	Suspend	5-1-2010
411-340-0040(T)	7-1-2010	Repeal	8-1-2010	411-346-0150(T)	7-1-2010	Repeal	8-1-2010
411-340-0050	1-1-2010	Amend(T)	2-1-2010	411-346-0160	7-1-2010	Amend	8-1-2010
411-340-0050	7-1-2010	Amend	8-1-2010	411-346-0165	7-1-2010	Amend	8-1-2010
411-340-0050(T)	7-1-2010	Repeal	8-1-2010	411-346-0170	7-1-2010	Amend	8-1-2010
411-340-0070	1-1-2010	Amend(T)	2-1-2010	411-346-0180	1-1-2010	Amend(T)	2-1-2010
411-340-0070	3-18-2010	Amend(T)	5-1-2010	411-346-0180	7-1-2010	Amend	8-1-2010
411-340-0070	7-1-2010	Amend	8-1-2010	411-346-0180(T)	7-1-2010	Repeal	8-1-2010
411-340-0070(T)	3-18-2010	Suspend	5-1-2010	411-346-0190	7-1-2010	Amend	8-1-2010
411-340-0070(T)	7-1-2010	Repeal	8-1-2010	411-346-0200	7-1-2010	Amend	8-1-2010
411-340-0080	1-1-2010	Amend(T)	2-1-2010	411-346-0210	7-1-2010	Amend	8-1-2010
411-340-0080	7-1-2010	Amend	8-1-2010	411-346-0220	1-1-2010	Amend(T)	2-1-2010
411-340-0080(T)	7-1-2010	Repeal	8-1-2010	411-346-0220	3-18-2010	Amend(T)	5-1-2010
411-340-0130	1-1-2010	Amend(T)	2-1-2010	411-346-0220	7-1-2010	Amend	8-1-2010
411-340-0130	7-1-2010	Amend	8-1-2010	411-346-0220(T)	3-18-2010	Suspend	5-1-2010
411-340-0130(T)	7-1-2010	Repeal	8-1-2010	411-346-0220(T)	7-1-2010	Repeal	8-1-2010
411-340-0140	1-1-2010	Amend(T)	2-1-2010	411-346-0230	7-1-2010	Amend	8-1-2010
411-340-0140	3-18-2010	Amend(T)	5-1-2010	411-350-0020	1-1-2010	Amend(T)	2-1-2010
411-340-0140	7-1-2010	Amend	8-1-2010	411-350-0020	7-1-2010	Amend	8-1-2010
411-340-0140(T)	3-18-2010	Suspend	5-1-2010	411-350-0020(T)	7-1-2010	Repeal	8-1-2010
411-340-0140(T)	7-1-2010	Repeal	8-1-2010	411-350-0050	1-1-2010	Amend(T)	2-1-2010
411-340-0160	1-1-2010	Amend(T)	2-1-2010	411-350-0050	7-1-2010	Amend	8-1-2010
411-340-0160	3-18-2010	Amend(T)	5-1-2010	411-350-0050(T)	7-1-2010	Repeal	8-1-2010
411-340-0160	7-1-2010	Amend	8-1-2010	411-350-0080	1-1-2010	Amend(T)	2-1-2010
411-340-0160(T)	3-18-2010	Suspend	5-1-2010	411-350-0080	3-18-2010	Amend(T)	5-1-2010
411-340-0160(T)	7-1-2010	Repeal	8-1-2010	411-350-0080	7-1-2010	Amend	8-1-2010
411-345-0020	1-1-2010	Amend(T)	2-1-2010	411-350-0080(T)	3-18-2010	Suspend	5-1-2010
411-345-0020	7-1-2010	Amend	8-1-2010	411-350-0080(T)	7-1-2010	Repeal	8-1-2010
411-345-0020(T)	7-1-2010	Repeal	8-1-2010	411-350-0110	1-1-2010	Amend(T)	2-1-2010
411-345-0080	1-1-2010	Amend(T)	2-1-2010	411-350-0110	3-18-2010	Amend(T)	5-1-2010
411-345-0080	7-1-2010	Amend	8-1-2010	411-350-0110	7-1-2010	Amend	8-1-2010
411-345-0080(T)	7-1-2010	Repeal	8-1-2010	411-350-0110(T)	3-18-2010	Suspend	5-1-2010
411-345-0100	1-1-2010	Amend(T)	2-1-2010	411-350-0110(T)	7-1-2010	Repeal	8-1-2010
411-345-0100	7-1-2010	Amend	8-1-2010	411-350-0120	1-1-2010	Amend(T)	2-1-2010

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411-350-0120	7-1-2010	Amend	8-1-2010	411-360-0160	7-1-2010	Amend	8-1-2010
411-350-0120(T)	7-1-2010	Repeal	8-1-2010	411-360-0170	7-1-2010	Amend	8-1-2010
411-355-0010	1-1-2010	Amend(T)	2-1-2010	411-360-0180	7-1-2010	Amend	8-1-2010
411-355-0010	7-1-2010	Amend	8-1-2010	411-360-0190	7-1-2010	Amend	8-1-2010
411-355-0010(T)	7-1-2010	Repeal	8-1-2010	411-360-0200	7-1-2010	Amend	8-1-2010
411-355-0040	1-1-2010	Amend(T)	2-1-2010	411-360-0210	1-1-2010	Amend(T)	2-1-2010
411-355-0040	7-1-2010	Amend	8-1-2010	411-360-0210	7-1-2010	Amend	8-1-2010
411-355-0040(T)	7-1-2010	Repeal	8-1-2010	411-360-0210(T)	7-1-2010	Repeal	8-1-2010
411-355-0050	1-1-2010	Amend(T)	2-1-2010	411-360-0220	7-1-2010	Amend	8-1-2010
411-355-0050	3-18-2010	Amend(T)	5-1-2010	411-360-0230	7-1-2010	Amend	8-1-2010
411-355-0050	7-1-2010	Amend	8-1-2010	411-360-0240	7-1-2010	Amend	8-1-2010
411-355-0050(T)	3-18-2010	Suspend	5-1-2010	411-360-0250	7-1-2010	Amend	8-1-2010
411-355-0050(T)	7-1-2010	Repeal	8-1-2010	411-360-0260	7-1-2010	Amend	8-1-2010
411-355-0060	1-1-2010	Amend(T)	2-1-2010	411-360-0270	1-1-2010	Amend(T)	2-1-2010
411-355-0060	7-1-2010	Amend	8-1-2010	411-360-0270	3-18-2010	Amend(T)	5-1-2010
411-355-0060(T)	7-1-2010	Repeal	8-1-2010	411-360-0270	7-1-2010	Amend	8-1-2010
411-355-0090	1-1-2010	Amend(T)	2-1-2010	411-360-0270(T)	3-18-2010	Suspend	5-1-2010
411-355-0090	3-18-2010	Amend(T)	5-1-2010	411-360-0270(T)	7-1-2010	Repeal	8-1-2010
411-355-0090	7-1-2010	Amend	8-1-2010	411-360-0275	7-1-2010	Amend	8-1-2010
411-355-0090(T)	3-18-2010	Suspend	5-1-2010	411-360-0280	7-1-2010	Amend	8-1-2010
411-355-0090(T)	7-1-2010	Repeal	8-1-2010	411-360-0290	7-1-2010	Amend	8-1-2010
411-355-0120	1-1-2010	Amend(T)	2-1-2010	411-360-0300	7-1-2010	Amend	8-1-2010
411-355-0120	7-1-2010	Amend	8-1-2010	411-360-0310	7-1-2010	Amend	8-1-2010
411-355-0120(T)	7-1-2010	Repeal	8-1-2010	411-540-0005(T)	7-1-2010	Repeal	8-1-2010
411-360-0010	7-1-2010	Amend	8-1-2010	413-010-0055	7-19-2010	Amend(T)	9-1-2010
411-360-0020	1-1-2010	Amend(T)	2-1-2010	413-010-0081	7-1-2010	Amend(T)	8-1-2010
411-360-0020	7-1-2010	Amend	8-1-2010	413-010-0082	7-1-2010	Amend(T)	8-1-2010
411-360-0020(T)	7-1-2010	Repeal	8-1-2010	413-010-0083	7-1-2010	Amend(T)	8-1-2010
411-360-0030	7-1-2010	Amend	8-1-2010	413-010-0084	7-1-2010	Suspend	8-1-2010
411-360-0040	1-1-2010	Amend(T)	2-1-2010	413-010-0085	7-1-2010	Amend(T)	8-1-2010
411-360-0040	3-18-2010	Amend(T)	5-1-2010	413-010-0086	7-1-2010	Amend(T)	8-1-2010
411-360-0040	7-1-2010	Amend	8-1-2010	413-010-0300	7-1-2010	Amend	8-1-2010
411-360-0040(T)	3-18-2010	Suspend	5-1-2010	413-010-0310	7-1-2010	Amend	8-1-2010
411-360-0040(T)	7-1-2010	Repeal	8-1-2010	413-010-0320	7-1-2010	Amend	8-1-2010
411-360-0050	1-1-2010	Amend(T)	2-1-2010	413-010-0330	7-1-2010	Amend	8-1-2010
411-360-0050	7-1-2010	Amend	8-1-2010	413-010-0340	7-1-2010	Amend	8-1-2010
411-360-0050(T)	7-1-2010	Repeal	8-1-2010	413-010-0500	12-29-2009	Amend	2-1-2010
411-360-0060	7-1-2010	Amend	8-1-2010	413-010-0505	12-29-2009	Adopt	2-1-2010
411-360-0070	7-1-2010	Amend	8-1-2010	413-010-0510	12-29-2009	Adopt	2-1-2010
411-360-0070	8-27-2010	Amend(T)	10-1-2010	413-010-0515	12-29-2009	Adopt	2-1-2010
411-360-0080	7-1-2010	Amend	8-1-2010	413-010-0520	12-29-2009	Adopt	2-1-2010
411-360-0090	1-1-2010	Amend(T)	2-1-2010	413-010-0525	12-29-2009	Adopt	2-1-2010
411-360-0090	3-18-2010	Amend(T)	5-1-2010	413-010-0530	12-29-2009	Adopt	2-1-2010
411-360-0090	7-1-2010	Amend	8-1-2010	413-010-0535	12-29-2009	Adopt	2-1-2010
411-360-0090(T)	3-18-2010	Suspend	5-1-2010	413-015-0115	6-15-2010	Amend(T)	7-1-2010
411-360-0090(T)	7-1-2010	Repeal	8-1-2010	413-015-0415	1-1-2010	Amend(T)	2-1-2010
411-360-0100	7-1-2010	Amend	8-1-2010	413-015-0415	4-2-2010	Amend	5-1-2010
411-360-0110	1-1-2010	Amend(T)	2-1-2010	413-015-0415(T)	4-2-2010	Repeal	5-1-2010
411-360-0110	3-18-2010	Amend(T)	5-1-2010	413-015-0420	2-12-2010	Amend(T)	3-1-2010
411-360-0110	7-1-2010	Amend	8-1-2010	413-015-0420	4-2-2010	Amend	5-1-2010
411-360-0110(T)	3-18-2010	Suspend	5-1-2010	413-015-0420(T)	4-2-2010	Repeal	5-1-2010
411-360-0110(T)	7-1-2010	Repeal	8-1-2010	413-015-1105	6-15-2010	Amend(T)	7-1-2010
411-360-0120	7-1-2010	Amend	8-1-2010	413-015-1110	6-15-2010	Amend(T)	7-1-2010
411-360-0130	7-1-2010	Amend	8-1-2010	413-015-1120	6-15-2010	Amend(T)	7-1-2010
411-360-0140	7-1-2010	Amend	8-1-2010	413-015-1200	7-1-2010	Adopt	8-1-2010
411-360-0150	7-1-2010	Amend	8-1-2010	413-015-1210	7-1-2010	Adopt	8-1-2010

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413-015-1230	7-1-2010	Adopt	8-1-2010	413-070-0900	12-16-2009	Amend(T)	2-1-2010
413-020-0200	12-29-2009	Amend	2-1-2010	413-070-0900	6-15-2010	Amend	7-1-2010
413-020-0210	12-29-2009	Amend	2-1-2010	413-070-0905	12-16-2009	Amend(T)	2-1-2010
413-020-0230	12-29-2009	Amend	2-1-2010	413-070-0905	2-1-2010	Amend(T)	3-1-2010
413-020-0233	12-29-2009	Amend	2-1-2010	413-070-0905	6-15-2010	Amend	7-1-2010
413-020-0236	12-29-2009	Amend	2-1-2010	413-070-0905(T)	2-1-2010	Suspend	3-1-2010
413-020-0240	12-29-2009	Amend	2-1-2010	413-070-0909	12-16-2009	Amend(T)	2-1-2010
413-020-0245	12-29-2009	Amend	2-1-2010	413-070-0909	6-15-2010	Amend	7-1-2010
413-020-0255	12-29-2009	Amend	2-1-2010	413-070-0915	12-16-2009	Amend(T)	2-1-2010
413-040-0000	12-29-2009	Amend	2-1-2010	413-070-0915	6-15-2010	Repeal	7-1-2010
413-040-0005	12-29-2009	Amend	2-1-2010	413-070-0917	12-16-2009	Amend(T)	2-1-2010
413-040-0006	12-29-2009	Amend	2-1-2010	413-070-0917	6-15-2010	Amend	7-1-2010
413-040-0008	12-29-2009	Amend	2-1-2010	413-070-0919	12-16-2009	Adopt(T)	2-1-2010
413-040-0009	12-29-2009	Amend	2-1-2010	413-070-0919	6-15-2010	Adopt	7-1-2010
413-040-0010	12-29-2009	Amend	2-1-2010	413-070-0920	12-16-2009	Am. & Ren.(T)	2-1-2010
413-040-0011	12-29-2009	Amend	2-1-2010	413-070-0920	6-15-2010	Am. & Ren.	7-1-2010
413-040-0013	12-29-2009	Amend	2-1-2010	413-070-0925	12-16-2009	Amend(T)	2-1-2010
413-040-0016	12-29-2009	Amend	2-1-2010	413-070-0925	2-1-2010	Amend(T)	3-1-2010
413-040-0017	12-29-2009	Amend	2-1-2010	413-070-0925	6-15-2010	Amend	7-1-2010
413-040-0024	12-29-2009	Amend	2-1-2010	413-070-0925(T)	2-1-2010	Suspend	3-1-2010
413-040-0032	12-29-2009	Amend	2-1-2010	413-070-0930	12-16-2009	Am. & Ren.(T)	2-1-2010
413-040-0240	3-15-2010	Amend(T)	4-1-2010	413-070-0930	6-15-2010	Am. & Ren.	7-1-2010
413-040-0240	9-2-2010	Amend	10-1-2010	413-070-0935	12-16-2009	Am. & Ren.(T)	2-1-2010
413-040-0240(T)	9-2-2010	Repeal	10-1-2010	413-070-0935	6-15-2010	Am. & Ren.	7-1-2010
413-070-0060	7-1-2010	Amend	8-1-2010	413-070-0937	12-16-2009	Am. & Ren.(T)	2-1-2010
413-070-0063	7-1-2010	Amend	8-1-2010	413-070-0937	6-15-2010	Am. & Ren.	7-1-2010
413-070-0066	7-1-2010	Amend	8-1-2010	413-070-0939	2-1-2010	Amend(T)	3-1-2010
413-070-0067	7-1-2010	Suspend	8-1-2010	413-070-0939(T)	2-1-2010	Suspend	3-1-2010
413-070-0069	7-1-2010	Amend	8-1-2010	413-070-0940	12-16-2009	Am. & Ren.(T)	2-1-2010
413-070-0072	7-1-2010	Amend	8-1-2010	413-070-0940	6-15-2010	Am. & Ren.	7-1-2010
413-070-0075	7-1-2010	Amend	8-1-2010	413-070-0945	12-16-2009	Am. & Ren.(T)	2-1-2010
413-070-0078	7-1-2010	Amend	8-1-2010	413-070-0945	6-15-2010	Am. & Ren.	7-1-2010
413-070-0081	7-1-2010	Amend	8-1-2010	413-070-0949	2-1-2010	Amend(T)	3-1-2010
413-070-0087	7-1-2010	Amend	8-1-2010	413-070-0949(T)	2-1-2010	Suspend	3-1-2010
413-070-0090	7-1-2010	Repeal	8-1-2010	413-070-0955	12-16-2009	Am. & Ren.(T)	2-1-2010
413-070-0092	7-1-2010	Repeal	8-1-2010	413-070-0955	6-15-2010	Am. & Ren.	7-1-2010
413-070-0093	7-1-2010	Repeal	8-1-2010	413-070-0960	12-16-2009	Am. & Ren.(T)	2-1-2010
413-070-0400	6-30-2010	Amend	8-1-2010	413-070-0960	6-15-2010	Am. & Ren.	7-1-2010
413-070-0410	6-30-2010	Amend	8-1-2010	413-070-0964	2-1-2010	Amend(T)	3-1-2010
413-070-0430	6-30-2010	Amend	8-1-2010	413-070-0964(T)	2-1-2010	Suspend	3-1-2010
413-070-0440	6-30-2010	Repeal	8-1-2010	413-070-0965	12-16-2009	Am. & Ren.(T)	2-1-2010
413-070-0450	6-30-2010	Amend	8-1-2010	413-070-0965	6-15-2010	Am. & Ren.	7-1-2010
413-070-0470	6-30-2010	Amend	8-1-2010	413-070-0969	12-16-2009	Adopt(T)	2-1-2010
413-070-0480	6-30-2010	Amend	8-1-2010	413-070-0969	6-15-2010	Adopt	7-1-2010
413-070-0490	6-30-2010	Amend	8-1-2010	413-070-0970	12-16-2009	Amend(T)	2-1-2010
413-070-0520	7-1-2010	Amend(T)	8-1-2010	413-070-0970	6-15-2010	Amend	7-1-2010
413-070-0524	7-1-2010	Amend(T)	8-1-2010	413-070-0974	2-1-2010	Amend(T)	3-1-2010
413-070-0536	7-1-2010	Amend(T)	8-1-2010	413-070-0974(T)	2-1-2010	Suspend	3-1-2010
413-070-0540	7-1-2010	Amend(T)	8-1-2010	413-070-0979	6-15-2010	Adopt	7-1-2010
413-070-0550	7-1-2010	Amend(T)	8-1-2010	413-080-0000	12-29-2009	Repeal	2-1-2010
413-070-0600	12-29-2009	Amend	2-1-2010	413-080-0010	12-29-2009	Repeal	2-1-2010
413-070-0620	12-29-2009	Amend	2-1-2010	413-080-0020	12-29-2009	Repeal	2-1-2010
413-070-0625	12-29-2009	Amend	2-1-2010	413-080-0030	12-29-2009	Repeal	2-1-2010
413-070-0630	12-29-2009	Amend	2-1-2010	413-080-0040	12-29-2009	Amend	2-1-2010
413-070-0640	12-29-2009	Amend	2-1-2010	413-080-0050	12-29-2009	Amend	2-1-2010

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413-080-0055	12-29-2009	Amend	2-1-2010	413-110-0120	7-1-2010	Suspend	8-1-2010
413-080-0059	12-29-2009	Amend	2-1-2010	413-110-0130	7-1-2010	Amend(T)	8-1-2010
413-080-0063	12-29-2009	Amend	2-1-2010	413-110-0132	7-1-2010	Adopt(T)	8-1-2010
413-080-0067	12-29-2009	Amend	2-1-2010	413-110-0140	7-1-2010	Amend(T)	8-1-2010
413-090-0000	12-29-2009	Amend	2-1-2010	413-110-0150	7-1-2010	Adopt(T)	8-1-2010
413-090-0005	12-29-2009	Amend	2-1-2010	413-120-0000	7-1-2010	Amend(T)	8-1-2010
413-090-0010	12-29-2009	Amend	2-1-2010	413-120-0010	7-1-2010	Amend(T)	8-1-2010
413-090-0021	12-29-2009	Adopt	2-1-2010	413-120-0015	7-1-2010	Suspend	8-1-2010
413-090-0030	12-29-2009	Amend	2-1-2010	413-120-0020	7-1-2010	Amend(T)	8-1-2010
413-090-0040	12-29-2009	Amend	2-1-2010	413-120-0030	7-1-2010	Suspend	8-1-2010
413-090-0050	12-29-2009	Amend	2-1-2010	413-120-0033	7-1-2010	Amend(T)	8-1-2010
413-090-0100	12-29-2009	Amend	2-1-2010	413-120-0035	7-1-2010	Amend(T)	8-1-2010
413-090-0110	12-29-2009	Amend	2-1-2010	413-120-0040	7-1-2010	Amend(T)	8-1-2010
413-090-0120	12-29-2009	Amend	2-1-2010	413-120-0045	7-1-2010	Am. & Ren.(T)	8-1-2010
413-090-0130	12-29-2009	Amend	2-1-2010	413-120-0050	7-1-2010	Adopt(T)	8-1-2010
413-090-0133	12-29-2009	Adopt	2-1-2010	413-120-0053	7-1-2010	Adopt(T)	8-1-2010
413-090-0135	12-29-2009	Adopt	2-1-2010	413-120-0057	7-1-2010	Adopt(T)	8-1-2010
413-090-0136	12-29-2009	Adopt	2-1-2010	413-120-0060	7-1-2010	Amend(T)	8-1-2010
413-090-0140	12-29-2009	Amend	2-1-2010	413-120-0075	7-1-2010	Am. & Ren.(T)	8-1-2010
413-090-0150	12-29-2009	Amend	2-1-2010	413-120-0080	7-1-2010	Suspend	8-1-2010
413-090-0160	12-29-2009	Repeal	2-1-2010	413-120-0190	7-1-2010	Amend(T)	8-1-2010
413-090-0170	12-29-2009	Repeal	2-1-2010	413-120-0195	7-1-2010	Amend(T)	8-1-2010
413-090-0180	12-29-2009	Repeal	2-1-2010	413-120-0200	7-1-2010	Suspend	8-1-2010
413-090-0190	12-29-2009	Repeal	2-1-2010	413-120-0210	7-1-2010	Suspend	8-1-2010
413-090-0200	12-29-2009	Repeal	2-1-2010	413-120-0220	7-1-2010	Amend(T)	8-1-2010
413-090-0210	12-29-2009	Amend	2-1-2010	413-120-0225	7-1-2010	Adopt(T)	8-1-2010
413-100-0000	6-15-2010	Amend	7-1-2010	413-120-0230	7-1-2010	Suspend	8-1-2010
413-100-0010	6-15-2010	Amend	7-1-2010	413-120-0240	7-1-2010	Amend(T)	8-1-2010
413-100-0020	12-16-2009	Amend(T)	2-1-2010	413-120-0243	7-1-2010	Adopt(T)	8-1-2010
413-100-0020	6-15-2010	Amend	7-1-2010	413-120-0246	7-1-2010	Adopt(T)	8-1-2010
413-100-0030	6-15-2010	Amend	7-1-2010	413-120-0250	7-1-2010	Suspend	8-1-2010
413-100-0060	6-15-2010	Amend	7-1-2010	413-120-0255	7-1-2010	Suspend	8-1-2010
413-100-0070	6-15-2010	Amend	7-1-2010	413-120-0260	7-1-2010	Suspend	8-1-2010
413-100-0080	6-15-2010	Amend	7-1-2010	413-120-0265	7-1-2010	Suspend	8-1-2010
413-100-0090	6-15-2010	Amend	7-1-2010	413-120-0270	7-1-2010	Suspend	8-1-2010
413-100-0110	6-15-2010	Amend	7-1-2010	413-120-0275	7-1-2010	Suspend	8-1-2010
413-100-0120	6-15-2010	Amend	7-1-2010	413-120-0280	7-1-2010	Suspend	8-1-2010
413-100-0130	6-15-2010	Amend	7-1-2010	413-120-0285	7-1-2010	Suspend	8-1-2010
413-100-0135	6-15-2010	Amend	7-1-2010	413-120-0290	7-1-2010	Suspend	8-1-2010
413-100-0150	6-15-2010	Amend	7-1-2010	413-120-0300	7-1-2010	Suspend	8-1-2010
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413-100-0180	6-15-2010	Amend	7-1-2010	413-120-0510	7-1-2010	Amend(T)	8-1-2010
413-100-0190	6-15-2010	Amend	7-1-2010	413-120-0520	7-1-2010	Suspend	8-1-2010
413-100-0210	6-15-2010	Amend	7-1-2010	413-120-0521	7-1-2010	Adopt(T)	8-1-2010
413-100-0230	6-15-2010	Amend	7-1-2010	413-120-0530	7-1-2010	Suspend	8-1-2010
413-100-0240	6-15-2010	Amend	7-1-2010	413-120-0540	7-1-2010	Suspend	8-1-2010
413-100-0250	6-15-2010	Amend	7-1-2010	413-120-0541	7-1-2010	Adopt(T)	8-1-2010
413-100-0270	6-15-2010	Amend	7-1-2010	413-120-0550	7-1-2010	Am. & Ren.(T)	8-1-2010
413-100-0320	6-15-2010	Amend	7-1-2010	413-120-0551	7-1-2010	Adopt(T)	8-1-2010
413-100-0335	12-16-2009	Adopt(T)	2-1-2010	413-120-0560	7-1-2010	Adopt(T)	8-1-2010
413-100-0335	6-15-2010	Adopt	7-1-2010	413-120-0570	7-1-2010	Adopt(T)	8-1-2010
413-100-0345	12-16-2009	Adopt(T)	2-1-2010	413-120-0590	7-1-2010	Adopt(T)	8-1-2010
413-100-0345	6-15-2010	Adopt	7-1-2010	413-120-0595	7-1-2010	Adopt(T)	8-1-2010
413-110-0100	7-1-2010	Amend(T)	8-1-2010	413-120-0700	7-1-2010	Adopt(T)	8-1-2010

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413-120-0720	7-1-2010	Adopt(T)	8-1-2010	414-061-0020	7-1-2010	Amend	8-1-2010
413-120-0730	7-1-2010	Adopt(T)	8-1-2010	414-061-0030	1-1-2010	Amend(T)	2-1-2010
413-120-0740	7-1-2010	Adopt(T)	8-1-2010	414-061-0030	7-1-2010	Amend	8-1-2010
413-120-0745	7-1-2010	Adopt(T)	8-1-2010	414-061-0040	1-1-2010	Amend(T)	2-1-2010
413-120-0750	7-1-2010	Adopt(T)	8-1-2010	414-061-0040	7-1-2010	Amend	8-1-2010
413-120-0760	7-1-2010	Adopt(T)	8-1-2010	414-061-0050	1-1-2010	Amend(T)	2-1-2010
413-120-0800	7-1-2010	Amend(T)	8-1-2010	414-061-0050	7-1-2010	Amend	8-1-2010
413-120-0810	7-1-2010	Amend(T)	8-1-2010	414-061-0060	1-1-2010	Amend(T)	2-1-2010
413-120-0820	7-1-2010	Suspend	8-1-2010	414-061-0060	7-1-2010	Amend	8-1-2010
413-120-0830	7-1-2010	Amend(T)	8-1-2010	414-061-0065	7-1-2010	Adopt	8-1-2010
413-120-0840	7-1-2010	Adopt(T)	8-1-2010	414-061-0070	1-1-2010	Amend(T)	2-1-2010
413-120-0850	7-1-2010	Adopt(T)	8-1-2010	414-061-0070	7-1-2010	Amend	8-1-2010
413-120-0860	7-1-2010	Adopt(T)	8-1-2010	414-061-0080	1-1-2010	Amend(T)	2-1-2010
413-120-0870	7-1-2010	Adopt(T)	8-1-2010	414-061-0080	7-1-2010	Amend	8-1-2010
413-120-0900	6-30-2010	Adopt(T)	8-1-2010	414-061-0090	1-1-2010	Amend(T)	2-1-2010
413-120-0905	6-30-2010	Adopt(T)	8-1-2010	414-061-0090	7-1-2010	Amend	8-1-2010
413-120-0910	6-30-2010	Adopt(T)	8-1-2010	414-061-0100	1-1-2010	Amend(T)	2-1-2010
413-120-0920	6-30-2010	Adopt(T)	8-1-2010	414-061-0100	7-1-2010	Amend	8-1-2010
413-120-0925	6-30-2010	Adopt(T)	8-1-2010	414-061-0110	1-1-2010	Amend(T)	2-1-2010
413-120-0930	6-30-2010	Adopt(T)	8-1-2010	414-061-0110	7-1-2010	Amend	8-1-2010
413-120-0940	6-30-2010	Adopt(T)	8-1-2010	414-061-0120	1-1-2010	Amend(T)	2-1-2010
413-120-0945	6-30-2010	Adopt(T)	8-1-2010	414-061-0120	7-1-2010	Amend	8-1-2010
413-120-0950	6-30-2010	Adopt(T)	8-1-2010	414-205-0000	1-1-2010	Amend(T)	2-1-2010
413-120-0960	6-30-2010	Adopt(T)	8-1-2010	414-205-0000	7-1-2010	Amend	8-1-2010
413-120-0970	6-30-2010	Adopt(T)	8-1-2010	414-205-0010	1-1-2010	Amend(T)	2-1-2010
413-120-0980	6-30-2010	Adopt(T)	8-1-2010	414-205-0010	7-1-2010	Amend	8-1-2010
413-130-0000	12-29-2009	Amend	2-1-2010	414-205-0020	1-1-2010	Amend(T)	2-1-2010
413-130-0010	12-29-2009	Amend	2-1-2010	414-205-0020	7-1-2010	Amend	8-1-2010
413-130-0020	12-29-2009	Amend	2-1-2010	414-205-0035	1-1-2010	Amend(T)	2-1-2010
413-130-0030	12-29-2009	Amend	2-1-2010	414-205-0040	1-1-2010	Amend(T)	2-1-2010
413-130-0040	12-29-2009	Amend	2-1-2010	414-205-0040	7-1-2010	Amend	8-1-2010
413-130-0045	12-29-2009	Adopt	2-1-2010	414-205-0055	1-1-2010	Amend(T)	2-1-2010
413-130-0050	12-29-2009	Amend	2-1-2010	414-205-0065	1-1-2010	Amend(T)	2-1-2010
413-130-0060	12-29-2009	Amend	2-1-2010	414-205-0065	7-1-2010	Amend	8-1-2010
413-130-0070	12-29-2009	Amend	2-1-2010	414-205-0075	1-1-2010	Amend(T)	2-1-2010
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413-130-0080	12-29-2009	Amend	2-1-2010	414-205-0085	1-1-2010	Amend(T)	2-1-2010
413-130-0090	12-29-2009	Amend	2-1-2010	414-205-0090	1-1-2010	Amend(T)	2-1-2010
413-130-0100	12-29-2009	Amend	2-1-2010	414-205-0100	1-1-2010	Amend(T)	2-1-2010
413-130-0110	12-29-2009	Amend	2-1-2010	414-205-0110	1-1-2010	Amend(T)	2-1-2010
413-130-0115	12-29-2009	Amend	2-1-2010	414-205-0120	1-1-2010	Amend(T)	2-1-2010
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413-130-0125	12-29-2009	Amend	2-1-2010	414-205-0140	1-1-2010	Amend(T)	2-1-2010
413-130-0127	12-29-2009	Repeal	2-1-2010	414-205-0150	1-1-2010	Amend(T)	2-1-2010
413-130-0130	12-29-2009	Amend	2-1-2010	414-205-0160	1-1-2010	Amend(T)	2-1-2010
413-130-0150	7-1-2010	Suspend	8-1-2010	414-205-0170	1-1-2010	Amend(T)	2-1-2010
413-130-0160	7-1-2010	Suspend	8-1-2010	414-205-0170	7-1-2010	Amend	8-1-2010
413-130-0170	7-1-2010	Suspend	8-1-2010	414-300-0000	1-1-2010	Amend(T)	2-1-2010
413-130-0180	7-1-2010	Suspend	8-1-2010	414-300-0000	7-1-2010	Amend	8-1-2010
413-200-0210	7-1-2010	Repeal	8-1-2010	414-300-0005	1-1-2010	Amend(T)	2-1-2010
413-200-0220	7-1-2010	Repeal	8-1-2010	414-300-0005	7-1-2010	Amend	8-1-2010
414-061-0000	1-1-2010	Amend(T)	2-1-2010	414-300-0010	1-1-2010	Amend(T)	2-1-2010
414-061-0000	7-1-2010	Amend	8-1-2010	414-300-0010	7-1-2010	Amend	8-1-2010
414-061-0010	1-1-2010	Amend(T)	2-1-2010	414-300-0015	1-1-2010	Amend(T)	2-1-2010
414-061-0010	7-1-2010	Amend	8-1-2010	414-300-0015	7-1-2010	Amend	8-1-2010

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414-300-0020	7-1-2010	Amend	8-1-2010	414-350-0010	1-1-2010	Amend(T)	2-1-2010
414-300-0030	1-1-2010	Amend(T)	2-1-2010	414-350-0010	7-1-2010	Amend	8-1-2010
414-300-0030	7-1-2010	Amend	8-1-2010	414-350-0020	1-1-2010	Amend(T)	2-1-2010
414-300-0040	1-1-2010	Amend(T)	2-1-2010	414-350-0020	7-1-2010	Amend	8-1-2010
414-300-0040	7-1-2010	Amend	8-1-2010	414-350-0030	1-1-2010	Amend(T)	2-1-2010
414-300-0050	1-1-2010	Amend(T)	2-1-2010	414-350-0030	7-1-2010	Amend	8-1-2010
414-300-0060	1-1-2010	Amend(T)	2-1-2010	414-350-0040	1-1-2010	Amend(T)	2-1-2010
414-300-0060	7-1-2010	Amend	8-1-2010	414-350-0040	7-1-2010	Amend	8-1-2010
414-300-0070	1-1-2010	Amend(T)	2-1-2010	414-350-0050	1-1-2010	Amend(T)	2-1-2010
414-300-0070	7-1-2010	Amend	8-1-2010	414-350-0050	7-1-2010	Amend	8-1-2010
414-300-0080	1-1-2010	Amend(T)	2-1-2010	414-350-0060	1-1-2010	Amend(T)	2-1-2010
414-300-0080	7-1-2010	Amend	8-1-2010	414-350-0070	1-1-2010	Amend(T)	2-1-2010
414-300-0090	1-1-2010	Amend(T)	2-1-2010	414-350-0080	1-1-2010	Amend(T)	2-1-2010
414-300-0100	1-1-2010	Amend(T)	2-1-2010	414-350-0080	7-1-2010	Amend	8-1-2010
414-300-0110	1-1-2010	Amend(T)	2-1-2010	414-350-0090	1-1-2010	Amend(T)	2-1-2010
414-300-0115	1-1-2010	Amend(T)	2-1-2010	414-350-0090	7-1-2010	Amend	8-1-2010
414-300-0120	1-1-2010	Amend(T)	2-1-2010	414-350-0100	1-1-2010	Amend(T)	2-1-2010
414-300-0120	7-1-2010	Amend	8-1-2010	414-350-0100	7-1-2010	Amend	8-1-2010
414-300-0130	1-1-2010	Amend(T)	2-1-2010	414-350-0110	1-1-2010	Amend(T)	2-1-2010
414-300-0130	7-1-2010	Amend	8-1-2010	414-350-0110	7-1-2010	Amend	8-1-2010
414-300-0140	1-1-2010	Amend(T)	2-1-2010	414-350-0115	1-1-2010	Amend(T)	2-1-2010
414-300-0150	1-1-2010	Amend(T)	2-1-2010	414-350-0120	1-1-2010	Amend(T)	2-1-2010
414-300-0160	1-1-2010	Amend(T)	2-1-2010	414-350-0130	1-1-2010	Amend(T)	2-1-2010
414-300-0170	1-1-2010	Amend(T)	2-1-2010	414-350-0140	1-1-2010	Amend(T)	2-1-2010
414-300-0180	1-1-2010	Amend(T)	2-1-2010	414-350-0150	1-1-2010	Amend(T)	2-1-2010
414-300-0190	1-1-2010	Amend(T)	2-1-2010	414-350-0160	1-1-2010	Amend(T)	2-1-2010
414-300-0200	1-1-2010	Amend(T)	2-1-2010	414-350-0170	1-1-2010	Amend(T)	2-1-2010
414-300-0210	1-1-2010	Amend(T)	2-1-2010	414-350-0180	1-1-2010	Amend(T)	2-1-2010
414-300-0215	1-1-2010	Amend(T)	2-1-2010	414-350-0190	1-1-2010	Amend(T)	2-1-2010
414-300-0220	1-1-2010	Amend(T)	2-1-2010	414-350-0200	1-1-2010	Amend(T)	2-1-2010
414-300-0230	1-1-2010	Amend(T)	2-1-2010	414-350-0210	1-1-2010	Amend(T)	2-1-2010
414-300-0240	1-1-2010	Amend(T)	2-1-2010	414-350-0220	1-1-2010	Amend(T)	2-1-2010
414-300-0250	1-1-2010	Amend(T)	2-1-2010	414-350-0230	1-1-2010	Amend(T)	2-1-2010
414-300-0260	1-1-2010	Amend(T)	2-1-2010	414-350-0235	1-1-2010	Amend(T)	2-1-2010
414-300-0270	1-1-2010	Amend(T)	2-1-2010	414-350-0240	1-1-2010	Amend(T)	2-1-2010
414-300-0280	1-1-2010	Amend(T)	2-1-2010	414-350-0250	1-1-2010	Amend(T)	2-1-2010
414-300-0290	1-1-2010	Amend(T)	2-1-2010	414-350-0375	1-1-2010	Amend(T)	2-1-2010
414-300-0295	1-1-2010	Amend(T)	2-1-2010	414-350-0380	1-1-2010	Amend(T)	2-1-2010
414-300-0300	1-1-2010	Amend(T)	2-1-2010	414-350-0390	1-1-2010	Amend(T)	2-1-2010
414-300-0310	1-1-2010	Amend(T)	2-1-2010	414-350-0400	1-1-2010	Amend(T)	2-1-2010
414-300-0320	1-1-2010	Amend(T)	2-1-2010	414-350-0400	7-1-2010	Amend	8-1-2010
414-300-0330	1-1-2010	Amend(T)	2-1-2010	414-350-0405	1-1-2010	Adopt(T)	2-1-2010
414-300-0340	1-1-2010	Amend(T)	2-1-2010	414-350-0405	7-1-2010	Adopt	8-1-2010
414-300-0350	1-1-2010	Amend(T)	2-1-2010	414-425-0000	7-1-2010	Adopt	8-1-2010
414-300-0360	1-1-2010	Amend(T)	2-1-2010	414-425-0010	7-1-2010	Adopt	8-1-2010
414-300-0360	7-1-2010	Amend	8-1-2010	414-425-0020	7-1-2010	Adopt	8-1-2010
414-300-0380	1-1-2010	Amend(T)	2-1-2010	414-425-0025	7-1-2010	Adopt	8-1-2010
414-300-0390	1-1-2010	Amend(T)	2-1-2010	414-425-0030	7-1-2010	Adopt	8-1-2010
414-300-0390	7-1-2010	Amend	8-1-2010	414-425-0040	7-1-2010	Adopt	8-1-2010
414-300-0400	1-1-2010	Amend(T)	2-1-2010	414-450-0000	7-1-2010	Adopt	8-1-2010
414-300-0410	1-1-2010	Amend(T)	2-1-2010	414-450-0010	7-1-2010	Adopt	8-1-2010
414-300-0410	7-1-2010	Amend	8-1-2010	414-450-0020	7-1-2010	Adopt	8-1-2010
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414-300-0415	7-1-2010	Adopt	8-1-2010	414-450-0030	7-1-2010	Adopt	8-1-2010
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415-051-0005	5-6-2010	Repeal	6-1-2010	415-065-0040	7-1-2010	Adopt	8-1-2010
415-051-0010	3-4-2010	Repeal	4-1-2010	415-065-0045	7-1-2010	Adopt	8-1-2010
415-051-0015	3-4-2010	Repeal	4-1-2010	415-065-0050	7-1-2010	Adopt	8-1-2010
415-051-0020	3-4-2010	Repeal	4-1-2010	415-065-0055	7-1-2010	Adopt	8-1-2010
415-051-0025	3-4-2010	Repeal	4-1-2010	415-065-0060	7-1-2010	Adopt	8-1-2010
415-051-0030	3-4-2010	Repeal	4-1-2010	415-065-0065	7-1-2010	Adopt	8-1-2010
415-051-0035	3-4-2010	Repeal	4-1-2010	415-065-0070	7-1-2010	Adopt	8-1-2010
415-051-0037	3-4-2010	Repeal	4-1-2010	416-470-0000	2-19-2010	Amend	3-1-2010
415-051-0040	3-4-2010	Repeal	4-1-2010	416-470-0010	2-19-2010	Amend	3-1-2010
415-051-0045	3-4-2010	Repeal	4-1-2010	416-470-0020	2-19-2010	Amend	3-1-2010
415-051-0050	3-4-2010	Repeal	4-1-2010	416-470-0030	2-19-2010	Amend	3-1-2010
415-051-0055	3-4-2010	Repeal	4-1-2010	416-470-0040	2-19-2010	Amend	3-1-2010
415-051-0057	3-4-2010	Repeal	4-1-2010	416-470-0050	2-19-2010	Amend	3-1-2010
415-051-0060	3-4-2010	Repeal	4-1-2010	416-470-0060	2-19-2010	Repeal	3-1-2010
415-051-0065	3-4-2010	Repeal	4-1-2010	416-470-0070	2-19-2010	Repeal	3-1-2010
415-051-0067	3-4-2010	Repeal	4-1-2010	416-470-0080	2-19-2010	Repeal	3-1-2010
415-051-0069	3-4-2010	Repeal	4-1-2010	416-470-0090	2-19-2010	Repeal	3-1-2010
415-051-0072	3-4-2010	Repeal	4-1-2010	416-470-0100	2-19-2010	Repeal	3-1-2010
415-051-0075	3-4-2010	Repeal	4-1-2010	416-490-0000	2-19-2010	Amend	3-1-2010
415-051-0077	3-4-2010	Repeal	4-1-2010	416-490-0010	2-19-2010	Amend	3-1-2010
415-051-0080	5-6-2010	Repeal	6-1-2010	416-490-0020	2-19-2010	Amend	3-1-2010
415-051-0090	3-4-2010	Repeal	4-1-2010	416-490-0030	2-19-2010	Amend	3-1-2010
415-051-0100	3-4-2010	Repeal	4-1-2010	416-490-0031	2-19-2010	Adopt	3-1-2010
415-051-0105	3-4-2010	Repeal	4-1-2010	416-490-0032	2-19-2010	Adopt	3-1-2010
415-051-0110	3-4-2010	Repeal	4-1-2010	416-490-0033	2-19-2010	Adopt	3-1-2010
415-051-0130	3-4-2010	Repeal	4-1-2010	416-490-0034	2-19-2010	Adopt	3-1-2010
415-051-0140	3-4-2010	Repeal	4-1-2010	416-490-0035	2-19-2010	Adopt	3-1-2010
415-051-0155	3-4-2010	Repeal	4-1-2010	416-490-0040	2-19-2010	Repeal	3-1-2010
415-051-0165	3-4-2010	Repeal	4-1-2010	416-490-0050	2-19-2010	Amend	3-1-2010
415-052-0100	12-3-2009	Adopt	1-1-2010	416-530-0090	12-16-2009	Amend	1-1-2010
415-052-0105	12-3-2009	Adopt	1-1-2010	416-800-0000	6-25-2010	Amend	7-1-2010
415-052-0110	12-3-2009	Adopt	1-1-2010	416-800-0010	6-25-2010	Amend	7-1-2010
415-057-0000	5-6-2010	Adopt	6-1-2010	416-800-0020	6-25-2010	Amend	7-1-2010
415-057-0010	5-6-2010	Adopt	6-1-2010	416-800-0031	6-25-2010	Adopt	7-1-2010
415-057-0020	5-6-2010	Adopt	6-1-2010	416-800-0041	6-25-2010	Adopt	7-1-2010
415-057-0030	5-6-2010	Adopt	6-1-2010	416-800-0045	6-25-2010	Adopt	7-1-2010
415-057-0040	5-6-2010	Adopt	6-1-2010	416-800-0050	6-25-2010	Adopt	7-1-2010
415-057-0050	5-6-2010	Adopt	6-1-2010	416-800-0055	6-25-2010	Adopt	7-1-2010
415-057-0060	5-6-2010	Adopt	6-1-2010	416-800-0060	6-25-2010	Repeal	7-1-2010
415-057-0070	5-6-2010	Adopt	6-1-2010	416-800-0065	6-25-2010	Adopt	7-1-2010
415-057-0080	5-6-2010	Adopt	6-1-2010	416-800-0070	6-25-2010	Amend	7-1-2010
415-057-0090	5-6-2010	Adopt	6-1-2010	416-800-0080	6-25-2010	Adopt	7-1-2010
415-057-0100	5-6-2010	Adopt	6-1-2010	416-800-0090	6-25-2010	Adopt	7-1-2010
415-057-0110	5-6-2010	Adopt	6-1-2010	416-800-0095	6-25-2010	Adopt	7-1-2010
415-057-0120	5-6-2010	Adopt	6-1-2010	436-001-0003	1-1-2010	Amend	1-1-2010
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415-057-0150	5-6-2010	Adopt	6-1-2010	436-001-0265	1-1-2010	Am. & Ren.	1-1-2010
415-060-0030	1-1-2010	Amend	1-1-2010	436-001-0420	1-1-2010	Adopt	1-1-2010
415-065-0005	7-1-2010	Adopt	8-1-2010	436-001-0430	1-1-2010	Adopt	1-1-2010
415-065-0010	7-1-2010	Adopt	8-1-2010	436-001-0440	1-1-2010	Adopt	1-1-2010
415-065-0015	7-1-2010	Adopt	8-1-2010	436-009-0002	7-1-2010	Amend	7-1-2010
415-065-0020	7-1-2010	Adopt	8-1-2010	436-009-0003	7-1-2010	Amend	7-1-2010
415-065-0025	7-1-2010	Adopt	8-1-2010	436-009-0004	7-1-2010	Amend	7-1-2010
415-065-0030	7-1-2010	Adopt	8-1-2010	436-009-0005	7-1-2010	Amend	7-1-2010

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436-009-0010	7-1-2010	Amend	7-1-2010	436-035-0011	6-1-2010	Amend	6-1-2010
436-009-0015	7-1-2010	Amend	7-1-2010	436-035-0012	6-1-2010	Amend	6-1-2010
436-009-0020	7-1-2010	Amend	7-1-2010	436-035-0013	6-1-2010	Amend	6-1-2010
436-009-0022	7-1-2010	Amend	7-1-2010	436-035-0014	6-1-2010	Amend	6-1-2010
436-009-0025	7-1-2010	Amend	7-1-2010	436-035-0015	6-1-2010	Amend	6-1-2010
436-009-0030	7-1-2010	Amend	7-1-2010	436-035-0019	6-1-2010	Amend	6-1-2010
436-009-0040	7-1-2010	Amend	7-1-2010	436-035-0050	6-1-2010	Amend	6-1-2010
436-009-0050	7-1-2010	Amend	7-1-2010	436-035-0060	6-1-2010	Amend	6-1-2010
436-009-0060	7-1-2010	Amend	7-1-2010	436-035-0110	6-1-2010	Amend	6-1-2010
436-009-0070	1-1-2010	Amend	1-1-2010	436-035-0190	6-1-2010	Amend	6-1-2010
436-009-0070	7-1-2010	Amend	7-1-2010	436-035-0230	6-1-2010	Amend	6-1-2010
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436-009-0110	7-1-2010	Adopt	7-1-2010	436-035-0370	6-1-2010	Amend	6-1-2010
436-009-0115	7-1-2010	Adopt	7-1-2010	436-035-0375	6-1-2010	Amend	6-1-2010
436-009-0120	7-1-2010	Adopt	7-1-2010	436-035-0390	6-1-2010	Amend	6-1-2010
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436-009-0130	7-1-2010	Adopt	7-1-2010	436-035-0410	6-1-2010	Amend	6-1-2010
436-009-0135	7-1-2010	Adopt	7-1-2010	436-035-0420	6-1-2010	Amend	6-1-2010
436-009-0140	7-1-2010	Adopt	7-1-2010	436-035-0450	6-1-2010	Amend	6-1-2010
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436-009-0160	7-1-2010	Adopt	7-1-2010	436-060-0010	1-1-2010	Amend	1-1-2010
436-009-0165	7-1-2010	Adopt	7-1-2010	436-060-0012	1-1-2010	Adopt	1-1-2010
436-009-0170	7-1-2010	Adopt	7-1-2010	436-060-0015	1-1-2010	Amend	1-1-2010
436-009-0175	7-1-2010	Adopt	7-1-2010	436-060-0017	1-1-2010	Amend	1-1-2010
436-009-0180	7-1-2010	Adopt	7-1-2010	436-060-0018	1-1-2010	Amend	1-1-2010
436-009-0185	7-1-2010	Adopt	7-1-2010	436-060-0020	1-1-2010	Amend	1-1-2010
436-010-0008	1-1-2010	Amend	1-1-2010	436-060-0025	1-1-2010	Amend	1-1-2010
436-010-0225	7-1-2010	Adopt	7-1-2010	436-060-0035	1-1-2010	Amend	1-1-2010
436-010-0240	1-1-2010	Amend	1-1-2010	436-060-0095	1-1-2010	Amend	1-1-2010
436-010-0265	1-1-2010	Amend	1-1-2010	436-060-0105	1-1-2010	Amend	1-1-2010
436-010-0280	1-1-2010	Amend	1-1-2010	436-060-0135	1-1-2010	Amend	1-1-2010
436-010-0330	7-1-2010	Amend	7-1-2010	436-060-0137	1-1-2010	Amend	1-1-2010
436-015-0090	7-1-2010	Amend	7-1-2010	436-060-0140	1-1-2010	Amend	1-1-2010
436-030-0002	1-1-2010	Amend	1-1-2010	436-060-0147	1-1-2010	Amend	1-1-2010
436-030-0003	1-1-2010	Amend	1-1-2010	436-060-0150	1-1-2010	Amend	1-1-2010
436-030-0005	1-1-2010	Amend	1-1-2010	436-060-0153	1-1-2010	Amend	1-1-2010
436-030-0007	1-1-2010	Amend	1-1-2010	436-060-0155	1-1-2010	Amend	1-1-2010
436-030-0009	1-1-2010	Repeal	1-1-2010	436-060-0180	1-1-2010	Amend	1-1-2010
436-030-0015	1-1-2010	Amend	1-1-2010	436-060-0195	1-1-2010	Amend	1-1-2010
436-030-0017	1-1-2010	Amend	1-1-2010	436-060-0200	1-1-2010	Amend	1-1-2010
436-030-0020	1-1-2010	Amend	1-1-2010	436-060-0400	1-1-2010	Adopt	1-1-2010
436-030-0034	1-1-2010	Amend	1-1-2010	436-060-0500	1-1-2010	Amend	1-1-2010
436-030-0065	1-1-2010	Amend	1-1-2010	436-060-0510	1-1-2010	Amend	1-1-2010
436-030-0115	1-1-2010	Amend	1-1-2010	436-075-0110	1-1-2010	Repeal	1-1-2010
436-030-0135	1-1-2010	Amend	1-1-2010	436-105-0003	1-1-2010	Amend	1-1-2010
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436-030-0165	1-1-2010	Amend	1-1-2010	436-105-0520	1-1-2010	Amend	1-1-2010
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436-035-0002	6-1-2010	Amend	6-1-2010	436-110-0005	1-1-2010	Amend	1-1-2010
436-035-0003	6-1-2010	Amend	6-1-2010	436-110-0005	10-12-2010	Amend	10-1-2010

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436-110-0240	10-12-2010	Amend	10-1-2010	436-120-0720	1-1-2010	Amend	1-1-2010
436-110-0290	4-15-2010	Amend(T)	5-1-2010	436-120-0720	11-15-2010	Amend	10-1-2010
436-110-0290	10-12-2010	Amend	10-1-2010	436-120-0800	1-1-2010	Amend	1-1-2010
436-110-0310	1-1-2010	Amend	1-1-2010	436-120-0810	1-1-2010	Amend	1-1-2010
436-110-0325	1-1-2010	Amend	1-1-2010	436-120-0820	1-1-2010	Amend	1-1-2010
436-110-0325	10-12-2010	Amend	10-1-2010	436-120-0820	11-15-2010	Amend	10-1-2010
436-110-0330	1-1-2010	Amend	1-1-2010	436-120-0830	1-1-2010	Amend	1-1-2010
436-110-0335	1-1-2010	Amend	1-1-2010	436-120-0830	11-15-2010	Amend	10-1-2010
436-110-0335	10-12-2010	Amend	10-1-2010	436-120-0840	1-1-2010	Amend	1-1-2010
436-110-0336	1-1-2010	Amend	1-1-2010	436-120-0900	1-1-2010	Amend	1-1-2010
436-110-0336	4-15-2010	Amend(T)	5-1-2010	436-120-0915	1-1-2010	Amend	1-1-2010
436-110-0336	10-12-2010	Amend	10-1-2010	436-150-0005	1-1-2010	Amend	1-1-2010
436-110-0337	1-1-2010	Amend	1-1-2010	436-150-0010	1-1-2010	Amend	1-1-2010
436-110-0345	1-1-2010	Amend	1-1-2010	436-150-0030	1-1-2010	Amend	1-1-2010
436-110-0345	10-12-2010	Amend	10-1-2010	436-160-0310	1-1-2010	Amend	1-1-2010
436-110-0347	1-1-2010	Amend	1-1-2010	436-160-0340	1-1-2010	Amend	1-1-2010
436-110-0350	1-1-2010	Amend	1-1-2010	437-002-0005	2-19-2010	Amend	4-1-2010
436-110-0350	10-12-2010	Amend	10-1-2010	437-002-0005	2-25-2010	Amend	4-1-2010
436-110-0351	4-15-2010	Amend(T)	5-1-2010	437-002-0080	2-25-2010	Amend	4-1-2010
436-110-0351	10-12-2010	Amend	10-1-2010	437-002-0100	2-19-2010	Amend	4-1-2010
436-110-0352	10-12-2010	Amend	10-1-2010	437-002-0120	2-25-2010	Amend	4-1-2010
436-110-0900	1-1-2010	Amend	1-1-2010	437-002-0280	2-25-2010	Amend	4-1-2010
436-120-0001	11-15-2010	Amend	10-1-2010	437-002-0360	6-15-2010	Amend	7-1-2010
436-120-0004	1-1-2010	Amend	1-1-2010	437-002-2102	2-19-2010	Adopt	4-1-2010
436-120-0004	11-15-2010	Am. & Ren.	10-1-2010	437-003-0001	6-15-2010	Amend	7-1-2010
436-120-0004	11-15-2010	Am. & Ren.	10-1-2010	437-004-0002	1-1-2011	Amend	8-1-2010
436-120-0004	11-15-2010	Am. & Ren.	10-1-2010	437-004-0003	1-1-2011	Amend	8-1-2010
436-120-0004	11-15-2010	Am. & Ren.	10-1-2010	437-004-0004	1-1-2011	Repeal	8-1-2010
436-120-0004	11-15-2010	Am. & Ren.	10-1-2010	437-004-0099	1-1-2011	Amend	8-1-2010
436-120-0005	1-1-2010	Amend	1-1-2010	437-004-0240	1-1-2011	Amend	8-1-2010
436-120-0005	11-15-2010	Amend	10-1-2010	437-004-0250	1-1-2011	Repeal	8-1-2010
436-120-0007	1-1-2010	Amend	1-1-2010	437-004-0251	1-1-2011	Adopt	8-1-2010
436-120-0008	1-1-2010	Amend	1-1-2010	437-004-1035	2-25-2010	Amend	4-1-2010
436-120-0008	11-15-2010	Amend	10-1-2010	437-004-1050	2-25-2010	Amend	4-1-2010
436-120-0115	11-15-2010	Amend	10-1-2010	437-004-1060	2-25-2010	Amend	4-1-2010
436-120-0165	11-15-2010	Amend	10-1-2010	437-004-1305	1-1-2011	Amend	8-1-2010
436-120-0320	1-1-2010	Am. & Ren.	1-1-2010	437-004-2310	2-25-2010	Amend	4-1-2010
436-120-0320	1-1-2010	Am. & Ren.	1-1-2010	437-005-0001	2-25-2010	Amend	4-1-2010
436-120-0320	1-1-2010	Am. & Ren.	1-1-2010	437-005-0001	6-15-2010	Amend	7-1-2010
436-120-0320	1-1-2010	Am. & Ren.	1-1-2010	437-005-0002	2-25-2010	Amend	4-1-2010
436-120-0320	1-1-2010	Am. & Ren.	1-1-2010	437-005-0003	2-25-2010	Amend	4-1-2010
436-120-0320	1-1-2010	Am. & Ren.	1-1-2010	437-007-0305	2-25-2010	Amend	4-1-2010
436-120-0340	1-1-2010	Amend	1-1-2010	440-005-0015	5-1-2010	Amend	5-1-2010
436-120-0350	1-1-2010	Am. & Ren.	1-1-2010	440-005-0020	5-1-2010	Amend	5-1-2010
436-120-0350	1-1-2010	Am. & Ren.	1-1-2010	440-005-0025	5-1-2010	Amend	5-1-2010
436-120-0360	1-1-2010	Am. & Ren.	1-1-2010	440-005-0030	5-1-2010	Amend	5-1-2010
436-120-0400	11-15-2010	Amend	10-1-2010	440-015-0001	2-1-2010	Repeal	3-1-2010
436-120-0410	1-1-2010	Amend	1-1-2010	440-015-0010	2-1-2010	Repeal	3-1-2010
436-120-0430	11-15-2010	Amend	10-1-2010	440-015-0020	2-1-2010	Repeal	3-1-2010
436-120-0440	1-1-2010	Amend	1-1-2010	440-015-0030	2-1-2010	Repeal	3-1-2010
436-120-0440	11-15-2010	Am. & Ren.	10-1-2010	440-015-0040	2-1-2010	Repeal	3-1-2010
436-120-0440	11-15-2010	Am. & Ren.	10-1-2010	440-015-0050	2-1-2010	Repeal	3-1-2010
436-120-0440	11-15-2010	Am. & Ren.	10-1-2010	440-015-0060	2-1-2010	Repeal	3-1-2010
436-120-0500	1-1-2010	Amend	1-1-2010	440-015-0070	2-1-2010	Repeal	3-1-2010
436-120-0500	11-15-2010	Amend	10-1-2010	440-015-0080	2-1-2010	Repeal	3-1-2010

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440-015-0100	2-1-2010	Adopt	3-1-2010	441-730-0246	12-7-2009	Amend	1-1-2010
440-015-0105	2-1-2010	Adopt	3-1-2010	441-730-0246	6-4-2010	Amend	7-1-2010
440-015-0110	2-1-2010	Adopt	3-1-2010	441-730-0246(T)	12-7-2009	Repeal	1-1-2010
440-015-0115	2-1-2010	Adopt	3-1-2010	441-730-0255	6-4-2010	Amend	7-1-2010
441-002-0005	5-1-2010	Repeal	6-1-2010	441-730-0260	6-4-2010	Amend	7-1-2010
441-002-0010	5-1-2010	Repeal	6-1-2010	441-730-0271	6-4-2010	Repeal	7-1-2010
441-002-0020	5-1-2010	Repeal	6-1-2010	441-730-0272	6-4-2010	Repeal	7-1-2010
441-002-0030	5-1-2010	Repeal	6-1-2010	441-730-0275	6-4-2010	Repeal	7-1-2010
441-002-0040	5-1-2010	Repeal	6-1-2010	441-730-0280	6-4-2010	Amend	7-1-2010
441-035-0010	8-3-2010	Amend(T)	9-1-2010	441-730-0310	6-4-2010	Repeal	7-1-2010
441-049-1001	7-1-2010	Amend	8-1-2010	441-730-0320	3-22-2010	Amend	5-1-2010
441-175-0002	7-1-2010	Amend	8-1-2010	441-730-0320	6-4-2010	Amend	7-1-2010
441-175-0100	7-1-2010	Amend	8-1-2010	441-735-0000	6-4-2010	Adopt	7-1-2010
441-175-0165	7-1-2010	Amend	8-1-2010	441-735-0010	6-4-2010	Adopt	7-1-2010
441-500-0020	3-16-2010	Amend	5-1-2010	441-735-0015	6-4-2010	Adopt	7-1-2010
441-505-3046	12-7-2009	Amend	1-1-2010	441-735-0025	6-4-2010	Adopt	7-1-2010
441-505-3046(T)	12-7-2009	Repeal	1-1-2010	441-735-0030	6-4-2010	Adopt	7-1-2010
441-674-0005	9-1-2010	Adopt(T)	10-1-2010	441-735-0050	6-4-2010	Adopt	7-1-2010
441-674-0100	9-1-2010	Adopt(T)	10-1-2010	441-735-0060	6-4-2010	Adopt	7-1-2010
441-674-0120	9-1-2010	Adopt(T)	10-1-2010	441-735-0070	6-4-2010	Adopt	7-1-2010
441-674-0130	9-1-2010	Adopt(T)	10-1-2010	441-735-0080	6-4-2010	Adopt	7-1-2010
441-674-0140	9-1-2010	Adopt(T)	10-1-2010	441-735-0100	6-4-2010	Adopt	7-1-2010
441-674-0210	9-1-2010	Adopt(T)	10-1-2010	441-735-0110	6-4-2010	Adopt	7-1-2010
441-674-0220	9-1-2010	Adopt(T)	10-1-2010	441-735-0120	6-4-2010	Adopt	7-1-2010
441-674-0230	9-1-2010	Adopt(T)	10-1-2010	441-735-0130	6-4-2010	Adopt	7-1-2010
441-674-0240	9-1-2010	Adopt(T)	10-1-2010	441-735-0140	6-4-2010	Adopt	7-1-2010
441-674-0250	9-1-2010	Adopt(T)	10-1-2010	441-735-0160	6-4-2010	Adopt	7-1-2010
441-674-0310	9-1-2010	Adopt(T)	10-1-2010	441-735-0165	6-4-2010	Adopt	7-1-2010
441-674-0910	9-1-2010	Adopt(T)	10-1-2010	441-735-0205	6-4-2010	Adopt	7-1-2010
441-674-0915	9-1-2010	Adopt(T)	10-1-2010	441-735-0240	6-4-2010	Adopt	7-1-2010
441-674-0920	9-1-2010	Adopt(T)	10-1-2010	441-735-0250	6-4-2010	Adopt	7-1-2010
441-710-0540	12-7-2009	Amend	1-1-2010	441-735-0255	6-4-2010	Adopt	7-1-2010
441-710-0540(T)	12-7-2009	Repeal	1-1-2010	441-735-0271	6-4-2010	Adopt	7-1-2010
441-730-0000	6-4-2010	Amend	7-1-2010	441-735-0272	6-4-2010	Adopt	7-1-2010
441-730-0010	6-4-2010	Amend	7-1-2010	441-735-0275	6-4-2010	Adopt	7-1-2010
441-730-0015	6-4-2010	Amend	7-1-2010	441-735-0280	6-4-2010	Adopt	7-1-2010
441-730-0025	6-4-2010	Amend	7-1-2010	441-735-0310	6-4-2010	Adopt	7-1-2010
441-730-0026	3-22-2010	Adopt	5-1-2010	441-735-0320	6-4-2010	Adopt	7-1-2010
441-730-0027	3-22-2010	Adopt	5-1-2010	441-740-0000	5-6-2010	Amend	6-1-2010
441-730-0030	6-4-2010	Amend	7-1-2010	441-740-0010	5-6-2010	Amend	6-1-2010
441-730-0050	6-4-2010	Amend	7-1-2010	441-740-0015	5-6-2010	Amend	6-1-2010
441-730-0070	3-22-2010	Amend	5-1-2010	441-740-0050	5-6-2010	Repeal	6-1-2010
441-730-0070	6-4-2010	Amend	7-1-2010	441-850-0005	1-4-2010	Amend	2-1-2010
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441-730-0100	6-4-2010	Amend	7-1-2010	441-850-0042	12-7-2009	Amend	1-1-2010
441-730-0110	6-4-2010	Amend	7-1-2010	441-850-0042(T)	12-7-2009	Repeal	1-1-2010
441-730-0120	6-4-2010	Amend	7-1-2010	441-850-0050	1-4-2010	Adopt	2-1-2010
441-730-0125	3-22-2010	Adopt	5-1-2010	441-860-0010	1-4-2010	Repeal	2-1-2010
441-730-0130	6-4-2010	Amend	7-1-2010	441-860-0020	1-1-2010	Amend	1-1-2010
441-730-0140	6-4-2010	Amend	7-1-2010	441-860-0020	1-4-2010	Amend	2-1-2010
441-730-0160	6-4-2010	Amend	7-1-2010	441-860-0025	1-4-2010	Amend	2-1-2010
441-730-0165	6-4-2010	Repeal	7-1-2010	441-860-0030	1-1-2010	Amend	1-1-2010
441-730-0170	6-4-2010	Amend	7-1-2010	441-860-0030	1-4-2010	Amend	2-1-2010
441-730-0180	6-4-2010	Amend	7-1-2010	441-860-0040	1-4-2010	Amend	2-1-2010
441-730-0200	6-4-2010	Amend	7-1-2010	441-860-0050	1-1-2010	Amend	1-1-2010

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441-860-0060	1-4-2010	Amend	2-1-2010	441-910-0094	1-1-2010	Adopt	2-1-2010
441-860-0070	1-4-2010	Amend	2-1-2010	441-910-0095	1-1-2010	Repeal	2-1-2010
441-860-0080	1-4-2010	Amend	2-1-2010	441-910-0099	1-1-2010	Adopt	2-1-2010
441-860-0085	3-22-2010	Adopt	5-1-2010	441-910-0110	1-1-2010	Repeal	2-1-2010
441-860-0090	3-22-2010	Amend	5-1-2010	441-910-0120	1-1-2010	Repeal	2-1-2010
441-860-0101	1-1-2010	Adopt	1-1-2010	441-910-0135	1-1-2010	Adopt	2-1-2010
441-860-0130	1-4-2010	Amend	2-1-2010	441-910-0145	1-1-2010	Adopt	2-1-2010
441-860-0400	1-1-2010	Adopt	1-1-2010	441-910-0150	1-1-2010	Adopt	2-1-2010
441-865-0010	1-4-2010	Amend	2-1-2010	441-910-0151	1-1-2010	Adopt	2-1-2010
441-865-0020	1-4-2010	Amend	2-1-2010	441-910-0200	1-1-2010	Adopt	2-1-2010
441-865-0025	1-4-2010	Amend	2-1-2010	441-910-9000(T)	1-6-2010	Suspend	2-1-2010
441-865-0025	3-22-2010	Amend	5-1-2010	441-910-9001(T)	1-6-2010	Suspend	2-1-2010
441-865-0030	1-4-2010	Amend	2-1-2010	442-005-0010	1-7-2010	Amend(T)	2-1-2010
441-865-0040	1-4-2010	Amend	2-1-2010	442-005-0010	7-22-2010	Amend	9-1-2010
441-865-0050	1-4-2010	Amend	2-1-2010	442-005-0050	1-7-2010	Amend(T)	2-1-2010
441-865-0060	3-22-2010	Amend	5-1-2010	442-005-0050	7-22-2010	Amend	9-1-2010
441-865-0080	1-4-2010	Amend	2-1-2010	442-005-0060	1-7-2010	Amend(T)	2-1-2010
441-865-0090	1-4-2010	Amend	2-1-2010	442-005-0060	7-22-2010	Amend	9-1-2010
441-870-0030	1-4-2010	Amend	2-1-2010	442-005-0060	9-2-2010	Amend	10-1-2010
441-870-0040	1-4-2010	Amend	2-1-2010	442-005-0100	1-7-2010	Amend(T)	2-1-2010
441-870-0050	1-4-2010	Amend	2-1-2010	442-005-0100	7-22-2010	Amend	9-1-2010
441-870-0070	1-4-2010	Amend	2-1-2010	442-010-0010	3-23-2010	Adopt(T)	5-1-2010
441-870-0080	1-4-2010	Amend	2-1-2010	442-010-0010	8-31-2010	Adopt	10-1-2010
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441-870-0081	3-22-2010	Adopt	5-1-2010	442-010-0020	3-23-2010	Adopt(T)	5-1-2010
441-875-0010	1-4-2010	Repeal	2-1-2010	442-010-0020	8-31-2010	Adopt	10-1-2010
441-875-0020	1-4-2010	Amend	2-1-2010	442-010-0020(T)	8-31-2010	Repeal	10-1-2010
441-875-0030	1-4-2010	Amend	2-1-2010	442-010-0030	3-23-2010	Adopt(T)	5-1-2010
441-875-0040	1-4-2010	Amend	2-1-2010	442-010-0030	8-31-2010	Adopt	10-1-2010
441-880-0010	1-4-2010	Amend	2-1-2010	442-010-0030(T)	8-31-2010	Repeal	10-1-2010
441-880-0020	1-4-2010	Am. & Ren.	2-1-2010	442-010-0040	3-23-2010	Adopt(T)	5-1-2010
441-880-0021	1-4-2010	Adopt	2-1-2010	442-010-0040	8-31-2010	Adopt	10-1-2010
441-880-0022	1-4-2010	Adopt	2-1-2010	442-010-0040(T)	8-31-2010	Repeal	10-1-2010
441-880-0030	1-4-2010	Amend	2-1-2010	442-010-0050	3-23-2010	Adopt(T)	5-1-2010
441-880-0040	1-4-2010	Amend	2-1-2010	442-010-0050	8-31-2010	Adopt	10-1-2010
441-880-0050	1-4-2010	Am. & Ren.	2-1-2010	442-010-0050(T)	8-31-2010	Repeal	10-1-2010
441-880-0200	1-4-2010	Adopt	2-1-2010	442-010-0055	8-31-2010	Adopt	10-1-2010
441-880-0205	1-4-2010	Adopt	2-1-2010	442-010-0055(T)	8-31-2010	Repeal	10-1-2010
441-880-0210	1-4-2010	Adopt	2-1-2010	442-010-0060	3-23-2010	Adopt(T)	5-1-2010
441-880-0300	1-4-2010	Adopt	2-1-2010	442-010-0060	8-31-2010	Adopt	10-1-2010
441-880-0310	1-4-2010	Adopt	2-1-2010	442-010-0060(T)	8-31-2010	Repeal	10-1-2010
441-885-0010	1-4-2010	Amend	2-1-2010	442-010-0070	3-23-2010	Adopt(T)	5-1-2010
441-910-0000	1-1-2010	Amend	2-1-2010	442-010-0070	8-31-2010	Adopt	10-1-2010
441-910-0005	1-1-2010	Adopt	2-1-2010	442-010-0070(T)	8-31-2010	Repeal	10-1-2010
441-910-0010	1-1-2010	Amend	2-1-2010	442-010-0080	3-23-2010	Adopt(T)	5-1-2010
441-910-0020	1-1-2010	Repeal	2-1-2010	442-010-0080	8-31-2010	Adopt	10-1-2010
441-910-0030	1-1-2010	Amend	2-1-2010	442-010-0080(T)	8-31-2010	Repeal	10-1-2010
441-910-0040	1-1-2010	Repeal	2-1-2010	442-010-0090	3-23-2010	Adopt(T)	5-1-2010
441-910-0050	1-1-2010	Amend	2-1-2010	442-010-0090	8-31-2010	Adopt	10-1-2010
441-910-0055	1-1-2010	Amend	2-1-2010	442-010-0090(T)	8-31-2010	Repeal	10-1-2010
441-910-0080	1-1-2010	Amend	2-1-2010	442-010-0100	3-23-2010	Adopt(T)	5-1-2010
441-910-0090	1-1-2010	Repeal	2-1-2010	442-010-0100	8-31-2010	Adopt	10-1-2010
441-910-0091	1-1-2010	Adopt	2-1-2010	442-010-0100(T)	8-31-2010	Repeal	10-1-2010
441-910-0092	1-1-2010	Amend	2-1-2010	442-010-0110	3-23-2010	Adopt(T)	5-1-2010
441-910-0092(T)	1-1-2010	Repeal	2-1-2010	442-010-0110	8-31-2010	Adopt	10-1-2010

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442-010-0120	3-23-2010	Adopt(T)	5-1-2010	459-045-0050	5-28-2010	Amend	7-1-2010
442-010-0120	8-31-2010	Adopt	10-1-2010	459-045-0060	5-28-2010	Amend	7-1-2010
442-010-0120(T)	8-31-2010	Repeal	10-1-2010	459-045-0080	5-28-2010	Amend	7-1-2010
442-010-0130	3-23-2010	Adopt(T)	5-1-2010	459-045-0090	5-28-2010	Amend	7-1-2010
442-010-0130	8-31-2010	Adopt	10-1-2010	459-075-0150	5-28-2010	Amend	7-1-2010
442-010-0130(T)	8-31-2010	Repeal	10-1-2010	459-076-0060	6-17-2010	Repeal	8-1-2010
442-010-0140	3-23-2010	Adopt(T)	5-1-2010	461-001-0015	4-1-2010	Amend	5-1-2010
442-010-0140	8-31-2010	Adopt	10-1-2010	461-025-0310	1-1-2010	Amend	2-1-2010
442-010-0140(T)	8-31-2010	Repeal	10-1-2010	461-025-0311	8-16-2010	Amend(T)	10-1-2010
442-010-0150	3-23-2010	Adopt(T)	5-1-2010	461-101-0010	1-1-2010	Amend	2-1-2010
442-010-0150	8-31-2010	Adopt	10-1-2010	461-101-0010	1-1-2010	Amend(T)	2-1-2010
442-010-0150(T)	8-31-2010	Repeal	10-1-2010	461-101-0010	7-1-2010	Amend	8-1-2010
442-010-0160	3-23-2010	Adopt(T)	5-1-2010	461-101-0010	8-16-2010	Amend(T)	10-1-2010
442-010-0160	8-31-2010	Adopt	10-1-2010	461-101-0010(T)	1-1-2010	Repeal	2-1-2010
442-010-0160(T)	8-31-2010	Repeal	10-1-2010	461-105-0006	1-1-2010	Adopt	2-1-2010
442-010-0170	3-23-2010	Adopt(T)	5-1-2010	461-105-0006	4-1-2010	Amend	5-1-2010
442-010-0170	8-31-2010	Adopt	10-1-2010	461-105-0006(T)	1-1-2010	Repeal	2-1-2010
442-010-0170(T)	8-31-2010	Repeal	10-1-2010	461-110-0210	1-1-2010	Amend	2-1-2010
442-010-0180	3-23-2010	Adopt(T)	5-1-2010	461-110-0210	1-1-2010	Amend(T)	2-1-2010
442-010-0180	8-31-2010	Adopt	10-1-2010	461-110-0210	7-1-2010	Amend	8-1-2010
442-010-0180(T)	8-31-2010	Repeal	10-1-2010	461-110-0210(T)	1-1-2010	Repeal	2-1-2010
442-010-0190	3-23-2010	Adopt(T)	5-1-2010	461-110-0370	1-1-2010	Amend	2-1-2010
442-010-0190	8-31-2010	Adopt	10-1-2010	461-110-0400	1-1-2010	Amend(T)	2-1-2010
442-010-0190(T)	8-31-2010	Repeal	10-1-2010	461-110-0400	7-1-2010	Amend	8-1-2010
443-002-0070	2-9-2010	Amend	3-1-2010	461-110-0430	1-1-2010	Amend	2-1-2010
443-002-0090	2-9-2010	Amend	3-1-2010	461-110-0530	1-1-2010	Amend(T)	2-1-2010
459-005-0001	5-28-2010	Amend	7-1-2010	461-110-0530	7-1-2010	Amend	8-1-2010
459-009-0120	5-28-2010	Repeal	7-1-2010	461-110-0630	1-1-2010	Amend(T)	2-1-2010
459-009-0200	8-2-2010	Amend	9-1-2010	461-110-0630	7-1-2010	Amend	8-1-2010
459-010-0010	5-28-2010	Amend	7-1-2010	461-110-0630	8-16-2010	Amend(T)	10-1-2010
459-010-0014	5-28-2010	Amend	7-1-2010	461-115-0030	1-1-2010	Amend	2-1-2010
459-010-0042	5-28-2010	Repeal	7-1-2010	461-115-0030	1-1-2010	Amend(T)	2-1-2010
459-011-0050	5-28-2010	Amend	7-1-2010	461-115-0030	7-1-2010	Amend	8-1-2010
459-014-0100	5-28-2010	Repeal	7-1-2010	461-115-0030(T)	1-1-2010	Repeal	2-1-2010
459-015-0001	5-28-2010	Amend	7-1-2010	461-115-0050	1-1-2010	Amend	2-1-2010
459-015-0005	5-28-2010	Amend	7-1-2010	461-115-0050	1-1-2010	Amend(T)	2-1-2010
459-015-0030	8-2-2010	Amend	9-1-2010	461-115-0050	7-1-2010	Amend	8-1-2010
459-015-0055	8-2-2010	Amend	9-1-2010	461-115-0050(T)	1-1-2010	Repeal	2-1-2010
459-015-0060	6-17-2010	Repeal	8-1-2010	461-115-0071	1-1-2010	Amend	2-1-2010
459-017-0060	12-1-2009	Amend	1-1-2010	461-115-0071	7-15-2010	Amend(T)	8-1-2010
459-030-0025	8-2-2010	Amend	9-1-2010	461-115-0090	1-1-2010	Amend	2-1-2010
459-035-0000	4-5-2010	Amend(T)	5-1-2010	461-115-0230	1-1-2010	Amend(T)	2-1-2010
459-035-0001	4-5-2010	Amend(T)	5-1-2010	461-115-0230	4-1-2010	Amend	5-1-2010
459-035-0020	4-5-2010	Amend(T)	5-1-2010	461-115-0230	4-1-2010	Amend(T)	5-1-2010
459-035-0030	4-5-2010	Amend(T)	5-1-2010	461-115-0230	7-1-2010	Amend	8-1-2010
459-035-0040	4-5-2010	Amend(T)	5-1-2010	461-115-0230(T)	4-1-2010	Repeal	5-1-2010
459-045-0000	5-28-2010	Repeal	7-1-2010	461-115-0430	1-1-2010	Amend(T)	2-1-2010
459-045-0001	5-28-2010	Amend	7-1-2010	461-115-0430	4-1-2010	Amend	5-1-2010
459-045-0010	5-28-2010	Amend	7-1-2010	461-115-0430	4-1-2010	Amend(T)	5-1-2010
459-045-0012	5-28-2010	Adopt	7-1-2010	461-115-0430	7-1-2010	Amend	8-1-2010
459-045-0014	5-28-2010	Adopt	7-1-2010	461-115-0430(T)	4-1-2010	Repeal	5-1-2010
459-045-0020	5-28-2010	Amend	7-1-2010	461-115-0530	7-1-2010	Amend(T)	8-1-2010
459-045-0030	5-28-2010	Amend	7-1-2010	461-115-0651	4-1-2010	Amend	5-1-2010
459-045-0032	5-28-2010	Adopt	7-1-2010	461-115-0690	4-1-2010	Amend	5-1-2010
459-045-0034	5-28-2010	Adopt	7-1-2010	461-115-0705	1-1-2010	Amend	2-1-2010

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461-115-0705	5-28-2010	Amend(T)	7-1-2010	461-135-1100	7-1-2010	Amend(T)	8-1-2010
461-115-0705	7-1-2010	Amend	8-1-2010	461-135-1100	7-15-2010	Amend(T)	8-1-2010
461-115-0705	7-1-2010	Amend(T)	8-1-2010	461-135-1100	8-16-2010	Adopt(T)	10-1-2010
461-115-0705(T)	1-1-2010	Repeal	2-1-2010	461-135-1100	8-25-2010	Amend(T)	10-1-2010
461-115-0705(T)	5-28-2010	Suspend	7-1-2010	461-135-1100(T)	12-1-2009	Suspend	1-1-2010
461-120-0010	1-1-2010	Amend(T)	2-1-2010	461-135-1100(T)	1-1-2010	Repeal	2-1-2010
461-120-0010	7-1-2010	Amend	8-1-2010	461-135-1100(T)	4-21-2010	Suspend	6-1-2010
461-120-0125	1-1-2010	Amend	2-1-2010	461-135-1100(T)	7-15-2010	Suspend	8-1-2010
461-120-0125	1-1-2010	Amend(T)	2-1-2010	461-135-1100(T)	8-16-2010	Suspend	10-1-2010
461-120-0125	7-1-2010	Amend	8-1-2010	461-135-1100(T)	8-25-2010	Suspend	10-1-2010
461-120-0125(T)	1-1-2010	Repeal	2-1-2010	461-135-1101	1-1-2010	Adopt(T)	2-1-2010
461-120-0210	1-1-2010	Amend	2-1-2010	461-135-1101	7-1-2010	Adopt	8-1-2010
461-120-0210	1-1-2010	Amend(T)	2-1-2010	461-135-1102	4-21-2010	Amend(T)	6-1-2010
461-120-0210	7-1-2010	Amend	8-1-2010	461-135-1110	7-1-2010	Amend(T)	8-1-2010
461-120-0210(T)	1-1-2010	Repeal	2-1-2010	461-135-1125	1-1-2010	Amend	2-1-2010
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461-120-0310(T)	1-1-2010	Repeal	2-1-2010	461-135-1125	8-16-2010	Amend(T)	10-1-2010
461-120-0315	1-1-2010	Amend	2-1-2010	461-135-1125(T)	1-1-2010	Repeal	2-1-2010
461-120-0315(T)	1-1-2010	Repeal	2-1-2010	461-135-1125(T)	8-16-2010	Suspend	10-1-2010
461-120-0345	1-1-2010	Amend	2-1-2010	461-135-1149	1-1-2010	Adopt	2-1-2010
461-120-0345(T)	1-1-2010	Repeal	2-1-2010	461-135-1149	1-1-2010	Amend(T)	2-1-2010
461-120-0510	1-1-2010	Amend	2-1-2010	461-135-1149	7-1-2010	Amend	8-1-2010
461-120-0510(T)	1-1-2010	Repeal	2-1-2010	461-135-1149(T)	1-1-2010	Repeal	2-1-2010
461-125-0170	1-1-2010	Amend	2-1-2010	461-135-1175	4-1-2010	Amend(T)	5-1-2010
461-125-0170(T)	1-1-2010	Repeal	2-1-2010	461-135-1175	7-1-2010	Amend	8-1-2010
461-125-0310	1-1-2010	Amend	2-1-2010	461-135-1175(T)	7-1-2010	Repeal	8-1-2010
461-135-0095	1-1-2010	Amend	2-1-2010	461-135-1180	1-1-2010	Repeal	2-1-2010
461-135-0095(T)	1-1-2010	Repeal	2-1-2010	461-135-1185	1-1-2010	Amend	2-1-2010
461-135-0096	1-1-2010	Amend	2-1-2010	461-135-1195	11-16-2009	Amend(T)	1-1-2010
461-135-0096(T)	1-1-2010	Repeal	2-1-2010	461-135-1195(T)	4-1-2010	Repeal	5-1-2010
461-135-01195	4-1-2010	Amend	5-1-2010	461-135-1225	1-1-2010	Amend	2-1-2010
461-135-0150	5-1-2010	Amend(T)	6-1-2010	461-135-1230	1-1-2010	Amend	2-1-2010
461-135-0210	8-16-2010	Amend(T)	10-1-2010	461-135-1250	8-16-2010	Amend(T)	10-1-2010
461-135-0400	7-1-2010	Amend	8-1-2010	461-145-0022	4-1-2010	Amend	5-1-2010
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461-135-0498	4-1-2010	Adopt	5-1-2010	461-145-0130	1-1-2010	Amend	2-1-2010
461-135-0570	2-5-2010	Amend(T)	3-1-2010	461-145-0130	1-1-2010	Amend(T)	2-1-2010
461-135-0570	4-1-2010	Amend	5-1-2010	461-145-0130	4-1-2010	Amend	5-1-2010
461-135-0570	4-1-2010	Amend(T)	5-1-2010	461-145-0130	5-19-2010	Amend(T)	7-1-2010
461-135-0570	7-1-2010	Amend	8-1-2010	461-145-0130(T)	1-1-2010	Repeal	2-1-2010
461-135-0570(T)	4-1-2010	Repeal	5-1-2010	461-145-0130(T)	4-1-2010	Repeal	5-1-2010
461-135-0570(T)	7-1-2010	Repeal	8-1-2010	461-145-0140	4-22-2010	Amend(T)	6-1-2010
461-135-0575	4-1-2010	Amend	5-1-2010	461-145-0143	1-1-2010	Amend	2-1-2010
461-135-0730	4-1-2010	Amend	5-1-2010	461-145-0143	1-1-2010	Amend(T)	2-1-2010
461-135-0832	4-1-2010	Amend	5-1-2010	461-145-0143	7-1-2010	Amend	8-1-2010
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461-135-0835	4-1-2010	Amend	5-1-2010	461-145-0143(T)	1-1-2010	Repeal	2-1-2010
461-135-0835	5-27-2010	Amend(T)	7-1-2010	461-145-0150	4-1-2010	Amend	5-1-2010
461-135-0900	5-17-2010	Amend(T)	7-1-2010	461-145-0184	4-1-2010	Adopt	5-1-2010
461-135-0990	1-1-2010	Amend	2-1-2010	461-145-0220	1-1-2010	Amend	2-1-2010
461-135-0990(T)	1-1-2010	Repeal	2-1-2010	461-145-0260	1-1-2010	Amend	2-1-2010
461-135-1100	12-1-2009	Amend(T)	1-1-2010	461-145-0320	4-1-2010	Amend	5-1-2010
461-135-1100	1-1-2010	Amend	2-1-2010	461-145-0320	7-1-2010	Amend	8-1-2010
461-135-1100	1-1-2010	Amend(T)	2-1-2010	461-145-0405	1-1-2010	Amend	2-1-2010
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461-145-0550(T)	4-1-2010	Repeal	5-1-2010	461-165-0150	4-1-2010	Repeal	5-1-2010
461-145-0810	1-1-2010	Amend	2-1-2010	461-165-0180	7-1-2010	Amend	8-1-2010
461-145-0820	7-1-2010	Amend	8-1-2010	461-165-0200	1-1-2010	Amend	2-1-2010
461-145-0830	7-1-2010	Amend	8-1-2010	461-165-0200	4-1-2010	Amend	5-1-2010
461-145-0930	1-1-2010	Amend	2-1-2010	461-165-0210	1-1-2010	Amend	2-1-2010
461-150-0055	1-1-2010	Amend	2-1-2010	461-165-0210	4-1-2010	Amend	5-1-2010
461-150-0055	8-16-2010	Amend(T)	10-1-2010	461-165-0230	1-1-2010	Amend	2-1-2010
461-150-0055(T)	1-1-2010	Repeal	2-1-2010	461-170-0010	1-1-2010	Amend(T)	2-1-2010
461-150-0060	4-1-2010	Amend	5-1-2010	461-170-0010	4-1-2010	Amend	5-1-2010
461-150-0090	12-1-2009	Amend(T)	1-1-2010	461-170-0010(T)	4-1-2010	Repeal	5-1-2010
461-150-0090	4-1-2010	Amend	5-1-2010	461-170-0011	1-1-2010	Amend(T)	2-1-2010
461-150-0090(T)	4-1-2010	Repeal	5-1-2010	461-170-0011	4-1-2010	Amend	5-1-2010
461-155-0030	8-16-2010	Amend(T)	10-1-2010	461-170-0011	4-1-2010	Amend(T)	5-1-2010
461-155-0035	8-16-2010	Amend(T)	10-1-2010	461-170-0011	7-1-2010	Amend	8-1-2010
461-155-0175	1-1-2010	Repeal	2-1-2010	461-170-0011(T)	4-1-2010	Repeal	5-1-2010
461-155-0180	3-31-2010	Amend	5-1-2010	461-170-0100	4-1-2010	Amend	5-1-2010
461-155-0180	8-16-2010	Amend(T)	10-1-2010	461-170-0101	4-1-2010	Amend	5-1-2010
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461-155-0225	8-16-2010	Amend(T)	10-1-2010	461-175-0010	8-16-2010	Amend(T)	10-1-2010
461-155-0225	9-15-2010	Amend(T)	10-1-2010	461-175-0200	2-23-2010	Amend(T)	4-1-2010
461-155-0225(T)	1-1-2010	Repeal	2-1-2010	461-175-0200	7-1-2010	Amend	8-1-2010
461-155-0225(T)	9-15-2010	Suspend	10-1-2010	461-175-0200	8-16-2010	Amend(T)	10-1-2010
461-155-0250	1-1-2010	Amend	2-1-2010	461-175-0200(T)	7-1-2010	Repeal	8-1-2010
461-155-0270	1-1-2010	Amend(T)	2-1-2010	461-175-0220	4-1-2010	Amend	5-1-2010
461-155-0270	7-1-2010	Amend	8-1-2010	461-175-0222	5-27-2010	Amend	7-1-2010
461-155-0320	8-16-2010	Amend(T)	10-1-2010	461-175-0250	8-16-2010	Amend(T)	10-1-2010
461-155-0360	1-1-2010	Amend	2-1-2010	461-175-0270	1-1-2010	Amend	2-1-2010
461-155-0360(T)	1-1-2010	Repeal	2-1-2010	461-175-0270	4-1-2010	Amend	5-1-2010
461-155-0500	7-1-2010	Amend	8-1-2010	461-175-0300	7-1-2010	Amend	8-1-2010
461-155-0530	1-1-2010	Amend	2-1-2010	461-180-0050	4-1-2010	Amend	5-1-2010
461-155-0580	1-1-2010	Amend	2-1-2010	461-180-0050	7-1-2010	Amend	8-1-2010
461-155-0630	1-1-2010	Amend	2-1-2010	461-180-0085	1-1-2010	Amend	2-1-2010
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461-155-0670	1-1-2010	Amend	2-1-2010	461-180-0090	1-1-2010	Amend(T)	2-1-2010
461-155-0680	1-1-2010	Amend	2-1-2010	461-180-0090	1-26-2010	Amend(T)	3-1-2010
461-155-0688	1-1-2010	Adopt	2-1-2010	461-180-0090	7-1-2010	Amend	8-1-2010
461-155-0693	1-1-2010	Adopt	2-1-2010	461-180-0090	7-1-2010	Amend(T)	8-1-2010
461-155-0693	7-1-2010	Amend	8-1-2010	461-180-0090(T)	1-1-2010	Repeal	2-1-2010
461-155-0693	7-1-2010	Amend(T)	8-1-2010	461-180-0090(T)	1-26-2010	Suspend	3-1-2010
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461-160-0580	1-1-2010	Amend	2-1-2010	461-193-0121	1-1-2010	Repeal	2-1-2010
461-160-0610	1-1-2010	Amend	2-1-2010	461-193-0240	1-1-2010	Amend	2-1-2010
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461-195-0531	1-1-2010	Repeal	2-1-2010	573-041-0040	4-22-2010	Repeal	6-1-2010
461-195-0541	1-1-2010	Amend	2-1-2010	573-041-0045	1-11-2010	Repeal	2-1-2010
461-195-0551	1-1-2010	Amend	2-1-2010	573-041-0045	4-22-2010	Repeal	6-1-2010
461-195-0561	1-1-2010	Amend	2-1-2010	573-041-0050	1-11-2010	Repeal	2-1-2010
471-007-0200	1-31-2010	Adopt	3-1-2010	573-041-0050	4-22-2010	Repeal	6-1-2010
471-007-0200(T)	1-31-2010	Repeal	3-1-2010	573-041-0055	1-11-2010	Repeal	2-1-2010
471-007-0210	1-31-2010	Adopt	3-1-2010	573-041-0055	4-22-2010	Repeal	6-1-2010
471-007-0210(T)	1-31-2010	Repeal	3-1-2010	573-041-0060	1-11-2010	Repeal	2-1-2010
471-007-0220	1-31-2010	Adopt	3-1-2010	573-041-0060	4-22-2010	Repeal	6-1-2010
471-007-0220(T)	1-31-2010	Repeal	3-1-2010	573-041-0065	1-11-2010	Repeal	2-1-2010
471-007-0230	1-31-2010	Adopt	3-1-2010	573-041-0065	4-22-2010	Repeal	6-1-2010
471-007-0230(T)	1-31-2010	Repeal	3-1-2010	573-041-0085	1-11-2010	Repeal	2-1-2010
471-007-0240	1-31-2010	Adopt	3-1-2010	573-041-0085	4-22-2010	Repeal	6-1-2010
471-007-0240(T)	1-31-2010	Repeal	3-1-2010	573-041-0090	1-11-2010	Repeal	2-1-2010
471-007-0250	1-31-2010	Adopt	3-1-2010	573-041-0090	4-22-2010	Repeal	6-1-2010
471-007-0250(T)	1-31-2010	Repeal	3-1-2010	573-041-0095	1-11-2010	Repeal	2-1-2010
471-007-0260	1-31-2010	Adopt	3-1-2010	573-041-0095	4-22-2010	Repeal	6-1-2010
471-007-0260(T)	1-31-2010	Repeal	3-1-2010	573-041-0096	1-11-2010	Repeal	2-1-2010
471-007-0270	1-31-2010	Adopt	3-1-2010	573-041-0096	4-22-2010	Repeal	6-1-2010
471-007-0270(T)	1-31-2010	Repeal	3-1-2010	573-041-0100	1-11-2010	Repeal	2-1-2010
471-007-0280	1-31-2010	Adopt	3-1-2010	573-041-0100	4-22-2010	Repeal	6-1-2010
471-007-0280(T)	1-31-2010	Repeal	3-1-2010	573-050-0025	6-8-2010	Amend	7-1-2010
471-007-0285	1-31-2010	Adopt	3-1-2010	573-050-0045	6-8-2010	Amend	7-1-2010
471-007-0285(T)	1-31-2010	Repeal	3-1-2010	574-050-0005	1-27-2010	Amend	3-1-2010
471-007-0290	1-31-2010	Adopt	3-1-2010	574-050-0005	8-4-2010	Amend	9-1-2010
471-007-0290(T)	1-31-2010	Repeal	3-1-2010	575-031-0025	11-24-2009	Amend(T)	1-1-2010
471-007-0300	1-31-2010	Adopt	3-1-2010	576-010-0000	7-1-2010	Amend	8-1-2010
471-007-0300(T)	1-31-2010	Repeal	3-1-2010	576-010-0031	8-10-2010	Adopt	9-1-2010
471-007-0310	1-31-2010	Adopt	3-1-2010	576-010-0036	8-10-2010	Adopt	9-1-2010
471-007-0310(T)	1-31-2010	Repeal	3-1-2010	576-010-0041	8-10-2010	Adopt	9-1-2010
471-030-0220	4-14-2010	Adopt	5-1-2010	576-015-0005	7-1-2010	Amend	8-1-2010
471-030-0225	3-3-2010	Adopt(T)	4-1-2010	576-015-0010	7-1-2010	Amend	8-1-2010
471-030-0225	7-16-2010	Adopt	9-1-2010	576-015-0015	7-1-2010	Repeal	8-1-2010
471-030-0225(T)	7-16-2010	Repeal	9-1-2010	576-015-0020	7-1-2010	Amend	8-1-2010
571-060-0005	7-1-2010	Amend	6-1-2010	576-015-0021	7-1-2010	Adopt	8-1-2010
571-060-0005	7-30-2010	Amend	9-1-2010	576-015-0025	7-1-2010	Amend	8-1-2010
573-040-0005	7-12-2010	Amend	8-1-2010	576-015-0030	7-1-2010	Amend	8-1-2010
573-041-0005	1-11-2010	Repeal	2-1-2010	576-015-0035	7-1-2010	Amend	8-1-2010
573-041-0005	4-22-2010	Repeal	6-1-2010	576-015-0040	7-1-2010	Amend	8-1-2010
573-041-0010	1-11-2010	Repeal	2-1-2010	576-015-0043	7-1-2010	Amend	8-1-2010
573-041-0010	4-22-2010	Repeal	6-1-2010	576-015-0045	7-1-2010	Amend	8-1-2010
573-041-0020	1-11-2010	Repeal	2-1-2010	576-015-0050	7-1-2010	Amend	8-1-2010
573-041-0020	4-22-2010	Repeal	6-1-2010	576-015-0055	7-1-2010	Amend	8-1-2010
573-041-0025	1-11-2010	Repeal	2-1-2010	576-015-0056	7-1-2010	Amend	8-1-2010
573-041-0025	4-22-2010	Repeal	6-1-2010	576-015-0057	7-1-2010	Amend	8-1-2010
573-041-0027	1-11-2010	Repeal	2-1-2010	576-015-0060	7-1-2010	Amend	8-1-2010
573-041-0027	4-22-2010	Repeal	6-1-2010	576-018-0000	7-1-2010	Repeal	8-1-2010
573-041-0030	1-11-2010	Repeal	2-1-2010	576-018-0010	7-1-2010	Repeal	8-1-2010
573-041-0030	4-22-2010	Repeal	6-1-2010	576-018-0020	7-1-2010	Repeal	8-1-2010
573-041-0035	1-11-2010	Repeal	2-1-2010	576-018-0030	7-1-2010	Repeal	8-1-2010
573-041-0035	4-22-2010	Repeal	6-1-2010	576-018-0040	7-1-2010	Repeal	8-1-2010
573-041-0036	1-11-2010	Repeal	2-1-2010	576-018-0050	7-1-2010	Repeal	8-1-2010
573-041-0036	4-22-2010	Repeal	6-1-2010	576-018-0060	7-1-2010	Repeal	8-1-2010
573-041-0037	1-11-2010	Repeal	2-1-2010	576-018-0070	7-1-2010	Repeal	8-1-2010

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576-018-0090	7-1-2010	Repeal	8-1-2010	581-016-0950	12-10-2009	Repeal	1-1-2010
576-018-0100	7-1-2010	Repeal	8-1-2010	581-016-0960	12-10-2009	Repeal	1-1-2010
576-018-0110	7-1-2010	Repeal	8-1-2010	581-016-0970	12-10-2009	Repeal	1-1-2010
576-018-0120	7-1-2010	Repeal	8-1-2010	581-016-0980	12-10-2009	Repeal	1-1-2010
576-018-0130	7-1-2010	Repeal	8-1-2010	581-016-0990	12-10-2009	Repeal	1-1-2010
576-018-0140	7-1-2010	Repeal	8-1-2010	581-016-1000	12-10-2009	Repeal	1-1-2010
576-018-0150	7-1-2010	Repeal	8-1-2010	581-016-1010	12-10-2009	Repeal	1-1-2010
576-018-0160	7-1-2010	Repeal	8-1-2010	581-016-1020	12-10-2009	Repeal	1-1-2010
576-018-0170	7-1-2010	Repeal	8-1-2010	581-016-1030	12-10-2009	Repeal	1-1-2010
576-018-0180	7-1-2010	Repeal	8-1-2010	581-016-1040	12-10-2009	Repeal	1-1-2010
576-018-0190	7-1-2010	Repeal	8-1-2010	581-016-1050	12-10-2009	Repeal	1-1-2010
576-018-0200	7-1-2010	Repeal	8-1-2010	581-020-0301	12-10-2009	Amend(T)	1-1-2010
576-018-0220	7-1-2010	Repeal	8-1-2010	581-020-0301	6-30-2010	Amend	8-1-2010
576-018-0230	7-1-2010	Repeal	8-1-2010	581-020-0333	12-10-2009	Adopt(T)	1-1-2010
576-018-0240	7-1-2010	Repeal	8-1-2010	581-020-0334	6-30-2010	Adopt	8-1-2010
576-018-0250	7-1-2010	Repeal	8-1-2010	581-020-0335	12-10-2009	Adopt(T)	1-1-2010
576-018-0260	7-1-2010	Repeal	8-1-2010	581-020-0336	6-30-2010	Adopt	8-1-2010
577-060-0020	7-1-2010	Amend(T)	5-1-2010	581-020-0337	12-10-2009	Adopt(T)	1-1-2010
577-060-0020	8-1-2010	Amend	8-1-2010	581-020-0338	6-30-2010	Adopt	8-1-2010
577-060-0020(T)	8-1-2010	Repeal	8-1-2010	581-020-0359	12-10-2009	Amend(T)	1-1-2010
578-041-0030	6-28-2010	Amend(T)	8-1-2010	581-020-0359	6-30-2010	Amend	8-1-2010
578-041-0030	8-30-2010	Amend	10-1-2010	581-020-0362	12-10-2009	Adopt(T)	1-1-2010
578-041-0030(T)	8-30-2010	Repeal	10-1-2010	581-020-0380	6-30-2010	Amend	8-1-2010
579-020-0006	12-15-2009	Amend	1-1-2010	581-021-0037	12-10-2009	Amend	1-1-2010
579-020-0006	5-13-2010	Amend	6-1-2010	581-021-0037	3-18-2010	Amend	5-1-2010
579-020-0006	7-15-2010	Amend	8-1-2010	581-021-0041	5-27-2010	Amend	7-1-2010
580-040-0035	1-19-2010	Amend	3-1-2010	581-021-0041	6-30-2010	Amend(T)	8-1-2010
580-040-0040	2-11-2010	Amend	3-1-2010	581-021-0110	12-10-2009	Amend	1-1-2010
580-040-0040	6-17-2010	Amend	8-1-2010	581-021-0500	12-10-2009	Amend	1-1-2010
580-040-0040(T)	2-11-2010	Repeal	3-1-2010	581-021-0500	12-10-2009	Amend	1-1-2010
581-001-0053	12-10-2009	Amend	1-1-2010	581-022-0421	6-30-2010	Adopt	8-1-2010
581-011-0087	2-8-2010	Amend	3-1-2010	581-022-0610	12-10-2009	Amend	1-1-2010
581-015-2000	12-10-2009	Amend	1-1-2010	581-022-0610	5-27-2010	Amend	7-1-2010
581-015-2090	12-10-2009	Amend	1-1-2010	581-022-0615	12-10-2009	Amend	1-1-2010
581-015-2270	12-10-2009	Amend	1-1-2010	581-022-0615(T)	12-10-2009	Repeal	1-1-2010
581-015-2275	12-10-2009	Amend	1-1-2010	581-022-0620	3-18-2010	Adopt	5-1-2010
581-015-2440	12-10-2009	Amend	1-1-2010	581-022-1130	12-10-2009	Amend	1-1-2010
581-015-2570	12-10-2009	Amend	1-1-2010	581-022-1133	12-10-2009	Adopt	1-1-2010
581-015-2571	12-10-2009	Adopt	1-1-2010	581-022-1134	12-10-2009	Amend	1-1-2010
581-015-2572	12-10-2009	Adopt	1-1-2010	581-022-1135	12-10-2009	Amend	1-1-2010
581-015-2573	12-10-2009	Adopt	1-1-2010	581-022-1215	12-10-2009	Adopt	1-1-2010
581-015-2574	12-10-2009	Adopt	1-1-2010	581-022-1440	12-10-2009	Amend	1-1-2010
581-015-2735	12-10-2009	Amend	1-1-2010	581-023-0006	12-10-2009	Amend	1-1-2010
581-016-0520	12-10-2009	Amend	1-1-2010	581-023-0018	12-10-2009	Amend	1-1-2010
581-016-0526	12-10-2009	Amend	1-1-2010	581-023-0040	4-26-2010	Amend	6-1-2010
581-016-0536	12-10-2009	Amend	1-1-2010	581-037-0005	6-30-2010	Amend	8-1-2010
581-016-0537	12-10-2009	Amend	1-1-2010	581-037-0006	6-30-2010	Amend	8-1-2010
581-016-0538	12-10-2009	Amend	1-1-2010	581-037-0015	6-30-2010	Amend	8-1-2010
581-016-0541	12-10-2009	Amend	1-1-2010	581-037-0025	6-30-2010	Amend	8-1-2010
581-016-0560	12-10-2009	Amend	1-1-2010	581-037-0030	6-30-2010	Repeal	8-1-2010
581-016-0890	12-10-2009	Repeal	1-1-2010	581-045-0001	2-8-2010	Amend	3-1-2010
581-016-0900	12-10-2009	Repeal	1-1-2010	581-045-0003	2-8-2010	Adopt	3-1-2010
581-016-0910	12-10-2009	Repeal	1-1-2010	581-045-0006	2-8-2010	Amend	3-1-2010
581-016-0920	12-10-2009	Repeal	1-1-2010	581-045-0062	2-8-2010	Amend	3-1-2010
581-016-0930	12-10-2009	Repeal	1-1-2010	581-045-0500	2-8-2010	Amend	3-1-2010

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581-045-0586	12-10-2009	Amend	1-1-2010	584-060-0190	8-13-2010	Amend(T)	9-1-2010
584-010-0020	12-15-2009	Amend	1-1-2010	584-060-0200	8-13-2010	Amend(T)	9-1-2010
584-017-0200	12-15-2009	Amend	1-1-2010	584-060-0210	8-13-2010	Amend(T)	9-1-2010
584-017-0201	12-15-2009	Amend	1-1-2010	584-060-0210	9-15-2010	Amend	10-1-2010
584-020-0040	7-15-2010	Amend	8-1-2010	584-060-0210(T)	9-15-2010	Repeal	10-1-2010
584-021-0165	12-15-2009	Amend	1-1-2010	584-060-0220	12-15-2009	Adopt	1-1-2010
584-021-0165	8-13-2010	Amend(T)	9-1-2010	584-060-0220	8-13-2010	Amend(T)	9-1-2010
584-023-0005	8-13-2010	Amend(T)	9-1-2010	584-065-0030	12-15-2009	Repeal	1-1-2010
584-036-0055	12-15-2009	Amend	1-1-2010	584-065-0035	12-15-2009	Adopt	1-1-2010
584-036-0055	7-15-2010	Amend	8-1-2010	584-065-0040	12-15-2009	Repeal	1-1-2010
584-036-0055	8-13-2010	Amend(T)	9-1-2010	584-070-0001	8-13-2010	Amend(T)	9-1-2010
584-036-0080	8-31-2010	Amend	10-1-2010	584-070-0012	12-15-2009	Amend	1-1-2010
584-036-0081	12-15-2009	Amend	1-1-2010	584-070-0111	12-15-2009	Amend	1-1-2010
584-038-0004	8-31-2010	Amend	10-1-2010	584-070-0111	4-2-2010	Amend	5-1-2010
584-038-0190	8-31-2010	Amend	10-1-2010	584-070-0111	8-13-2010	Amend(T)	9-1-2010
584-038-0300	12-15-2009	Amend	1-1-2010	584-070-0112	12-15-2009	Amend	1-1-2010
584-042-0002	3-5-2010	Suspend	4-1-2010	584-070-0112	8-13-2010	Amend(T)	9-1-2010
584-042-0006	3-5-2010	Suspend	4-1-2010	584-070-0132	8-13-2010	Amend(T)	9-1-2010
584-042-0009	3-5-2010	Suspend	4-1-2010	584-070-0310	12-15-2009	Amend	1-1-2010
584-042-0021	3-5-2010	Adopt(T)	4-1-2010	584-070-0310	8-13-2010	Amend(T)	9-1-2010
584-042-0021	7-15-2010	Adopt	8-1-2010	584-080-0012	7-15-2010	Amend	8-1-2010
584-042-0022	8-31-2010	Adopt	10-1-2010	584-080-0022	12-15-2009	Amend	1-1-2010
584-042-0031	3-5-2010	Adopt(T)	4-1-2010	584-080-0031	8-13-2010	Amend(T)	9-1-2010
584-042-0031	8-31-2010	Adopt	10-1-2010	584-080-0151	12-15-2009	Amend	1-1-2010
584-042-0031(T)	8-31-2010	Repeal	10-1-2010	584-080-0152	12-15-2009	Amend	1-1-2010
584-042-0036	7-15-2010	Adopt	8-1-2010	584-080-0153	12-15-2009	Amend	1-1-2010
584-042-0044	3-5-2010	Adopt(T)	4-1-2010	584-080-0153	4-2-2010	Amend	5-1-2010
584-042-0044	7-15-2010	Adopt	8-1-2010	584-080-0153	8-13-2010	Amend(T)	9-1-2010
584-042-0044	8-13-2010	Amend(T)	9-1-2010	584-080-0161	12-15-2009	Amend	1-1-2010
584-042-0051	8-31-2010	Adopt	10-1-2010	584-080-0161	8-13-2010	Amend(T)	9-1-2010
584-042-0060	7-15-2010	Adopt	8-1-2010	584-080-0171	8-13-2010	Amend(T)	9-1-2010
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584-042-0090	7-15-2010	Adopt	8-1-2010	603-010-0056	1-7-2010	Adopt	2-1-2010
584-044-0014	7-15-2010	Amend	8-1-2010	603-011-0212	8-31-2010	Amend	10-1-2010
584-044-0015	7-15-2010	Amend	8-1-2010	603-011-0265	8-31-2010	Amend	10-1-2010
584-050-0006	12-15-2009	Amend	1-1-2010	603-011-0310	8-31-2010	Amend	10-1-2010
584-050-0015	4-2-2010	Amend	5-1-2010	603-011-0367	8-31-2010	Renumber	10-1-2010
584-050-0030	12-15-2009	Amend	1-1-2010	603-011-0369	8-31-2010	Renumber	10-1-2010
584-050-0035	12-15-2009	Amend	1-1-2010	603-011-0371	8-31-2010	Renumber	10-1-2010
584-050-0040	8-31-2010	Amend	10-1-2010	603-011-0373	8-31-2010	Renumber	10-1-2010
584-050-0100	4-2-2010	Amend	5-1-2010	603-011-0374	8-31-2010	Renumber	10-1-2010
584-052-0015	12-15-2009	Amend	1-1-2010	603-011-0377	8-31-2010	Renumber	10-1-2010
584-052-0030	4-2-2010	Amend	5-1-2010	603-011-0378	8-31-2010	Renumber	10-1-2010
584-060-0012	12-15-2009	Amend	1-1-2010	603-011-0379	8-31-2010	Renumber	10-1-2010
584-060-0013	12-15-2009	Amend	1-1-2010	603-011-0525	8-31-2010	Amend	10-1-2010
584-060-0014	1-28-2010	Amend	3-1-2010	603-011-0610	2-26-2010	Amend	4-1-2010
584-060-0071	12-15-2009	Amend	1-1-2010	603-011-0615	2-26-2010	Amend	4-1-2010
584-060-0071	12-18-2009	Amend	2-1-2010	603-011-0620	2-26-2010	Amend	4-1-2010
584-060-0162	1-1-2010	Amend	1-1-2010	603-011-0700	2-10-2010	Amend	3-1-2010
584-060-0162	8-13-2010	Amend(T)	9-1-2010	603-011-0701	2-10-2010	Adopt	3-1-2010
584-060-0171	12-15-2009	Amend	1-1-2010	603-011-0705	2-10-2010	Amend	3-1-2010
584-060-0171	8-13-2010	Amend(T)	9-1-2010	603-011-0706	2-10-2010	Adopt	3-1-2010
584-060-0181	12-15-2009	Amend	1-1-2010	603-011-0725	2-10-2010	Amend	3-1-2010
584-060-0181	8-13-2010	Amend(T)	9-1-2010	603-027-0105	9-14-2010	Amend	10-1-2010

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603-027-0206	9-14-2010	Amend	10-1-2010	609-010-0130	5-28-2010	Adopt	7-1-2010
603-027-0220	9-14-2010	Amend	10-1-2010	609-010-0140	5-28-2010	Adopt	7-1-2010
603-027-0400	9-14-2010	Amend	10-1-2010	617-010-0085	6-21-2010	Amend	8-1-2010
603-027-0410	1-1-2010	Amend	2-1-2010	617-040-0010	5-21-2010	Amend	7-1-2010
603-027-0410	9-14-2010	Amend	10-1-2010	629-035-0105	6-22-2010	Amend	8-1-2010
603-027-0410(T)	1-1-2010	Repeal	2-1-2010	629-045-0005	5-19-2010	Repeal	7-1-2010
603-027-0420	1-1-2010	Amend	2-1-2010	629-045-0010	5-19-2010	Repeal	7-1-2010
603-027-0420	9-14-2010	Amend	10-1-2010	629-045-0020	5-19-2010	Adopt	7-1-2010
603-027-0420(T)	1-1-2010	Repeal	2-1-2010	629-045-0025	5-19-2010	Adopt	7-1-2010
603-027-0430	1-1-2010	Amend	2-1-2010	629-045-0030	5-19-2010	Adopt	7-1-2010
603-027-0430	9-14-2010	Amend	10-1-2010	629-045-0035	5-19-2010	Adopt	7-1-2010
603-027-0430(T)	1-1-2010	Repeal	2-1-2010	629-045-0040	5-19-2010	Adopt	7-1-2010
603-027-0440	1-1-2010	Amend	2-1-2010	629-045-0045	5-19-2010	Adopt	7-1-2010
603-027-0440(T)	1-1-2010	Repeal	2-1-2010	629-045-0050	5-19-2010	Adopt	7-1-2010
603-027-0490	1-1-2010	Amend	2-1-2010	629-045-0055	5-19-2010	Adopt	7-1-2010
603-027-0490	9-14-2010	Amend	10-1-2010	629-045-0060	5-19-2010	Adopt	7-1-2010
603-027-0490(T)	1-1-2010	Repeal	2-1-2010	629-045-0065	5-19-2010	Adopt	7-1-2010
603-027-0635	9-14-2010	Amend	10-1-2010	632-020-0005	6-22-2010	Amend	8-1-2010
603-027-0655	9-14-2010	Amend	10-1-2010	632-020-0010	6-22-2010	Amend	8-1-2010
603-027-0680	9-14-2010	Amend	10-1-2010	632-020-0015	6-22-2010	Amend	8-1-2010
603-027-0700	9-14-2010	Amend	10-1-2010	632-020-0020	6-22-2010	Amend	8-1-2010
603-052-0051	1-28-2010	Amend	3-1-2010	632-020-0030	6-22-2010	Amend	8-1-2010
603-052-0127	1-28-2010	Amend	3-1-2010	632-020-0031	6-22-2010	Amend	8-1-2010
603-052-0860	1-21-2010	Amend	3-1-2010	632-020-0040	6-22-2010	Amend	8-1-2010
603-052-0880	1-21-2010	Amend	3-1-2010	632-020-0045	6-22-2010	Amend	8-1-2010
603-052-1150	8-9-2010	Amend	9-1-2010	632-020-0055	6-22-2010	Amend	8-1-2010
603-052-1200	2-4-2010	Amend	3-1-2010	632-020-0060	6-22-2010	Amend	8-1-2010
603-052-1236	2-4-2010	Adopt	3-1-2010	632-020-0065	6-22-2010	Amend	8-1-2010
603-054-0024	1-28-2010	Amend	3-1-2010	632-020-0070	6-22-2010	Amend	8-1-2010
603-056-0305	7-12-2010	Amend	8-1-2010	632-020-0090	6-22-2010	Amend	8-1-2010
603-056-0315	4-21-2010	Amend	6-1-2010	632-020-0095	6-22-2010	Amend	8-1-2010
603-057-0160	12-7-2009	Amend	1-1-2010	632-020-0100	6-22-2010	Amend	8-1-2010
603-076-0101	1-15-2010	Adopt	2-1-2010	632-020-0105	6-22-2010	Amend	8-1-2010
603-076-0106	1-15-2010	Adopt	2-1-2010	632-020-0110	6-22-2010	Amend	8-1-2010
603-077-0101	7-12-2010	Amend	8-1-2010	632-020-0115	6-22-2010	Amend	8-1-2010
603-077-0103	7-12-2010	Amend	8-1-2010	632-020-0117	6-22-2010	Amend	8-1-2010
603-077-0105	7-12-2010	Amend	8-1-2010	632-020-0120	6-22-2010	Amend	8-1-2010
603-077-0110	7-12-2010	Amend	8-1-2010	632-020-0125	6-22-2010	Amend	8-1-2010
603-077-0112	7-12-2010	Amend	8-1-2010	632-020-0130	6-22-2010	Amend	8-1-2010
603-077-0113	7-12-2010	Amend	8-1-2010	632-020-0135	6-22-2010	Amend	8-1-2010
603-077-0115	7-12-2010	Amend	8-1-2010	632-020-0138	6-22-2010	Amend	8-1-2010
603-077-0119	7-12-2010	Adopt	8-1-2010	632-020-0145	6-22-2010	Amend	8-1-2010
603-077-0125	7-12-2010	Repeal	8-1-2010	632-020-0150	6-22-2010	Amend	8-1-2010
603-077-0131	7-12-2010	Amend	8-1-2010	632-020-0151	6-22-2010	Amend	8-1-2010
603-077-0133	7-12-2010	Amend	8-1-2010	632-020-0154	6-22-2010	Amend	8-1-2010
603-077-0135	7-12-2010	Amend	8-1-2010	632-020-0155	6-22-2010	Amend	8-1-2010
603-077-0137	7-12-2010	Amend	8-1-2010	632-020-0156	6-22-2010	Amend	8-1-2010
603-077-0139	7-12-2010	Adopt	8-1-2010	632-020-0157	6-22-2010	Amend	8-1-2010
603-077-0140	7-12-2010	Amend	8-1-2010	632-020-0158	6-22-2010	Amend	8-1-2010
603-077-0145	7-12-2010	Amend	8-1-2010	632-020-0170	6-22-2010	Amend	8-1-2010
603-077-0155	7-12-2010	Amend	8-1-2010	632-020-0175	6-22-2010	Amend	8-1-2010
603-077-0177	7-12-2010	Amend	8-1-2010	632-020-0180	6-22-2010	Amend	8-1-2010
607-010-0020	7-1-2010	Amend	7-1-2010	635-001-0035	1-1-2010	Amend	2-1-2010
609-010-0100	5-28-2010	Adopt	7-1-2010	635-001-0070	9-10-2010	Adopt	10-1-2010
609-010-0110	5-28-2010	Adopt	7-1-2010	635-001-0105	9-3-2010	Amend	10-1-2010

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635-002-0014	5-17-2010	Adopt	7-1-2010	635-012-0020	6-30-2011	Adopt	3-1-2010
635-003-0003	5-25-2010	Amend	7-1-2010	635-012-0030	6-30-2011	Adopt	2-1-2010
635-003-0085	8-1-2010	Amend	7-1-2010	635-012-0030	6-30-2011	Adopt	3-1-2010
635-004-0005	3-15-2010	Amend	4-1-2010	635-012-0040	6-30-2011	Adopt	2-1-2010
635-004-0005	4-1-2010	Amend	5-1-2010	635-012-0050	6-30-2011	Adopt	2-1-2010
635-004-0009	3-15-2010	Amend	4-1-2010	635-012-0050	6-30-2011	Adopt	3-1-2010
635-004-0009	4-1-2010	Amend	5-1-2010	635-012-0060	6-30-2011	Adopt	2-1-2010
635-004-0016	1-1-2010	Amend(T)	2-1-2010	635-012-0060	6-30-2011	Adopt	3-1-2010
635-004-0016	3-15-2010	Amend	4-1-2010	635-013-0003	1-1-2010	Amend	1-1-2010
635-004-0016	4-1-2010	Amend	5-1-2010	635-013-0003	5-25-2010	Amend	7-1-2010
635-004-0016(T)	4-1-2010	Repeal	5-1-2010	635-013-0004	1-1-2010	Amend	1-1-2010
635-004-0017	6-12-2010	Amend(T)	7-1-2010	635-013-0007	8-1-2010	Amend	7-1-2010
635-004-0017	7-22-2010	Amend(T)	9-1-2010	635-013-0009	3-15-2010	Amend(T)	4-1-2010
635-004-0019	3-3-2010	Amend(T)	4-1-2010	635-013-0009	8-1-2010	Amend	7-1-2010
635-004-0019	5-12-2010	Amend(T)	6-1-2010	635-013-0009(T)	8-1-2010	Repeal	7-1-2010
635-004-0019	7-30-2010	Amend(T)	9-1-2010	635-014-0080	1-1-2010	Amend	1-1-2010
635-004-0019	8-25-2010	Amend(T)	10-1-2010	635-014-0090	1-1-2010	Amend	1-1-2010
635-004-0019(T)	5-12-2010	Suspend	6-1-2010	635-014-0090	4-21-2010	Amend(T)	6-1-2010
635-004-0019(T)	7-30-2010	Suspend	9-1-2010	635-014-0090	6-1-2010	Amend(T)	7-1-2010
635-004-0019(T)	8-25-2010	Suspend	10-1-2010	635-014-0090	7-1-2010	Amend(T)	8-1-2010
635-004-0020	1-1-2010	Amend	2-1-2010	635-014-0090	8-1-2010	Amend	7-1-2010
635-004-0027	1-1-2010	Amend(T)	2-1-2010	635-014-0090(T)	6-1-2010	Suspend	7-1-2010
635-004-0033	1-1-2010	Amend	2-1-2010	635-014-0090(T)	7-1-2010	Suspend	8-1-2010
635-004-0033	8-1-2010	Amend(T)	9-1-2010	635-016-0080	1-1-2010	Amend	1-1-2010
635-004-0036	1-1-2010	Amend	2-1-2010	635-016-0090	11-19-2009	Amend(T)	1-1-2010
635-004-0066	1-1-2010	Adopt	2-1-2010	635-016-0090	1-1-2010	Amend	1-1-2010
635-004-0068	1-1-2010	Adopt	2-1-2010	635-016-0090	5-22-2010	Amend(T)	7-1-2010
635-004-0070	1-1-2010	Amend	2-1-2010	635-016-0090	8-1-2010	Amend	7-1-2010
635-004-0080	1-1-2010	Amend	2-1-2010	635-016-0090(T)	11-19-2009	Suspend	1-1-2010
635-005-0005	1-1-2010	Amend	2-1-2010	635-017-0080	1-1-2010	Amend	1-1-2010
635-005-0055	8-10-2010	Amend	9-1-2010	635-017-0090	1-1-2010	Amend	1-1-2010
635-006-0001	1-1-2010	Amend	1-1-2010	635-017-0090	5-14-2010	Amend	6-1-2010
635-006-0020	1-1-2010	Amend	1-1-2010	635-017-0090	5-22-2010	Amend(T)	6-1-2010
635-006-0212	4-27-2010	Amend(T)	6-1-2010	635-017-0090	6-18-2010	Amend(T)	8-1-2010
635-006-0215	4-1-2010	Amend(T)	5-1-2010	635-017-0090	7-1-2010	Amend(T)	8-1-2010
635-006-0215	4-27-2010	Amend(T)	6-1-2010	635-017-0090	7-8-2010	Amend(T)	8-1-2010
635-006-0215(T)	4-27-2010	Suspend	6-1-2010	635-017-0090	9-1-2010	Amend(T)	10-1-2010
635-006-0225	4-27-2010	Amend(T)	6-1-2010	635-017-0090(T)	6-18-2010	Suspend	8-1-2010
635-006-0232	1-13-2010	Amend	2-1-2010	635-017-0090(T)	7-1-2010	Suspend	8-1-2010
635-006-0850	1-1-2010	Amend	2-1-2010	635-017-0090(T)	7-8-2010	Suspend	8-1-2010
635-006-0890	1-1-2010	Amend	2-1-2010	635-017-0090(T)	9-1-2010	Suspend	10-1-2010
635-006-0910	1-1-2010	Amend	1-1-2010	635-017-0095	1-1-2010	Amend	1-1-2010
635-006-1025	1-1-2010	Amend	1-1-2010	635-017-0095	4-1-2010	Amend	5-1-2010
635-006-1075	1-1-2010	Amend	1-1-2010	635-017-0095	7-5-2010	Amend(T)	8-1-2010
635-006-1085	1-1-2010	Amend	1-1-2010	635-018-0080	1-1-2010	Amend	1-1-2010
635-007-0605	1-1-2010	Amend	1-1-2010	635-018-0090	1-1-2010	Amend	1-1-2010
635-007-0910	1-1-2010	Amend	1-1-2010	635-018-0090	4-1-2010	Amend(T)	3-1-2010
635-008-0055	8-13-2010	Amend	9-1-2010	635-018-0090	4-15-2010	Amend(T)	4-1-2010
635-008-0070	8-13-2010	Amend	9-1-2010	635-018-0090	5-22-2010	Amend(T)	7-1-2010
635-008-0085	8-13-2010	Amend	9-1-2010	635-018-0090	7-1-2010	Amend(T)	8-1-2010
635-008-0145	1-1-2010	Amend	1-1-2010	635-018-0090	8-1-2010	Amend(T)	9-1-2010
635-008-0155	8-13-2010	Amend	9-1-2010	635-018-0090(T)	4-15-2010	Suspend	4-1-2010
635-008-0211	8-10-2010	Adopt	9-1-2010	635-018-0090(T)	5-22-2010	Suspend	7-1-2010
635-011-0100	1-1-2010	Amend	1-1-2010	635-018-0090(T)	7-1-2010	Suspend	8-1-2010
635-011-0170	3-15-2010	Adopt	4-1-2010	635-018-0090(T)	8-1-2010	Suspend	9-1-2010

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635-019-0090	1-1-2010	Amend	1-1-2010	635-039-0080	1-1-2010	Amend	1-1-2010
635-019-0090	5-22-2010	Amend(T)	6-1-2010	635-039-0080	3-15-2010	Amend	4-1-2010
635-019-0090	7-11-2010	Amend(T)	8-1-2010	635-039-0080	4-1-2010	Amend	5-1-2010
635-019-0090	7-25-2010	Amend(T)	9-1-2010	635-039-0085	3-15-2010	Amend	4-1-2010
635-019-0090(T)	7-11-2010	Suspend	8-1-2010	635-039-0085	4-1-2010	Amend	5-1-2010
635-019-0090(T)	7-25-2010	Suspend	9-1-2010	635-039-0085	7-17-2010	Amend(T)	8-1-2010
635-021-0080	1-1-2010	Amend	1-1-2010	635-039-0085	8-13-2010	Amend(T)	9-1-2010
635-021-0090	1-1-2010	Amend	1-1-2010	635-039-0085(T)	8-13-2010	Suspend	9-1-2010
635-021-0090	5-1-2010	Amend(T)	6-1-2010	635-039-0090	1-1-2010	Amend	1-1-2010
635-021-0090	5-22-2010	Amend(T)	6-1-2010	635-039-0090	7-23-2010	Amend(T)	9-1-2010
635-021-0090	5-22-2010	Amend(T)	7-1-2010	635-041-0005	4-15-2010	Amend(T)	5-1-2010
635-021-0090	6-11-2010	Amend(T)	7-1-2010	635-041-0015	4-15-2010	Amend(T)	5-1-2010
635-021-0090(T)	5-22-2010	Suspend	7-1-2010	635-041-0020	4-15-2010	Amend(T)	5-1-2010
635-021-0090(T)	5-22-2010	Suspend	7-1-2010	635-041-0025	4-15-2010	Amend(T)	5-1-2010
635-021-0090(T)	6-11-2010	Suspend	7-1-2010	635-041-0065	2-3-2010	Amend(T)	3-1-2010
635-023-0080	1-1-2010	Amend	1-1-2010	635-041-0065	2-11-2010	Amend(T)	3-1-2010
635-023-0090	1-1-2010	Amend	1-1-2010	635-041-0065	2-26-2010	Amend(T)	4-1-2010
635-023-0090	1-1-2010	Amend(T)	2-1-2010	635-041-0065	3-3-2010	Amend(T)	4-1-2010
635-023-0090	3-11-2010	Amend(T)	4-1-2010	635-041-0065(T)	2-11-2010	Suspend	3-1-2010
635-023-0090(T)	3-11-2010	Suspend	4-1-2010	635-041-0065(T)	2-26-2010	Suspend	4-1-2010
635-023-0095	1-1-2010	Amend	1-1-2010	635-041-0065(T)	3-3-2010	Suspend	4-1-2010
635-023-0095	2-21-2010	Amend(T)	4-1-2010	635-041-0075	8-1-2010	Amend(T)	9-1-2010
635-023-0095	3-1-2010	Amend(T)	4-1-2010	635-041-0075	8-24-2010	Amend(T)	10-1-2010
635-023-0095	4-1-2010	Amend	5-1-2010	635-041-0075	9-10-2010	Amend(T)	10-1-2010
635-023-0095	4-29-2010	Amend(T)	6-1-2010	635-041-0075(T)	8-24-2010	Suspend	10-1-2010
635-023-0095	5-6-2010	Amend(T)	6-1-2010	635-041-0075(T)	9-10-2010	Suspend	10-1-2010
635-023-0095	6-26-2010	Amend(T)	8-1-2010	635-041-0076	4-27-2010	Amend(T)	6-1-2010
635-023-0095	7-15-2010	Amend(T)	8-1-2010	635-041-0076	4-29-2010	Amend(T)	6-1-2010
635-023-0095	8-1-2010	Amend(T)	8-1-2010	635-041-0076	5-11-2010	Amend(T)	6-1-2010
635-023-0095(T)	3-1-2010	Suspend	4-1-2010	635-041-0076	5-19-2010	Amend(T)	7-1-2010
635-023-0095(T)	4-1-2010	Repeal	5-1-2010	635-041-0076	5-21-2010	Amend(T)	7-1-2010
635-023-0095(T)	5-6-2010	Suspend	6-1-2010	635-041-0076	6-2-2010	Amend(T)	7-1-2010
635-023-0095(T)	6-26-2010	Suspend	8-1-2010	635-041-0076	6-16-2010	Amend(T)	7-1-2010
635-023-0095(T)	7-15-2010	Suspend	8-1-2010	635-041-0076	6-29-2010	Amend(T)	8-1-2010
635-023-0095(T)	8-1-2010	Suspend	8-1-2010	635-041-0076	7-13-2010	Amend(T)	8-1-2010
635-023-0125	1-1-2010	Amend	1-1-2010	635-041-0076	7-20-2010	Amend(T)	9-1-2010
635-023-0125	3-1-2010	Amend(T)	4-1-2010	635-041-0076	7-26-2010	Amend(T)	9-1-2010
635-023-0125	3-2-2010	Amend(T)	4-1-2010	635-041-0076(T)	4-29-2010	Suspend	6-1-2010
635-023-0125	4-24-2010	Amend(T)	6-1-2010	635-041-0076(T)	5-11-2010	Suspend	6-1-2010
635-023-0125	4-29-2010	Amend(T)	6-1-2010	635-041-0076(T)	5-19-2010	Suspend	7-1-2010
635-023-0125	5-8-2010	Amend(T)	6-1-2010	635-041-0076(T)	5-21-2010	Suspend	7-1-2010
635-023-0125(T)	3-2-2010	Suspend	4-1-2010	635-041-0076(T)	6-2-2010	Suspend	7-1-2010
635-023-0125(T)	4-24-2010	Suspend	6-1-2010	635-041-0076(T)	6-16-2010	Suspend	7-1-2010
635-023-0125(T)	4-29-2010	Suspend	6-1-2010	635-041-0076(T)	6-29-2010	Suspend	8-1-2010
635-023-0125(T)	5-8-2010	Suspend	6-1-2010	635-041-0076(T)	7-13-2010	Suspend	8-1-2010
635-023-0125(T)	6-26-2010	Suspend	8-1-2010	635-041-0076(T)	7-20-2010	Suspend	9-1-2010
635-023-0128	1-1-2010	Amend	1-1-2010	635-041-0076(T)	7-26-2010	Suspend	9-1-2010
635-023-0128	6-16-2010	Amend	7-1-2010	635-041-0076(T)	8-1-2010	Suspend	9-1-2010
635-023-0128	6-26-2010	Amend(T)	8-1-2010	635-042-0022	3-30-2010	Amend(T)	5-1-2010
635-023-0130	1-1-2010	Amend	1-1-2010	635-042-0022	4-7-2010	Amend(T)	5-1-2010
635-023-0130	6-16-2010	Amend	7-1-2010	635-042-0022(T)	4-7-2010	Suspend	5-1-2010
635-023-0134	1-1-2010	Amend	1-1-2010	635-042-0027	6-17-2010	Amend(T)	7-1-2010
635-023-0134	4-24-2010	Amend(T)	5-1-2010	635-042-0031	8-3-2010	Amend(T)	9-1-2010
635-023-0134	7-31-2010	Amend(T)	9-1-2010	635-042-0031	8-19-2010	Amend(T)	10-1-2010
635-023-0134	9-1-2010	Amend(T)	10-1-2010	635-042-0031(T)	8-19-2010	Suspend	10-1-2010

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635-042-0130	1-1-2010	Amend(T)	2-1-2010	635-042-0180	8-4-2010	Amend(T)	9-1-2010
635-042-0130	2-8-2010	Amend(T)	3-1-2010	635-042-0180	9-10-2010	Amend(T)	10-1-2010
635-042-0130	3-11-2010	Amend(T)	4-1-2010	635-042-0180(T)	4-1-2010	Suspend	5-1-2010
635-042-0130(T)	2-8-2010	Suspend	3-1-2010	635-042-0180(T)	4-21-2010	Suspend	6-1-2010
635-042-0130(T)	3-11-2010	Suspend	4-1-2010	635-042-0180(T)	5-4-2010	Suspend	6-1-2010
635-042-0135	1-1-2010	Amend(T)	2-1-2010	635-042-0180(T)	5-11-2010	Suspend	6-1-2010
635-042-0145	2-22-2010	Amend(T)	4-1-2010	635-042-0180(T)	5-18-2010	Suspend	7-1-2010
635-042-0145	2-26-2010	Amend(T)	4-1-2010	635-042-0180(T)	9-10-2010	Suspend	10-1-2010
635-042-0145	3-14-2010	Amend(T)	4-1-2010	635-043-0051	6-2-2010	Amend(T)	7-1-2010
635-042-0145	3-24-2010	Amend(T)	5-1-2010	635-043-0051	7-9-2010	Amend(T)	8-1-2010
635-042-0145	4-1-2010	Amend(T)	5-1-2010	635-043-0051(T)	7-9-2010	Suspend	8-1-2010
635-042-0145	4-21-2010	Amend(T)	6-1-2010	635-043-0105	1-12-2010	Amend	2-1-2010
635-042-0145	5-4-2010	Amend(T)	6-1-2010	635-044-0051	1-1-2010	Adopt(T)	2-1-2010
635-042-0145	5-11-2010	Amend(T)	6-1-2010	635-044-0051	5-17-2010	Adopt	7-1-2010
635-042-0145	5-18-2010	Amend(T)	7-1-2010	635-044-0051(T)	5-17-2010	Repeal	7-1-2010
635-042-0145	8-4-2010	Amend(T)	9-1-2010	635-045-0000	8-13-2010	Amend	9-1-2010
635-042-0145	9-10-2010	Amend(T)	10-1-2010	635-048-0080	12-15-2009	Amend	1-1-2010
635-042-0145(T)	2-26-2010	Suspend	4-1-2010	635-050-0045	6-15-2010	Amend	7-1-2010
635-042-0145(T)	3-14-2010	Suspend	4-1-2010	635-050-0045	9-10-2010	Amend	10-1-2010
635-042-0145(T)	3-24-2010	Suspend	5-1-2010	635-050-0050	6-15-2010	Amend	7-1-2010
635-042-0145(T)	4-1-2010	Suspend	5-1-2010	635-050-0070	6-15-2010	Amend	7-1-2010
635-042-0145(T)	4-21-2010	Suspend	6-1-2010	635-050-0080	6-15-2010	Amend	7-1-2010
635-042-0145(T)	5-4-2010	Suspend	6-1-2010	635-050-0090	6-15-2010	Amend	7-1-2010
635-042-0145(T)	5-11-2010	Suspend	6-1-2010	635-050-0100	6-15-2010	Amend	7-1-2010
635-042-0145(T)	5-18-2010	Suspend	7-1-2010	635-050-0110	6-15-2010	Amend	7-1-2010
635-042-0145(T)	9-10-2010	Suspend	10-1-2010	635-050-0120	6-15-2010	Amend	7-1-2010
635-042-0160	2-21-2010	Amend(T)	4-1-2010	635-050-0130	6-15-2010	Amend	7-1-2010
635-042-0160	4-21-2010	Amend(T)	6-1-2010	635-050-0140	6-15-2010	Amend	7-1-2010
635-042-0160	5-4-2010	Amend(T)	6-1-2010	635-050-0150	6-15-2010	Amend	7-1-2010
635-042-0160	5-11-2010	Amend(T)	6-1-2010	635-050-0170	6-15-2010	Amend	7-1-2010
635-042-0160	5-18-2010	Amend(T)	7-1-2010	635-050-0180	9-10-2010	Amend	10-1-2010
635-042-0160	8-4-2010	Amend(T)	9-1-2010	635-050-0183	6-15-2010	Amend	7-1-2010
635-042-0160	9-10-2010	Amend(T)	10-1-2010	635-050-0189	6-15-2010	Amend	7-1-2010
635-042-0160(T)	4-21-2010	Suspend	6-1-2010	635-051-0000	8-13-2010	Amend	9-1-2010
635-042-0160(T)	5-4-2010	Suspend	6-1-2010	635-051-0001	8-13-2010	Amend	9-1-2010
635-042-0160(T)	5-11-2010	Suspend	6-1-2010	635-052-0000	8-13-2010	Amend	9-1-2010
635-042-0160(T)	5-18-2010	Suspend	7-1-2010	635-053-0000	8-13-2010	Amend	9-1-2010
635-042-0160(T)	9-10-2010	Suspend	10-1-2010	635-053-0015	8-13-2010	Amend	9-1-2010
635-042-0170	4-19-2010	Amend(T)	4-1-2010	635-053-0025	8-13-2010	Amend	9-1-2010
635-042-0170	4-21-2010	Amend(T)	6-1-2010	635-054-0000	8-13-2010	Amend	9-1-2010
635-042-0170	5-4-2010	Amend(T)	6-1-2010	635-054-0005	9-13-2010	Amend(T)	10-1-2010
635-042-0170	5-11-2010	Amend(T)	6-1-2010	635-055-0000	12-15-2009	Amend	1-1-2010
635-042-0170	5-18-2010	Amend(T)	7-1-2010	635-055-0035	12-15-2009	Amend	1-1-2010
635-042-0170	8-4-2010	Amend(T)	9-1-2010	635-055-0037	12-15-2009	Amend	1-1-2010
635-042-0170	9-10-2010	Amend(T)	10-1-2010	635-055-0070	12-15-2009	Amend	1-1-2010
635-042-0170(T)	4-21-2010	Suspend	6-1-2010	635-058-0000	1-12-2010	Adopt	2-1-2010
635-042-0170(T)	5-4-2010	Suspend	6-1-2010	635-058-0010	1-12-2010	Adopt	2-1-2010
635-042-0170(T)	5-11-2010	Suspend	6-1-2010	635-058-0020	1-12-2010	Adopt	2-1-2010
635-042-0170(T)	5-18-2010	Suspend	7-1-2010	635-059-0000	1-12-2010	Adopt	2-1-2010
635-042-0170(T)	9-10-2010	Suspend	10-1-2010	635-059-0010	1-12-2010	Adopt	2-1-2010
635-042-0180	2-22-2010	Amend(T)	4-1-2010	635-059-0050	1-12-2010	Adopt	2-1-2010
635-042-0180	4-1-2010	Amend(T)	5-1-2010	635-060-0000	8-13-2010	Amend	9-1-2010
635-042-0180	4-21-2010	Amend(T)	6-1-2010	635-060-0030	5-12-2010	Amend(T)	6-1-2010
635-042-0180	5-4-2010	Amend(T)	6-1-2010	635-060-0055	8-13-2010	Amend	9-1-2010
635-042-0180	5-11-2010	Amend(T)	6-1-2010	635-065-0015	3-3-2010	Amend(T)	4-1-2010

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635-065-0015	5-18-2010	Amend(T)	7-1-2010	642-010-0010	7-1-2010	Amend	7-1-2010
635-065-0015	6-15-2010	Amend	7-1-2010	645-010-0015	2-23-2010	Amend(T)	4-1-2010
635-065-0015(T)	5-12-2010	Suspend	6-1-2010	647-010-0010	7-1-2010	Amend	6-1-2010
635-065-0015(T)	5-18-2010	Suspend	7-1-2010	658-040-0005	7-1-2010	Amend	8-1-2010
635-065-0015(T)	6-15-2010	Repeal	7-1-2010	660-027-0070	4-30-2010	Amend	6-1-2010
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635-065-0765	2-26-2010	Amend(T)	4-1-2010	660-028-0020	1-28-2010	Adopt	3-1-2010
635-065-0765	3-30-2010	Amend(T)	5-1-2010	660-028-0030	1-28-2010	Adopt	3-1-2010
635-065-0765	6-15-2010	Amend	7-1-2010	660-033-0120	12-7-2009	Amend	1-1-2010
635-065-0765(T)	6-15-2010	Repeal	7-1-2010	660-033-0120	6-17-2010	Amend	8-1-2010
635-067-0000	6-15-2010	Amend	7-1-2010	660-033-0130	12-7-2009	Amend	1-1-2010
635-067-0000	6-21-2010	Amend(T)	8-1-2010	660-033-0130	6-17-2010	Amend	8-1-2010
635-067-0016	6-15-2010	Repeal	7-1-2010	660-033-0130	6-17-2010	Amend(T)	8-1-2010
635-068-0000	3-1-2010	Amend	4-1-2010	660-036-0005	11-25-2009	Adopt	1-1-2010
635-068-0000	6-15-2010	Amend	7-1-2010	660-041-0000	2-9-2010	Amend	3-1-2010
635-069-0000	2-1-2010	Amend	2-1-2010	660-041-0000	5-7-2010	Amend(T)	6-1-2010
635-069-0000	6-15-2010	Amend	7-1-2010	660-041-0000	8-9-2010	Amend	9-1-2010
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635-070-0000	6-15-2010	Amend	7-1-2010	660-041-0020	2-9-2010	Amend	3-1-2010
635-071-0000	4-1-2010	Amend	4-1-2010	660-041-0080	2-9-2010	Amend	3-1-2010
635-071-0000	4-1-2010	Amend	4-1-2010	660-041-0080	5-7-2010	Amend(T)	6-1-2010
635-071-0000	6-15-2010	Amend	7-1-2010	660-041-0080	8-9-2010	Amend	9-1-2010
635-073-0000	2-1-2010	Amend	2-1-2010	660-041-0090	5-7-2010	Amend(T)	6-1-2010
635-073-0000	6-15-2010	Amend	7-1-2010	660-041-0090	8-9-2010	Amend	9-1-2010
635-073-0065	2-1-2010	Amend	2-1-2010	660-041-0105	5-7-2010	Adopt(T)	6-1-2010
635-073-0070	2-1-2010	Amend	2-1-2010	660-041-0110	5-7-2010	Amend(T)	6-1-2010
635-073-0076	6-15-2010	Adopt	7-1-2010	660-041-0110	8-9-2010	Amend	9-1-2010
635-073-0090	8-1-2010	Amend(T)	9-1-2010	660-041-0120	5-7-2010	Amend(T)	6-1-2010
635-075-0020	6-15-2010	Amend	7-1-2010	660-041-0120	8-9-2010	Amend	9-1-2010
635-090-0030	1-1-2010	Amend	1-1-2010	660-041-0170	5-7-2010	Amend(T)	6-1-2010
635-090-0050	1-1-2010	Amend	1-1-2010	660-041-0170	8-9-2010	Amend	9-1-2010
635-110-0010	6-29-2010	Amend(T)	8-1-2010	660-041-0180	8-9-2010	Adopt	9-1-2010
635-200-0030	6-15-2010	Amend	7-1-2010	660-043-0100	5-13-2010	Adopt	6-1-2010
635-500-03470	8-10-2010	Amend	9-1-2010	661-001-0000	7-1-2010	Amend	8-1-2010
635-500-0703	1-1-2010	Amend	2-1-2010	661-010-0000	7-1-2010	Amend	8-1-2010
635-500-0810	8-10-2010	Amend	9-1-2010	661-010-0015	1-1-2010	Amend	2-1-2010
635-500-0820	8-10-2010	Amend	9-1-2010	661-010-0015	7-1-2010	Amend	8-1-2010
635-500-0830	8-10-2010	Amend	9-1-2010	661-010-0021	7-1-2010	Amend	8-1-2010
635-500-0850	8-10-2010	Amend	9-1-2010	661-010-0025	7-1-2010	Amend	8-1-2010
635-500-0860	8-10-2010	Amend	9-1-2010	661-010-0026	7-1-2010	Amend	8-1-2010
635-500-0880	9-3-2010	Amend	10-1-2010	661-010-0030	7-1-2010	Amend	8-1-2010
635-500-1662	8-10-2010	Amend	9-1-2010	661-010-0035	7-1-2010	Amend	8-1-2010
635-500-3420	8-10-2010	Amend	9-1-2010	661-010-0038	1-1-2010	Amend	2-1-2010
635-500-3430	8-10-2010	Amend	9-1-2010	661-010-0039	7-1-2010	Amend	8-1-2010
635-500-3440	8-10-2010	Amend	9-1-2010	661-010-0040	7-1-2010	Amend	8-1-2010
635-500-3450	8-10-2010	Amend	9-1-2010	661-010-0050	1-1-2010	Amend	2-1-2010
635-500-3460	8-10-2010	Amend	9-1-2010	661-010-0050	7-1-2010	Amend	8-1-2010
635-500-6550	2-8-2010	Adopt	3-1-2010	661-010-0052	7-1-2010	Amend	8-1-2010
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635-600-0030	1-1-2010	Amend	1-1-2010	661-040-0045	7-1-2010	Amend	8-1-2010
635-600-0040	1-1-2010	Amend	1-1-2010	678-010-0050	7-15-2010	Amend	8-1-2010

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678-030-0025	7-15-2010	Adopt	8-1-2010	731-070-0050	12-22-2009	Amend	2-1-2010
678-030-0027	7-15-2010	Adopt	8-1-2010	731-070-0055	12-22-2009	Amend	2-1-2010
678-030-0030	7-15-2010	Amend	8-1-2010	731-070-0060	12-22-2009	Amend	2-1-2010
690-020-0021	1-1-2010	Am. & Ren.	1-1-2010	731-070-0070	12-22-2009	Am. & Ren.	2-1-2010
690-020-0022	1-1-2010	Amend	1-1-2010	731-070-0080	12-22-2009	Amend	2-1-2010
690-020-0025	1-1-2010	Amend	1-1-2010	731-070-0110	12-22-2009	Amend	2-1-2010
690-020-0029	1-1-2010	Amend	1-1-2010	731-070-0120	12-22-2009	Amend	2-1-2010
690-020-0035	1-1-2010	Amend	1-1-2010	731-070-0130	12-22-2009	Amend	2-1-2010
690-020-0039	1-1-2010	Am. & Ren.	1-1-2010	731-070-0140	12-22-2009	Amend	2-1-2010
690-020-0100	1-1-2010	Adopt	1-1-2010	731-070-0160	12-22-2009	Amend	2-1-2010
690-020-0200	1-1-2010	Adopt	1-1-2010	731-070-0170	12-22-2009	Amend	2-1-2010
690-180-0005	11-23-2009	Suspend	1-1-2010	731-070-0180	12-22-2009	Amend	2-1-2010
690-180-0010	11-23-2009	Suspend	1-1-2010	731-070-0190	12-22-2009	Amend	2-1-2010
690-180-0100	11-23-2009	Suspend	1-1-2010	731-070-0200	12-22-2009	Amend	2-1-2010
690-180-0200	11-23-2009	Suspend	1-1-2010	731-070-0210	12-22-2009	Amend	2-1-2010
690-190-0005	11-23-2009	Adopt	1-1-2010	731-070-0220	12-22-2009	Amend	2-1-2010
690-190-0010	11-23-2009	Adopt	1-1-2010	731-070-0240	12-22-2009	Amend	2-1-2010
690-190-0100	11-23-2009	Adopt	1-1-2010	731-070-0245	12-22-2009	Adopt	2-1-2010
690-190-0200	11-23-2009	Adopt	1-1-2010	731-070-0250	12-22-2009	Amend	2-1-2010
690-340-0030	12-15-2009	Amend	1-1-2010	731-070-0260	12-22-2009	Amend	2-1-2010
690-382-0400	12-15-2009	Amend	1-1-2010	731-070-0270	12-22-2009	Repeal	2-1-2010
690-522-0010	6-9-2010	Adopt	7-1-2010	731-070-0280	12-22-2009	Amend	2-1-2010
690-522-0020	6-9-2010	Adopt	7-1-2010	731-070-0295	12-22-2009	Amend	2-1-2010
690-522-0030	6-9-2010	Adopt	7-1-2010	731-070-0300	12-22-2009	Amend	2-1-2010
690-522-0040	6-9-2010	Adopt	7-1-2010	731-070-0320	12-22-2009	Amend	2-1-2010
690-522-0050	6-9-2010	Adopt	7-1-2010	731-070-0350	12-22-2009	Amend	2-1-2010
731-005-0410	1-1-2010	Amend(T)	2-1-2010	731-070-0360	12-22-2009	Amend	2-1-2010
731-005-0410	5-18-2010	Amend	7-1-2010	731-146-0010	1-1-2010	Amend(T)	2-1-2010
731-005-0410(T)	5-18-2010	Repeal	7-1-2010	731-146-0010	5-18-2010	Amend	7-1-2010
731-005-0470	1-1-2010	Amend(T)	2-1-2010	731-146-0010(T)	5-18-2010	Repeal	7-1-2010
731-005-0470	5-18-2010	Amend	7-1-2010	731-147-0010	1-1-2010	Amend(T)	2-1-2010
731-005-0470(T)	5-18-2010	Repeal	7-1-2010	731-147-0010	5-18-2010	Amend	7-1-2010
731-005-0670	1-1-2010	Amend(T)	2-1-2010	731-147-0010(T)	5-18-2010	Repeal	7-1-2010
731-005-0670	5-18-2010	Amend	7-1-2010	731-148-0010	1-1-2010	Amend(T)	2-1-2010
731-005-0670(T)	5-18-2010	Repeal	7-1-2010	731-148-0010	5-18-2010	Amend	7-1-2010
731-007-0210	1-1-2010	Amend(T)	2-1-2010	731-148-0010(T)	5-18-2010	Repeal	7-1-2010
731-007-0210	5-18-2010	Amend	7-1-2010	731-149-0010	1-1-2010	Amend(T)	2-1-2010
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731-007-0260	1-1-2010	Amend(T)	2-1-2010	731-149-0010(T)	5-18-2010	Repeal	7-1-2010
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731-007-0260(T)	5-18-2010	Repeal	7-1-2010	732-005-0000(T)	1-29-2010	Repeal	3-1-2010
731-007-0290	1-1-2010	Amend(T)	2-1-2010	732-005-0010	1-29-2010	Amend	3-1-2010
731-007-0290	5-18-2010	Amend	7-1-2010	732-005-0010(T)	1-29-2010	Repeal	3-1-2010
731-007-0290(T)	5-18-2010	Repeal	7-1-2010	732-005-0016	1-29-2010	Amend	3-1-2010
731-035-0020	11-17-2009	Amend	1-1-2010	732-005-0016(T)	1-29-2010	Repeal	3-1-2010
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731-035-0060	11-17-2009	Amend	1-1-2010	732-005-0027(T)	1-29-2010	Repeal	3-1-2010
731-035-0060	7-30-2010	Amend	9-1-2010	732-005-0031	1-29-2010	Amend	3-1-2010
731-035-0070	11-17-2009	Amend	1-1-2010	732-005-0031(T)	1-29-2010	Repeal	3-1-2010
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731-035-0080	7-30-2010	Amend	9-1-2010	732-005-0036(T)	1-29-2010	Repeal	3-1-2010

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732-005-0046(T)	1-29-2010	Repeal	3-1-2010	734-051-0070	7-30-2010	Amend(T)	9-1-2010
732-005-0051	1-29-2010	Amend	3-1-2010	734-051-0080	7-30-2010	Amend(T)	9-1-2010
732-005-0051(T)	1-29-2010	Repeal	3-1-2010	734-051-0135	7-30-2010	Amend(T)	9-1-2010
732-005-0056	1-29-2010	Amend	3-1-2010	734-051-0245	7-30-2010	Amend(T)	9-1-2010
732-005-0056(T)	1-29-2010	Repeal	3-1-2010	734-051-0255	7-30-2010	Amend(T)	9-1-2010
732-005-0061	1-29-2010	Amend	3-1-2010	734-051-0295	7-30-2010	Amend(T)	9-1-2010
732-005-0061(T)	1-29-2010	Repeal	3-1-2010	734-051-0315	7-30-2010	Amend(T)	9-1-2010
732-005-0066	1-29-2010	Amend	3-1-2010	734-051-0345	7-30-2010	Amend(T)	9-1-2010
732-005-0066(T)	1-29-2010	Repeal	3-1-2010	734-051-0500	7-30-2010	Amend(T)	9-1-2010
732-005-0076	1-29-2010	Amend	3-1-2010	734-051-0530	7-30-2010	Amend(T)	9-1-2010
732-005-0076(T)	1-29-2010	Repeal	3-1-2010	734-065-0005	11-17-2009	Repeal	1-1-2010
732-005-0081	1-29-2010	Amend	3-1-2010	734-065-0010	11-17-2009	Amend	1-1-2010
732-005-0081(T)	1-29-2010	Repeal	3-1-2010	734-065-0015	11-17-2009	Amend	1-1-2010
732-030-0005	1-29-2010	Adopt	3-1-2010	734-065-0020	11-17-2009	Amend	1-1-2010
732-030-0005(T)	1-29-2010	Repeal	3-1-2010	734-065-0025	11-17-2009	Amend	1-1-2010
732-030-0010	1-29-2010	Adopt	3-1-2010	734-065-0030	11-17-2009	Repeal	1-1-2010
732-030-0010(T)	1-29-2010	Repeal	3-1-2010	734-065-0035	11-17-2009	Amend	1-1-2010
732-030-0015	1-29-2010	Adopt	3-1-2010	734-065-0040	11-17-2009	Amend	1-1-2010
732-030-0015(T)	1-29-2010	Repeal	3-1-2010	734-065-0045	11-17-2009	Amend	1-1-2010
732-030-0020	1-29-2010	Adopt	3-1-2010	734-065-0050	11-17-2009	Amend	1-1-2010
732-030-0020(T)	1-29-2010	Repeal	3-1-2010	734-074-0008	3-17-2010	Amend	5-1-2010
732-030-0025	1-29-2010	Adopt	3-1-2010	734-074-0020	3-17-2010	Amend	5-1-2010
732-030-0025(T)	1-29-2010	Repeal	3-1-2010	735-001-0050	5-18-2010	Amend	7-1-2010
732-030-0030	1-29-2010	Adopt	3-1-2010	735-020-0080	1-1-2010	Amend	2-1-2010
732-030-0030(T)	1-29-2010	Repeal	3-1-2010	735-024-0015	2-25-2010	Amend	4-1-2010
732-030-0035	1-29-2010	Adopt	3-1-2010	735-024-0015(T)	2-25-2010	Repeal	4-1-2010
732-030-0035(T)	1-29-2010	Repeal	3-1-2010	735-024-0025	2-25-2010	Amend	4-1-2010
733-030-0011	6-11-2010	Amend	7-1-2010	735-024-0025(T)	2-25-2010	Repeal	4-1-2010
733-030-0021	6-11-2010	Amend	7-1-2010	735-024-0075	1-1-2010	Amend(T)	2-1-2010
733-030-0036	6-11-2010	Amend	7-1-2010	735-024-0075	6-17-2010	Amend	8-1-2010
733-030-0055	6-11-2010	Amend	7-1-2010	735-024-0075(T)	6-17-2010	Repeal	8-1-2010
733-030-0080	6-11-2010	Amend	7-1-2010	735-024-0080	1-1-2010	Suspend	2-1-2010
733-030-0500	3-15-2010	Adopt	4-1-2010	735-024-0080	6-17-2010	Repeal	8-1-2010
733-030-0510	3-15-2010	Adopt	4-1-2010	735-024-0130	1-1-2010	Amend(T)	2-1-2010
733-030-0520	3-15-2010	Adopt	4-1-2010	735-024-0130	6-17-2010	Amend	8-1-2010
734-020-0070	8-1-2010	Amend	9-1-2010	735-024-0130(T)	6-17-2010	Repeal	8-1-2010
734-020-0148	1-28-2010	Adopt(T)	3-1-2010	735-032-0010	2-25-2010	Amend	4-1-2010
734-020-0148	5-18-2010	Amend	7-1-2010	735-032-0010(T)	2-25-2010	Repeal	4-1-2010
734-020-0148(T)	5-18-2010	Repeal	7-1-2010	735-032-0065	6-17-2010	Adopt(T)	8-1-2010
734-020-0310	8-27-2010	Amend	10-1-2010	735-040-0097	1-28-2010	Amend	3-1-2010
734-020-0320	8-27-2010	Amend	10-1-2010	735-040-0097(T)	1-28-2010	Repeal	3-1-2010
734-020-0330	8-27-2010	Amend	10-1-2010	735-040-0098	1-28-2010	Adopt	3-1-2010
734-029-0005	7-1-2010	Amend	8-1-2010	735-040-0098	9-1-2010	Amend(T)	10-1-2010
734-029-0010	7-1-2010	Amend	8-1-2010	735-040-0098(T)	1-28-2010	Repeal	3-1-2010
734-029-0020	7-1-2010	Amend	8-1-2010	735-046-0010	1-28-2010	Amend	3-1-2010
734-029-0030	7-1-2010	Amend	8-1-2010	735-046-0010(T)	1-28-2010	Repeal	3-1-2010
734-029-0040	7-1-2010	Amend	8-1-2010	735-046-0050	1-28-2010	Amend	3-1-2010
734-029-0045	7-1-2010	Adopt	8-1-2010	735-046-0050(T)	1-28-2010	Repeal	3-1-2010
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734-030-0010	4-28-2010	Amend(T)	6-1-2010	735-050-0060	1-1-2010	Amend	2-1-2010
734-030-0015	4-28-2010	Amend(T)	6-1-2010	735-050-0062	1-1-2010	Amend	2-1-2010
734-030-0020	4-28-2010	Amend(T)	6-1-2010	735-050-0064	1-1-2010	Amend	2-1-2010
734-035-0150	6-17-2010	Adopt	8-1-2010	735-050-0070	1-1-2010	Amend	2-1-2010
734-051-0020	7-30-2010	Amend(T)	9-1-2010	735-050-0080	1-1-2010	Amend	2-1-2010
734-051-0040	7-30-2010	Amend(T)	9-1-2010	735-050-0120	1-1-2010	Amend	2-1-2010

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735-062-0007	1-1-2010	Amend	2-1-2010	736-004-0065	12-8-2009	Amend	1-1-2010
735-062-0010	1-1-2010	Amend	2-1-2010	736-004-0080	12-8-2009	Repeal	1-1-2010
735-062-0015	1-1-2010	Amend	2-1-2010	736-004-0085	12-8-2009	Amend	1-1-2010
735-062-0016	7-30-2010	Amend	9-1-2010	736-004-0090	12-8-2009	Amend	1-1-2010
735-062-0020	1-1-2010	Amend	2-1-2010	736-004-0095	12-8-2009	Amend	1-1-2010
735-062-0035	1-1-2010	Amend	2-1-2010	736-004-0110	12-8-2009	Amend	1-1-2010
735-062-0060	3-17-2010	Amend	5-1-2010	736-004-0115	12-8-2009	Amend	1-1-2010
735-062-0070	1-28-2010	Amend	3-1-2010	736-004-0120	12-8-2009	Adopt	1-1-2010
735-062-0090	1-1-2010	Amend	2-1-2010	736-004-0125	12-8-2009	Adopt	1-1-2010
735-062-0125	1-1-2010	Amend	2-1-2010	736-009-0005	12-8-2009	Repeal	1-1-2010
735-062-0190	1-1-2010	Amend	2-1-2010	736-009-0006	12-8-2009	Adopt	1-1-2010
735-062-0290	1-28-2010	Adopt	3-1-2010	736-009-0010	12-8-2009	Repeal	1-1-2010
735-063-0000	3-17-2010	Amend	5-1-2010	736-009-0015	12-8-2009	Repeal	1-1-2010
735-063-0050	3-17-2010	Amend	5-1-2010	736-009-0020	12-8-2009	Amend	1-1-2010
735-063-0060	3-17-2010	Amend	5-1-2010	736-009-0021	12-8-2009	Adopt	1-1-2010
735-063-0070	3-17-2010	Amend	5-1-2010	736-009-0022	12-8-2009	Adopt	1-1-2010
735-063-0075	3-17-2010	Amend	5-1-2010	736-009-0025	12-8-2009	Amend	1-1-2010
735-064-0100	1-1-2010	Amend	2-1-2010	736-009-0030	12-8-2009	Amend	1-1-2010
735-064-0220	1-1-2010	Amend	2-1-2010	736-010-0055	2-3-2010	Amend(T)	3-1-2010
735-070-0000	1-1-2010	Amend	2-1-2010	736-010-0055	6-15-2010	Amend	7-1-2010
735-070-0000	4-28-2010	Amend	6-1-2010	736-010-0055(T)	6-15-2010	Repeal	7-1-2010
735-070-0043	1-1-2010	Repeal	2-1-2010	736-015-0006	3-24-2010	Amend	5-1-2010
735-070-0170	1-1-2010	Amend	2-1-2010	736-015-0010	4-15-2010	Amend(T)	5-1-2010
735-072-0035	1-1-2010	Amend	2-1-2010	736-015-0015	3-24-2010	Amend	5-1-2010
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735-080-0060	1-1-2010	Amend	2-1-2010	736-015-0026	4-15-2010	Amend(T)	5-1-2010
735-090-0120	1-1-2010	Amend	2-1-2010	736-015-0030	1-5-2010	Amend	2-1-2010
735-090-0125	1-1-2010	Adopt	2-1-2010	736-015-0030	3-24-2010	Amend	5-1-2010
735-150-0005	2-25-2010	Amend	4-1-2010	736-015-0030	4-15-2010	Amend(T)	5-1-2010
735-150-0005(T)	2-25-2010	Repeal	4-1-2010	736-015-0035	1-5-2010	Amend	2-1-2010
735-150-0010	1-1-2010	Amend	2-1-2010	736-015-0040	1-5-2010	Amend	2-1-2010
735-150-0020	1-1-2010	Amend	2-1-2010	736-018-0045	10-1-2010	Amend	10-1-2010
735-150-0042	1-1-2010	Adopt	2-1-2010	736-029-0010	6-30-2011	Adopt	3-1-2010
735-150-0047	1-1-2010	Adopt	2-1-2010	736-029-0030	6-30-2011	Adopt	3-1-2010
735-150-0110	1-1-2010	Amend	2-1-2010	736-029-0040	6-30-2011	Adopt	3-1-2010
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735-158-0000	6-17-2010	Amend	8-1-2010	736-040-0055	6-16-2010	Amend	8-1-2010
735-158-0000(T)	6-17-2010	Repeal	8-1-2010	736-050-0001	2-3-2010	Amend	3-1-2010
735-158-0005	1-1-2010	Amend(T)	2-1-2010	736-050-0002	2-3-2010	Repeal	3-1-2010
735-158-0005	6-17-2010	Amend	8-1-2010	736-050-0005	2-3-2010	Repeal	3-1-2010
735-158-0005(T)	6-17-2010	Repeal	8-1-2010	736-050-0100	2-3-2010	Amend	3-1-2010
735-158-0010	1-1-2010	Amend(T)	2-1-2010	736-050-0105	2-3-2010	Amend	3-1-2010
735-158-0010	6-17-2010	Amend	8-1-2010	736-050-0110	2-3-2010	Repeal	3-1-2010
735-158-0010(T)	6-17-2010	Repeal	8-1-2010	736-050-0112	2-3-2010	Adopt	3-1-2010
735-170-0010	1-1-2011	Amend	10-1-2010	736-050-0112(T)	2-3-2010	Repeal	3-1-2010
735-170-0020	1-1-2011	Amend	10-1-2010	736-050-0115	2-3-2010	Repeal	3-1-2010
736-004-0005	12-8-2009	Amend	1-1-2010	736-050-0120	2-3-2010	Amend	3-1-2010
736-004-0010	12-8-2009	Amend	1-1-2010	736-050-0120(T)	2-3-2010	Repeal	3-1-2010
736-004-0015	12-8-2009	Amend	1-1-2010	736-050-0125	2-3-2010	Amend	3-1-2010
736-004-0020	12-8-2009	Amend	1-1-2010	736-050-0125(T)	2-3-2010	Repeal	3-1-2010
736-004-0025	12-8-2009	Amend	1-1-2010	736-050-0130	2-3-2010	Repeal	3-1-2010
736-004-0030	12-8-2009	Amend	1-1-2010	736-050-0130(T)	2-3-2010	Repeal	3-1-2010
736-004-0035	12-8-2009	Adopt	1-1-2010	736-050-0135	2-3-2010	Amend	3-1-2010
736-004-0060	12-8-2009	Amend	1-1-2010	736-050-0135(T)	2-3-2010	Repeal	3-1-2010

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736-050-0140(T)	2-3-2010	Repeal	3-1-2010	738-010-0035	7-7-2010	Amend	7-1-2010
736-050-0150	2-3-2010	Repeal	3-1-2010	738-015-0005	1-7-2010	Amend(T)	2-1-2010
736-050-0150(T)	2-3-2010	Repeal	3-1-2010	738-015-0005	7-7-2010	Amend	7-1-2010
736-140-0005	12-8-2009	Adopt	1-1-2010	740-035-0142	7-30-2010	Adopt	9-1-2010
736-140-0015	12-8-2009	Adopt	1-1-2010	740-055-0020	12-22-2009	Amend	2-1-2010
736-146-0010	12-4-2009	Amend	1-1-2010	740-100-0010	4-1-2010	Amend	5-1-2010
736-146-0012	12-4-2009	Amend	1-1-2010	740-100-0015	7-30-2010	Amend	9-1-2010
736-146-0015	12-4-2009	Amend	1-1-2010	740-100-0060	4-1-2010	Amend	5-1-2010
736-146-0020	12-4-2009	Amend	1-1-2010	740-100-0065	4-1-2010	Amend	5-1-2010
736-146-0025	12-4-2009	Repeal	1-1-2010	740-100-0070	4-1-2010	Amend	5-1-2010
736-146-0030	12-4-2009	Repeal	1-1-2010	740-100-0080	4-1-2010	Amend	5-1-2010
736-146-0040	12-4-2009	Repeal	1-1-2010	740-100-0085	4-1-2010	Amend	5-1-2010
736-146-0050	12-4-2009	Amend	1-1-2010	740-100-0090	4-1-2010	Amend	5-1-2010
736-146-0060	12-4-2009	Amend	1-1-2010	740-110-0010	4-1-2010	Amend	5-1-2010
736-146-0070	12-4-2009	Amend	1-1-2010	740-200-0040	1-1-2010	Amend	2-1-2010
736-146-0080	12-4-2009	Amend	1-1-2010	740-200-0045	1-1-2010	Amend	2-1-2010
736-146-0090	12-4-2009	Amend	1-1-2010	800-001-0020	2-1-2010	Amend	3-1-2010
736-146-0100	12-4-2009	Amend	1-1-2010	800-010-0015	2-1-2010	Amend	3-1-2010
736-146-0110	12-4-2009	Amend	1-1-2010	800-010-0017	2-1-2010	Amend	3-1-2010
736-146-0120	12-4-2009	Amend	1-1-2010	800-010-0025	2-1-2010	Amend	3-1-2010
736-146-0130	12-4-2009	Amend	1-1-2010	800-010-0030	2-1-2010	Amend	3-1-2010
736-146-0140	12-4-2009	Amend	1-1-2010	800-010-0040	2-1-2010	Amend	3-1-2010
736-147-0010	12-4-2009	Amend	1-1-2010	800-010-0041	2-1-2010	Amend	3-1-2010
736-147-0020	12-4-2009	Repeal	1-1-2010	800-010-0050	2-1-2010	Amend	3-1-2010
736-147-0030	12-4-2009	Amend	1-1-2010	800-015-0005	2-1-2010	Amend	3-1-2010
736-147-0040	12-4-2009	Adopt	1-1-2010	800-015-0010	2-1-2010	Amend	3-1-2010
736-147-0050	12-4-2009	Amend	1-1-2010	800-015-0020	2-1-2010	Amend	3-1-2010
736-147-0060	12-4-2009	Amend	1-1-2010	800-020-0015	2-1-2010	Amend	3-1-2010
736-147-0070	12-4-2009	Adopt	1-1-2010	800-020-0025	2-1-2010	Amend	3-1-2010
736-148-0010	12-4-2009	Amend	1-1-2010	800-020-0065	2-1-2010	Amend	3-1-2010
736-148-0020	12-4-2009	Amend	1-1-2010	800-025-0020	2-1-2010	Amend	3-1-2010
736-149-0010	12-4-2009	Amend	1-1-2010	800-025-0023	2-1-2010	Amend	3-1-2010
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737-010-0010	2-25-2010	Adopt	4-1-2010	800-025-0029	2-1-2010	Amend	3-1-2010
737-010-0010(T)	2-25-2010	Repeal	4-1-2010	800-025-0030	2-1-2010	Amend	3-1-2010
737-010-0020	2-25-2010	Adopt	4-1-2010	800-025-0040	2-1-2010	Amend	3-1-2010
737-010-0020(T)	2-25-2010	Repeal	4-1-2010	800-025-0050	2-1-2010	Amend	3-1-2010
737-015-0020	2-25-2010	Amend(T)	4-1-2010	800-030-0035	2-1-2010	Amend	3-1-2010
737-015-0020	7-30-2010	Amend	9-1-2010	800-030-0050	2-1-2010	Amend	3-1-2010
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737-015-0030	2-25-2010	Amend(T)	4-1-2010	801-005-0010	1-1-2010	Amend	1-1-2010
737-015-0030	7-30-2010	Amend	9-1-2010	801-010-0010	1-1-2010	Amend	1-1-2010
737-015-0030(T)	7-30-2010	Repeal	9-1-2010	801-010-0060	1-1-2010	Amend	1-1-2010
737-015-0090	2-25-2010	Amend(T)	4-1-2010	801-010-0075	1-1-2010	Amend	1-1-2010
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737-015-0090(T)	7-30-2010	Repeal	9-1-2010	801-010-0100	1-1-2010	Amend	1-1-2010
737-015-0100	2-25-2010	Amend(T)	4-1-2010	801-010-0120	1-1-2010	Amend	1-1-2010
737-015-0100	7-30-2010	Amend	9-1-2010	801-010-0345	1-1-2010	Amend	1-1-2010
737-015-0100(T)	7-30-2010	Repeal	9-1-2010	801-020-0690	1-1-2010	Amend	1-1-2010
737-015-0110	2-25-2010	Amend(T)	4-1-2010	801-030-0020	1-1-2010	Amend	1-1-2010
737-015-0110	7-30-2010	Amend	9-1-2010	801-040-0010	1-1-2010	Amend	1-1-2010
737-015-0110(T)	7-30-2010	Repeal	9-1-2010	801-050-0005	1-1-2010	Amend	1-1-2010
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738-010-0025	7-7-2010	Amend	7-1-2010	801-050-0020	1-1-2010	Amend	1-1-2010

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801-050-0040	1-1-2010	Amend	1-1-2010	808-040-0060	6-1-2010	Amend	7-1-2010
801-050-0065	1-1-2010	Amend	1-1-2010	809-055-0000	12-11-2009	Amend	1-1-2010
801-050-0070	1-1-2010	Amend	1-1-2010	811-010-0071	12-22-2009	Amend	2-1-2010
801-050-0080	1-1-2010	Amend	1-1-2010	811-010-0110	6-15-2010	Amend	7-1-2010
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804-020-0003	12-11-2009	Amend	1-1-2010	811-015-0002	6-15-2010	Adopt	7-1-2010
804-022-0000	2-17-2010	Amend	4-1-2010	811-035-0005	12-22-2009	Amend	2-1-2010
804-022-0025	12-11-2009	Adopt	1-1-2010	811-035-0015	12-22-2009	Amend	2-1-2010
804-025-0020	2-17-2010	Amend	4-1-2010	812-001-0180	7-1-2010	Amend	8-1-2010
804-030-0000	12-11-2009	Amend	1-1-2010	812-001-0200	1-1-2010	Amend	1-1-2010
804-030-0003	2-17-2010	Adopt	4-1-2010	812-001-0200	2-1-2010	Amend	3-1-2010
804-035-0010	2-17-2010	Amend	4-1-2010	812-002-0140	7-1-2010	Amend	8-1-2010
804-035-0020	2-17-2010	Amend	4-1-2010	812-002-0390	5-18-2010	Adopt(T)	7-1-2010
804-035-0030	2-17-2010	Amend	4-1-2010	812-002-0390	9-1-2010	Adopt	10-1-2010
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804-040-0000	2-17-2010	Amend	4-1-2010	812-002-0740	7-1-2010	Amend	8-1-2010
806-010-0020	10-3-2010	Amend	7-1-2010	812-003-0120	1-1-2010	Amend	1-1-2010
806-010-0035	10-3-2010	Amend	7-1-2010	812-003-0140	1-1-2010	Amend	1-1-2010
806-010-0060	4-6-2010	Amend	5-1-2010	812-003-0140	7-1-2010	Amend	6-1-2010
806-010-0060	10-3-2010	Amend	7-1-2010	812-003-0175	9-1-2010	Amend	10-1-2010
806-010-0145	4-6-2010	Amend	5-1-2010	812-003-0290	6-4-2010	Amend(T)	7-1-2010
808-002-0200	1-1-2010	Amend	2-1-2010	812-003-0290	9-1-2010	Amend	10-1-2010
808-002-0220	1-1-2010	Amend	2-1-2010	812-003-0290(T)	9-1-2010	Repeal	10-1-2010
808-002-0500	1-1-2010	Amend	2-1-2010	812-003-0330	6-4-2010	Amend(T)	7-1-2010
808-002-0620	1-1-2010	Amend	2-1-2010	812-003-0330	9-1-2010	Amend	10-1-2010
808-002-0775	1-1-2010	Adopt	2-1-2010	812-003-0330(T)	9-1-2010	Repeal	10-1-2010
808-002-0808	1-1-2010	Adopt	2-1-2010	812-004-0250	7-1-2010	Amend	8-1-2010
808-002-0882	1-1-2010	Adopt	2-1-2010	812-004-0260	9-1-2010	Amend	10-1-2010
808-002-0884	1-1-2010	Adopt	2-1-2010	812-004-0320	1-1-2010	Amend	1-1-2010
808-002-0885	6-1-2010	Amend	7-1-2010	812-004-0320	7-1-2010	Amend	8-1-2010
808-002-0895	1-1-2010	Adopt	2-1-2010	812-004-0340	4-28-2010	Amend	6-1-2010
808-003-0010	6-1-2010	Amend	7-1-2010	812-004-0400	7-1-2010	Amend	8-1-2010
808-003-0010	6-2-2010	Amend	7-1-2010	812-004-0400	9-1-2010	Amend	10-1-2010
808-003-0018	6-1-2010	Amend	7-1-2010	812-004-0550	7-1-2010	Amend	8-1-2010
808-003-0020	1-1-2010	Amend	2-1-2010	812-004-0550	9-1-2010	Amend	10-1-2010
808-003-0040	1-1-2010	Amend	2-1-2010	812-005-0210	9-1-2010	Amend	10-1-2010
808-003-0055	1-1-2010	Amend	2-1-2010	812-005-0800	2-1-2010	Amend	3-1-2010
808-003-0060	1-1-2010	Amend	2-1-2010	812-005-0800	4-28-2010	Amend	6-1-2010
808-003-0075	1-1-2010	Amend	2-1-2010	812-005-0800	7-7-2010	Amend(T)	8-1-2010
808-003-0080	1-1-2010	Amend	2-1-2010	812-007-0000	2-1-2010	Amend	3-1-2010
808-003-0085	1-1-2010	Amend	2-1-2010	812-007-0010	2-1-2010	Repeal	3-1-2010
808-003-0100	1-1-2010	Amend	2-1-2010	812-007-0020	2-1-2010	Amend	3-1-2010
808-003-0105	1-1-2010	Repeal	2-1-2010	812-007-0020	3-11-2010	Amend(T)	4-1-2010
808-003-0125	1-1-2010	Amend	2-1-2010	812-007-0020	6-1-2010	Amend(T)	7-1-2010
808-003-0130	6-2-2010	Amend	7-1-2010	812-007-0020	9-1-2010	Amend	10-1-2010
808-003-0130	7-20-2010	Amend(T)	9-1-2010	812-007-0020(T)	6-1-2010	Suspend	7-1-2010
808-003-0130	8-13-2010	Amend	9-1-2010	812-007-0020(T)	9-1-2010	Repeal	10-1-2010
808-003-0210	1-1-2010	Amend	2-1-2010	812-007-0025	2-1-2010	Adopt	3-1-2010
808-003-0235	8-13-2010	Amend	9-1-2010	812-007-0030	2-1-2010	Repeal	3-1-2010
808-003-0255	8-13-2010	Amend	9-1-2010	812-007-0040	2-1-2010	Repeal	3-1-2010
808-003-0610	12-1-2009	Amend(T)	1-1-2010	812-007-0050	2-1-2010	Repeal	3-1-2010
808-003-0610	6-2-2010	Amend	7-1-2010	812-007-0060	2-1-2010	Repeal	3-1-2010
808-005-0020	1-27-2010	Amend	3-1-2010	812-007-0070	2-1-2010	Repeal	3-1-2010
808-005-0020	6-1-2010	Amend	7-1-2010	812-007-0080	2-1-2010	Repeal	3-1-2010

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812-007-0100	2-1-2010	Adopt	3-1-2010	812-030-0240	2-1-2010	Adopt	3-1-2010
812-007-0110	2-1-2010	Adopt	3-1-2010	812-030-0250	2-1-2010	Adopt	3-1-2010
812-007-0120	2-1-2010	Adopt	3-1-2010	812-030-0300	2-1-2010	Adopt	3-1-2010
812-007-0130	2-1-2010	Adopt	3-1-2010	813-001-0009	6-17-2010	Adopt	8-1-2010
812-007-0140	2-1-2010	Adopt	3-1-2010	813-007-0005	1-7-2010	Adopt	2-1-2010
812-007-0150	2-1-2010	Adopt	3-1-2010	813-007-0010	1-7-2010	Adopt	2-1-2010
812-007-0160	2-1-2010	Adopt	3-1-2010	813-007-0015	1-7-2010	Adopt	2-1-2010
812-007-0200	2-1-2010	Adopt	3-1-2010	813-007-0020	1-7-2010	Adopt	2-1-2010
812-007-0205	2-1-2010	Adopt	3-1-2010	813-007-0025	1-7-2010	Adopt	2-1-2010
812-007-0210	2-1-2010	Adopt	3-1-2010	813-007-0030	1-7-2010	Adopt	2-1-2010
812-007-0220	2-1-2010	Adopt	3-1-2010	813-007-0035	1-7-2010	Adopt	2-1-2010
812-007-0230	2-1-2010	Adopt	3-1-2010	813-007-0040	1-7-2010	Adopt	2-1-2010
812-007-0240	2-1-2010	Adopt	3-1-2010	813-007-0045	1-7-2010	Adopt	2-1-2010
812-007-0250	2-1-2010	Adopt	3-1-2010	813-007-0050	1-7-2010	Adopt	2-1-2010
812-007-0260	2-1-2010	Adopt	3-1-2010	813-007-0055	1-7-2010	Adopt	2-1-2010
812-007-0300	2-1-2010	Adopt	3-1-2010	813-007-0060	1-7-2010	Adopt	2-1-2010
812-007-0302	9-1-2010	Adopt	10-1-2010	813-007-0065	1-7-2010	Adopt	2-1-2010
812-007-0310	2-1-2010	Adopt	3-1-2010	813-007-0070	1-7-2010	Adopt	2-1-2010
812-007-0310	4-28-2010	Amend	6-1-2010	813-027-0001	2-25-2010	Adopt(T)	4-1-2010
812-007-0320	2-1-2010	Adopt	3-1-2010	813-027-0001	8-23-2010	Adopt	10-1-2010
812-007-0330	2-1-2010	Adopt	3-1-2010	813-027-0001(T)	8-23-2010	Repeal	10-1-2010
812-007-0330	4-28-2010	Amend	6-1-2010	813-027-0010	2-25-2010	Adopt(T)	4-1-2010
812-007-0340	4-28-2010	Adopt	6-1-2010	813-027-0010	8-23-2010	Adopt	10-1-2010
812-007-0350	2-1-2010	Adopt	3-1-2010	813-027-0010(T)	8-23-2010	Repeal	10-1-2010
812-007-0350	4-28-2010	Amend	6-1-2010	813-027-0020	2-25-2010	Adopt(T)	4-1-2010
812-007-0360	2-1-2010	Adopt	3-1-2010	813-027-0020	8-23-2010	Adopt	10-1-2010
812-007-0370	2-1-2010	Adopt	3-1-2010	813-027-0020(T)	8-23-2010	Repeal	10-1-2010
812-007-0372	2-1-2010	Adopt	3-1-2010	813-027-0030	2-25-2010	Adopt(T)	4-1-2010
812-007-0374	2-1-2010	Adopt	3-1-2010	813-027-0030	8-23-2010	Adopt	10-1-2010
812-008-0070	1-1-2010	Amend	1-1-2010	813-027-0030(T)	8-23-2010	Repeal	10-1-2010
812-008-0074	9-1-2010	Amend	10-1-2010	813-027-0040	2-25-2010	Adopt(T)	4-1-2010
812-008-0090	1-1-2010	Amend	2-1-2010	813-027-0040	8-23-2010	Adopt	10-1-2010
812-008-0110	1-1-2010	Amend	1-1-2010	813-027-0040(T)	8-23-2010	Repeal	10-1-2010
812-008-0202	1-1-2010	Amend	1-1-2010	813-027-0050	2-25-2010	Adopt(T)	4-1-2010
812-009-0340	2-3-2010	Amend(T)	3-1-2010	813-027-0050	8-23-2010	Adopt	10-1-2010
812-009-0340	4-28-2010	Amend	6-1-2010	813-027-0050(T)	8-23-2010	Repeal	10-1-2010
812-009-0430	7-1-2010	Amend	8-1-2010	813-027-0060	2-25-2010	Adopt(T)	4-1-2010
812-012-0110	1-1-2010	Amend	2-1-2010	813-027-0060	8-23-2010	Adopt	10-1-2010
812-012-0110	4-28-2010	Amend	6-1-2010	813-027-0060(T)	8-23-2010	Repeal	10-1-2010
812-020-0055	5-18-2010	Amend(T)	7-1-2010	813-027-0070	2-25-2010	Adopt(T)	4-1-2010
812-020-0055	9-1-2010	Amend	10-1-2010	813-027-0070	8-23-2010	Adopt	10-1-2010
812-020-0055(T)	9-1-2010	Repeal	10-1-2010	813-027-0070(T)	8-23-2010	Repeal	10-1-2010
812-020-0062	1-1-2010	Amend	1-1-2010	813-027-0080	2-25-2010	Adopt(T)	4-1-2010
812-020-0070	2-1-2010	Amend	3-1-2010	813-027-0080	8-23-2010	Adopt	10-1-2010
812-020-0082	2-1-2010	Repeal	3-1-2010	813-027-0080(T)	8-23-2010	Repeal	10-1-2010
812-021-0016	9-1-2010	Adopt	10-1-2010	813-027-0090	2-25-2010	Adopt(T)	4-1-2010
812-021-0025	1-1-2010	Amend	2-1-2010	813-027-0090	8-23-2010	Adopt	10-1-2010
812-021-0025	9-1-2010	Amend	10-1-2010	813-027-0090(T)	8-23-2010	Repeal	10-1-2010
812-030-0000	2-1-2010	Adopt	3-1-2010	813-028-0001	2-25-2010	Adopt(T)	4-1-2010
812-030-0010	2-1-2010	Adopt	3-1-2010	813-028-0001	8-23-2010	Adopt	10-1-2010
812-030-0100	2-1-2010	Adopt	3-1-2010	813-028-0001(T)	8-23-2010	Repeal	10-1-2010
812-030-0110	2-1-2010	Adopt	3-1-2010	813-028-0010	2-25-2010	Adopt(T)	4-1-2010
812-030-0200	2-1-2010	Adopt	3-1-2010	813-028-0010	8-23-2010	Adopt	10-1-2010
812-030-0210	2-1-2010	Adopt	3-1-2010	813-028-0010(T)	8-23-2010	Repeal	10-1-2010
812-030-0220	2-1-2010	Adopt	3-1-2010	813-028-0020	2-25-2010	Adopt(T)	4-1-2010

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813-028-0020(T)	8-23-2010	Repeal	10-1-2010	813-055-0001	12-22-2009	Adopt	2-1-2010
813-028-0030	2-25-2010	Adopt(T)	4-1-2010	813-055-0010	12-22-2009	Adopt	2-1-2010
813-028-0030	8-23-2010	Adopt	10-1-2010	813-055-0020	12-22-2009	Adopt	2-1-2010
813-028-0030(T)	8-23-2010	Repeal	10-1-2010	813-055-0030	12-22-2009	Adopt	2-1-2010
813-028-0040	2-25-2010	Adopt(T)	4-1-2010	813-055-0040	12-22-2009	Adopt	2-1-2010
813-028-0040	8-23-2010	Adopt	10-1-2010	813-055-0050	12-22-2009	Adopt	2-1-2010
813-028-0040(T)	8-23-2010	Repeal	10-1-2010	813-055-0060	12-22-2009	Adopt	2-1-2010
813-028-0050	2-25-2010	Adopt(T)	4-1-2010	813-055-0070	12-22-2009	Adopt	2-1-2010
813-028-0050	8-23-2010	Adopt	10-1-2010	813-055-0080	12-22-2009	Adopt	2-1-2010
813-028-0050(T)	8-23-2010	Repeal	10-1-2010	813-055-0090	12-22-2009	Adopt	2-1-2010
813-028-0060	2-25-2010	Adopt(T)	4-1-2010	813-055-0100	12-22-2009	Adopt	2-1-2010
813-028-0060	8-23-2010	Adopt	10-1-2010	813-055-0110	12-22-2009	Adopt	2-1-2010
813-028-0060(T)	8-23-2010	Repeal	10-1-2010	813-140-0096	1-7-2010	Amend	2-1-2010
813-028-0070	2-25-2010	Adopt(T)	4-1-2010	813-230-0000	8-12-2010	Amend(T)	9-1-2010
813-028-0070	8-23-2010	Adopt	10-1-2010	813-230-0005	8-12-2010	Amend(T)	9-1-2010
813-028-0070(T)	8-23-2010	Repeal	10-1-2010	813-230-0007	8-12-2010	Adopt(T)	9-1-2010
813-028-0080	2-25-2010	Adopt(T)	4-1-2010	813-230-0015	8-12-2010	Amend(T)	9-1-2010
813-028-0080	8-23-2010	Adopt	10-1-2010	813-300-0010	1-7-2010	Amend	2-1-2010
813-028-0080(T)	8-23-2010	Repeal	10-1-2010	813-300-0100	1-7-2010	Amend	2-1-2010
813-028-0090	2-25-2010	Adopt(T)	4-1-2010	817-040-0003	12-26-2009	Amend(T)	2-1-2010
813-028-0090	8-23-2010	Adopt	10-1-2010	817-040-0003	4-1-2010	Amend	5-1-2010
813-028-0090(T)	8-23-2010	Repeal	10-1-2010	817-040-0003(T)	4-1-2010	Repeal	5-1-2010
813-041-0000	12-15-2009	Amend(T)	1-1-2010	818-001-0087	7-1-2010	Amend	8-1-2010
813-041-0000	6-10-2010	Amend	7-1-2010	818-013-0001	8-6-2010	Adopt(T)	9-1-2010
813-041-0000(T)	6-10-2010	Repeal	7-1-2010	818-013-0005	8-6-2010	Adopt(T)	9-1-2010
813-041-0005	12-15-2009	Amend(T)	1-1-2010	818-013-0010	8-6-2010	Adopt(T)	9-1-2010
813-041-0005	6-10-2010	Repeal	7-1-2010	818-013-0015	8-6-2010	Adopt(T)	9-1-2010
813-041-0010	12-15-2009	Amend(T)	1-1-2010	818-013-0020	8-6-2010	Adopt(T)	9-1-2010
813-041-0010	6-10-2010	Amend	7-1-2010	818-013-0025	8-6-2010	Adopt(T)	9-1-2010
813-041-0010(T)	6-10-2010	Repeal	7-1-2010	818-013-0030	8-6-2010	Adopt(T)	9-1-2010
813-041-0015	12-15-2009	Amend(T)	1-1-2010	818-013-0035	8-6-2010	Adopt(T)	9-1-2010
813-041-0015	6-10-2010	Amend	7-1-2010	818-015-0007	7-1-2010	Amend	8-1-2010
813-041-0015(T)	6-10-2010	Repeal	7-1-2010	818-021-0017	7-1-2010	Amend	8-1-2010
813-041-0020	12-15-2009	Amend(T)	1-1-2010	818-021-0070	7-1-2010	Amend	8-1-2010
813-041-0020	6-10-2010	Amend	7-1-2010	818-026-0000	7-1-2010	Amend	8-1-2010
813-041-0020	6-17-2010	Amend(T)	8-1-2010	818-026-0010	7-1-2010	Amend	8-1-2010
813-041-0020(T)	6-10-2010	Repeal	7-1-2010	818-026-0020	7-1-2010	Amend	8-1-2010
813-041-0025	12-15-2009	Amend(T)	1-1-2010	818-026-0030	7-1-2010	Amend	8-1-2010
813-041-0025	6-10-2010	Repeal	7-1-2010	818-026-0035	7-1-2010	Amend	8-1-2010
813-041-0027	12-15-2009	Adopt(T)	1-1-2010	818-026-0040	7-1-2010	Amend	8-1-2010
813-041-0027	6-10-2010	Adopt	7-1-2010	818-026-0050	7-1-2010	Amend	8-1-2010
813-041-0027(T)	6-10-2010	Repeal	7-1-2010	818-026-0055	7-1-2010	Amend	8-1-2010
813-041-0030	12-15-2009	Amend(T)	1-1-2010	818-026-0060	7-1-2010	Amend	8-1-2010
813-041-0030	6-10-2010	Amend	7-1-2010	818-026-0065	7-1-2010	Adopt	8-1-2010
813-041-0030(T)	6-10-2010	Repeal	7-1-2010	818-026-0070	7-1-2010	Amend	8-1-2010
813-041-0035	12-15-2009	Adopt(T)	1-1-2010	818-026-0080	7-1-2010	Amend	8-1-2010
813-041-0035(T)	6-10-2010	Repeal	7-1-2010	818-026-0100	7-1-2010	Repeal	8-1-2010
813-042-0030	8-24-2010	Amend(T)	10-1-2010	818-026-0110	7-1-2010	Amend	8-1-2010
813-043-0030	8-24-2010	Amend(T)	10-1-2010	818-026-0120	7-1-2010	Amend	8-1-2010
813-044-0000	12-22-2009	Amend	2-1-2010	818-026-0130	7-1-2010	Amend	8-1-2010
813-044-0010	12-22-2009	Amend	2-1-2010	818-035-0065	7-1-2010	Amend	8-1-2010
813-044-0020	12-22-2009	Amend	2-1-2010	818-035-0075	7-1-2010	Repeal	8-1-2010
813-044-0030	12-22-2009	Amend	2-1-2010	818-042-0040	7-1-2010	Amend	8-1-2010
813-044-0040	12-22-2009	Amend	2-1-2010	820-001-0000	5-12-2010	Amend	6-1-2010
813-044-0050	12-22-2009	Amend	2-1-2010	820-010-0212	5-12-2010	Amend	6-1-2010

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820-010-0214	5-12-2010	Amend	6-1-2010	833-020-0140	1-5-2010	Repeal	2-1-2010
820-010-0215	5-12-2010	Amend	6-1-2010	833-020-0150	1-5-2010	Repeal	2-1-2010
820-010-0305	5-12-2010	Amend	6-1-2010	833-020-0155	1-5-2010	Repeal	2-1-2010
820-010-0440	5-12-2010	Amend	6-1-2010	833-020-0160	1-5-2010	Repeal	2-1-2010
820-010-0450	5-12-2010	Amend	6-1-2010	833-020-0164	1-5-2010	Repeal	2-1-2010
820-010-0470	5-12-2010	Amend	6-1-2010	833-020-0165	1-5-2010	Repeal	2-1-2010
820-010-0530	5-12-2010	Adopt	6-1-2010	833-020-0201	1-11-2010	Adopt(T)	2-1-2010
820-010-0610	5-12-2010	Amend	6-1-2010	833-020-0201	5-3-2010	Adopt	6-1-2010
820-010-0625	5-12-2010	Amend	6-1-2010	833-020-0201(T)	5-3-2010	Repeal	6-1-2010
820-010-0635	5-12-2010	Amend	6-1-2010	833-020-0301	5-3-2010	Adopt	6-1-2010
830-011-0000	4-1-2010	Amend(T)	5-1-2010	833-025-0001	1-5-2010	Repeal	2-1-2010
830-011-0050	4-1-2010	Amend(T)	5-1-2010	833-025-0005	1-5-2010	Repeal	2-1-2010
830-020-0000	4-1-2010	Amend(T)	5-1-2010	833-025-0006	1-5-2010	Repeal	2-1-2010
830-020-0020	4-1-2010	Amend(T)	5-1-2010	833-025-0050	1-5-2010	Repeal	2-1-2010
830-020-0040	4-1-2010	Amend(T)	5-1-2010	833-025-0060	1-5-2010	Repeal	2-1-2010
830-030-0090	4-1-2010	Amend(T)	5-1-2010	833-030-0001	1-5-2010	Repeal	2-1-2010
830-040-0000	4-1-2010	Amend(T)	5-1-2010	833-030-0005	1-5-2010	Repeal	2-1-2010
830-040-0050	4-1-2010	Amend(T)	5-1-2010	833-030-0010	1-5-2010	Repeal	2-1-2010
830-060-0010	4-1-2010	Adopt(T)	5-1-2010	833-030-0011	1-5-2010	Adopt	2-1-2010
830-060-0020	4-1-2010	Adopt(T)	5-1-2010	833-030-0015	1-5-2010	Repeal	2-1-2010
833-001-0000	1-5-2010	Amend	2-1-2010	833-030-0020	1-5-2010	Repeal	2-1-2010
833-001-0005	1-5-2010	Amend	2-1-2010	833-030-0021	1-5-2010	Adopt	2-1-2010
833-001-0010	1-5-2010	Amend	2-1-2010	833-030-0021	5-3-2010	Amend	6-1-2010
833-001-0015	1-5-2010	Amend	2-1-2010	833-030-0031	1-5-2010	Adopt	2-1-2010
833-001-0020	1-5-2010	Amend	2-1-2010	833-030-0031	5-3-2010	Amend	6-1-2010
833-010-0001	1-5-2010	Amend	2-1-2010	833-030-0041	1-5-2010	Adopt	2-1-2010
833-010-0001	5-3-2010	Amend	6-1-2010	833-030-0051	1-5-2010	Adopt	2-1-2010
833-020-0001	1-5-2010	Repeal	2-1-2010	833-040-0001	1-5-2010	Repeal	2-1-2010
833-020-0010	1-5-2010	Repeal	2-1-2010	833-040-0010	1-5-2010	Repeal	2-1-2010
833-020-0011	1-5-2010	Adopt	2-1-2010	833-040-0011	1-5-2010	Adopt	2-1-2010
833-020-0015	1-5-2010	Repeal	2-1-2010	833-040-0020	1-5-2010	Repeal	2-1-2010
833-020-0020	1-5-2010	Repeal	2-1-2010	833-040-0021	1-5-2010	Adopt	2-1-2010
833-020-0021	1-5-2010	Adopt	2-1-2010	833-040-0021	5-3-2010	Amend	6-1-2010
833-020-0022	1-5-2010	Repeal	2-1-2010	833-040-0031	1-5-2010	Adopt	2-1-2010
833-020-0030	1-5-2010	Repeal	2-1-2010	833-040-0031	5-3-2010	Amend	6-1-2010
833-020-0031	1-5-2010	Adopt	2-1-2010	833-040-0041	1-5-2010	Adopt	2-1-2010
833-020-0031	5-3-2010	Amend	6-1-2010	833-040-0041	5-3-2010	Amend	6-1-2010
833-020-0040	1-5-2010	Repeal	2-1-2010	833-040-0051	1-5-2010	Adopt	2-1-2010
833-020-0041	1-5-2010	Adopt	2-1-2010	833-050-0001	1-5-2010	Repeal	2-1-2010
833-020-0041	5-3-2010	Amend	6-1-2010	833-050-0010	1-5-2010	Repeal	2-1-2010
833-020-0050	1-5-2010	Repeal	2-1-2010	833-050-0011	1-5-2010	Adopt	2-1-2010
833-020-0051	1-5-2010	Adopt	2-1-2010	833-050-0011	5-3-2010	Amend	6-1-2010
833-020-0051	5-3-2010	Amend	6-1-2010	833-050-0020	1-5-2010	Repeal	2-1-2010
833-020-0060	1-5-2010	Repeal	2-1-2010	833-050-0021	1-5-2010	Adopt	2-1-2010
833-020-0061	1-5-2010	Adopt	2-1-2010	833-050-0021	5-3-2010	Amend	6-1-2010
833-020-0061	5-3-2010	Amend	6-1-2010	833-050-0025	1-5-2010	Repeal	2-1-2010
833-020-0071	1-5-2010	Adopt	2-1-2010	833-050-0030	1-5-2010	Repeal	2-1-2010
833-020-0080	1-5-2010	Repeal	2-1-2010	833-050-0031	1-5-2010	Adopt	2-1-2010
833-020-0081	1-5-2010	Adopt	2-1-2010	833-050-0040	1-5-2010	Repeal	2-1-2010
833-020-0090	1-5-2010	Repeal	2-1-2010	833-050-0041	1-5-2010	Adopt	2-1-2010
833-020-0091	1-5-2010	Adopt	2-1-2010	833-050-0051	1-5-2010	Adopt	2-1-2010
833-020-0100	1-5-2010	Repeal	2-1-2010	833-050-0051	5-3-2010	Amend	6-1-2010
833-020-0101	1-5-2010	Adopt	2-1-2010	833-050-0061	1-5-2010	Adopt	2-1-2010
833-020-0111	1-5-2010	Repeal	2-1-2010	833-050-0071	1-5-2010	Adopt	2-1-2010
833-020-0112	1-5-2010	Adopt	2-1-2010	833-050-0081	1-5-2010	Adopt	2-1-2010

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833-050-0081	7-1-2010	Amend	7-1-2010	833-130-0010	7-1-2010	Adopt	7-1-2010
833-050-0091	1-5-2010	Adopt	2-1-2010	833-130-0020	7-1-2010	Adopt	7-1-2010
833-050-0111	1-5-2010	Adopt	2-1-2010	833-130-0030	7-1-2010	Adopt	7-1-2010
833-050-0121	1-5-2010	Adopt	2-1-2010	833-130-0040	7-1-2010	Adopt	7-1-2010
833-050-0131	1-5-2010	Adopt	2-1-2010	833-130-0050	7-1-2010	Adopt	7-1-2010
833-050-0141	1-5-2010	Adopt	2-1-2010	833-130-0060	7-1-2010	Adopt	7-1-2010
833-050-0151	1-5-2010	Adopt	2-1-2010	833-130-0070	7-1-2010	Adopt	7-1-2010
833-050-0161	1-5-2010	Adopt	2-1-2010	834-010-0050	6-23-2010	Amend	8-1-2010
833-055-0001	7-1-2010	Suspend	7-1-2010	836-009-0007	2-1-2010	Amend	2-1-2010
833-055-0010	7-1-2010	Suspend	7-1-2010	836-009-0020	3-25-2010	Adopt	5-1-2010
833-055-0020	7-1-2010	Suspend	7-1-2010	836-009-0020(T)	3-25-2010	Repeal	5-1-2010
833-060-0011	1-5-2010	Repeal	2-1-2010	836-009-0025	3-25-2010	Adopt	5-1-2010
833-060-0012	1-5-2010	Adopt	2-1-2010	836-009-0025(T)	3-25-2010	Repeal	5-1-2010
833-060-0012	5-3-2010	Amend	6-1-2010	836-009-0030	3-25-2010	Adopt	5-1-2010
833-060-0021	1-5-2010	Repeal	2-1-2010	836-009-0030(T)	3-25-2010	Repeal	5-1-2010
833-060-0022	1-5-2010	Adopt	2-1-2010	836-009-0035	3-25-2010	Adopt	5-1-2010
833-060-0022	5-3-2010	Amend	6-1-2010	836-009-0035(T)	3-25-2010	Repeal	5-1-2010
833-060-0031	1-5-2010	Repeal	2-1-2010	836-009-0040	3-25-2010	Adopt	5-1-2010
833-060-0032	1-5-2010	Adopt	2-1-2010	836-009-0040(T)	3-25-2010	Repeal	5-1-2010
833-060-0032	5-3-2010	Amend	6-1-2010	836-010-0000	4-1-2010	Amend	5-1-2010
833-060-0041	1-5-2010	Repeal	2-1-2010	836-010-0011	4-1-2010	Amend	5-1-2010
833-060-0042	1-5-2010	Adopt	2-1-2010	836-010-0012	4-1-2010	Adopt	5-1-2010
833-060-0051	1-5-2010	Repeal	2-1-2010	836-011-0000	12-9-2009	Amend	1-1-2010
833-060-0052	1-5-2010	Adopt	2-1-2010	836-011-0015	9-14-2010	Adopt	10-1-2010
833-060-0061	1-5-2010	Repeal	2-1-2010	836-012-0300	2-5-2010	Amend	3-1-2010
833-060-0071	1-5-2010	Repeal	2-1-2010	836-012-0310	2-5-2010	Amend	3-1-2010
833-070-0011	1-5-2010	Adopt	2-1-2010	836-012-0332	2-5-2010	Adopt	3-1-2010
833-070-0011	1-11-2010	Amend(T)	2-1-2010	836-013-0100	8-19-2010	Amend	10-1-2010
833-070-0011	5-3-2010	Amend	6-1-2010	836-013-0110	8-19-2010	Amend	10-1-2010
833-070-0011(T)	5-3-2010	Repeal	6-1-2010	836-013-0120	8-19-2010	Amend	10-1-2010
833-070-0021	1-5-2010	Adopt	2-1-2010	836-014-0200	1-5-2010	Amend	2-1-2010
833-070-0031	1-5-2010	Adopt	2-1-2010	836-014-0205	1-5-2010	Adopt	2-1-2010
833-080-0011	1-5-2010	Adopt	2-1-2010	836-014-0210	1-5-2010	Amend	2-1-2010
833-080-0021	1-5-2010	Adopt	2-1-2010	836-014-0220	1-5-2010	Amend	2-1-2010
833-080-0031	1-5-2010	Adopt	2-1-2010	836-014-0226	1-5-2010	Adopt	2-1-2010
833-080-0041	1-5-2010	Adopt	2-1-2010	836-014-0240	1-5-2010	Amend	2-1-2010
833-080-0051	1-5-2010	Adopt	2-1-2010	836-014-0250	1-5-2010	Amend	2-1-2010
833-080-0061	1-5-2010	Adopt	2-1-2010	836-014-0260	1-5-2010	Amend	2-1-2010
833-090-0010	1-5-2010	Adopt	2-1-2010	836-014-0263	1-5-2010	Adopt	2-1-2010
833-090-0020	1-5-2010	Adopt	2-1-2010	836-014-0265	1-5-2010	Amend	2-1-2010
833-090-0030	1-5-2010	Adopt	2-1-2010	836-014-0270	1-5-2010	Amend	2-1-2010
833-090-0040	1-5-2010	Adopt	2-1-2010	836-014-0280	1-5-2010	Amend	2-1-2010
833-100-0011	1-5-2010	Adopt	2-1-2010	836-014-0285	1-5-2010	Adopt	2-1-2010
833-100-0021	1-5-2010	Adopt	2-1-2010	836-014-0290	1-5-2010	Amend	2-1-2010
833-100-0031	1-5-2010	Adopt	2-1-2010	836-014-0300	1-5-2010	Amend	2-1-2010
833-100-0041	1-5-2010	Adopt	2-1-2010	836-014-0310	1-5-2010	Amend	2-1-2010
833-100-0051	1-5-2010	Adopt	2-1-2010	836-014-0320	1-5-2010	Amend	2-1-2010
833-100-0061	1-5-2010	Adopt	2-1-2010	836-014-0325	1-5-2010	Adopt	2-1-2010
833-100-0071	1-5-2010	Adopt	2-1-2010	836-042-0080	7-1-2010	Amend	6-1-2010
833-110-0011	1-5-2010	Adopt	2-1-2010	836-042-0100	7-1-2010	Adopt	6-1-2010
833-110-0011	5-3-2010	Amend	6-1-2010	836-042-0105	7-1-2010	Adopt	6-1-2010
833-110-0021	1-5-2010	Adopt	2-1-2010	836-042-0110	7-1-2010	Adopt	6-1-2010
833-120-0011	1-5-2010	Adopt	2-1-2010	836-042-0115	7-1-2010	Adopt	6-1-2010
833-120-0021	1-5-2010	Adopt	2-1-2010	836-052-1000	12-18-2009	Amend	2-1-2010
833-120-0031	1-5-2010	Adopt	2-1-2010	836-053-0000	2-16-2010	Adopt	4-1-2010

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836-053-0001	1-1-2011	Amend	10-1-2010	837-040-02020	4-1-2010	Amend	1-1-2010
836-053-0081	4-22-2010	Amend(T)	6-1-2010	837-046-0000	11-21-2009	Adopt	1-1-2010
836-053-0081	7-28-2010	Amend	9-1-2010	837-046-0020	11-21-2009	Adopt	1-1-2010
836-053-0081(T)	7-28-2010	Repeal	9-1-2010	837-046-0040	11-21-2009	Adopt	1-1-2010
836-053-0465	2-16-2010	Amend	4-1-2010	837-046-0060	11-21-2009	Adopt	1-1-2010
836-053-0471	2-16-2010	Adopt	4-1-2010	837-046-0080	11-21-2009	Adopt	1-1-2010
836-053-0475	2-16-2010	Adopt	4-1-2010	837-046-0100	11-21-2009	Adopt	1-1-2010
836-053-0780	2-16-2010	Amend	4-1-2010	837-046-0120	11-21-2009	Adopt	1-1-2010
836-053-0850	6-11-2010	Repeal	7-1-2010	837-046-0140	11-21-2009	Adopt	1-1-2010
836-053-0851	6-11-2010	Adopt	7-1-2010	837-046-0160	11-21-2009	Adopt	1-1-2010
836-053-0855	12-23-2009	Amend(T)	2-1-2010	837-046-0180	11-21-2009	Adopt	1-1-2010
836-053-0855	1-8-2010	Amend(T)	2-1-2010	837-047-0100	7-1-2010	Adopt(T)	5-1-2010
836-053-0855	3-10-2010	Amend(T)	4-1-2010	837-047-0110	7-1-2010	Adopt(T)	5-1-2010
836-053-0855	4-26-2010	Amend(T)	6-1-2010	837-047-0120	7-1-2010	Adopt(T)	5-1-2010
836-053-0855	6-11-2010	Repeal	7-1-2010	837-047-0130	7-1-2010	Adopt(T)	5-1-2010
836-053-0855(T)	1-8-2010	Suspend	2-1-2010	837-047-0140	7-1-2010	Adopt(T)	5-1-2010
836-053-0855(T)	3-10-2010	Suspend	4-1-2010	837-047-0150	7-1-2010	Adopt(T)	5-1-2010
836-053-0855(T)	4-26-2010	Suspend	6-1-2010	837-047-0160	7-1-2010	Adopt(T)	5-1-2010
836-053-0856	6-11-2010	Adopt	7-1-2010	837-047-0170	7-1-2010	Adopt(T)	5-1-2010
836-053-0860	12-23-2009	Amend(T)	2-1-2010	837-085-0020	2-1-2010	Amend	3-1-2010
836-053-0860	1-8-2010	Amend(T)	2-1-2010	837-085-0030	2-1-2010	Amend	3-1-2010
836-053-0860	3-10-2010	Amend(T)	4-1-2010	837-085-0040	2-1-2010	Amend	3-1-2010
836-053-0860	4-26-2010	Amend(T)	6-1-2010	837-085-0050	2-1-2010	Amend	3-1-2010
836-053-0860	6-11-2010	Repeal	7-1-2010	837-085-0060	2-1-2010	Amend	3-1-2010
836-053-0860(T)	1-8-2010	Suspend	2-1-2010	837-085-0070	2-1-2010	Amend	3-1-2010
836-053-0860(T)	3-10-2010	Suspend	4-1-2010	837-085-0080	2-1-2010	Amend	3-1-2010
836-053-0860(T)	4-26-2010	Suspend	6-1-2010	837-085-0090	2-1-2010	Amend	3-1-2010
836-053-0861	6-11-2010	Adopt	7-1-2010	837-085-0100	2-1-2010	Amend	3-1-2010
836-053-0865	12-23-2009	Amend(T)	2-1-2010	837-085-0110	2-1-2010	Amend	3-1-2010
836-053-0865	1-8-2010	Amend(T)	2-1-2010	837-085-0120	2-1-2010	Amend	3-1-2010
836-053-0865	3-10-2010	Amend(T)	4-1-2010	837-085-0140	2-1-2010	Amend	3-1-2010
836-053-0865	4-26-2010	Amend(T)	6-1-2010	837-085-0150	2-1-2010	Amend	3-1-2010
836-053-0865	6-11-2010	Repeal	7-1-2010	837-085-0170	2-1-2010	Amend	3-1-2010
836-053-0865(T)	1-8-2010	Suspend	2-1-2010	837-085-0180	2-1-2010	Amend	3-1-2010
836-053-0865(T)	3-10-2010	Suspend	4-1-2010	837-085-0190	2-1-2010	Amend	3-1-2010
836-053-0865(T)	4-26-2010	Suspend	6-1-2010	837-085-0200	2-1-2010	Amend	3-1-2010
836-053-0866	6-11-2010	Adopt	7-1-2010	837-085-0210	2-1-2010	Amend	3-1-2010
836-053-0910	2-16-2010	Amend	4-1-2010	837-085-0220	2-1-2010	Amend	3-1-2010
836-053-1000	8-19-2010	Amend	10-1-2010	837-085-0230	2-1-2010	Amend	3-1-2010
836-053-1070	8-19-2010	Amend	10-1-2010	837-085-0250	2-1-2010	Amend	3-1-2010
836-053-1080	8-19-2010	Amend	10-1-2010	837-085-0260	2-1-2010	Amend	3-1-2010
836-054-0210	7-1-2010	Amend	6-1-2010	837-085-0270	2-1-2010	Amend	3-1-2010
836-071-0101	2-1-2010	Amend	2-1-2010	837-085-0280	2-1-2010	Amend	3-1-2010
836-071-0113	2-1-2010	Adopt	2-1-2010	837-085-0290	2-1-2010	Amend	3-1-2010
836-071-0127	2-1-2010	Amend	2-1-2010	837-085-0300	2-1-2010	Amend	3-1-2010
836-071-0130	2-1-2010	Amend	2-1-2010	837-085-0305	2-1-2010	Amend	3-1-2010
836-071-0185	2-1-2010	Amend	2-1-2010	837-085-0310	2-1-2010	Amend	3-1-2010
836-080-0205	8-19-2010	Amend	10-1-2010	837-085-0340	2-1-2010	Amend	3-1-2010
836-080-0210	8-19-2010	Amend	10-1-2010	837-085-0350	2-1-2010	Amend	3-1-2010
836-080-0235	8-19-2010	Amend	10-1-2010	837-085-0380	2-1-2010	Amend	3-1-2010
836-080-0240	1-1-2010	Amend	2-1-2010	837-090-1145	11-18-2009	Amend	1-1-2010
837-040-0010	4-1-2010	Amend	1-1-2010	839-001-0495	1-1-2010	Amend	1-1-2010
837-040-0010	7-1-2010	Amend(T)	3-1-2010	839-001-0496	1-1-2010	Amend	1-1-2010
837-040-0020	7-1-2010	Amend(T)	3-1-2010	839-001-0515	1-1-2010	Amend	1-1-2010
837-040-0140	4-1-2010	Amend	1-1-2010	839-001-0520	1-1-2010	Amend	1-1-2010
837-040-0140	7-1-2010	Amend(T)	3-1-2010	839-001-0700	1-1-2010	Amend	1-1-2010

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839-002-0030	2-12-2010	Amend(T)	3-1-2010	839-006-0300	2-24-2010	Amend	4-1-2010
839-002-0030	5-5-2010	Amend	6-1-2010	839-006-0305	2-24-2010	Amend	4-1-2010
839-002-0030(T)	5-5-2010	Repeal	6-1-2010	839-006-0307	2-24-2010	Adopt	4-1-2010
839-002-0040	2-12-2010	Amend(T)	3-1-2010	839-006-0330	2-24-2010	Amend	4-1-2010
839-002-0040	5-5-2010	Amend	6-1-2010	839-006-0332	2-24-2010	Adopt	4-1-2010
839-002-0040(T)	5-5-2010	Repeal	6-1-2010	839-006-0335	2-24-2010	Amend	4-1-2010
839-002-0045	2-12-2010	Amend(T)	3-1-2010	839-006-0435	2-24-2010	Amend	4-1-2010
839-002-0045	5-5-2010	Amend	6-1-2010	839-006-0440	2-24-2010	Amend	4-1-2010
839-002-0045(T)	5-5-2010	Repeal	6-1-2010	839-006-0445	2-24-2010	Amend	4-1-2010
839-002-0050	2-12-2010	Amend(T)	3-1-2010	839-006-0450	2-24-2010	Amend	4-1-2010
839-002-0050	5-5-2010	Amend	6-1-2010	839-006-0455	2-24-2010	Amend	4-1-2010
839-002-0050(T)	5-5-2010	Repeal	6-1-2010	839-006-0460	2-24-2010	Amend	4-1-2010
839-003-0005	2-24-2010	Amend	4-1-2010	839-006-0465	2-24-2010	Amend	4-1-2010
839-003-0025	2-24-2010	Amend	4-1-2010	839-006-0470	2-24-2010	Amend	4-1-2010
839-003-0040	2-24-2010	Amend	4-1-2010	839-006-0480	2-24-2010	Adopt	4-1-2010
839-003-0200	2-24-2010	Amend	4-1-2010	839-009-0210	2-24-2010	Amend	4-1-2010
839-005-0000	2-24-2010	Amend	4-1-2010	839-009-0220	2-24-2010	Amend	4-1-2010
839-005-0003	2-24-2010	Amend	4-1-2010	839-009-0240	2-24-2010	Amend	4-1-2010
839-005-0005	2-24-2010	Amend	4-1-2010	839-009-0245	2-24-2010	Amend	4-1-2010
839-005-0010	2-24-2010	Amend	4-1-2010	839-009-0250	2-24-2010	Amend	4-1-2010
839-005-0016	2-24-2010	Renumber	4-1-2010	839-009-0260	2-24-2010	Amend	4-1-2010
839-005-0021	2-24-2010	Amend	4-1-2010	839-009-0265	2-24-2010	Adopt	4-1-2010
839-005-0035	2-24-2010	Renumber	4-1-2010	839-009-0270	2-24-2010	Amend	4-1-2010
839-005-0045	2-24-2010	Renumber	4-1-2010	839-009-0280	2-24-2010	Amend	4-1-2010
839-005-0050	2-24-2010	Renumber	4-1-2010	839-009-0290	2-24-2010	Amend	4-1-2010
839-005-0060	7-1-2010	Adopt	7-1-2010	839-009-0300	2-24-2010	Amend	4-1-2010
839-005-0065	7-1-2010	Adopt	7-1-2010	839-009-0325	2-24-2010	Amend	4-1-2010
839-005-0070	7-1-2010	Adopt	7-1-2010	839-009-0335	2-24-2010	Amend	4-1-2010
839-005-0080	7-1-2010	Adopt	7-1-2010	839-009-0340	2-24-2010	Amend	4-1-2010
839-005-0085	7-1-2010	Adopt	7-1-2010	839-009-0345	2-24-2010	Amend	4-1-2010
839-005-0138	2-24-2010	Adopt	4-1-2010	839-009-0350	2-24-2010	Amend	4-1-2010
839-005-0140	2-24-2010	Adopt	4-1-2010	839-009-0355	2-24-2010	Amend	4-1-2010
839-005-0160	2-24-2010	Adopt	4-1-2010	839-009-0360	2-24-2010	Amend	4-1-2010
839-005-0170	2-24-2010	Adopt	4-1-2010	839-009-0362	2-24-2010	Amend	4-1-2010
839-005-0195	2-24-2010	Amend	4-1-2010	839-009-0363	2-24-2010	Amend	4-1-2010
839-005-0200	2-24-2010	Amend	4-1-2010	839-009-0365	2-24-2010	Amend	4-1-2010
839-005-0205	2-24-2010	Amend	4-1-2010	839-009-0370	2-24-2010	Adopt	4-1-2010
839-005-0206	2-24-2010	Adopt	4-1-2010	839-009-0380	2-24-2010	Adopt	4-1-2010
839-005-0215	2-24-2010	Amend	4-1-2010	839-009-0390	2-24-2010	Adopt	4-1-2010
839-005-0220	2-24-2010	Amend	4-1-2010	839-009-0400	2-24-2010	Adopt	4-1-2010
839-006-0200	2-24-2010	Amend	4-1-2010	839-009-0410	2-24-2010	Adopt	4-1-2010
839-006-0202	2-24-2010	Adopt	4-1-2010	839-009-0420	2-24-2010	Adopt	4-1-2010
839-006-0205	2-24-2010	Amend	4-1-2010	839-009-0430	2-24-2010	Adopt	4-1-2010
839-006-0206	2-24-2010	Amend	4-1-2010	839-009-0440	2-24-2010	Adopt	4-1-2010
839-006-0212	2-24-2010	Amend	4-1-2010	839-009-0450	2-24-2010	Adopt	4-1-2010
839-006-0240	2-24-2010	Amend	4-1-2010	839-009-0460	2-24-2010	Adopt	4-1-2010
839-006-0242	2-24-2010	Amend	4-1-2010	839-010-0100	2-24-2010	Amend	4-1-2010
839-006-0244	2-24-2010	Amend	4-1-2010	839-010-0140	2-24-2010	Amend	4-1-2010
839-006-0250	2-24-2010	Amend	4-1-2010	839-011-0000	8-1-2010	Amend	9-1-2010
839-006-0255	2-24-2010	Amend	4-1-2010	839-011-0010	8-1-2010	Amend	9-1-2010
839-006-0265	2-24-2010	Amend	4-1-2010	839-011-0015	8-1-2010	Amend	9-1-2010
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839-006-0275	2-24-2010	Amend	4-1-2010	839-011-0025	8-1-2010	Repeal	9-1-2010
839-006-0280	2-24-2010	Amend	4-1-2010	839-011-0030	8-1-2010	Amend	9-1-2010
839-006-0290	2-24-2010	Amend	4-1-2010	839-011-0040	8-1-2010	Amend	9-1-2010

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839-011-0051	8-1-2010	Adopt	9-1-2010	839-011-0535	8-1-2010	Adopt	9-1-2010
839-011-0060	8-1-2010	Amend	9-1-2010	839-011-0540	8-1-2010	Adopt	9-1-2010
839-011-0070	8-1-2010	Amend	9-1-2010	839-011-0545	8-1-2010	Adopt	9-1-2010
839-011-0072	8-1-2010	Amend	9-1-2010	839-011-0550	8-1-2010	Adopt	9-1-2010
839-011-0073	8-1-2010	Amend	9-1-2010	839-011-0555	8-1-2010	Adopt	9-1-2010
839-011-0074	8-1-2010	Amend	9-1-2010	839-011-0560	8-1-2010	Adopt	9-1-2010
839-011-0078	8-1-2010	Amend	9-1-2010	839-011-0565	8-1-2010	Adopt	9-1-2010
839-011-0082	8-1-2010	Amend	9-1-2010	839-020-0004	6-1-2010	Amend	7-1-2010
839-011-0084	8-1-2010	Amend	9-1-2010	839-020-0050	6-1-2010	Amend	7-1-2010
839-011-0086	8-1-2010	Repeal	9-1-2010	839-020-0125	6-1-2010	Amend	7-1-2010
839-011-0088	8-1-2010	Amend	9-1-2010	839-021-0070	1-1-2010	Amend	1-1-2010
839-011-0093	8-1-2010	Amend	9-1-2010	839-021-0280	1-1-2010	Amend	1-1-2010
839-011-0095	8-1-2010	Repeal	9-1-2010	839-021-0290	1-1-2010	Amend	1-1-2010
839-011-0140	8-1-2010	Amend	9-1-2010	839-025-0010	1-1-2010	Amend	1-1-2010
839-011-0141	8-1-2010	Adopt	9-1-2010	839-025-0013	1-1-2010	Amend	1-1-2010
839-011-0142	8-1-2010	Adopt	9-1-2010	839-025-0013(T)	1-1-2010	Repeal	1-1-2010
839-011-0143	8-1-2010	Adopt	9-1-2010	839-025-0015	1-1-2010	Amend	1-1-2010
839-011-0145	8-1-2010	Amend	9-1-2010	839-025-0020	1-1-2010	Amend	1-1-2010
839-011-0160	8-1-2010	Repeal	9-1-2010	839-025-0020(T)	1-1-2010	Repeal	1-1-2010
839-011-0162	8-1-2010	Amend	9-1-2010	839-025-0030	1-1-2010	Amend	1-1-2010
839-011-0170	8-1-2010	Amend	9-1-2010	839-025-0030(T)	1-1-2010	Repeal	1-1-2010
839-011-0175	8-1-2010	Amend	9-1-2010	839-025-0035	1-1-2010	Amend	1-1-2010
839-011-0200	8-1-2010	Amend	9-1-2010	839-025-0035(T)	1-1-2010	Repeal	1-1-2010
839-011-0250	8-1-2010	Amend	9-1-2010	839-025-0085	1-1-2010	Amend	1-1-2010
839-011-0260	8-1-2010	Amend	9-1-2010	839-025-0085(T)	1-1-2010	Repeal	1-1-2010
839-011-0265	8-1-2010	Amend	9-1-2010	839-025-0200	1-1-2010	Amend	1-1-2010
839-011-0270	8-1-2010	Amend	9-1-2010	839-025-0200(T)	1-1-2010	Repeal	1-1-2010
839-011-0280	8-1-2010	Amend	9-1-2010	839-025-0210	1-1-2010	Amend	1-1-2010
839-011-0290	8-1-2010	Amend	9-1-2010	839-025-0210(T)	1-1-2010	Repeal	1-1-2010
839-011-0310	8-1-2010	Amend	9-1-2010	839-025-0530	1-1-2010	Amend	1-1-2010
839-011-0320	8-1-2010	Amend	9-1-2010	839-025-0530(T)	1-1-2010	Repeal	1-1-2010
839-011-0330	8-1-2010	Repeal	9-1-2010	839-025-0700	11-23-2009	Amend	1-1-2010
839-011-0332	8-1-2010	Repeal	9-1-2010	839-025-0700	1-1-2010	Amend	2-1-2010
839-011-0334	8-1-2010	Amend	9-1-2010	839-025-0700	1-12-2010	Amend	2-1-2010
839-011-0340	8-1-2010	Repeal	9-1-2010	839-025-0700	1-13-2010	Amend	2-1-2010
839-011-0350	8-1-2010	Repeal	9-1-2010	839-025-0700	1-19-2010	Amend	3-1-2010
839-011-0360	8-1-2010	Repeal	9-1-2010	839-025-0700	1-27-2010	Amend	3-1-2010
839-011-0370	8-1-2010	Repeal	9-1-2010	839-025-0700	4-1-2010	Amend	5-1-2010
839-011-0380	8-1-2010	Repeal	9-1-2010	839-025-0700	7-1-2010	Amend	8-1-2010
839-011-0400	8-1-2010	Am. & Ren.	9-1-2010	839-050-0080	3-3-2010	Amend	4-1-2010
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839-011-0420	8-1-2010	Am. & Ren.	9-1-2010	839-050-0150	3-3-2010	Amend	4-1-2010
839-011-0430	8-1-2010	Am. & Ren.	9-1-2010	839-050-0240	3-3-2010	Amend	4-1-2010
839-011-0440	8-1-2010	Am. & Ren.	9-1-2010	839-050-0370	3-3-2010	Amend	4-1-2010
839-011-0450	8-1-2010	Am. & Ren.	9-1-2010	839-051-0010	3-3-2010	Amend	4-1-2010
839-011-0460	8-1-2010	Repeal	9-1-2010	845-005-0413	3-1-2010	Adopt	4-1-2010
839-011-0470	8-1-2010	Repeal	9-1-2010	845-005-0414	3-1-2010	Adopt	4-1-2010
839-011-0480	8-1-2010	Am. & Ren.	9-1-2010	845-006-0340	5-1-2010	Amend	6-1-2010
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839-011-0505	8-1-2010	Adopt	9-1-2010	845-007-0010	9-1-2010	Amend	10-1-2010
839-011-0510	8-1-2010	Adopt	9-1-2010	845-007-0015	9-1-2010	Amend	10-1-2010
839-011-0515	8-1-2010	Adopt	9-1-2010	845-007-0020	5-1-2010	Amend	6-1-2010
839-011-0520	8-1-2010	Adopt	9-1-2010	845-009-0150	7-1-2010	Adopt	8-1-2010
839-011-0525	8-1-2010	Adopt	9-1-2010	845-013-0040	7-1-2010	Amend	8-1-2010

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845-015-0200	9-1-2010	Adopt	10-1-2010	848-010-0026	3-1-2010	Amend	4-1-2010
845-020-0020	3-1-2010	Amend	4-1-2010	848-035-0020	3-1-2010	Amend	4-1-2010
845-020-0025	3-1-2010	Amend	4-1-2010	848-040-0100	3-1-2010	Amend	4-1-2010
845-020-0030	3-1-2010	Amend	4-1-2010	848-040-0147	3-1-2010	Amend	4-1-2010
847-005-0005	1-26-2010	Amend	3-1-2010	848-045-0020	3-1-2010	Amend	4-1-2010
847-005-0005(T)	1-26-2010	Repeal	3-1-2010	848-050-0100	3-1-2010	Repeal	4-1-2010
847-008-0023	1-26-2010	Amend	3-1-2010	848-050-0110	3-1-2010	Repeal	4-1-2010
847-010-0073	1-26-2010	Amend	3-1-2010	848-050-0120	3-1-2010	Repeal	4-1-2010
847-020-0100	4-26-2010	Amend	6-1-2010	850-005-0190	5-3-2010	Adopt	6-1-2010
847-020-0130	4-26-2010	Amend	6-1-2010	850-050-0120	6-30-2010	Amend	8-1-2010
847-020-0130	7-26-2010	Amend(T)	9-1-2010	850-050-0130	6-30-2010	Amend	8-1-2010
847-020-0150	4-26-2010	Amend	6-1-2010	850-060-0220	2-16-2010	Amend	4-1-2010
847-020-0160	4-26-2010	Amend	6-1-2010	850-060-0220	5-3-2010	Amend	6-1-2010
847-020-0183	4-26-2010	Amend	6-1-2010	850-060-0225	1-1-2010	Amend	1-1-2010
847-023-0010	4-26-2010	Amend	6-1-2010	850-060-0226	1-1-2010	Amend	1-1-2010
847-023-0015	4-26-2010	Amend	6-1-2010	850-060-0226	6-30-2010	Amend	8-1-2010
847-026-0000	1-26-2010	Adopt	3-1-2010	851-002-0010	1-1-2010	Amend	2-1-2010
847-026-0000(T)	1-26-2010	Repeal	3-1-2010	851-002-0010	6-25-2010	Amend	8-1-2010
847-026-0005	1-26-2010	Adopt	3-1-2010	851-002-0020	1-1-2010	Amend	2-1-2010
847-026-0005(T)	1-26-2010	Repeal	3-1-2010	851-002-0035	1-1-2010	Amend	2-1-2010
847-026-0010	1-26-2010	Adopt	3-1-2010	851-002-0040	1-1-2010	Amend	2-1-2010
847-026-0010(T)	1-26-2010	Repeal	3-1-2010	851-002-0040	6-25-2010	Amend	8-1-2010
847-026-0015	1-26-2010	Adopt	3-1-2010	851-010-0024	1-21-2010	Adopt(T)	3-1-2010
847-026-0015(T)	1-26-2010	Repeal	3-1-2010	851-010-0024	4-21-2010	Adopt	6-1-2010
847-026-0020	1-26-2010	Adopt	3-1-2010	851-010-0024(T)	4-21-2010	Repeal	6-1-2010
847-026-0020(T)	1-26-2010	Repeal	3-1-2010	851-031-0086	6-25-2010	Amend	8-1-2010
847-035-0030	1-26-2010	Amend	3-1-2010	851-045-0070	4-19-2010	Adopt(T)	6-1-2010
847-035-0030	4-26-2010	Amend(T)	6-1-2010	851-046-0000	7-1-2010	Suspend	8-1-2010
847-035-0030	7-26-2010	Amend	9-1-2010	851-046-0005	7-1-2010	Suspend	8-1-2010
847-035-0030(T)	1-26-2010	Repeal	3-1-2010	851-046-0010	7-1-2010	Suspend	8-1-2010
847-035-0030(T)	7-26-2010	Repeal	9-1-2010	851-046-0020	7-1-2010	Suspend	8-1-2010
847-050-0015	7-26-2010	Amend(T)	9-1-2010	851-046-0030	7-1-2010	Suspend	8-1-2010
847-050-0020	4-26-2010	Amend(T)	6-1-2010	851-046-0040	7-1-2010	Suspend	8-1-2010
847-050-0020	7-26-2010	Amend	9-1-2010	851-050-0000	1-1-2010	Amend	2-1-2010
847-050-0020(T)	7-26-2010	Repeal	9-1-2010	851-050-0001	1-1-2010	Amend	2-1-2010
847-050-0029	7-26-2010	Amend	9-1-2010	851-050-0002	7-1-2010	Amend	2-1-2010
847-050-0046	4-26-2010	Adopt	6-1-2010	851-050-0004	1-1-2010	Amend	2-1-2010
847-065-0000	8-3-2010	Suspend	9-1-2010	851-050-0005	1-1-2010	Amend	2-1-2010
847-065-0010	8-3-2010	Adopt(T)	9-1-2010	851-050-0006	7-1-2010	Amend	2-1-2010
847-065-0015	8-3-2010	Adopt(T)	9-1-2010	851-050-0008	1-1-2010	Adopt	2-1-2010
847-065-0020	8-3-2010	Adopt(T)	9-1-2010	851-050-0010	1-1-2010	Amend	2-1-2010
847-065-0025	8-3-2010	Adopt(T)	9-1-2010	851-050-0138	1-1-2010	Amend	2-1-2010
847-065-0030	8-3-2010	Adopt(T)	9-1-2010	851-050-0138	4-19-2010	Amend(T)	6-1-2010
847-065-0035	8-3-2010	Adopt(T)	9-1-2010	851-050-0142	1-1-2010	Adopt	2-1-2010
847-065-0040	8-3-2010	Adopt(T)	9-1-2010	851-056-0000	1-1-2010	Amend	2-1-2010
847-065-0045	8-3-2010	Adopt(T)	9-1-2010	851-056-0006	1-1-2010	Amend	2-1-2010
847-065-0050	8-3-2010	Adopt(T)	9-1-2010	851-056-0010	1-1-2010	Amend	2-1-2010
847-065-0055	8-3-2010	Adopt(T)	9-1-2010	851-056-0016	1-1-2010	Amend	2-1-2010
847-065-0060	8-3-2010	Adopt(T)	9-1-2010	851-056-0020	1-1-2010	Amend	2-1-2010
847-065-0065	8-3-2010	Adopt(T)	9-1-2010	851-056-0024	1-1-2010	Amend	2-1-2010
848-001-0005	3-1-2010	Amend	4-1-2010	851-061-0090	12-17-2009	Amend	2-1-2010
848-001-0010	3-1-2010	Amend	4-1-2010	851-062-0005	6-25-2010	Repeal	8-1-2010
848-005-0020	3-1-2010	Amend	4-1-2010	851-062-0010	6-25-2010	Amend	8-1-2010
848-005-0030	3-1-2010	Amend	4-1-2010	851-062-0015	6-25-2010	Repeal	8-1-2010
848-010-0015	3-1-2010	Amend	4-1-2010	851-062-0016	6-25-2010	Amend	8-1-2010

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851-062-0055	6-25-2010	Amend	8-1-2010	855-019-0300	6-29-2010	Amend	8-1-2010
851-062-0070	6-25-2010	Amend	8-1-2010	855-019-0310	6-29-2010	Amend	8-1-2010
851-062-0100	6-25-2010	Amend	8-1-2010	855-025-0020	6-29-2010	Amend	8-1-2010
851-062-0110	6-25-2010	Amend	8-1-2010	855-025-0050	6-29-2010	Amend	8-1-2010
851-063-0020	6-25-2010	Amend	8-1-2010	855-031-0005	4-30-2010	Amend	6-1-2010
851-063-0030	12-17-2009	Amend	2-1-2010	855-031-0010	4-30-2010	Amend	6-1-2010
851-063-0030	6-25-2010	Amend	8-1-2010	855-031-0015	4-30-2010	Repeal	6-1-2010
851-063-0035	12-17-2009	Amend	2-1-2010	855-031-0020	4-30-2010	Amend	6-1-2010
851-063-0035	6-25-2010	Amend	8-1-2010	855-031-0030	4-30-2010	Amend	6-1-2010
851-063-0040	6-25-2010	Repeal	8-1-2010	855-031-0033	4-30-2010	Repeal	6-1-2010
851-063-0050	6-25-2010	Repeal	8-1-2010	855-031-0040	4-30-2010	Repeal	6-1-2010
851-063-0060	6-25-2010	Repeal	8-1-2010	855-031-0045	4-30-2010	Amend	6-1-2010
851-063-0090	12-17-2009	Amend	2-1-2010	855-031-0050	4-30-2010	Amend	6-1-2010
851-063-0090	4-19-2010	Amend(T)	6-1-2010	855-031-0055	4-30-2010	Amend	6-1-2010
851-070-0000	7-1-2010	Adopt(T)	8-1-2010	855-041-0120	4-30-2010	Repeal	6-1-2010
851-070-0005	7-1-2010	Adopt(T)	8-1-2010	855-041-0125	4-30-2010	Repeal	6-1-2010
851-070-0010	7-1-2010	Adopt(T)	8-1-2010	855-041-0130	4-30-2010	Repeal	6-1-2010
851-070-0020	7-1-2010	Adopt(T)	8-1-2010	855-041-0132	4-30-2010	Repeal	6-1-2010
851-070-0030	7-1-2010	Adopt(T)	8-1-2010	855-041-0600	7-9-2010	Amend(T)	8-1-2010
851-070-0040	7-1-2010	Adopt(T)	8-1-2010	855-041-0640	7-9-2010	Adopt(T)	8-1-2010
851-070-0050	7-1-2010	Adopt(T)	8-1-2010	855-041-4000	2-8-2010	Adopt	3-1-2010
851-070-0060	7-1-2010	Adopt(T)	8-1-2010	855-041-4005	2-8-2010	Adopt	3-1-2010
851-070-0070	7-1-2010	Adopt(T)	8-1-2010	855-041-6050	4-30-2010	Adopt	6-1-2010
851-070-0080	7-1-2010	Adopt(T)	8-1-2010	855-041-6100	4-30-2010	Adopt	6-1-2010
851-070-0090	7-1-2010	Adopt(T)	8-1-2010	855-041-6150	4-30-2010	Adopt	6-1-2010
851-070-0100	7-1-2010	Adopt(T)	8-1-2010	855-041-6200	4-30-2010	Adopt	6-1-2010
852-005-0015	12-11-2009	Adopt	1-1-2010	855-041-6220	4-30-2010	Adopt	6-1-2010
852-010-0080	12-11-2009	Amend	1-1-2010	855-041-6240	4-30-2010	Adopt	6-1-2010
852-020-0035	12-11-2009	Amend	1-1-2010	855-041-6250	4-30-2010	Adopt	6-1-2010
852-020-0060	12-11-2009	Amend	1-1-2010	855-041-6260	4-30-2010	Adopt	6-1-2010
852-050-0006	12-11-2009	Amend	1-1-2010	855-041-6270	4-30-2010	Adopt	6-1-2010
855-006-0005	6-29-2010	Amend	8-1-2010	855-041-6300	4-30-2010	Adopt	6-1-2010
855-007-0010	12-24-2009	Amend	2-1-2010	855-041-6305	4-30-2010	Adopt	6-1-2010
855-007-0020	12-24-2009	Amend	2-1-2010	855-041-6310	4-30-2010	Adopt	6-1-2010
855-007-0030	12-24-2009	Amend	2-1-2010	855-041-6400	4-30-2010	Adopt	6-1-2010
855-007-0040	12-24-2009	Amend	2-1-2010	855-041-6410	4-30-2010	Adopt	6-1-2010
855-007-0050	12-24-2009	Amend	2-1-2010	855-041-6420	4-30-2010	Adopt	6-1-2010
855-007-0060	12-24-2009	Amend	2-1-2010	855-041-6500	4-30-2010	Adopt	6-1-2010
855-007-0080	12-24-2009	Amend	2-1-2010	855-041-6510	4-30-2010	Adopt	6-1-2010
855-007-0090	12-24-2009	Amend	2-1-2010	855-041-6520	4-30-2010	Adopt	6-1-2010
855-007-0100	12-24-2009	Amend	2-1-2010	855-041-6530	4-30-2010	Adopt	6-1-2010
855-007-0110	12-24-2009	Amend	2-1-2010	855-041-6540	4-30-2010	Adopt	6-1-2010
855-007-0120	12-24-2009	Amend	2-1-2010	855-041-6550	4-30-2010	Adopt	6-1-2010
855-011-0005	6-29-2010	Adopt(T)	8-1-2010	855-041-6560	4-30-2010	Adopt	6-1-2010
855-011-0020	6-29-2010	Adopt(T)	8-1-2010	855-041-6570	4-30-2010	Adopt	6-1-2010
855-011-0030	6-29-2010	Adopt(T)	8-1-2010	855-041-6600	4-30-2010	Adopt	6-1-2010
855-011-0040	6-29-2010	Adopt(T)	8-1-2010	855-041-6610	4-30-2010	Adopt	6-1-2010
855-011-0050	6-29-2010	Adopt(T)	8-1-2010	855-041-6620	4-30-2010	Adopt	6-1-2010
855-019-0100	6-29-2010	Amend	8-1-2010	855-043-0001	2-8-2010	Am. & Ren.	3-1-2010
855-019-0120	4-30-2010	Amend	6-1-2010	855-043-0003	2-8-2010	Adopt	3-1-2010
855-019-0130	4-30-2010	Amend	6-1-2010	855-043-0110	2-8-2010	Amend	3-1-2010
855-019-0150	4-30-2010	Amend	6-1-2010	855-043-0120	2-8-2010	Am. & Ren.	3-1-2010
855-019-0200	6-29-2010	Amend	8-1-2010	855-043-0130	2-8-2010	Amend	3-1-2010
855-019-0205	6-29-2010	Adopt	8-1-2010	855-043-0130	5-4-2010	Amend(T)	6-1-2010

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855-043-0300	2-8-2010	Amend	3-1-2010	858-010-0025	1-8-2010	Amend	2-1-2010
855-043-0310	2-8-2010	Amend	3-1-2010	858-010-0030	1-8-2010	Amend	2-1-2010
855-044-0001	6-29-2010	Adopt	8-1-2010	858-010-0034	1-8-2010	Adopt	2-1-2010
855-044-0005	6-29-2010	Adopt	8-1-2010	858-010-0036	1-8-2010	Amend	2-1-2010
855-044-0010	6-29-2010	Adopt	8-1-2010	858-010-0037	1-8-2010	Adopt	2-1-2010
855-044-0020	6-29-2010	Adopt	8-1-2010	858-010-0038	1-8-2010	Adopt	2-1-2010
855-044-0030	6-29-2010	Adopt	8-1-2010	858-010-0039	1-8-2010	Adopt	2-1-2010
855-044-0040	6-29-2010	Adopt	8-1-2010	858-010-0041	1-8-2010	Amend	2-1-2010
855-044-0050	6-29-2010	Adopt	8-1-2010	858-010-0050	1-8-2010	Amend	2-1-2010
855-044-0060	6-29-2010	Adopt	8-1-2010	858-010-0055	1-8-2010	Amend	2-1-2010
855-044-0070	6-29-2010	Adopt	8-1-2010	858-010-0060	1-8-2010	Amend	2-1-2010
855-044-0080	6-29-2010	Adopt	8-1-2010	858-010-0065	1-8-2010	Amend	2-1-2010
855-044-0090	6-29-2010	Adopt	8-1-2010	858-020-0015	1-8-2010	Amend	2-1-2010
855-062-0003	12-24-2009	Adopt	2-1-2010	858-020-0025	1-8-2010	Amend	2-1-2010
855-062-0003(T)	12-24-2009	Repeal	2-1-2010	858-020-0035	1-8-2010	Amend	2-1-2010
855-062-0005	12-24-2009	Adopt	2-1-2010	858-020-0045	1-8-2010	Amend	2-1-2010
855-062-0005(T)	12-24-2009	Repeal	2-1-2010	858-020-0055	1-8-2010	Amend	2-1-2010
855-062-0020	12-24-2009	Adopt	2-1-2010	858-020-0065	1-8-2010	Amend	2-1-2010
855-062-0020(T)	12-24-2009	Repeal	2-1-2010	858-020-0085	1-8-2010	Amend	2-1-2010
855-062-0030	12-24-2009	Adopt	2-1-2010	858-030-0005	1-8-2010	Amend	2-1-2010
855-062-0030(T)	12-24-2009	Repeal	2-1-2010	858-040-0015	1-8-2010	Amend	2-1-2010
855-062-0040	12-24-2009	Adopt	2-1-2010	858-040-0020	1-8-2010	Adopt	2-1-2010
855-062-0040(T)	12-24-2009	Repeal	2-1-2010	858-040-0025	1-8-2010	Amend	2-1-2010
855-062-0050	12-24-2009	Adopt	2-1-2010	858-040-0026	1-8-2010	Adopt	2-1-2010
855-062-0050(T)	12-24-2009	Repeal	2-1-2010	858-040-0035	1-8-2010	Amend	2-1-2010
855-065-0001	12-24-2009	Amend	2-1-2010	858-040-0036	1-8-2010	Amend	2-1-2010
855-065-0005	12-24-2009	Amend	2-1-2010	858-040-0055	1-8-2010	Amend	2-1-2010
855-065-0006	12-24-2009	Amend	2-1-2010	858-040-0065	1-8-2010	Amend	2-1-2010
855-080-0020	6-29-2010	Amend	8-1-2010	858-040-0075	1-8-2010	Repeal	2-1-2010
855-080-0021	6-29-2010	Amend	8-1-2010	858-040-0085	1-8-2010	Repeal	2-1-2010
855-080-0022	6-29-2010	Amend	8-1-2010	858-040-0095	1-8-2010	Repeal	2-1-2010
855-080-0028	6-29-2010	Amend	8-1-2010	858-050-0100	1-8-2010	Repeal	2-1-2010
855-080-0055	6-29-2010	Amend	8-1-2010	858-050-0105	1-8-2010	Repeal	2-1-2010
855-080-0085	6-29-2010	Amend	8-1-2010	858-050-0110	1-8-2010	Repeal	2-1-2010
855-080-0105	6-29-2010	Amend	8-1-2010	858-050-0120	1-8-2010	Repeal	2-1-2010
855-110-0003	12-24-2009	Adopt	2-1-2010	858-050-0125	1-8-2010	Repeal	2-1-2010
855-110-0003(T)	12-24-2009	Repeal	2-1-2010	858-050-0140	1-8-2010	Repeal	2-1-2010
855-110-0005	12-24-2009	Amend	2-1-2010	858-050-0145	1-8-2010	Repeal	2-1-2010
855-110-0005	5-4-2010	Amend(T)	6-1-2010	858-050-0150	1-8-2010	Repeal	2-1-2010
855-110-0005	6-29-2010	Amend	8-1-2010	859-300-0001	8-23-2010	Adopt(T)	10-1-2010
855-110-0005(T)	6-29-2010	Repeal	8-1-2010	860-022-0041	6-28-2010	Amend	8-1-2010
855-110-0007	12-24-2009	Amend	2-1-2010	860-032-0620	9-10-2010	Amend	10-1-2010
855-110-0007	6-29-2010	Amend	8-1-2010	860-033-0006	5-18-2010	Amend	7-1-2010
855-110-0010	12-24-2009	Amend	2-1-2010	860-033-0007	5-18-2010	Amend	7-1-2010
855-110-0015	3-1-2010	Amend	3-1-2010	860-033-0008	5-18-2010	Amend	7-1-2010
856-010-0015	4-27-2010	Amend	6-1-2010	860-036-0010	11-24-2009	Amend	1-1-2010
856-010-0027	4-27-2010	Adopt	6-1-2010	860-036-0030	11-24-2009	Amend	1-1-2010
858-010-0001	1-8-2010	Amend	2-1-2010	860-084-0000	6-1-2010	Adopt	7-1-2010
858-010-0005	1-8-2010	Amend	2-1-2010	860-084-0010	6-1-2010	Adopt	7-1-2010
858-010-0007	1-8-2010	Amend	2-1-2010	860-084-0020	6-1-2010	Adopt	7-1-2010
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858-010-0017	1-8-2010	Adopt	2-1-2010	860-084-0060	6-1-2010	Adopt	7-1-2010
858-010-0018	1-8-2010	Adopt	2-1-2010	860-084-0070	6-1-2010	Adopt	7-1-2010

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860-084-0100	6-1-2010	Adopt	7-1-2010	863-014-0100	1-1-2010	Amend	1-1-2010
860-084-0120	6-1-2010	Adopt	7-1-2010	863-014-0160	1-1-2010	Amend	1-1-2010
860-084-0130	6-1-2010	Adopt	7-1-2010	863-015-0000	1-1-2010	Amend	1-1-2010
860-084-0140	6-1-2010	Adopt	7-1-2010	863-015-0003	1-1-2010	Amend	1-1-2010
860-084-0150	6-1-2010	Adopt	7-1-2010	863-015-0150	1-1-2010	Amend	1-1-2010
860-084-0160	6-1-2010	Adopt	7-1-2010	863-015-0186	1-1-2010	Amend	1-1-2010
860-084-0170	6-1-2010	Adopt	7-1-2010	863-015-0188	1-1-2010	Amend	1-1-2010
860-084-0180	6-1-2010	Adopt	7-1-2010	863-015-0210	1-1-2010	Amend	1-1-2010
860-084-0190	6-1-2010	Adopt	7-1-2010	863-015-0250	1-1-2010	Amend	1-1-2010
860-084-0195	6-1-2010	Adopt	7-1-2010	863-015-0255	1-1-2010	Amend	1-1-2010
860-084-0200	6-1-2010	Adopt	7-1-2010	863-015-0260	1-1-2010	Amend	1-1-2010
860-084-0210	6-1-2010	Adopt	7-1-2010	863-015-0275	1-1-2010	Amend	1-1-2010
860-084-0220	6-1-2010	Adopt	7-1-2010	863-020-0000	7-1-2010	Adopt	7-1-2010
860-084-0230	6-1-2010	Adopt	7-1-2010	863-020-0005	7-1-2010	Adopt	7-1-2010
860-084-0240	6-1-2010	Adopt	7-1-2010	863-020-0007	7-1-2010	Adopt	7-1-2010
860-084-0250	6-1-2010	Adopt	7-1-2010	863-020-0008	7-1-2010	Adopt	7-1-2010
860-084-0260	6-1-2010	Adopt	7-1-2010	863-020-0010	7-1-2010	Adopt	7-1-2010
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860-084-0280	6-1-2010	Adopt	7-1-2010	863-020-0020	7-1-2010	Adopt	7-1-2010
860-084-0300	6-1-2010	Adopt	7-1-2010	863-020-0025	7-1-2010	Adopt	7-1-2010
860-084-0310	6-1-2010	Adopt	7-1-2010	863-020-0030	7-1-2010	Adopt	7-1-2010
860-084-0320	6-1-2010	Adopt	7-1-2010	863-020-0035	7-1-2010	Adopt	7-1-2010
860-084-0330	6-1-2010	Adopt	7-1-2010	863-020-0040	7-1-2010	Adopt	7-1-2010
860-084-0340	6-1-2010	Adopt	7-1-2010	863-020-0045	7-1-2010	Adopt	7-1-2010
860-084-0350	6-1-2010	Adopt	7-1-2010	863-020-0050	7-1-2010	Adopt	7-1-2010
860-084-0360	6-1-2010	Adopt	7-1-2010	863-020-0055	7-1-2010	Adopt	7-1-2010
860-084-0365	6-1-2010	Adopt	7-1-2010	863-020-0060	7-1-2010	Adopt	7-1-2010
860-084-0370	6-1-2010	Adopt	7-1-2010	863-020-0065	7-1-2010	Adopt	7-1-2010
860-084-0380	6-1-2010	Adopt	7-1-2010	863-022-0000	7-1-2010	Adopt	7-1-2010
860-084-0390	6-1-2010	Adopt	7-1-2010	863-022-0005	7-1-2010	Adopt	7-1-2010
860-084-0400	6-1-2010	Adopt	7-1-2010	863-022-0010	7-1-2010	Adopt	7-1-2010
860-084-0420	6-1-2010	Adopt	7-1-2010	863-022-0015	7-1-2010	Adopt	7-1-2010
860-084-0430	6-1-2010	Adopt	7-1-2010	863-022-0020	7-1-2010	Adopt	7-1-2010
860-084-0440	6-1-2010	Adopt	7-1-2010	863-022-0025	7-1-2010	Adopt	7-1-2010
860-084-0450	6-1-2010	Adopt	7-1-2010	863-022-0030	7-1-2010	Adopt	7-1-2010
863-014-0000	1-1-2010	Amend	1-1-2010	863-022-0035	7-1-2010	Adopt	7-1-2010
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863-014-0005	7-1-2010	Repeal	7-1-2010	863-022-0050	7-1-2010	Adopt	7-1-2010
863-014-0010	1-1-2010	Amend	1-1-2010	863-022-0055	7-1-2010	Adopt	7-1-2010
863-014-0015	1-1-2010	Amend	1-1-2010	863-024-0000	1-1-2010	Amend	1-1-2010
863-014-0020	7-1-2010	Amend	7-1-2010	863-024-0003	1-1-2010	Amend	1-1-2010
863-014-0030	1-1-2010	Amend	1-1-2010	863-024-0005	7-1-2010	Repeal	7-1-2010
863-014-0035	7-1-2010	Amend	7-1-2010	863-024-0015	1-1-2010	Amend	1-1-2010
863-014-0038	1-1-2010	Repeal	1-1-2010	863-024-0030	1-1-2010	Amend	1-1-2010
863-014-0040	7-1-2010	Amend	7-1-2010	863-024-0045	7-1-2010	Amend	7-1-2010
863-014-0042	1-1-2010	Amend	1-1-2010	863-024-0050	7-1-2010	Amend	7-1-2010
863-014-0050	7-1-2010	Amend	7-1-2010	863-024-0055	7-1-2010	Repeal	7-1-2010
863-014-0055	1-1-2010	Amend	1-1-2010	863-024-0065	7-1-2010	Amend	7-1-2010
863-014-0055	7-1-2010	Repeal	7-1-2010	863-024-0075	1-1-2010	Amend	1-1-2010
863-014-0063	1-1-2010	Amend	1-1-2010	863-024-0085	1-1-2010	Amend	1-1-2010
863-014-0065	1-1-2010	Amend	1-1-2010	863-024-0100	1-1-2010	Amend	1-1-2010
863-014-0065	7-1-2010	Amend	7-1-2010	863-049-0000	1-1-2010	Adopt	1-1-2010
863-014-0085	1-1-2010	Amend	1-1-2010	863-049-0005	1-1-2010	Adopt	1-1-2010
863-014-0090	1-1-2010	Adopt	1-1-2010	863-049-0010	1-1-2010	Adopt	1-1-2010

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863-049-0020	1-1-2010	Adopt	1-1-2010	918-098-1310	7-1-2010	Amend	6-1-2010
863-049-0030	1-1-2010	Adopt	1-1-2010	918-098-1315	4-1-2010	Amend	4-1-2010
863-049-0035	1-1-2010	Adopt	1-1-2010	918-098-1315	7-1-2010	Amend	6-1-2010
863-049-0040	1-1-2010	Adopt	1-1-2010	918-098-1320	4-1-2010	Amend	4-1-2010
863-049-0045	1-1-2010	Adopt	1-1-2010	918-098-1320	7-1-2010	Amend	6-1-2010
863-049-0055	1-1-2010	Adopt	1-1-2010	918-098-1325	4-1-2010	Amend	4-1-2010
863-050-0035	1-1-2010	Am. & Ren.	1-1-2010	918-098-1325	7-1-2010	Amend	6-1-2010
863-050-0150	1-1-2010	Amend	1-1-2010	918-098-1330	4-1-2010	Amend	4-1-2010
863-050-0240	1-1-2010	Am. & Ren.	1-1-2010	918-098-1330	7-1-2010	Amend	6-1-2010
875-010-0045	5-6-2010	Amend	6-1-2010	918-098-1450	7-1-2010	Amend	6-1-2010
875-015-0030	5-6-2010	Amend	6-1-2010	918-225-0240	1-1-2010	Amend	2-1-2010
875-030-0010	5-6-2010	Amend	6-1-2010	918-225-0600	1-1-2010	Amend	2-1-2010
877-010-0000	1-15-2010	Amend	2-1-2010	918-225-0605	1-1-2010	Repeal	2-1-2010
877-010-0045	1-15-2010	Amend	2-1-2010	918-225-0610	1-1-2010	Repeal	2-1-2010
877-020-0009	1-15-2010	Amend	2-1-2010	918-225-0620	1-1-2010	Amend	2-1-2010
877-020-0030	1-15-2010	Amend	2-1-2010	918-225-0630	1-1-2010	Amend	2-1-2010
877-020-0057	1-15-2010	Adopt	2-1-2010	918-251-0090	7-1-2010	Amend	6-1-2010
877-025-0016	1-15-2010	Amend	2-1-2010	918-281-0020	7-1-2010	Amend	8-1-2010
877-025-0021	1-15-2010	Amend	2-1-2010	918-282-0400	7-1-2010	Adopt	7-1-2010
877-030-0040	1-15-2010	Amend	2-1-2010	918-305-0030	4-1-2010	Amend	4-1-2010
877-030-0040	7-1-2010	Amend(T)	8-1-2010	918-305-0030	7-1-2010	Amend	6-1-2010
877-035-0000	7-1-2010	Suspend	8-1-2010	918-311-0065	7-1-2010	Amend	7-1-2010
877-035-0010	7-1-2010	Suspend	8-1-2010	918-400-0270	1-1-2010	Amend	2-1-2010
877-035-0012	7-1-2010	Suspend	8-1-2010	918-400-0280	1-1-2010	Amend	2-1-2010
877-035-0013	7-1-2010	Suspend	8-1-2010	918-400-0340	1-1-2010	Amend	2-1-2010
877-035-0015	7-1-2010	Suspend	8-1-2010	918-400-0380	1-1-2010	Amend	2-1-2010
877-040-0000	7-1-2010	Amend(T)	8-1-2010	918-400-0390	1-1-2010	Amend	2-1-2010
877-040-0003	1-15-2010	Amend	2-1-2010	918-400-0395	1-1-2010	Amend	2-1-2010
877-040-0003	7-1-2010	Amend(T)	8-1-2010	918-400-0445	1-1-2010	Amend	2-1-2010
877-040-0010	7-1-2010	Amend(T)	8-1-2010	918-400-0525	1-1-2010	Amend	2-1-2010
877-040-0016	1-15-2010	Adopt	2-1-2010	918-400-0630	1-1-2010	Amend	2-1-2010
877-040-0018	7-1-2010	Adopt(T)	8-1-2010	918-400-0660	1-1-2010	Amend	2-1-2010
918-001-0036	7-1-2010	Amend(T)	8-1-2010	918-400-0662	1-1-2010	Adopt	2-1-2010
918-001-0036	10-1-2010	Amend	10-1-2010	918-400-0740	1-1-2010	Amend	2-1-2010
918-001-0200	5-1-2010	Repeal	6-1-2010	918-400-0800	1-1-2010	Amend	2-1-2010
918-001-0210	1-1-2010	Amend	2-1-2010	918-440-0000	7-1-2010	Amend	6-1-2010
918-005-0010	1-1-2010	Amend	2-1-2010	918-440-0010	7-1-2010	Amend	6-1-2010
918-020-0090	4-1-2010	Amend	4-1-2010	918-440-0015	7-1-2010	Amend	6-1-2010
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